



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-125
Date: November 10, 2016
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 514a Medford Street

Applicant Name: Julio Pleitez
Applicant Address: 401 Meridian Street #1, East Boston, MA 02128
Owner Name: Giuseppe Bologna LAB Trust
Owner Address: 105 Myrtle Street, Methuen, MA 01844
Agent Name: N/A
Agent Address: N/A
Alderman: Mark Niedergang

Legal Notice: Applicant, Julio Pleitez, and Owner, Giuseppe Bologna LAB Trust, seek a Special Permit with Design Review under SZO §7.11.10.2.1.A in order to establish a fast order food establishment. NB zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – November 16, 2016

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,115 sf parcel that contains a one-story commercial structure. The building contains five separate retail spaces, four of which are occupied. Occupants include Caprese Pizzeria, Pennypackers, Studio S beauty salon, and K2 Market. The property received a special permit in 2013 to establish King of Wings, a fast order food establishment that served chicken wings and burgers with no seats. A change of ownership requires review by the ZBA per the original decision, ZBA case 2012-102. The Applicant was unaware of such condition and has begun operation and installed a temporary sign; however, a cease and desist order has been issued by ISD pending the approval of a Special Permit.



514a Medford Street (storefront at left).

2. Proposal: The proposal is to establish a fast order food establishment that will serve Mexican style cuisine in the space formerly occupied by King of Wings. The restaurant, Don Julio Mexican Food, will have a small waiting area and no seats as the service will be take-out and delivery only. There will be three employees and the hours of operation will be 10am to 11pm seven days a week. Trash will be kept in containers in the rear of the property.

3. Green Building Practices: None listed on the application form.

4. Comments:

Ward Alderman: Has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT with DESIGN REVIEW (SZO §5.1 and 7.11.10.2.1.A):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The use falls into §7.11.10.2.1.a for a fast order food establishment with no drive-up service, including franchises, sub shops, pizza shops and the like, which requires a special permit with design review in a Neighborhood Business zoning district.

Section 6.1.4.b includes standards and guidelines for the Neighborhood Business districts for all development that requires a special permit with design review. The standards are to step back the fourth story of a building and locate parking behind the building or below street level. Since the building is one-story and there is no parking on site, the standards do not apply. There will be no changes to the current storefront except for the addition of a metal sign above the door. The size of the proposed sign will be the same of the existing temporary banner and complies with the Zoning Ordinance. The sign will be conditioned to not be internally illuminated and measure approximately 8 feet wide by 3 feet tall, so that it is sized proportionately and not overly bright compared to the other signage on the building and in the area.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the Neighborhood Business district, which is, "To establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods." A fast-order food establishment fits the goal of establishing and preserving areas for small-scale retail stores, services, and offices that are located in close proximity to residential areas and do not have undesirable impacts on the surrounding neighborhoods.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

For Special Permits with Design Review approval, the proposal needs to comply with the design guidelines for business zones in §5.1.5. This proposal, as conditioned, meets the applicable guidelines: the building maintains a strong building presence along the primary street edge, the store entrances are differentiated by being recessed from the rest of the street elevation that create modulations in the façade, the roof is flat, which is a typical type for commercial buildings in the area, the building is an encouraged material (brick and stucco), there is no parking on-site and therefore driveways do not break the street wall, and finally there are no transformers, heating or cooling systems or similar equipment or dumpsters that are visible from the right of way.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Staff finds that no additional traffic flow or off-street parking demand will increase as a result of the proposed use.

7. Fast food establishments: *In special permit applications for fast-order, take-out or automobile oriented food service establishments, there shall be establishment of a need for such a facility in the neighborhood or in the City, and impacts on traffic circulation, parking and visual, physical, or historical characteristics of the particular location shall not be detrimental.*

A fast-order food establishment, King of Wings, has operated in this location for approximately two years. The Applicant, Julio Pleitez, is proposing to occupy the space with another fast-order food establishment, Don Julio Mexican Food. There are other fast food restaurants in the neighborhood that will help create a cluster of similar uses, which can improve their success by creating a hub of activity. The need for a fast-order food establishment should be balanced with the benefit of filling a vacant storefront in a Square that is in need of more private commercial investment.

The use will not create negative impacts on the traffic circulation as no new parking will be created and the use does not require more parking than the last use. The appearance of the storefront will not change greatly from its current state. The sign will be conditioned to not be internally illuminated and measure 8 feet wide by 3 feet tall, so that it is sized proportionately with the surrounding area and not overly bright compared to the other signage on the building and in the area.

8. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no impact on the existing stock of affordable housing.

9. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The previous use employed three people and the proposed use will also employ three people. Staff finds that there will be no impact on the SomerVision Plan as a result of the proposal.

III. RECOMMENDATION

Special Permit under SZO §5.1 and 7.11.10.2.1.A

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the fast-order food establishment. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 13, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>November 8, 2016</td><td>Rendering of proposed signage</td></tr></table>				Date (Stamp Date)	Submission	October 13, 2016	Initial application submitted to the City Clerk’s Office	November 8, 2016	Rendering of proposed signage
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	October 13, 2016				Initial application submitted to the City Clerk’s Office					
November 8, 2016	Rendering of proposed signage									
Any changes to the approved (use) that are not <i>de minimis</i> must receive SPGA approval.										
2	Signage will be limited in size, approximately 3 feet tall and 8 feet wide, and location to that shown in the rendering diagram and shall not be internally illuminated.	CO/Cont.	Plng.							
3	There shall be no dining seating or tables located within the proposed fast-order establishment.	Ongoing	Plng. / ISD							
4	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.							
5	The storefront windows should not be blocked by more than 30% by interior storage, signage or window coverings.	CO	Plng							
6	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.							

