



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
ETHAN LAY-SLEEPER, *PLANNER*
LORI MASSA, *SENIOR PLANNER*
SARAH WHITE, *PRESERVATION PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2015-68
Date: September 11, 2015
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 626B Somerville Avenue

Applicant Name: Tucker Lewis

Applicant Address:

Owner Name: Eddie Sitt of 624-630 Somerville Realty, LLC

Owner Address: C/o Myer Dana & Sons, 1340 Center St, Newton, MA 02459

Alderman: Robert McWatters

Legal Notice: Applicant, Tucker Lewis, and Owner, Eddie Sitt of 624-630 Somerville Realty, LLC, seeks a Special Permit with Site Plan Review to establish a Fast Order Food Establishment, per SZO §7.11.10.2.1.c., along with a by-right General Industrial Use, §7.11.14.B.1.a. A Special Permit is also required for shared parking in the exiting lot per §9.13.e, and alteration to a nonconforming structure to alter the storefront per §4.4.1*. IA zone. Ward 3.

Dates of Public Hearing: September 16, 2015

* The dimensions of the façade will not be altered and therefore a Special Permit for this portion of the proposal is not required.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 48,200 square foot lot on which is a mixed use building that is laid out like a strip mall. There is currently a vacant space in the building next to Forge Bakery.





2. Proposal: The proposal is to establish an ice cream shop in the front of the vacant 4,205 square foot space that will have access to and be open during the same hours as Forge Bakery, 6 am to 11pm. There will be up to 30 seats in the ice cream portion of the space. The ice cream will be made onsite. In the back portion will be a production, office and training space for the ice cream shop, Forge Bakery, and also the off-site bakeries owned by the tenants of this space, Diesel and Block 11. A 520 square foot loft will be constructed to house some of the offices and there will be storage below the loft making the total gross floor area of space 4,205.

The ice cream retail section will comprise 550 square feet and the rest of the will be used for kitchen/prep, 1,450 square feet , and office/storage/training lab space, 1,580 square feet.

An SUV will be used for deliveries from Forge to two other stores in Somerville. Deliveries are made early in the morning and are finished when the other businesses on the lot are open. The wholesale distributors deliver to the south lot behind the building. These deliveries are finished by noon.

The façade of the storefront will be opened up with windows in place of existing panels in the storefront system. The signage will match Forge's sign design.

There are 83 parking spaces in the parking lots that are shared by all of the tenants of the building. There are 48 spaces in the lot in front of the subject property, 15 designated spaces in the south lot behind the building, and 20 spaces in front of CrossFit at 630 Somerville Avenue.

The plaza is owned by two separate parties. The subject property is owned by the Sitt Family of 624-630 Somerville Realty c/o Myer Dana and Sons, Inc. The area of this building is 37,158 square feet and includes the following businesses:

- a) Forge Baking Co.:
(proposed) 626B 4315 sq ft plus loft 520 sq ft
(existing) 626A 4950 sq ft
Hours: 7am - 7pm seven days - busiest times are lunch and weekends until 3pm. Business is very slow after 2pm every day.
- b) Deborah Mason School of Dance: approx. 10,000 sq ft
Hours: depends on the specific day, but Mon. - Fri. 3:30-7:30. Sat 1- am - 4pm. Usually no classes on Sundays.
- c) Chow & Joy Chinese Restaurant: estimated 2500 sq ft
Hours: 11am - 1am. Most of their business is delivery, with some take take-out. Most of their business seems to happen in the evenings.
- d) Laundromat: 4059 sq ft
Hours: 6am - midnight.
- e) Commonwealth CrossFit: 5685 sq ft
Hours: 7am - 9pm, depending on the classes offered.
- f) Remainder: vacant space/common hallways/electrical and sprinkler room.

The other portion of the plaza is owned by First Somerville Invest LLC

Total: 18140 sq ft

Their area includes:

- a) Papa John's Pizza
Hours: 11am - 1am. Most of their business is delivery, with some take-out. Most of their business seems to happen in the evenings.

- b) Somerville First Dental
Hours: Mon. - Fri. 9am - 5pm. Sat 9am - 2pm. Closed Sunday.
- c) Heritage Threading Salon
Hours: Tues. - Sat. 10:30am- 7pm. Closed Sunday and Monday.
- d) Greater Boston Chinese Golden Age Center
Hours: not open to the public - catering business. They use the south lot of the building exclusively.
- e) (now vacant) where Family Dollar was.

3. Green Building Practices: Use of reclaimed wood for all cabinetry, low VOC paints and recycled materials where applicable.

4. Comments:

Fire Prevention: Has not yet provided comments.

Traffic & Parking: Traffic and Parking would like an inventory of the parking spaces that are used in the lot.

Ward Alderman: Has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW FOR USE:

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

Uses

This is a space that is proposed to have two primary uses.

The proposal includes combining Forge Bakery and the ice cream shop which puts the fast order food use over 5,000 square feet for this tenant space and a Special Permit with Site Plan Review is required, per SZO §7.11.10.2.1.c.

The General Industrial Use, §7.11.14.B.1.a. that includes manufacturing of “food products” is allowed by-right up to 25,000 gross square feet. The rear portion of the space that will primarily be used for making food to ship off-site and the associated space such as the training lab and workshop fall into this use.

Structure

The storefront change is not altering the structure and therefore, a Special Permit is not required for this portion of the proposal. Panels in the existing storefront system will be replaced with glass to make the

storefront more transparent. The size and dimensions of the existing system will not change. The signage is within the allowable sign area and location.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

The proposal is consistent with the purpose of the IA district, which is, "[t]o establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like." The use as a fast order food establishment is compatible with the other commercial uses onsite that have a mix of retail, services, and restaurants that offer different types of food. The use could also be considered accessory to industrial uses in providing food for workers within the district.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".*

The change to the façade for the fast order food use will be an improvement to the building and the surrounding area. The storefront will become more transparent and the proposed signage will have an appropriate size and design that matches the bakery sign next door.

5. Functional Design: *The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."*

The building and site design will not change to accommodate the use and it is currently functional.

6. Impact on Public Systems: *The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."*

The proposed use will not have an adverse impact on public services. It will be a benefit to use this vacant store. The additional 550 square feet of fast order food for an ice cream shop will not put a burden on the streets and sidewalks in this mixed use building that has businesses with varying peak hours.

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.*

There are not other ice cream shops in the neighborhood. Parking will be shared in the parking lot with other businesses that have varying peak hours of operation. The storefront and signage will be an improvement to the existing conditions as discussed above.

8. Consistency with Purposes: *"Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives*

applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

The site plan will not change as a result of this application.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

The massing of the building will not change as a result of this application.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

The stormwater drainage will not change as a result of this application.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The historic or architectural details will not be altered. The interior space will be renovated and will likely reveal interesting interior architectural features that were discovered and preserved when Forge Bakery was renovated in the adjacent tenant space.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

Screening is not required for this commercial building along Somerville Avenue.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

The storefront will be lit from the interior through the glass storefront system.

15. Emergency Access: *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

Emergency access is provided from the existing parking lot.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

The parking lot and delivery access will not change as a result of this application.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

The utility service connections will not change as a result of this application.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

There will not be adverse impacts beyond a typical commercial establishment in this building. The appropriate venting will be used in the space. No complaints of which Planning Staff is aware for the current operation of Forge Bakery.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

The signage will be within the allowable size area and will be an appropriate scale for the storefront. It will be located along the sign band on the building and above the front door, which will provide direction

to the ice cream shop. It will have a similar design as Forge Bakery, which will signal that these businesses are related.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

There will not be changes to the exterior service equipment.

21. Screening of Parking:

The Applicants have improved the landscape area between the parking lot and the sidewalk with plantings and they continue to maintain and improve this area. They have also constructed a parklet along the street that provides a space for people to sit and enjoy being outside. The parklet also improves the experience along the parking lot that directly abuts the sidewalk.

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

This proposal does not involve housing.

22. 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. 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.*

This area is marked as an area to be enhanced. Filling the vacant storefront will help to meet this goal.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Commercial Sq. Ft.:</i>	3,855	4,205
<i>Estimated Employment:</i>	0	3

III. FINDINGS FOR SPECIAL PERMIT FOR SHARED PARKING:

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."*

A Special Permit is also required for shared parking in the exiting lot per §9.13.e

The 83 parking spaces in the parking lots are shared by all of the tenants of the building. There are 48 spaces in the lot in front of the subject property, 15 designated spaces in the south lot behind the building, and 20 spaces in front of CrossFit at 630 Somerville Avenue.

Uses	Required Parking
Proposed: Ice Cream / Fast Order	9.0
Proposed: General Industrial for Bakery/Ice Cream	4.7
Forge Bakery / Fast Order (existing)	45.0
Dance School	22.2
Chinese Restaurant	22.7
Laundromat	9.0
Gym	11.4
Pizza Shop	9.1
Dental Office	3.8
Salon	2.2
Catering	15.9
Vacant - retail	17.6
Total	172.6

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 conserving the value of land and buildings and adequately protecting the natural environment.

The proposal is consistent with the purpose of the IA district, which is, "[t]o establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like."

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. Shared parking allows for the existing parking lot to be used most efficiently. Businesses have different peak periods and using the existing resource will

reduce the impacts of paving more land and occupying more land area for parking over land for people and businesses.

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."*

The retail plaza has functioned with shared parking since it was established.

5. 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.*

Peak parking lot usage for businesses varies throughout the day and varies for weekdays and weekends allowed shared parking to be possible.

There is ample parking in the shared lot throughout the day with the exception of 3pm to 6pm on weekdays or 9am to 2pm on weekends. During these times the lots see more traffic due to the class schedule of the neighboring Deborah Mason School of Dance. While this is a busier time for the lot, it rarely is an issue as the rest of the plaza slows down around these hours. The neighboring restaurants see a boost in foot traffic and home deliveries during peak afternoon times, as opposed to dine-in customers with cars.

The busiest hours for Forge Baking Company are between 7am and 9am. While we see an increase in business in the mornings, the other businesses in the lot are not yet open at that time. Additionally, most of the staff and many customers use bicycles or public transportation. Staff bring their bicycles into Forge Baking Co. to be stored, while customers use the bike rack provide by the City of Somerville along the street.

It is anticipated that staff and many customers will use bicycles or public transportation to the ice cream shop as well. The busiest hours for the shop are anticipated to be in the evenings when the parking lot is not in high demand.

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

This proposal does not involve housing.

7. 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. 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.*

SomerVision goals support shared parking for facilities and filling vacant storefront.

IV. RECOMMENDATION**Special Permit and Special Permit with Site Plan Review and Special Permit**

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 WITH SITE PLAN REVIEW** for the use **AND SPECIAL PERMIT** for shared parking.

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 establishment of a fast order food use and shared parking. 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>August 12, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(September 10, 2015)</td><td>Modified plans submitted to OSPCD (Existing & Proposed Floor Plans, Elevation, P)</td></tr></table>				Date (Stamp Date)	Submission	August 12, 2015	Initial application submitted to the City Clerk’s Office	(September 10, 2015)	Modified plans submitted to OSPCD (Existing & Proposed Floor Plans, Elevation, P)
	Date (Stamp Date)				Submission					
	August 12, 2015				Initial application submitted to the City Clerk’s Office					
(September 10, 2015)	Modified plans submitted to OSPCD (Existing & Proposed Floor Plans, Elevation, P)									
Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
3	The storefront windows should not be blocked by more than 30% by interior storage, signage or window coverings. The current white window coverings should be removed.	Perp	Plng							
4	Approval is for the fast food use for the Applicant, Tipping Cow, LLC. A future tenant of this space for the fast order food use would have to come back to the ZBA for special permit approval in order to operate in this location.	Perp	Plng							
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							
Final Sign-Off										
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.							

