



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-11

Date: March 26, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 120 Washington Street

Applicant Name: Mark Food Enterprises

Applicant Address: 120 Washington Street Somerville, MA 02143

Owner Name: ITS Realty, LLC

Owner Address: 87 Baker Street Belmont, MA 02478

Agent Name: Tony Gargano

Agent Address: 149 Cambridge Street Cambridge, MA 02141

Alderman: Matt McLaughlin

Legal Notice: Applicant, Mark Food Enterprises, and Owners, ITS Realty, LLC, seek a Variance for parking relief to expand the restaurant seating count. IA Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – April 1, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an existing restaurant called Oliveira's Steakhouse. The 23,000 square foot lot has a one story structure and 11 surface parking spaces.
2. Proposal: The proposal is to increase the seating count from 80 seats to 152 seats. This requires a variance of 16 spaces. The property previously had seating for 150 people but removed seats in order to apply for a liquor license. In doing so, they did not realize the association between seating count and parking. They would like to increase their seating count and have also applied to change their liquor license. The liquor license application will be taken up after a conclusion to the zoning appeal.

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

4. Comments:

Traffic & Parking: Traffic and Parking would like a parking memo in regards to this application.

Ward Alderman: Alderman McLaughlin has been contacted and has not submitted comments at this time.

III. FINDINGS FOR VARIANCE:

1. Explain any special circumstances affecting the land or structure (related to soil conditions, shape or topography) that are unusual and do not affect other properties and any hardship that results from these special circumstances.

The proposal before the Board is not for redevelopment of the site but is rather a change in seating count within an existing building. The lot is almost a kite shaped lot which does not lend itself to an optimal parking layout. The site is already maximized in terms of parking and is the most efficient layout possible. The site is also landlocked and cannot extend parking onto other lots. The major abutter, the MBTA, will use the adjacent site for circulation around the Washington Street Green Line station.

2. Explain if and how the Variance is the minimum approval necessary to grant reasonable relief to the owner and results in a reasonable use of the land or structure.

This variance is the minimum approval necessary to grant reasonable relief to the owner because this is not a site redevelopment and already had a seating count at the proposed capacity. Restaurants experience rushes, to limit their capacity hurts the existing business. Other uses, would most likely need parking relief to use the existing building.

3. Explain if and how the granting of the Variance will be in harmony with the SZO and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting Oliveria's Restaurant an increased seating capacity is in harmony with the SZO because it allows a small business owner to adapt and grow their business. It will not be injurious to the neighborhood since most patrons walk to the restaurant after Sunday church services. In addition to the parking provided onsite, there's some on street parking available on New Washington Street.

In the proposed zoning code, this area is within the Neighborhood TOD area and has a parking maximum of 1 space per 100 square foot. They can provide *up to* 48 spaces but are not required to provide any parking.

III. RECOMMENDATION

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 **VARIANCE**.

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 a parking variance of 16 spaces. 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>February 26, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>April 27, 2012</td><td>Modified plans submitted to OSPCD (Seating Floor Plan)</td></tr></table>				Date (Stamp Date)	Submission	February 26, 2015	Initial application submitted to the City Clerk’s Office	April 27, 2012	Modified plans submitted to OSPCD (Seating Floor Plan)
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Any changes to the approved plan that is 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 Applicant shall apply for any and all necessary licenses.	CO	City Clerk							
4	The Applicant shall update their certificate of occupancy.	CO	ISD							

