



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Planning Board
FROM: OSPCD Staff
SUBJECT: 32 Prospect Street, P&Z 23-064
POSTED: October 26, 2023

RECOMMENDATION: Approve with Conditions (SP)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the Special Permit application submitted for 32 Prospect Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on September 7, 2023, and is scheduled for a public hearing on November 2, 2023. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date, prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Life Alive seeks to establish a Formula Business principal use along a Pedestrian Street in the High Rise (HR) District, which requires a Special Permit.

SUMMARY OF PROPOSAL

Life Alive is proposing to establish a Formula Business principal use at 32 Prospect Street. The proposed Formula Use business, Life Alive Café, is planned to be located on the ground floor of the D2.2 general building, as part of the larger US2 Master Planned development. The interior space is proposed to be 3,500 SF with seventy-one (71) indoor seats and twenty-four (24) outdoor patio seats.

BACKGROUND

32 Prospect Street is located on a Pedestrian Street and in the 0.25mi Transit Area in the High Rise (HR) zoning district in the Union Square neighborhood represented by Ward 2 Councilor JT Scott¹. Establishing a Formula Business principal use in the HR district requires a Special Permit. The Planning Board is the decision-making authority

¹ Councilor Scott recused himself from this development project. Ward 3 Councilor Ben Ewen-Campen was the Councilor representative in their place.

for all (non-variance) discretionary or administrative permits required for the HR zoning district.

NEIGHBORHOOD MEETINGS

One (1) required neighborhood meeting was hosted by Ward 3 Councilor Ben Ewen-Campen and the applicant team on August 9, 2023, via the Zoom meeting platform. At the meeting, there was no opposition to the proposal and questions asked by community members included the number of employees, seating and square footage of the retail space.

ANALYSIS

Somerville's Zoning Ordinance (SZO) defines Formula Business as the following:

“Any business, regardless of ownership or location worldwide, that chooses or is required as a franchise to maintain two (2) or more of a standardized menu, standardized merchandise, a standardized facade, a standardized decor or color scheme, a standardized employee uniform, a standardized sign or signage, or a trademark or a service mark along with nine (9) or more other businesses.”

The proposed Life Alive Café meets the definition of a Formula Business as stated above, requiring the Applicant to pursue a Special Permit to authorize the establishment. Staff do not believe this proposed Formula Business will have any detrimental impacts on the neighborhood or the local economy. The purpose of the Special Permit designation for this type of use is to provide the Board an opportunity to make sure the proposal's “formulaic” aspects do not detract from the uniqueness of Somerville's neighborhoods. The Applicant has stated that the space will have some of the vibrancy and colors associated with Life Alive Cafes but, like other locations in the region, this specific location will be unique to its urban setting.

Staff do not propose any conditions to address impacts related to the business's formulaic aspects, but do recommend a condition that, if approved, the Special Permit be attached to the Applicant and not the property. This will ensure that if the Applicant should leave the space in the future, the Special Permit process would need to be undertaken again if there was another Formula Business proposal. Use proposals permitted by-right in the HR district do not need to go through a discretionary review process to be established (e.g., a café or food establishment that does not meet the definition of a Formula Business).

CONSIDERATIONS & FINDINGS

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

Special Permit Considerations:

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. The existing concentration of Formula Businesses within the neighborhood.
4. The availability of other similar uses and the maintenance of a diverse blend of uses within the neighborhood.
5. The compatibility of the proposed Formula Business with the existing architectural and aesthetic character of the neighborhood.
6. The proposed uses contribution to the nationwide trend of standardized offerings that detracts from the uniqueness of Somerville's neighborhoods.
7. The existing non-residential vacancy rates within the neighborhood.

Information relative to the required considerations is provided below:

Special Permit

1. *The comprehensive plan and existing policy plans and standards established by the City.*

Staff believe that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.

2. *The intent of the zoning district where the property is located.*

Staff find that the proposal meets the intent of the HR zoning district, which is, in part, "[T]o accommodate the development of areas appropriate for an intense mix of multi-story multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

3. *The existing concentration of Formula Businesses within the neighborhood.*

Multiple existing Formula Businesses are located within the vicinity of the proposed use. Most are located in east Union Square towards McGrath Hwy including Target, Starbucks, Burger King, T-Mobile, and Advance Auto Parts. Directly across the street from the proposal is an existing Dunkin Donuts.

4. *The availability of other similar uses and the maintenance of a diverse blend of uses within the neighborhood.*

The proposed Formula Business is a Life Alive Café, which serves organic whole food, including food and drinks. Union Square has numerous food and drink options including other Formula Business and local small business types.

5. The compatibility of the proposed Formula Business with the existing architectural and aesthetic character of the neighborhood.

The Formula Business is proposed to be located in a master planned general building as part of the transformational redevelopment of Union Square as planned in the Union Square Neighborhood Plan and approved US2 Consolidated Lot Special Permit. The proposed Formula Business is to be located on the ground story of the D2.2 general building.

The conditions prior to the master planned development consisted of industrial uses for many years. The proposed use is compatible with the planned ground floor retail of the general building, which will have residential on top. The proposed Formula Business plans to have outdoor seating, spilling into the complete Union Square Station Plaza Civic Space that is located along Prospect Street.

6. The proposed uses contribution to the nationwide trend of standardized offerings that detracts from the uniqueness of Somerville's neighborhoods.

The proposed use is a regional chain in the greater Boston area. The proposed use will have similar standardized offerings including food and drinks and seating arrangements. The Applicant is proposing this location to have its own unique attributes and will be adapted to the surrounding neighborhood.

7. The existing non-residential vacancy rates within the neighborhood.

The existing non-residential vacancy rate within the Union Square neighborhood is 4.3% using data surveyed from eighty-two (82) commercial properties. Economic development considers a six to eight percent (6-8%) vacancy rate for commercial markets as healthy and anything over 12 percent (12%) as high.

PERMIT CONDITIONS

Should the Board approve the required Special Permit to establish a Formula Business principal use, Planning, Preservation & Zoning Staff recommend the following conditions:

Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (1) working days in advance of a request for final inspection.

3. Approval is limited to Life Alive and is not transferrable to any successor in interest.

Public Record

4. Digital copies of all required application material reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
5. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.