



City of Somerville

ZONING BOARD OF APPEALS

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

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning (PPZ) Staff
SUBJECT: 22 McGrath Hwy, ZP25-000020
POSTED: April 24, 2025

RECOMMENDATION: Approve with Conditions (Special Permit)

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

This memo summarizes a Special Permit for a formula business request submitted for 22 McGrath Hwy, 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 April 2, 2025, and is scheduled for a public hearing on April 30, 2025. 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

Juice Joint LLC. seeks to establish a Formula Business principal use in the Commercial Business (CB) district, which requires a Special Permit per section 15.2.1.e of the Somerville Zoning Ordinance.

SUMMARY OF PROPOSAL

The applicant is proposing to establish a Formula Business principle use in a strip commerce building unit. The proposed development will occupy one unit of the Twin City Plaza with a Tropical Smoothie Café, with the same amount of commercial square footage as the unit's prior use.

BACKGROUND

22 McGrath Hwy, or Twin City Plaza, is located in the Half-Mile Transit Area in the Commercial Business (CB) zoning district. The Twin City Plaza is located in both Somerville and Cambridge; however, the current use being proposed is entirely located in the Somerville portion of the Property. The subject property is represented by Ward 2 Councilor JT Scott. Establishing a formula business in the CB district requires a Special Permit. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the CB zoning district.

Site Plan Approval for this strip commerce structure – to modify the façade of the existing structure, including the area where the proposed business will be located – was heard by the Zoning Board of Appeals on November 20th, 2024. A decision of approval with conditions was issued on November 25th, 2025, and the decision was recorded on December 4th, 2024.

If the Board approves the Special Permit, the proposal will be by-right, with building permits required for the interior changes and any signage.

NEIGHBORHOOD MEETINGS

The required neighborhood meeting was hosted by Ward 2 Councilor JT Scott and the applicant on January 29, 2025, via the Zoom meeting platform. Attorney Adam Dash, representing the applicant, gave an overview of the project, then Councilor Scott opened the floor for public comment. There were no public comments on the proposal.

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 applicant is proposing the establishment of a formula business in a unit of a strip commerce building known as Twin City Plaza. The applicant intends to lease the unit for the operation of a Tropical Smoothie Café in the unit that was previously occupied by another formula business, Super Cuts. The proposal requires a Special Permit under SZO Section 9.1.7 to establish a formula business.

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 provides an overview of the project in their Narrative.

Upon analysis of the material submitted by the Applicant, PPZ Staff do not believe that the granting of the requested Special Permit for a formula business would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the CB District, copied here:

Intent:

- a. To maintain commercial activities that are primarily accessed by motor vehicles.

- b. To maintain already existing areas appropriate for moderate- and large-scale, low-rise buildings and community- and region-serving commercial uses that do not readily assimilate into other zoning districts.

Purpose:

- a. To permit the development of moderate- and large-scale low-rise buildings.
- b. To provide quality commercial spaces and permit commercial uses.

Staff do not propose any conditions to address impacts related to the business' 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 Commercial Business (CB) 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 Zoning Board of Appeals 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 relating 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 believe that the proposal meets the intent of the Commercial business (CB) District which is, "To maintain commercial activities that are primarily accessed by motor vehicles and to maintain already existing areas appropriate for moderate- and large-scale, low-rise buildings and community- and region-serving commercial uses that do not readily assimilate into other zoning districts."

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

Staff believe the proposed use is standard for strip commerce buildings. Multiple existing Formula Businesses are located within the shopping plaza the unit is located and close vicinity to the shopping plaza. These formula businesses include a Dollar Tree, Marshalls, T-Mobile, Starbucks, Star Market, McDonalds, among others.

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

Staff believe the proposed use maintains a diverse blend of uses within the neighborhood. The proposed Formula Business is a Tropical Smoothie Cafe, which serves health-conscious food such as smoothies, salads, acai bowls, etc. There are not any similar uses in Twin City Plaza or the immediate surrounding area, such that the Tropical Smoothie Café will increase the diversity of offerings in the Twin City Plaza area. The closest uses which are similar to the Tropical Smoothie Café are Juicygreens in the Cambridgeside Galleria Mall in Cambridge; Maha Juice Bar in Cambridge Crossing, Cambridge; Kwench Juice Cafe in Central Square, Cambridge; and NU Kitchen in Union Square, Somerville. None of these are especially close to Twin City Plaza.

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

Twin City Plaza is an existing strip commerce building mostly comprised of formula businesses and the applicant does not intend to change the façade of the building except for signage.

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

Staff believe the proposed use will not detract from the uniqueness of Somerville's neighborhoods, as it replaces one formula business with another in a building where formula businesses are the norm. The proposed use is a nationwide chain but will not be changing anything architecturally or aesthetically.

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

Super Cuts is not continuing at Twin City Plaza, and Tropical Smoothie Café will prevent that space from becoming vacant for a significant period of time. From what Applicant has found, as of September 16, 2024, the real-time vacancy rate (RTVR) for non-residential uses in Somerville was 1.25%. This is a 67.19% increase from the prior year, and a 105.77% increase from two years before.

PERMIT CONDITIONS

Should the Board approve the required Special Permit for a formula business in accordance with Special Permit under SZO Section 9.1.7.d, Per Section 15.2.1.e of the Somerville Zoning Ordinance, PPZ Staff recommends 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 Tropical Smoothie Café, and is not transferable 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.