



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-23-R1-4/19
Date: June 6 **20**, 2019
Recommendation: Conditional approval

UPDATED PLANNING STAFF REPORT

Site: 434 McGrath Highway

Applicant Name: Somerville Comedy Group, LLC
Applicant Address: 237 Elm Street, Apt. #3, Cambridge, MA 02139
Owner Name: Prospect Commons, LLC
Owner Address: 373 Highland Avenue, Suite 201, Somerville, MA 02144
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
City Councilor: Ben Ewen-Campen

Legal Notice: Applicant, Somerville Comedy Group, LLC, and Owner, Prospect Commons, LLC, seek a revision to a previously approved special permit (PB 2014-23) under SZO §5.3.8 to change the previously approved ground floor retail use into a comedy club and for parking relief under SZO §9.13. CCD-45 Zone. Ward 3.

*This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been **highlighted in yellow**.*

**Planning Staff has determined that a special permit for parking relief under SZO §9.13 is not required.*

Dates of Public Hearing: Planning Board – June 6 **20**, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is 36,569 square feet and located at a bend in McGrath Highway at its intersection with Greenville Street. The most recent use was as an auto-service and gas station with a 1,300 square foot service garage. This parcel was rezoned in 2013 from Business B to CCD-45 to further SomerVision, as the Future Land Context Map called for this site to be urban residential. In October 2014, the Planning Board approved (PB 2014-23) the four-story mixed-use building that is currently under construction. It will be comprised of 48 residential units (6 affordable),



approximately 15,000 square feet of commercial space on the ground floor, and 60 parking spaces. The approved 15,000 square feet of commercial ground floor space was broken down into ten tenant units in the small retail/service use cluster.

2. Proposal: The proposal is to revise the previously approved special permit with site plan review to locate an as-of-right comedy theater on the ground floor. The club will include a performance stage, a 72 person audience, and a small bar/lounge. Looking at the building from McGrath Highway the proposed comedy theater will occupy the end unit on the left.

3. Green Building Practices: The application states that the proposal will not exceed the stretch energy code.

4. Comments:

City Councilor: Councilor Ewen-Campen has been informed of this proposal and has yet to comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8):

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."*

Section 5.3: Procedures for Special Permits and Special Permits with Site Plan Review

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The findings made under the previous Special Permit with Site Plan Review approved by the Planning Board in October of 2014 (PB 2014-23) are not applicable to this proposal, with the exception of finding 4.7, which is as follows:

7. *Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no*

national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

The Planning Board made the previous finding, “signage and awning design that counts as signage is conditioned to be reviewed by Staff at a later date. The building illustrates a sign band where signage can be appropriate located in a consistent manner along the street front.”

The proposal for the comedy club includes a sign in the sign band but the material or design specifics have not been developed as of the publication of this report. Staff recommends that the proposed sign use individual channel letters and a condition that the final materials and design be reviewed and approved by Planning Staff.

Section 7.13: Table of Use Clusters

Theater, cinema or other public assembly uses under 5,000 net square feet **are allowed as-of-right**.

At the first public hearing on June 6, 2019, the Planning Board asked Staff to look at the original decision for 434 McGrath Highway to see if there was any restriction on the hours of operation for prospective businesses. Staff found there to be no restriction. Staff also examined the hours of operation condition as part of the approval for a café at 195 Washington Street that originally intended to have music as part of their programming. The hours conditioned by the Planning Board were Monday through Friday from 7am to 10pm, Saturday from 8am to 10pm, and Sundays from 8am to 8pm. Staff also considered the hours of a comedy studio in Bow Market at 337 Somerville Ave. The Planning Board approved 2,500 square feet of performance space without any restriction on the hours of operation. However, the Planning Board did impose a condition that the brewing establishment ceases all outside activities by 10 PM.

Staff remains supportive of the application to revise this special permit to allow for a comedy club to locate in the storefront that is furthest from Greenville Street. Staff believes that in order for a comedy club to be competitive with others in the area that it will have to allow comedy acts that last until 12 AM on Fridays and Saturdays.

Article 9: Off-Street Parking and Loading

The project exceeds the parking requirement with two additional spaces for a total of 60 parking spaces. One space is required for each of the 48 residential units (48 total) and one space is required for every 1,500 square feet of small retail space (10 total).

Existing Requirement		Proposed Requirement	
1,780 s.f of small retail / service @ 1 per 1,500 n.s.f required	1 space (rounded down from 1.2)	1,780 s.f of theater @ 1 per 400 n.s.f required	5 spaces (rounded up from 4.5)

$$4 \text{ additional required spaces} * .5 = 2 \text{ spaces}$$

The proposal to change 1,780 square feet of approved small retail/service space into a theater increases the parking requirement by four spaces. When there is a change in use with no change in floor area the SZO §9.4.2 allows the proposal to only provide 50% of the additional requirement. Therefore, the proposed change in use requires the applicant to only provide two additional spaces. Since the project currently has a parking surplus of two spaces **this proposal does not need a special permit for parking relief under SZO §9.13.**

III. RECOMMENDATION

Special Permit under §5.3.8

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 REVISION**.

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 to establish a comedy club. 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>April 24, 2019</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>May 20, 2019</td><td>Plans submitted to OSPCD (A0.0 and A1.1)</td></tr></table>				Date (Stamp Date)	Submission	April 24, 2019	Initial application submitted to the City Clerk's Office	May 20, 2019	Plans submitted to OSPCD (A0.0 and A1.1)
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Any changes to the approved elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
2	All conditions of approval from PB 2014-23 remain in effect.									
3	Final signage materials and design must be reviewed and approved by Planning Staff.	CO	Plng.							
4	All comedy acts must end by 10 PM Sunday through Thursday and by 12 AM on Friday and Saturday.	On going	Plng.							
Final Sign-Off										
5	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.							

