



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-47
Date: May 2, 2018
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 54-56A Elm Street

Applicant Name: Melting Pot, Inc.
Applicant Address: 56A Elm Street, Somerville, MA 02144
Owner Name: 54 Elm, LLC
Owner Address: 464 Common Street, Suite 322, Belmont, MA 02478
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Mark Niedergang

Legal Notice: Applicant, Melting Pot, Inc., and Owner, 54 Elm, LLC., seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure, §4.5.1 and §7.11 to change from one nonconforming use (previously approved retail space) to another nonconforming use (18-seat coffee shop), and §9.13 for parking relief. RB Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – May 2, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,134 square foot lot at the corner of Elm and Mossland Street. The existing property is a 2-family home with a storefront addition on the front corner building. The Lucky Market convenient store occupied the storefront for many years.

In 2015, the ZBA approved a proposal to add an additional dwelling unit to the site by renovating the existing storefront and adding a second story residential unit. There will be a commercial space available with a three-bedroom residential unit. The existing garage on site, facing Mossland, will be demolished and replaced with a carport for one vehicle.

The project received two six month time extensions; one in April 2017 and another in August 2017. Construction of the project has since commenced within the required time period.

2. Proposal: The proposal is to convert the previously approved retail space into an 18-seat coffee shop. The proposed hours of operation are 7am-7pm 7 days/week.
3. Green Building Practices: The application states that the proposal will not exceed the stretch energy code.
4. Comments:

Ward Alderman: Alderman Niedergang has been informed of this proposal and has acknowledged that there is another coffee shop in close proximity on Somerville Avenue and mentioned that he has received emails from constituents opposing the proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §4.5.1, §7.11, and §9.13):

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 4: Nonconforming Uses and Structures

The structure is currently nonconforming with respect to the following dimensional requirements: lot area and front, rear, left, and right side yard setbacks.

The proposal will not impact any of the nonconforming dimensions.

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

Section 4.5 states that “a nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use. In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the

site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 and 4.5 of the SZO, Staff finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the previously approved retail space.

Article 9: Off-Street Parking and Loading

	<i>Existing</i>		<i>Proposed</i>	
Commercial	865 s.f	2.03 spaces	865 s.f	7.8 spaces
Unit #1	2 BR	1.5 spaces	2 BR	1.5 spaces
Unit #2	4 BR	2 spaces	4 BR	2 spaces
Unit #3	3 BR	2 spaces	3 BR	1.5 spaces
Total	8 spaces (rounded from 7.53)		13 spaces (rounded from 12.8)	

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently nonconforming with respect to the number of required off-street parking spaces as 8 spaces are required and one is provided on the site. The proposal increases the parking requirement by five spaces.

Since the locus does not currently have sufficient off-street parking and there is a change in use without a change in floor area, SZO §9.4.1 requires the Applicant to provide half of the five required additional spaces. Therefore, the site is required to provide three additional off-street parking spaces (rounded up from 2.5). There is not enough space on the parcel to add the required spaces. A special permit is being requested from providing the three additional required parking spaces.

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, and upon reaching the findings and determinations set forth in Section 5.1.4”*. Staff finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RB district, which is, *“to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”* The proposed coffee shot will be compatible and convenient to the residents of the neighborhood.

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."*

Surrounding Neighborhood: The surrounding neighborhood is a mix of residential and commercial uses. Elm Street is a connection from the Somerville Avenue corridor and Davis Square. Cedar and Mossland Streets are a connection to Porter Square, Mass Ave in Cambridge, and Beacon Street.

Impacts of Proposal (Design and Compatibility): There are little to no impacts to the proposal. The conversion of a previously approved retail space into a coffee shop will not have detrimental impacts. The improvements to the storefront will improve the appearance of the building and a local coffee shop will provide an amenity to the community.

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.*

Impacts of Proposal (Circulation): The proposed coffee shop is not anticipated to create unsafe vehicular or pedestrian conditions greater. There is designated loading area on Mossland Street for the café to receive deliveries. It is expected that deliveries will occur from small trucks. The loading area also allows for passenger vehicles to park for 15 minutes.

6. 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.*

The proposed coffee shop would be considered a fast-order food established under the SZO. There is another national chain coffee establishment nearby in the Somerville Place plaza at the intersection of Somerville Avenue and Elm Street. However, there is a lot of pedestrian traffic within the neighborhood. The proposed coffee shop will provide an alternative option to commuters that are walking to the Red Line station in Porter Square during commuting hours. As previously mentioned there are no detrimental parking, visual, physical, or historical impacts that are expected to be detrimental to the neighborhood.

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

8. 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; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.

III. RECOMMENDATION

Special Permit under §4.4.1, §4.5.1, §7.11, and §9.13

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**.

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 an 18-seat coffee shop. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 29, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 25, 2018)</td> <td>Plans submitted to OSPCD (A1.0, A2.0, and a rendering)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 29, 2018	Initial application submitted to the City Clerk's Office	(April 25, 2018)	Plans submitted to OSPCD (A1.0, A2.0, and a rendering)
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Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Design										
4	Applicant shall provide final material samples for siding, trim, windows, doors, and signage to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.							
Site										
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
Miscellaneous										
6	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.							
7	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.							

8	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	
Public Safety				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Signage				
11	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
Final Sign-Off				
12	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.	

