



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

STAFF

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LORI MASSA, *SENIOR PLANNER*

ADAM DUCHESNEAU, *PLANNER*

DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2011-58

Date: July 28, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 237 Holland Street

Applicant Name: Huseyin Akgun

Applicant Address: 237 Holland St, Somerville MA 02144

Property Owner Name: Kosta Ligris

Property Owner Address: 237 Holland St, Somerville MA 02144

Agent Name: none

Alderman: Robert Trane

Legal Notice: Applicant, Huseyin Akgun, and Owner, Kosta Ligris, seek a special permit to increase the number of seats in the restaurant and waive the requirement for 2 parking spaces.

Zoning District/Ward: NB / 7

Zoning Approval Sought: Special Permit SZO §9.5 & 9.13a

Date of Application: July 5, 2011

Dates of Public Hearing: Zoning Board of Appeals August 3, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 3,250 sf lot on Holland Street in Teele Square. There is a two-story, wood-frame structure on the lot with two storefronts and two offices above. A Tibetan restaurant occupies the right storefront (235 Holland Street) and a Turkish restaurant occupies the left (237 Holland Street). There are offices of two small businesses above. The building occupies much of the lot and there is no opportunity to add on-site parking.

Restaurant tenants in this location have applied for zoning permits in the past. In 1994, the ZBA issued a special permit with design review for 24 outdoor seats and 23 indoor seats at 235 Holland. A variance request was denied in 1997 for a variance from providing 7 parking spaces and special permit with design review request to increase the number of seats to 78 seats with 30 outdoor seats for a



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restaurant in the two storefronts at 235 and 237 Holland Street. In 2004, the ZBA allowed a fast food use at 237 Holland Street to establish a juice bar/tea and coffee shop.

The Turkish restaurant, Istanbul'lu, was established by-right currently has 20 seats but the tenant was recently informed that the certificate of occupancy for the restaurant is only for 14 seats.



2. Proposal: The proposal is to increase the number of seats from 14 to 28. The increased number of seats will help the restaurant to meet its current demand on the weekends. Also, the Restaurant owner has applied for a beer and wine license and 28 seats are required to receive this permit. The additional seats would be added by replacing two 2-person tables with two 4-person tables and by removing two food cases and replacing them with a booth and two 2-person tables. The applicant is not proposing any alterations to the storefront.

The restaurant is open from 11 am to 10 pm daily except that it is closed on Mondays. There are currently four employees.

3. Nature of Application: The 14 additional seats require 2 parking spaces, which the Applicant is not able to provide. Parking requirements are either based on the gross floor area of a restaurant or the number of seats and number of employees, whichever is higher. The parking requirement for the current restaurant is based on the gross floor area of the restaurant with a requirement of 1 space per 110 gsf. The requirement is for 8 seats. With the increase in seats, the parking requirement is based on the number of

seats and employees with a requirement of 0.75 per employee plus 1 per 4 seats. The parking requirement for the proposed restaurant is 10, making the relief needed for 2 spaces.

The Applicant is requesting a special permit under SZO §9.13 to reduce the number of off-street parking spaces required. Under §9.13, the SPGA may grant a special permit modifying certain parking standards of Article 9, "where the total number of parking spaces required by the Ordinance is six (6) or fewer, the requirements for lots or sites that are nonconforming with respect to parking as specified in Section 9.4 may be modified."

4. Surrounding Neighborhood: The property is located in Teele square where there is a mix of residential and commercial uses, reflective of its Neighborhood Business (NB) classification. There are several other restaurants, retail stores and office uses and most business do not provide off-street parking.

5. Impacts of Proposal: The proposal is not anticipated to negatively impact the parking situation in Teele Square. There are many options for traveling to the site including walking, biking, using public transportation or driving and parking at an on-street metered space. Also, the mixed use environment of the Square allows for reduced trips because someone is able to walk for one establishment to another, eliminating the need for an additional vehicular trip. Someone eating at the restaurant may patronize another nearby business, reducing the number of combined vehicular trips to the area.

6. Green Building Practices: None listed on the application form.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Has been contacted but has not yet provided comments.

Traffic & Parking: The applicant is adding additional seating capacity to his restaurant. Per the Somerville Zoning Ordinance (SZO), the applicant is required to provide 2 off street parking spaces. The applicant is not providing these parking spaces.

Parking spaces in the vicinity of 237 Holland St and the immediate neighborhood is limited. There is a high demand for the number of available on street parking spaces. Residents in this area and neighborhood have often and continuously notified Traffic and Parking that the parking supply in their neighborhood is at capacity and additional vehicle parking puts a strain on the available parking spaces. In order to determine if there are available parking spaces to satisfy the increase parking demand in this area caused by the increase seating capacity by this restaurant, a parking memorandum is necessary.

Traffic and Parking has requested a Traffic Memorandum concerning the current parking supply in the area of 237 Holland St and the potential to absorb the additional parking demand associated with this restaurant. A Parking Memorandum has not been provided. Traffic and Parking has no comment on this application until there is a Parking Memorandum to review.

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.4 & 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 Planning Staff find 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.

Traffic and Parking Staff requested a Traffic Memorandum concerning the current parking supply in the area of 237 Holland St and the potential to absorb the additional parking demand associated with this restaurant. The Applicant did not supply this memorandum due to the cost, which he stated would be between 1,600 and 1,800 dollars. Planning Staff are supportive of this application without this memorandum; however, the Board may request this information if it is desired during the hearing process.

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."

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

There will be minimal impact on the neighborhood regarding the above criteria. The Applicant has found that parking is not an issue for his patrons. They either walk to the restaurant or drive and find on-street parking. The Applicant has not received any complaints or questions from patrons about parking in this location as he has at other restaurants that he has operated in Beacon Hill, Brookline and Brighton. If his restaurant is not able to accommodate patrons, they often go to nearby restaurants and do not get in their car to drive to another restaurant, creating another vehicle trip in the Square.

Since there will be additional patrons walking and bicycling to the restaurant, mitigation for the two shall be a condition of approval. In order to enhance pedestrian and bicycle safety in the area the Applicant should purchase and deliver to the City four Pedestrian Impact Recovery Systems (in crosswalk pedestrian signs) for installation in the vicinity of the restaurant.

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 providing for and maintaining the uniquely integrated structure of uses in the City and encouraging the most appropriate use of land throughout the City. The increase in the number of seats to allow this small business to grow within its existing space is consistent with the purpose of the Neighborhood Business District, which is to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.

Also, the proposal meets the intent of §9.1, the purpose of the Off-street Parking and Loading Article. Relief from providing two parking spaces along with the installation of four pedestrian impact recovery systems will not create a situation that would be a nuisance or hazard to pedestrians and adjacent properties, nor would it decrease the traffic carrying capacity of the adjacent streets or significantly compromise the on-street parking available in Teele Square.

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."

There are several food service uses in the surrounding area, including one on each side of the subject restaurant that do not have associated parking. These restaurants have proved to be successful in this pedestrian-friendly business district. Teele Square is within a fifteen-minute walk to Davis Square and is on three MBTA bus routes. The transit service and the density of the surrounding neighborhood promote pedestrian access.

III. RECOMMENDATION**Special Permit under §9.4 & 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 the installation of 14 seats for a total of 28 seats in the restaurant with no onsite parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 5, 2011</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(July 25, 2011)</td><td>Plans submitted to OSPCD (existing and proposed floor plans)</td></tr></table>				Date (Stamp Date)	Submission	July 5, 2011	Initial application submitted to the City Clerk’s Office	(July 25, 2011)	Plans submitted to OSPCD (existing and proposed floor plans)
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Any changes to the approved number of seats that are 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 purchase and deliver to the City three Pedestrian Impact Recovery Systems (in crosswalk pedestrian signs) for installation in the vicinity of the restaurant.	CO	T&P							
4	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.							

