

APPLICATION
 For Planning Board and Zoning Board of Appeals Approval



CITY OF SOMERVILLE
 Joseph A. Curtatone, Mayor
 Office of Strategic Planning and Community Development (OSPCD)
 City Hall . 93 Highland Avenue . Somerville, MA 02143
 617.625.6600 ext. 2500

Original Stamp
 July 17, 2012
 City Clerk Stamp

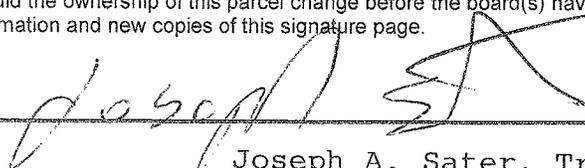
Office Use: Case # ZBA 201243	PB Date —	ZBA Date 8/15/12	Filing Fee \$390	Ad Fee
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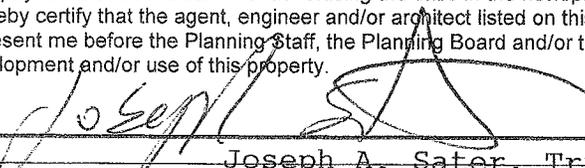
Please review the application information sheet. Complete applications must be submitted to the City Clerk's Office. Failure to submit all required information is grounds for denial of the request. If this form does not provide adequate space for your response, please attach additional sheets of paper.

1. Property Information			
Street Address(es) 191 Highland Avenue	Zoning District(s) RC/RA	Overlay District(s), if any	Ward 5
Assessor's: Map 42 Block F Lot 12		If there are multiple MBLs, enter the remainder in Section 5.	
Please indicate the name of the individual, individuals, corporation or trust that owns the property:			
Property Owner's Name Highland Armory Realty Trust	Complete Mailing Address 472 Massachusetts Avenue Cambridge, MA 02139	Phone Number(s) 617-448-6283	Email carrier14@juno.com nabil@mideastclub.com joseph@mideastclub.com
Please indicate the name of the individual, individuals, corporation or trust that is applying (please note that the applicant should be the intended user or developer):			
Applicant's Name Highland Armory Realty Trust	Complete Mailing Address 472 Massachusetts Avenue Cambridge, MA 02139	Phone Number(s) 617-448-6283	Email carrier14@juno.com nabil@mideastclub.com joseph@mideastclub.com
Please indicate the contact information for any agent, engineer or architect that will represent this application who may represent the owner and/or applicant in this application review process:			
Agent's Name (if applicable) Attorney or Other Agent Adam Dash, Esq.	Complete Mailing Address 48 Grove Street, Suite 304 Somerville, MA 02144	Phone Number(s) 617-625-7373	Email dash@adamdashlaw.com
Architect's Name (if applicable) William Schaefer	Complete Mailing Address 15 Bay Street Cambridge, MA 02139	Phone Number(s) 617-661-7582	Email corbuarch@aol.com
Engineer's Name (if applicable) N/A	Complete Mailing Address	Phone Number(s)	Email

2. Submission Type	
Check all that apply.	
<input type="checkbox"/>	Variance
<input checked="" type="checkbox"/>	Special Permit (SP)
<input checked="" type="checkbox"/>	Special Permit with Design Review (SPD)
<input type="checkbox"/>	Special Permit with Site Plan Review (SPSR)
<input type="checkbox"/>	Planned Unit Development (PUD) – Preliminary Master Plan Submission (PMP) / Special Permit with Site Plan Review (SPSR)
<input type="checkbox"/>	Subdivision or other Site Plan Approval
<input type="checkbox"/>	Comprehensive Permit under MGL Chapter 40B – Inclusionary Housing Development (follow SPSR submission and contact the Housing Director at 617.625.6600 ext. 2560)
<input type="checkbox"/>	Revision to Special Permit (only if certificate of occupancy or final sign-off is not yet received)
<input type="checkbox"/>	Administrative Appeal
<input type="checkbox"/>	Extension of Approval

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3. Required Signatures		
NOTE: NO APPLICATION SHALL BE ACCEPTED AS COMPLETE WITHOUT THE REQUIRED SIGNATURES		
Owner Signature (if the project site has more than one owner, please supply additional copies of this page if necessary):		
As Owner, I make the following representations:		
<ol style="list-style-type: none"> 1) I hereby certify that I am the owner of the property at <u>191 Highland Avenue</u> 2) I hereby certify that the applicant named on this application form has been authorized by me to apply to develop and/or use the property listed above for the purposes indicated in this application 3) I hereby certify that the agent, engineer and/or architect listed on this application form have been authorized to represent this application before the Planning Staff, the Planning Board and/or the Zoning Board of Appeals. 4) I will permit Planning Staff to conduct site visits on my property. 5) Should the ownership of this parcel change before the board(s) have acted on this application, I will provide updated information and new copies of this signature page. 		
<p>(sign here) </p> <p style="text-align: center;">Joseph A. Sater, Trustee</p>		
This property is owned by (check one):		
<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> • attach deed • application to be signed by owner
<input type="checkbox"/>	More than one individual, or a partnership	<ul style="list-style-type: none"> • attach deed • application to be signed by all owners
<input type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> • attach deed and corporate articles of organization • application to be signed by an officer authorized to do so by the corporation
<input checked="" type="checkbox"/>	A trust	<ul style="list-style-type: none"> • attach deed and certificate of trust • application to be signed by authorized trustee

Applicant Signature (if the applicant is the owner, the owner should also sign below):		
As Applicant, I make the following representations:		
<ol style="list-style-type: none"> 1.) The information supplied on and with this application form is accurate to the best of my knowledge. 2.) If the current use of the property is a nonconforming use, I will furnish proof to the satisfaction of the SPGA that the nonconforming use is legal. 3.) I will make no changes to the approved project plans without the prior approval of the SPGA. 4.) If the proposed project is subject to linkage (SZO Article 15), I will sign all documents required by the Planning Staff/SPGA governing the amount and the method of payment of the linkage fee. 5.) I will return the notice sign or pay for its replacement. 6.) I will pay the fees associated with advertising the case in the newspaper and mailing notices to abutters. 7.) I hereby certify that the agent, engineer and/or architect listed on this application form have been authorized by me to represent me before the Planning Staff, the Planning Board and/or the Zoning Board of Appeals as it relates to the development and/or use of this property. 		
<p>(sign here) </p> <p style="text-align: center;">Joseph A. Sater, Trustee</p>		
Indicate applicants relationship to owner: Same		
This applicant is (check one):		
<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> • application to be signed by applicant
<input type="checkbox"/>	More than one individual, or a partnership	<ul style="list-style-type: none"> • application to be signed by all applicants
<input type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> • application to be signed by an officer authorized to do so by the corporation • attach corporate articles of organization
<input checked="" type="checkbox"/>	A trust	<ul style="list-style-type: none"> • application to be signed by authorized trustee • attach certificate of trust

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4. Applicable Section(s) of Zoning Ordinance and Prior Zoning Approvals	
You may refer to Inspectional Services Division denial letter for the section of the Zoning Ordinance cited.	
7.11.10.2.a, 7.11.6.4.a, 4.4.1 and 9.13.e	
5. Existing Conditions Description	
Briefly describe existing structure(s) and/or use(s). Include number of employees, occupants and hours of operation, if applicable.	
The premises is the former armory, which is currently used as a performance/function auditorium, café, offices, gallery, and two studio live/work units. Please see the attached Memorandum for details.	
Cond 20: Inc hours of op., Cond 27 (b) + 31 for cooking on premises; Cond 23 liquor license	
6. Proposal Description	
A. Briefly describe any changes in the structure(s) and/or use(s). Include whom the project is intended to serve, expected number of employees, and/or occupants and hours of operation, if applicable.	
Applicant seeks to revise certain conditions related to the auditorium and café uses at the premises, as stated in the attached Memorandum In Support Of Revision Application. These revisions involve increasing the occupancy, increasing the hours of operation, adding outdoor café seating, allowing cooking on the premises, and allowing a full liquor license. As the permanent certificate of occupancy has issued, Applicant must file this application as a new set of special permits even though Applicant is only seeking the revisions of certain conditions. The rest of the prior approvals will remain the same.	
B. Explain any green building practices that you are using. Please consult the Environmental Protection Agency's Residential Green Building Guide for ideas (www.epa.gov/ne/greenbuildings).	
No change as a result of the revisions sought.	
C. Are you demolishing a commercial structure or moving soil? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
D. Identify and list and 21E reports and other environmental assessments, analysis, clean-up studies, enforcement actions and any other environmental documentation that is available for the property, including documentation on underground storage tanks. Attach copies of all identified documents.	
Failure to identify and attach these documents, if applicable, will result in an application being deemed incomplete.	
No change as a result of the revisions sought.	
If you discover an underground storage tank you must call the Somerville Fire Department immediately.	

7. Zoning Data						
Refer to the SZO § 2.2 Definitions and SZO § 8 Dimensional Requirements for more information.						
Data	Existing	Proposed	Allowed	Existing or Permitted Nonconformity	New Violation	SZO Section Cited
	Fill in both columns: numbers must match those on plans and other attached documentation.		Office Use			
A. Use	multi-use	multi-use				
B. # of Dwelling Units*	2 units	2 units				
C. Lot Area	40,244 square feet	40,244 square feet				
D. Lot Area ÷ # of Dwelling Units	20,122 sf per du	20,122 sf per du				
E. Gross Floor Area of Footprints of All Buildings	12,960 square feet	12,960 square feet				
F. Ground Coverage (E. ÷ C.)	32 %	32 %				
G. Landscaped Area (landscaped area ÷ C.)	28 %	28 %				
H. Net Floor Area** (sum of all usable square feet)	18,702 square feet	18,702 square feet				
I. Floor Area Ratio (FAR) (H. ÷ C.)	0.46	0.46				
J. Building Height	38' 1" feet	38' 1" feet				

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M-W 8:30am-4:30pm, Th 8:30am-7:30pm, F 8:30am-12:30pm

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K. Front Yard Setback	5.2 feet	5.2 feet				
L. Rear Yard Setback	125 feet	125 feet				
M. Side Yard Setback (left when you face property)	22.5 feet	22.5 feet				
N. Side Yard Setback (right when you face property)	19.5 feet	19.5 feet				
O. Street Frontage	151.5 feet	151.5 feet				
P. # of Parking Spaces	44 on-site plus 40 off-site	44 on-site plus 40 offsite				
Q. # of Bicycle Parking Spaces	20	20				
R. # of Loading Spaces	0	0				
* 8 or more dwelling units - determine if Inclusionary Housing, Article 13, applies						
** 30,000+ square feet - determine if Linkage, Article 15, applies						

8. Checklist of Required Information								
This checklist will help you determine what you need to submit with this application form. Find the column for your submission type. The rows contain the number of copies of each item that you must submit. For each item check the column 'included' if you are submitting it or the 'Waiver Requested' column for items that are not applicable to your proposal. Planning Staff may contact you to submit items for which you are requesting a waiver. If your application includes more than one type, submit the greatest number of copies listed.								
	Variance	SP / SPD	SPSR	PUD PMIP	Subdivision	Revision to SP	Included	Waiver Requested
	# = # of copies I/A = if applicable † = within 50 feet of property		Y = include N/A = not applicable					
Application Form & Supplemental Questions	3	3	3	3	3	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Denial Letter from Inspectional Services Division	I/A	I/A	I/A	N/A	N/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recorded Deed(s) to all properties involved in the project	1	1	1	N/A	1	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Filing Fee See fee schedule on application information sheet. Cash, check or money orders payable to the City of Somerville.	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Abutter List from neighboring municipality if your property is less than 300' from the Somerville boundary. Obtain list from neighboring municipality of the property owners' names and addresses that are within 300' of your property.	I/A	I/A	I/A	I/A	I/A	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Advertising Fee Staff will let you know the fee once it is available. Cash, check or money orders payable to the City of Somerville.	Y	Y	Y	Y	Y	Y	Pay before hearing	
Plot Plan (scaled & legible) Plans must be certified by a MA-registered land surveyor or professional engineer indicating total land area, boundaries of subject property, angles, dimensions of the site, and north arrow	3	3	3	N/A	3	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 hard copies & 1 electronic copy at initial filing, 10-22 copies at final filing								
Site Plans (include north arrow, date, scale) Information may appear on 1 or multiple drawings such that required details below are clearly visible 1 Scaled Copy: 1"= at most 40'. Remaining Copies: Need not be scaled. NO LARGER THAN 11"x17". Electronic Copy in a universal digital format such as PDF.	3	3	3	3	3	3		
3 hard copies & 1 electronic copy at initial filing, 10-22 copies at final filing								
Uses present & proposed uses of the land and any buildings	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Structures dimensions of existing and proposed buildings or other structures	Y	Y	Y	Y	Y†	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Easements & Right-of-Way locations and dimensions of any easements, public or private rights of way, or other burdens, existing or proposed	Y	Y	Y	Y	Y†	Y	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Boundary Lines (lot areas and dimensions) of existing and proposed lots within and immediately adjacent to the site	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Setbacks from property lines	Y	Y	Y	N/A	N/A	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Block and lot numbers existing and proposed	N/A	N/A	N/A	N/A	Y	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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(Checklist of Required Information Continued)	Variance	SP / SPD	SPSR	PUD PMP	Subdivision	Revision to SP	Included	Waiver Requested
	# = # of copies Y = include I/A = if applicable N/A = not applicable SPSR-A = SPSR in Assembly Square Mixed-Use District †† = within 500 feet of property							
Existing Landscaping and Screening location of all existing trees at an 8"+ caliper (note which, if any, will be removed), and species of all planting materials, as well as color, type, and size of any stones, walls, fences, etc.	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Landscaping and Screening location of all trees, quantity, location, size, and species of all planting materials, as well as color, type, and size of any stones, walls, fences, etc.	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking & Loading Areas number, location, dimensions, driveways, curb cuts, access and sidewalks	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Circulation vehicular and pedestrian circulation systems	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topography existing and proposed contour elevations with 2' intervals for slopes over 10% and retaining walls	I/A	I/A	Y	Y	Y	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetlands ponds and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131	Y	Y	Y	Y	Y	Y	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drainage Plan indicating drainage ways, flows, points of outfall, and impacts of development on affected drainage basins, with contour information at no less than 2' contour intervals	I/A	I/A	Y	Y	Y	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Signage dimensions and locations of proposed and existing signs including colors and materials	I/A	I/A	Y	N/A	N/A	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outdoor Lighting quantity, location, size, and type of lighting fixtures as well as type and intensity of lighting facilities	I/A	I/A	Y	N/A	N/A	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic Structures location and significance	Y	Y	Y	Y	Y	Y	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste Disposal location and screening of facilities	Y	Y	Y	Y	Y	Y	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mechanical / Utility Systems location, height, and method of screening of all proposed mechanical and electrical system components, exhaust / ventilation systems, transformers, and satellite dishes. If greater than 6' in height, elevations are required.	Y	Y	Y	N/A	N/A	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Utilities Connections (water, sewerage and drainage) locations, size, direction of flows and adequacy of existing and proposed on-site public utilities	I/A	I/A	Y	Y	Y	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elevations front, side and rear with vertical height - measure from either lowest point between building and lot line, or 15' from building, to the highest point of roof beam, deck line of a mansard roof or average height between the plate and ridge of a gable, hip or gambrel roof – and description of proposed materials and colors	Y	Y	Y	N/A	N/A	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1 hard copy & 1 electronic copy at initial filing, 10-22 copies at final filing								
Conceptual Floor Plans with square footage and # of units	Y	Y	Y	N/A	N/A	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Neighborhood Context Map showing the neighborhood in which the tract lies and any impacts upon the area (scale no less than 1"=100')	N/A	Wire-less only ††	SPS R-A only	Y	Y	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Shadow Analysis	I/A	I/A	Y	Y	I/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic Analysis	3	3	3	3	3	N/A		
Traffic Study (if less than 25,000 square feet) estimate peak hour traffic volumes generated by proposed use, relation to existing volumes and projected future conditions	N/A	I/A	I/A	I/A	I/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Analysis (if 25,000 square feet or more) prepared by a professional traffic engineer who is registered with the Commonwealth of Massachusetts as a professional engineer in either traffic or transportation engineering, or any individual who has been certified by the Transportation Professional Certification Board, Inc. as a Professional Traffic Operations Engineer (PTOE). No other professional registration or qualification shall substitute for this requirement	N/A	I/A	I/A	I/A	I/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation Demand Management Plan	N/A	N/A	SPS R-A only	I/A	I/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
LEED Worksheet (if greater than 10,000 square feet)	N/A	N/A	SPS R-A only	N/A	N/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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(Checklist of Required Information Continued)	Variance	SP / SPD	SPSR	PUD PMP	Subdivision	Revision to SP	Included	Waiver Requested
	# = # of copies Y = include I/A = if applicable N/A = not applicable SPSR-A = SPSR in Assembly Square Mixed-Use District †† = within 500 feet of property							
Conceptual 3-D Model of the Master Plan at 20 scale or alternate scale acceptable to the SPGA	I/A	I/A	SPS R-A only	I/A	I/A	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photographs of at least 8" by 10" showing the development site and surrounding parcels	I/A	I/A	I/A	I/A	I/A	I/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rendering or Computer-Simulated Photograph (from at least 2 prominent locations along the surrounding rights-of-way)	N/A	Wire- less only	N/A	N/A	N/A	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9-15. Supplemental Questions								
Answer the supplemental questions for the permit you are seeking.								

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Electronic version available:
<http://www.somervillema.gov>
 Forms Library

Supplemental Questions for:
 Special Permits (SP) • Special Permits with Design Review (SPD) • Special Permits with Site Plan Review (SPSR)

10. SP, SPD, & SPSR Supporting Statements	
Address each of the following items. Attach to application form.	
A. Explain if and how the proposal is compatible with the characteristics of the built and unbuilt surrounding area and land uses.	
The building currently exists with the same uses which are being proposed. The only changes are to some of the conditions related to the auditorium and café uses. The revisions are required to keep the auditorium and café in business, as the current, restrictive conditions are preventing those uses from succeeding as an arts center. The impact will not be large, as the uses already exist. The neighborhood will benefit from a successful set of uses at the premises, rather than the abandoned building which used to characterize the site.	
B. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from noise, light, glare, dust, smoke, or vibration.	
The effects will remain the same as the current effects, as the uses will not change. Additional capacity and hours for the auditorium will only apply when events are held, and will not be an everyday occurrence. The cooking will utilize the existing chimney which had been used for cooking when the building was used as an armory. The outdoor seating for the café will activate the streetscape and provide an amenity for the neighborhood. As there already is a beer and wine license at the premises, allowing the applicant to seek a full liquor license will not have any effect on the surrounding area as alcohol is already served there.	
C. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from emission or noxious or hazardous materials.	
None.	
D. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from pollution of waterways or ground water.	
None.	
E. Explain the impact on the public systems: sanitary sewer system, storm drainage system, public water supply, and recreational system. Document the status of Department of Environmental Management and/or other sewage permits.	
None.	
F. Give a general summary of existing and proposed easements or other burdens now existing or to be placed on the property.	
None.	
G. See SZO § 5.1.5 Design Guidelines for Business Zones and/or Design Guidelines for Residence Zones. Explain any discrepancies between your proposal and the Design Guidelines. (SP applicants are exempt.)	
N/A	

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<p>H. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from the transmission of signals that interfere with radio or television transmission.</p>
<p>None.</p>
<p>I. Explain any changes to the vehicular and pedestrian circulation patterns.</p>
<p>None.</p>
<p>The remaining items under question 10 only relate to SP, SPD, or SPSR for new construction and/or demolition.</p>
<p>J. Explain any measures taken to preserve and protect natural resources (such as wetlands, steep slopes, floodplains, hilltops, vegetation, sun and wind exposure). If there is any wetland, pond or surface water body on the subject property, as defined under Wetlands Protection Act, MGL Chapter 131, Sec. 40, explain the project's wetland permitting status and plans for protection of these features.</p>
<p>N/A</p>
<p>K. Explain the demolition and construction procedures including movement of soil, impact mitigation measures, and an estimate of the time period required for completion of the development. Please consult the Mass Department of Environmental Protection's regulations (www.mass.gov/dep/).</p>
<p>N/A</p>
<p>L. Explain proposed method for solid waste disposal (how waste will be collected and stored, who will be responsible for pick-up and maintenance, recycling efforts, etc.) and for screening of disposal facilities.</p>
<p>N/A</p>
<p>M. Identify any historic sites or structures on the project site, or on neighboring properties, and explain any measures to protect historic features. Note that structures over 50 years old may require Historic Preservation Commission review before demolition or substantial alteration occurs.</p>
<p>N/A</p>

MEMORANDUM IN SUPPORT OF REVISION APPLICATION

Premises: 191 Highland Avenue
Applicant/Owner: Highland Armory Realty Trust
Agent: Adam Dash, Esq.
Date: July 17, 2012

SUMMARY

Applicant and Owner, Highland Armory Realty Trust, seeks a revision of certain conditions imposed in the decision of the Zoning Board of Appeals of Somerville ("ZBA") in Case number ZBA 2005-70-R0209 dated March 4, 2009, as previously revised, which is itself a revision of the prior Case number ZBA 2005-70 ("Decision"), regarding 191 Highland Avenue, which is the former armory ("Premises"). These revisions involve increasing the occupancy, increasing the hours of operation, adding outdoor café seating, allowing cooking on the premises, and allowing a full liquor license.

As a permanent certificate of occupancy has issued, this application is for a new series of special permits, rather than for a revision, although only the revised conditions will change from the prior approvals. The rest of the prior approvals will remain the same.

All references to condition numbers shall refer to those conditions enumerated in the Decision ("Conditions"). There is also a prior associated decision regarding the Premises, being Case number ZBA 2004-57. All references herein to various numbered Conditions to be revised are not intended to limit the number of relevant Conditions which may need to be revised to allow the proposed changes. All such relevant Conditions which may need to be so revised are hereby incorporated into this Application for revision by reference.

Applicant seeks to retain the existing framework as stated in the Decision, but now asks the ZBA to change the numbers within said framework.

The reason for these revisions is that the current tenants of the auditorium and cafe, one being the non-profit Arts at the Armory, cannot hold certain events due to the onerous conditions and cannot economically survive without the revisions being sought. One cannot expect the Premises to be successful as an arts center under the current Conditions.

INCREASED OCCUPANCY

Applicant seeks to revise Condition 36 to increase the occupancy of the auditorium from 395 for "at capacity" events and 325 for "other events" to 495 for "at capacity" events and 395 for "other events".

All other capacity restrictions as stated in the Conditions shall remain, including but not limited to there being no more than 10 “at capacity” events per month (Condition 21) and no more than three “at capacity” events in the same week (Condition 35). None of this will change.

As shown on the floor plans filed herewith, the auditorium consists of a 4,682 square foot first floor and a 1,650 square foot mezzanine. Under the State Building Code, the auditorium’s capacity is 422 people if seated and 903 people if standing. Even with the increased occupancy, the auditorium would still be operating well below capacity for standing events and, in the case of “other events”, would be well below its capacity for seated events.

An increase in capacity would allow the Arts at the Armory, which leases the auditorium, to bring in events which it now has to turn away due to the auditorium’s artificially low occupancy limit as stated in the Conditions, while still being below the State Building Code capacity limits and respecting the framework of differentiating between “at capacity” and “other events” as defined in the Decision. The space is simply too large to limit as it has been while expecting the tenant to economically survive.

The parking at the Premises will remain the same, being 44 parking spaces at the Premises with a special permit for shared parking among the various uses in the building, as well as 40 leased parking spaces at the nursing school facility on Belmont Street. This is beyond the requirement under the SZO. The prior use of the site as an armory required 95 spaces, however, the Premises was nonconforming as to parking because only 39 spaces were provided. Applicant increased that number of parking spaces to 44 on-site and 40 off-site, and received a special permit for shared parking, which is also being sought in this Application.

For the proposed revision to the current auditorium use, the total number of required spaces for the auditorium does not change, as there is no change in capacity of the room. All that is being changed are the conditions for that use.

The parking requirement for the auditorium is calculated, per SZO sec. 9.5.5.d and 9.6.1.d, as 1 per 6 seats at a rate of 15 seats per square foot, as there are no fixed seats. With an auditorium of 6,332 square feet, that is a requirement of 70 spaces, which does not change if the capacity or hours of operation conditions are revised, as the room stays the same size. The increase in capacity was already built into the parking requirement by using the potential occupancy figure for the calculation, not the artificially low capacity as dictated by the conditions.

The parking requirement for the café is calculated, per SZO 9.5.10.a, as the greater of 0.75 spaces per employee plus 1 space per 4 seats, or 1 space per 110 square feet. With a café of 1,105 square feet, the requirement is 10 spaces at a rate of 1 space per 110 square feet. With a café of 1 employee and 56 seats, the requirements is 15 spaces when using the employee and seating requirement. The addition of the 20 exterior seats is seasonal and does not count toward the parking requirement. Therefore, no additional parking is required.

The shared parking special permit which is currently in place adequately addresses the parking needs for the Premises, as the gallery and office uses (which do not change as part of this

application) are closed when the auditorium and café are most active. The two studio residential apartments have minimal parking requirements and likewise do not change as part of this application. As a traffic study was presented with the prior approval applications, and as the uses do not change, Applicant is not providing a new traffic study. The prior traffic study is included herewith.

INCREASED HOURS OF OPERATION

Applicant seeks to revise Conditions 20 and 21 to increase the hours of operation for the auditorium and for the café from 8AM-10PM on weekdays and 8AM-11PM on weekends (as defined in the Decision) to 7AM-midnight on weekdays and 7AM-1AM on weekends.

An increase in the hours of operation would allow the Arts at the Armory to bring in events which it now has to turn away due to the auditorium's artificially low hours of operation as stated in the Conditions, while still respecting the framework of differentiating between weekends and weekdays as defined in the Decision.

The earlier hours would allow the auditorium to be used for yoga, pilates, and the like in the morning before customers go to work. Allowing an earlier morning use would also help the auditorium to be commercially viable.

The same is true for allowing earlier hours for the café use, as customers will want to purchase coffee and the like on the way to work in the morning.

The proposed changes are necessary for the café and auditorium to compete with other similar uses in the City which have such longer hours of operation, some of which are nearby.

ADDING OUTDOOR SEATING

Applicant seeks to revise the site plan to allow for outdoor seating for the café use. Applicant seeks to add 20 seasonal outdoor seats on a patio at the front of the building facing Highland Avenue, as shown on the plan filed herewith. This would help activate the streetscape and tell passersby that there is a café at the Premises, while keeping the activity away from the residential neighbors. The outdoor seating will be on pavers and grass to retain a natural look and to avoid creating additional storm water run-off.

There will be no "table service" by café staff. Customers would purchase their food and drink at the café inside and then bring them outside to eat.

Currently, the café is having trouble staying in business, and the increased visibility and the desirability of sitting outdoors will help attract customers. This would allow the café to operate like other cafes in the City by having outdoor seating, such as Three Little Figs nearby on Highland Avenue.

There are no current Conditions preventing outdoor seating at the Premises.

ALLOW COOKING ON PREMISES

Applicant seeks to revise Conditions 27(o) and 31 to allow for cooking at the Premises for events at the auditorium, rather than the current requirements that all food be prepared off-site and all events catered by an off-site restaurant or caterer.

Allowing cooking at the Premises would allow the Arts at the Armory to bring in events which it now has to turn away due to the inability to cook on-site as stated in the Conditions. The logistics of cooking food off-site, trucking it to the Premises and then keeping it warm until it is time to eat has put off many would-be users of the auditorium.

There is no request to allow cooking at the café other than what is currently allowed. This revision only relates to the auditorium, so that there will only be cooking when an event is taking place, which is not every day.

The structure at the Premises will also need to have a stack added on the roof to vent the cooking, such that a revision for alteration of the exterior of said structure to allow for said stack is also being sought.

ALLOW A FULL LIQUOR LICENSE

Applicant seeks to revise Condition 23 to allow for the auditorium (and the café for performances) to hold a full liquor license at the Premises. Currently, said spaces are limited to a beer/wine license, which they currently have. This revision would allow the tenants to purchase a full liquor license, which would entail a full public process before the Somerville Licensing Commission and the approval of the Massachusetts Alcoholic Beverages Control Commission. This revision would not grant a full liquor license to the Premises, but rather, would just allow the ability for such a process to happen.

Allowing a full liquor license at the Premises would allow the Arts at the Armory to bring in events which it now has to turn away due to the inability to serve full liquor as limited by the Conditions. The Premises currently has a beer/wine license, and there have been no violations reported to the Somerville Licensing Commission as a result. The switch to a full liquor license would allow Arts at the Armory to compete with halls in the City which do have full liquor licenses and will not be a large change, as alcohol is currently being served at the Premises. It would also allow the café to have more successful performances.

As with the cooking revision, the liquor would only be served when an event is taking place, which is not every day.

CONCLUSION

These revisions are necessary for the survival of Arts at the Armory in the auditorium, and for the café, as well as for the entire Premises itself. Applicant has put in a large amount of money to renovate and re-open the armory building for new uses, however, the Conditions must

be adjusted to meet the reality of doing business there. Failure to allow these revisions will render the renovations and previous zoning approvals moot. If the Premises is to hold events, then it needs to be given the tools to do so, just as other halls in the City have had for decades. The same goes for the café, which needs to be able to compete with other cafes in the City on a level playing field.

Applicant believes that the revisions being sought are the formula for success at the former armory so that it can be a City amenity for all.

Applicant asks that the Board to approve the special permits being sought.