



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
ELIZABETH MORONEY, *CLERK*
JOSEPH FAVALORO
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.

Case #: PB 2011-11
Site: 253 Washington Street
Date of Decision: June 27, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 30, 2011

PLANNING BOARD DECISION

Applicant Name:	Angelina Jockovich, Casa B, LLC
Applicant Address:	12 Belmont Street, Somerville, MA 02143
Property Owner Name:	Henry Patterson
Property Owner Address:	CWC, 109 Seymour Street, Concord, MA 01742
Agent Name:	N/A

Legal Notice: Applicant Angelina Jockovich of Casa B LLC & Owner Kepnes Bros. Managed by CWC, Henry Patterson, seeks a special permit under SZO §6.1.22.D.5 to alter the façade of the building including window and door openings as well as signage.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 3
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	May 10, 2011
<u>Date(s) of Public Hearing:</u>	6/9, 6/23 & 6/27/11
<u>Date of Decision:</u>	June 23, 2011
<u>Vote:</u>	4-0

Appeal #PB 2011-11 was opened before the Planning Board at Somerville City Hall on June 9, 2011. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Planning Board took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



DESCRIPTION:

The Applicant is proposing to renovate the façade of the commercial space at 253 Washington Street as part of the improvements to open a new restaurant in the space. Currently the façade has a glass door to the left (as you face the space) and three large glass windows to the right of the door that sit at a slight angle to the sidewalk. The Applicant is proposing to move the existing door to the right side of the façade and install 8 foot high glass panels as part of a nana wall to the left of the new door. The nana wall would allow the restaurant to open out to the sidewalk in the warmer months and to provide an open air dining environment to customers. Above the new door and the nana wall would be a 4' 4" high metal façade that would be placed over the existing brick along with an entry canopy. Cut into this affixed metal façade would be the lettering "Casa B" which would be the signage for the restaurant. The Applicant is hoping to install the metal façade, but this may be cost prohibitive. If this is the case, the façade and canopy would all be constructed of wood and the lettering for the signage would be made of metal and attached to the façade. There is currently no signage on the front of the commercial space as can be seen in the photos that were submitted by the Applicant.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §6.1.22.D.5):

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 Board 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."

In considering a special permit under §6.1.22.D.5 of the SZO, the Board finds that the proposed use would not be substantially more detrimental to the neighborhood than the existing (or previous) use.

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; 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 CCD district (6.1.22. Corridor Commercial Districts (CCDs)), which is, to "promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.”

The proposal is consistent with the purpose of the district. The proposal increases commercial investment by taking a vacant commercial space along Washington Street and establishing a small scale retail and service space.

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.”

The proposal is designed to be compatible with the characteristics of the surrounding area and is consistent with the design guidelines in the CCD as laid out in SZO §6.1.22.H.

1. The proposed façade alterations help to improve the street wall along Washington Street and towards the public parking area in Union Square. The proposed façade design increases the amount of glass along the public way and will create an interesting and inviting space along this portion of the sidewalk. The business and the proposed façade design help create pedestrian interest along the streetscape, while at the same time also improving the appearance of this portion of the building.
2. The massing and height of the one-story structure will not change.
3. The height of the building is only one-story and it is located between two, two-story buildings. A transition to residential or historically designated properties is not applicable.
4. The Applicant will be maintaining the existing width of the commercial bay, which is approximately 13.5 feet, along with maintaining a separate entrance for the proposed restaurant. The proposed façade design provides a varied type of architecture from the other commercial facades in the building along this portion of Washington Street. The proposed new entrance will also be recessed which will help add depth to the space and the nana wall will provide additional depth to the space during days that are warm enough for the wall to be opened. The proposal complies with the guideline to have 75% transparent material on the ground floor. The windows on the proposed façade will provide views into the restaurant and should not be blocked by interior storage, nonartistic displays, or greater than 30% internally mounted signage.
5. Artistically used metal, wood, and glass, as well as some of the existing brick, are materials that are encouraged in the guidelines and these will be incorporated into the proposed new façade for the commercial space. EIFS, precast concrete panels, and large expanses of corrugated sheet metal are discouraged materials and none of these will be used in the proposed façade design.
6. The commercial space has no visible rear or side facades from the streetscape.
7. The signage design respects the building’s context by creating a signage band that typically holds signage for similar buildings. The proposed signage will also be oriented to pedestrians and is subordinate to the overall building composition. The proposed façade alterations will not extend completely to the top of the structure and the proposed signage will only be approximately 10 square feet, located just above the doorway and nana wall. Awnings and signage on the building for other businesses maintain some of the existing brick above them and this proposed design does the same. The signage for the business is simple stating the name of the business (Casa B) and type of cuisine available (tapas). If the metal façade can be implemented, the signage will consist of letters cut into the metal that will be lit from behind with LED lights. If the wood façade needs to be implemented, the signage will consist of metal lettering that will be affixed to the wood and backlit with LED lights. The proposed awning will create a shade and rain protection space in front of the restaurant.
8. This façade renovation proposal will allow a restaurant to locate in a currently vacant retail space on the ground floor along Washington Street. The nana wall that the Applicant is proposing to



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



install will help to increase pedestrian interest in this area as the nana wall will have the ability to open during the warmer months.

9./10. Artist Live/Work Spaces and residential unit size do not relate to this proposal.

11. The Applicant is not proposing to change the width of the sidewalk as part of this proposal as the building location and depth of the façade from the sidewalk is not changing. The sidewalk is approximately 9 feet wide in this location and the project will maintain that width.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this proposed new use. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The only new lighting being added to the façade will be LED backlighting of the lettering cut into the metal façade (or behind the metal lettering if the wood façade is implemented) and a constant down light at the entryway. The restaurant that is moving into the space will be using existing water and sewer lines and no additional burden to the system above the existing conditions is anticipated. Furthermore, with regard to potential cooking odors that may be emitted from the use, the Applicant has stated they are complying with all codes and regulations for a restaurant use and they have worked with the Health Department to ensure they are compliant in this area. The structure will remain a single story, office and retail mixed-use building.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo, and Michael Capuano with Kevin Prior absent. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	<p>Approval is to alter the façade of the building including window and door openings as well as signage under SZO 6.1.22.D.5. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(May 10, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 18, 2011 (May 23, 2011)</td> <td>A0.02 – Demolition Plans and A1.01 – First Floor Plan</td> </tr> <tr> <td>April 11, 2011 (May 23, 2011)</td> <td>A2.01 – First Floor Reflected Ceiling Plan</td> </tr> <tr> <td>(June 2, 2011)</td> <td>A3.0 – Exterior Elevation and Details</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not de minimis must receive SPGA approval. Sign replacement of the same size within the same sign footprint and using the same sign technology shall be permitted by right.</p>	Date (Stamp Date)	Submission	(May 10, 2011)	Initial application submitted to the City Clerk's Office	April 18, 2011 (May 23, 2011)	A0.02 – Demolition Plans and A1.01 – First Floor Plan	April 11, 2011 (May 23, 2011)	A2.01 – First Floor Reflected Ceiling Plan	(June 2, 2011)	A3.0 – Exterior Elevation and Details	CO / BP	Png.	
Date (Stamp Date)	Submission													
(May 10, 2011)	Initial application submitted to the City Clerk's Office													
April 18, 2011 (May 23, 2011)	A0.02 – Demolition Plans and A1.01 – First Floor Plan													
April 11, 2011 (May 23, 2011)	A2.01 – First Floor Reflected Ceiling Plan													
(June 2, 2011)	A3.0 – Exterior Elevation and Details													
2	If the bended steel plate façade proves to be cost prohibitive, the Applicant shall install a wood façade with metal lettering for signage in the same font and size as indicated on plan A3.0.	CO	Png.											
3	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard. Specifically, all driveway aprons shall be concrete.	CO	DPW											
4	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP											



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



5	Signage will be limited to the type of lettering, materials, and lighting technology shown in the elevation. No internally lit signs shall be allowed unless specifically individually approved by the SPGA in a separate special permit application.	CO/Cont.	Plng.	
6	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 or the night sky.	CO	Plng.	
7	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.	



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



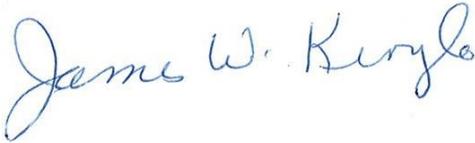
Attest, by the Planning Board:



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov

