



Taking a Bite

Food Business Preservation in Union Square, Somerville, MA

Field Project 2017

Urban and Environmental Policy and Planning, Tufts University

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Taking a Bite: Food Business Preservation in Union Square, Somerville

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The logo for Tufts University, featuring the word "Tufts" in a bold, blue, serif font.

Urban and
Environmental
Policy and Planning



Executive Summary



Known for its diversity of international food businesses, the stretch of Somerville Avenue between Dane Street and Prospect Street is often called “the flavor of Union Square.” Not only does this rich international food landscape create a unique sense of place, but it is also a vital driver of economic activity in the area. However, in recent years increasing property values driven by the proposed Green Line extension have created a precarious situation for local food businesses. Concern over the displacement of Union Square’s iconic international restaurants and markets prompted the Somerville Arts Council’s (SAC) culinary unit, Nibble, to contract a team of graduate students at Tufts University to research what

can be done to protect the existing food businesses in a rapidly changing neighborhood. This research examines the history and development in Union Square, the regulatory environment food businesses operate within, and zoning policy pertaining to the area. Through analysis of the food codes and policies implemented in other cities across the United States and interviews with Somerville public officials and Union Square food business owners, we determined three policy recommendations that SAC, other City departments, and community leaders can implement to preserve the existing diverse food landscape of Union Square. These recommendations are to:

1. **Create a “Food Overlay District” with exclusive opportunities for Union Square food business owners.** Similar to the Union Square Arts Overlay District, a Food Overlay District would provide additional options for food-related development, in addition to protecting precious space for local cultural restaurants. The Food Overlay District would: 1) achieve formula business restrictions through

store size restrictions; and 2) provide support for food entrepreneurship through the promotion of Multi-Use Community Event Permits and Shared Kitchen and Guest Cheffing Permits available exclusively within the FOD.

2. **Amend the current Union Square Overlay District to incorporate stronger small business protections and specific food business protections.** First, the city should require that 30% of business space square footage in the new development be subsidized with priority given to existing food businesses and after that priority to immigrant-owned food businesses. Second, the city should include language in the USOD that encourages developers to set aside a certain portion of ground-level retail to be sold as commercial retail condominiums. This would increase small business property ownership and is more likely to appeal to locally owned businesses than to national chains, which have a standard business model around leasing.

3. Include resources for storefront improvements and other assistance for existing food businesses and budding food entrepreneurs in the Community Benefits Agreement that is currently under negotiation.

In lieu of zoning and health policy changes, SAC might alternatively consider advocating for the incorporation of Union Square food landscape preservation goals into the Community Benefits Agreement (CBA) currently under negotiation between the community and the developers. As such, SAC may want to consider working with Union United and members of the food business community to further expand small business protections. For example, funds from the Small Business Assistance Program could go toward subsidizing guest cheffing events for food entrepreneurs or towards storefront improvements for existing businesses.

These three recommendations were then analyzed and ranked according to five criteria: ease of implementation, level of community awareness, legislative action required, level of support for food businesses and food tourism promotion potential. Ultimately, we determined that the addition of food-business-specific protections in the proposed Union Square Overlay District would provide the best support for existing food-businesses the community. This matrix, though tailored to this field project, may be applied to other studies in the future - particularly those wishing to analyze options for food business protection in commercial core areas.

Team Members

This report was created by Michael Flanary, Stephanie Johnson, Ivy Mlsna, and Wencong Xu. We are graduate students taking the field project course at Tufts University's Urban and Environmental Policy and Planning. The client for this project is Somerville Arts Council (SAC) Nibble, the culinary arm of the local cultural council of Somerville, Massachusetts. SAC asked our team to examine policies and make recommendations to ensure that food businesses in Union Square are around for years to come. This report explains those recommendations and provides sources for more research.



Acknowledgements

We would like to thank the teaching team, Christine Cousineau, our professor, and Lauren Lynch, our teaching assistant for their expertise and guidance during the course of the semester and making this report. Also Marley the dog for listening and being a good boy.

We would also like to thank our client representatives Rachel Strutt, Gregory Jenkins, and Nick Schonberger at Somerville Arts Council (SAC) Nibble. We would also like to thank City of Somerville officials: Doug Kress, Director of Health and Human Services, Tom Galligani, Director of Economic Development, George Proakis, Director of Zoning, Office of Strategic Planning and Community Development (OSPCD), and Dan Bartman, Senior Planner at OSPCD.

We would especially like to thank the food businesses of Union Square, who were very nice to our team and participated in our interviews. Also for the delicious food they produce!



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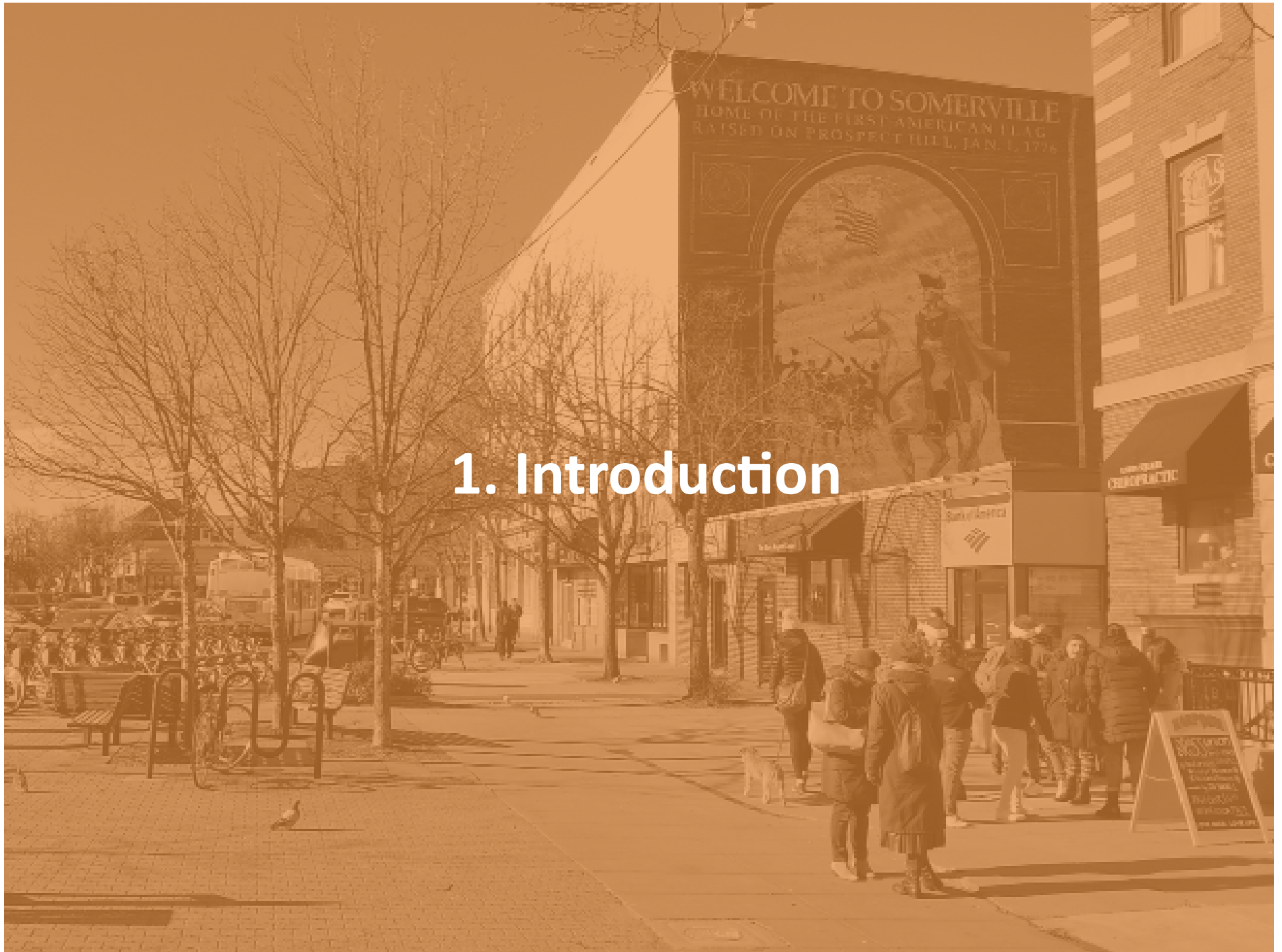
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1. Introduction



Union Square, a vibrant hub of eclectic food and art offerings in the City of Somerville, Massachusetts, has a long history of small business and immigrant entrepreneurship. However, with the proposed Green Line Extension, development pressures in the square have intensified and many businesses, especially many small “mom-and-pop” immigrant-run businesses, are contemplating new ways to remain competitive and relevant in this rapidly changing area. The Nibble Project, housed at the Somerville Arts Council, seeks to support these existing immigrant food businesses in the square and propel new food entrepreneurs. Nibble seeks to achieve these goals by advocating on behalf of existing and burgeoning independently-owned food businesses to City officials charged with drafting new food and zoning policies; as well as through the development of a “kitchen incubator” designed to offer maker-space to food retail entrepreneurs, who have yet to test the popularity of their products in Union Square.

This report will aid the Nibble Project in these goals in the following ways:

- 1) by providing a comparative analysis of nationwide policies for kitchen incubators and guest cheffing to the proposed Massachusetts policy (105 CMR 590.010);
- 2) by providing recommendations to the City of Somerville pertaining to the promotion of innovative food creation and availability in Union Square to be adopted as part of the city’s zoning code and/or a proposed Food Overlay District.



Figure 1. Food businesses on Bow Street, Union Square. (Photo Credit: Michael Flanary)

A photograph of a person standing on a city sidewalk, looking at a map. The person is wearing a dark hoodie and glasses. In the background, there is a busy street with cars, a church with a large stained glass window, and various city buildings. The text "2. Methods" is overlaid in the center of the image.

2. Methods

Research on nationwide health policies and zoning laws pertaining to food production, promotion, and sales were conducted online. The 2016 report “U.S. Kitchen Incubators: an Industry Update” provides a full list of kitchen incubators across the nation, thereby providing us with several city policies to research and consider for application in Union Square. Laws and policies most relevant to our recommendations are presented and analyzed in this report.

An existing conditions analysis focused on the current food landscape of Union Square was conducted and presented using Arc GIS. Data sources include the Commonwealth’s MassData catalog, MassGIS, Reference USA, Somerville Arts Council and the City of Somerville Assessor’s Database.

Interviews with Union Square independent food business owners and local partners were conducted to gain a better understanding of the current challenges and opportunities for food business owners in the neighborhood, as well as a better understanding of how best to provide support to these existing businesses (the full interview design, methodology, and questionnaires are contained in the Appendix). Analysis of data collected through the interviews was conducted in Microsoft Excel. Visualization and presentation of data analysis was

conducted using Microsoft Excel graphs and Arc GIS maps.

Semi-structured interviews with expert City partners: The purpose of these interviews was to learn from expert Somerville planners and community organizers, especially pertaining to: health policies, such as licensing and permitting procedures; current zoning and development proposals in the Union Square area, feasibility of a food overlay district, and other tools to address development pressures felt by local-business owners; baseline information collection for Union Square neighborhood characterization.

Semi-structured interviews with food business owners in Union Square:

We held five in-depth interviews with food business owners in Union Square to hear their perspectives on the planned and undergoing redevelopment in their neighborhood and to get input on how to best address redevelopment pressures. We then presented options for addressing those concerns. The

options we presented and discussed are as follows:

1. Create a new Food Overlay District
2. Incorporate recommendations into a Community Benefits Agreement
3. Incorporate recommendations into the existing Union Square Overlay District

Standardized short interviews with food business owners and chefs:

To expand our understanding and analysis of the existing condition of the food business landscape in Union Square, we conducted 27 brief interviews with chefs and food business owners in Union Square. Some of the questions we asked were about the interviewee’s demographics and others were related to the interviewee’s opinions and specific activities.

3. Project Background





Figure 2. El Potro restaurant (Source: Nibble book)

By promoting and supporting food-related businesses and culinary entrepreneurs—especially from immigrant communities—we aim to spur cultural economic development and preserve the international flavor of Union Square.

- Nibble website



Somerville Arts Council, Nibble

Nibble is the culinary arm of the Somerville Arts Council. Its mission is to celebrate and preserve the international food landscape in Union Square by focusing on small, independent, and often immigrant-owned food businesses. Nibble's programs and initiatives include cooking classes, pop-up restaurants, and a Nibble Entrepreneurship Program (NEP). NEP is unique because it empowers members of local immigrant communities to explore what it entails to launch a culinary career and test food business ideas. Through this program, NEP entrepreneurs hone and share their cooking

by teaching classes, receiving critiques from culinary professionals, and vending at festivals and pop-up venues. They receive business development instruction and mentoring through workshops by industry professionals on subjects ranging from permitting to developing business plans. Lastly, they have direct access to and guidance from the city's Inspectional Services Division and new business support from the Mayor's Office of Strategic Planning and Community Development.



Figure 3. Nibble Entrepreneur Program graduates.
(Source: Nibble)

Other Key Partners

City of Somerville

Division of Economic Development

The mission of the Division of Economic Development is to foster the stability and growth in the city's economy and its commercial areas. This division is committed to bringing new business to Somerville while working with existing businesses to ensure their success. The Division of Economic Development provides resources for helping interested businesses with site location, technical assistance, grants and loans, and other relevant information. Economic Development is part of the Office of Strategic Planning and Community Development. Interviewed: Tom Galligani, Director of Economic Development

Department of Health and Human Services

The Health and Human Services Department is in charge of overseeing public health policy in Somerville. They enforce the State of Massachusetts food code for food businesses. Committed to the protection of the health of the Somerville community, the Department focuses their work on disease prevention, community engagement, and the promotion of healthy behaviors. Interviewed: Doug Kress, Director of Health and Human Services

Office of Strategic Planning and Community Development (OSPCD)

The Mayor's Office of Strategic Planning and Community Development (OSPCD) is committed to making Somerville an even more exceptional place to live, work, play and raise a family by implementing the goals, policies, and actions of the SomerVision comprehensive plan. OSPCD seeks to enhance low- and moderate-income areas of the city, stimulate economic development, increase job opportunities, create future development opportunities, improve the city's neighborhoods, expand housing options, preserve and enhance open space and improve transportation access, with a focus on Somerville's long-term economic, environmental, and social quality of life. The department oversees various land use development activities within the city of Somerville. OSPCD includes Economic Development, Housing, Inspectional Services, Parks and Open Spaces, Planning and Zoning, and Transportation and Infrastructure. Interviewed: George Proakis, Director of Planning, and Dan Bartman, Senior Planner



Figure 4. Black Lives Matter banner at Somerville City Hall (Photo Credit: Michael Flanary)



Figure 5. Sanctuary city banner at the Somerville High School (Photo Credit: Michael Flanary)



Union Square Main Streets (USMS)

Created in 2005, USMS is a non-profit organization that works to create a vibrant neighborhood by enhancing the Union Square business district and surrounding neighborhoods through active community collaboration. A volunteer-driven organization, the group includes business and commercial property owners, residents, civic and non-profit leaders, and Somerville city government. Interviewed: Esther Hanig, Executive Director



Union Square Station Associates (US2)


Selected in 2014 among three other finalists in a proposals submission process, Union Square Station Associates (US2) is the master developer for the area in Union Square near the future Union Square Green Line MBTA station. Following their selection, US2 partnered with the City of Somerville to meet the community's desire to create the Union Square Neighborhood Plan (USNP) to guide redevelopment in Union Square. With the adoption of the Neighborhood Plan, US2 began to coordinate redevelopment consistent with the community's vision for the neighborhood.



Figure 6. Union United marching. (Source: Union United Facebook)

Union United

A coalition of concerned Somerville residents and business owners, Union United works to ensure that the Union Square redevelopment results in benefits for the Union Square community and not displacement. A key driver of the stakeholder group has been to seek a community benefits agreement (CBA) between the master developer US2 and the City of Somerville. The hope of the CBA is a contract that will create a diverse, sustainable, and equitable Union Square with future redevelopment.



4. History and Food Landscape of Union Square



Figure 7. Union Square when the trolley system was still in place. (Source: City of Somerville)



Figure 8. Former food business location for lease and Barbeque International restaurant (Photo Credit: Michael Flanary)

History of Development in Union Square

From its earliest beginnings, Union Square was a center of commerce, rail, manufacturing, and industry due to its proximity to downtown Boston, about 2.5 miles away. It is the oldest commercial district in Somerville and was once the economic engine of the city. Once called “Liberty Pole Square” when firefighters erected a flagpole across from the fire house in 1853, the area became known as “Union Square” when it was transformed into a recruiting center for Union soldiers during the Civil War. Prospect Hill, just north of Union Square, was a strategic position during the Civil War because of its views to Charlestown, Cambridge, and Somerville (Union Square Neighborhood Plan, 2016).

In 1852, the first horse-drawn streetcar system in the Boston area linked Union Square and Harvard Square. Development along the streetcar line made Union Square a sought-after place to live. The early 1900s brought the electric streetcar system to Union Square and linked it to Boston, ferrying commuters to jobs in Boston and Cambridge. Union Square started to have industries in the area as well, including mills, factories and other manufacturing.

As transportation changed in the 20th century to accommodate the automobile, Union Square began to change as well. Given greater mobility, people started to prefer living and shopping in the suburbs rather than in the city. Manufacturing also began to decline in the northeastern United States at this time. The streetcar system was eventually replaced in favor of automobile-friendly highways and paved main streets. These roadways served communities north of Somerville, beginning with McGrath Highway in 1925 and then with Interstate 93, built from 1956 to 1963. Without the streetcar system, the local economy in Union Square collapsed. Density declined as commercial spaces became vacant. When the Ford Motor Assembly Plant in Assembly Square closed in 1958, Union Square saw niche automotive businesses open up, including salvage and repair (Union Square Neighborhood Plan, 2016).

During the 1980s, Union Square struggled to compete with nearby neighborhood commercial centers including Porter Square, Davis Square, and Kendall Square. These squares all enjoyed consistent pedestrian traffic, transit service connectivity, viable retail and service sectors, and were

known as local job centers, which gave them a competitive advantage over Union Square (Martinez, 2015).

In 1990, the State of Massachusetts agreed to a legally-binding resolution to extend the MBTA Green Line light rail transit system to Somerville to offset burdens of traffic and pollution associated with the Big Dig transportation project. In 2015, the United States Department of Transportation (USDOT) committed \$996 million to extend the Green Line from Lechmere station in Cambridge to Union Square in Somerville and College Avenue in Medford (Figure 9, Metro Magazine, 2015). The total cost of \$2.3 billion for the entire Green Line extension, which will serve four more stations, was approved by the USDOT in April 2017 (CBS Boston, 2017).

Union Square has remained much the same physically since the automotive businesses arrived given its accessibility to employment centers. With this affordability, restaurants and markets from a variety of cultures have come to the area, offering a diverse food landscape. The location has become a place for artists, young professionals, entrepreneurs, and families joining lifelong residents to create a vibrant community and cultural destination today (Union Square Neighborhood Plan, 2016). At the same time, in anticipation of public

transit coming to the area, land values in the area have increased, displacing residents and businesses.

Union Square has seen a change in market forces as the area once again becomes a sought-after place. In recent years, the area has seen food businesses close as they

struggle to compete with higher rents both directly and indirectly. As land values in the city increase, lower-income residents, who support these ethnic food businesses are becoming displaced. When these residents are priced-out of the area, the businesses they frequented are put at risk themselves.

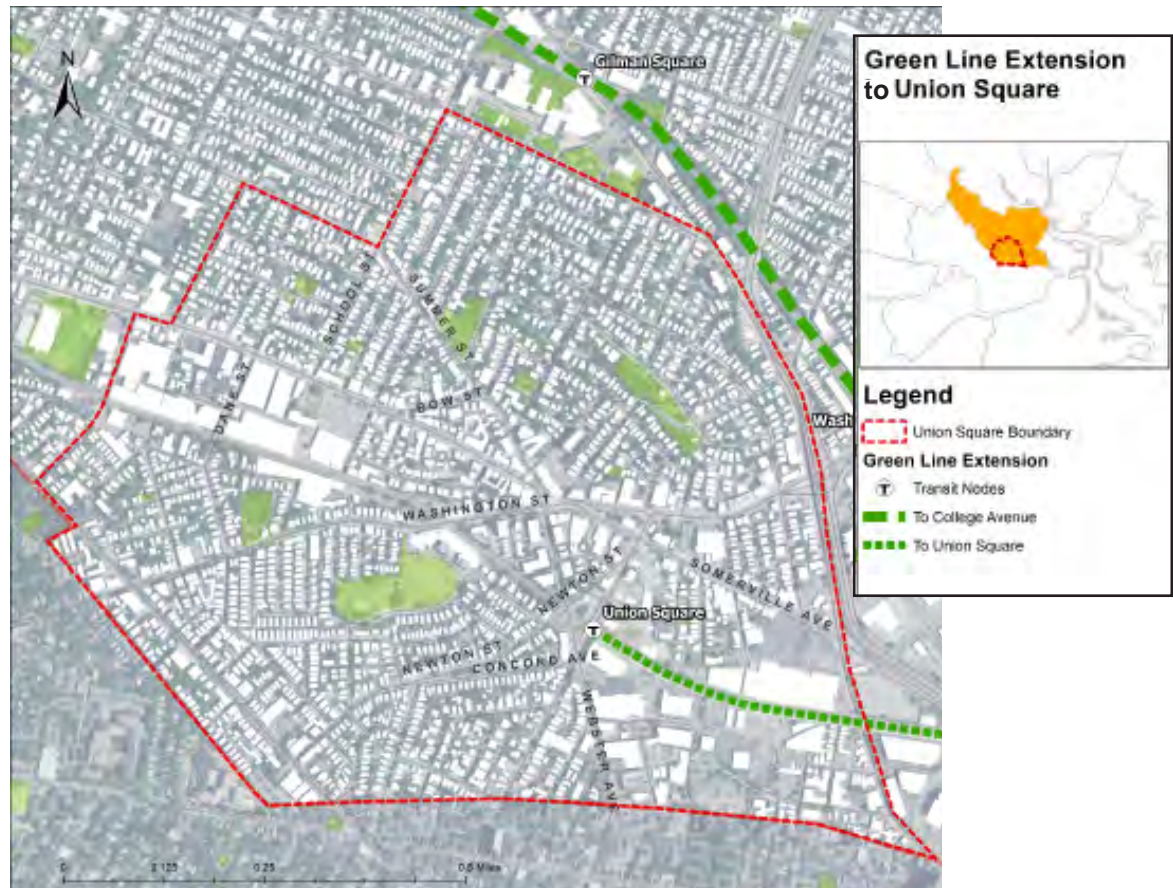


Figure 9. Green Line extension to Union Square. (Source: MassGIS)

Union Square Planning Reports

SomerVision plan (2012)

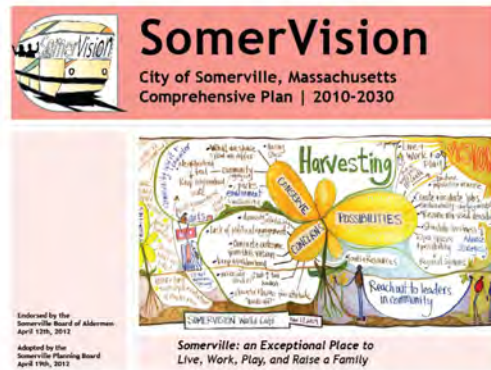


Figure 10. SomerVision plan cover (Source: SomerVision)

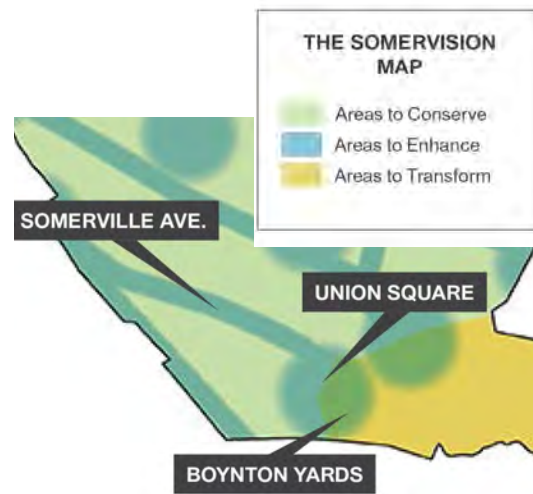


Figure 11. SomerVision map with areas to enhance, transform, conserve (Source: SomerVision)

Initiated in 2009, the SomerVision plan is the City of Somerville's comprehensive plan, providing long-term goals for guiding growth and development over the next 20 years. Over a period of four years and many public meetings, the City's first comprehensive plan set the framework for where the people of Somerville wanted their city to go. The SomerVision plan identifies the Union Square area as a priority area for enhancement and transformation, calling for 42 acres to be transformed (Figure 11, SomerVision, 2012).

Union Square Revitalization Plan (2012)



Figure 12. Cover of Revitalization Plan (Source: City of Somerville)



Figure 13. Map of D parcels in Union Square within walking distance to proposed Green Line MBTA station (Source: Union Square Neighborhood Plan)

The Union Square Revitalization plan provides tools for the city to acquire the land parcels within walking distance of the new Green Line MBTA station in Union Square, and to redevelop them. The plan strives to ensure that new development in the square will be transit oriented development (TOD) - dense development located near public transit. The plan identifies seven development parcels, "D Parcels", and the process for selecting a master developer to build feasible infill projects on them (Figure 13). This private real estate entity would engage in public-private partnerships and work with existing property owners. The Plan was completed in 2012 and two years later, US2 was selected as that private real estate entity, through the selection process outlined in the plan.

Union Square Neighborhood Plan (2016)



Figure 14. Union Square Neighborhood Plan cover (Source: Union Square Neighborhood Plan)

"Union Square planning area is ready to capitalize on its uniqueness and proximity to Boston, but this presents a planning challenge. There are many opportunities to redevelop areas surrounding the new Green Line MBTA station and position Union Square as a destination for significant commercial development. But development must be done in a way that is reflective and supportive of the existing vibrant community."

- Union Square Neighborhood Plan



Figure 15. Union Square rendering (Source: Union Square Neighborhood Plan)

Adopted in 2016, the Union Square Neighborhood Plan (Union Square Neighborhood Plan, 2016) was designed to be a plan for the neighborhood tailored to its needs, putting policy ahead of physical development. While the Green Line extension is imperative to the neighborhood plan, bringing public transit to the area, the plan aims to ensure that Union Square is a place for everyone. The plan includes potential designs for the seven D parcels near the new station and public input from Union Square residents. Using the framework of the SomerVision plan, the neighborhood plan puts forth a goal for the community to grow and thrive.

Somerville Zoning Ordinance Overhaul (2015)

"It's a combination of conserving neighborhoods, enhancing corridors and squares, and opening up development near transportation. We are very focused on making sure that we are able to grow, while maintaining all that we love about Somerville."

- George Proakis, Somerville Director of Planning

Having not been updated in decades, the City made the ambitious effort to overhaul their ordinance to make zoning modernized, more predictable and fair, while incorporating policies and goals set forth in the SomerVision comprehensive plan. The new zoning reflects the community's desire for an expansion of inclusionary housing, preservation of neighborhood character, zoning for arts and the creative economy, and streamlined permitting for small, independently-owned businesses (City of Somerville, 2015). Having held more than 100 public meetings and received several hundred comment submissions, the planners of the zoning overhaul expect to submit the ordinance before the Somerville Board of Aldermen for approval, and to take effect, in 2017.



**Figure 16. Reliable Market
(Photo Credit: Michael Flanary)**



**Figure 17. The Neighborhood Restaurant on
Bow Street (Photo Credit: Michael Flanary)**

Current Status of Redevelopment

Redevelopment in Union Square is an ongoing situation with updates happening throughout our study of the area. As of mid-May 2017, the City of Somerville had yet to enact OSPCD's proposed zoning changes in Union Square. However a deal has been struck between the City, its constituents and US2. In order to secure \$112 million in community benefits, US2 needs to complete negotiations for the Community Benefits Agreement with a council of community members and the City needs to approve the Union Square Overlay District zoning proposal by May 31st. In addition to this, the Green Line extension is expected to restart construction in 2018 and be operating by the end of 2021 (Newman, 2017).



Figure 18. Location of future Green Line station in Union Square (Photo Credit: Michael Flanary)

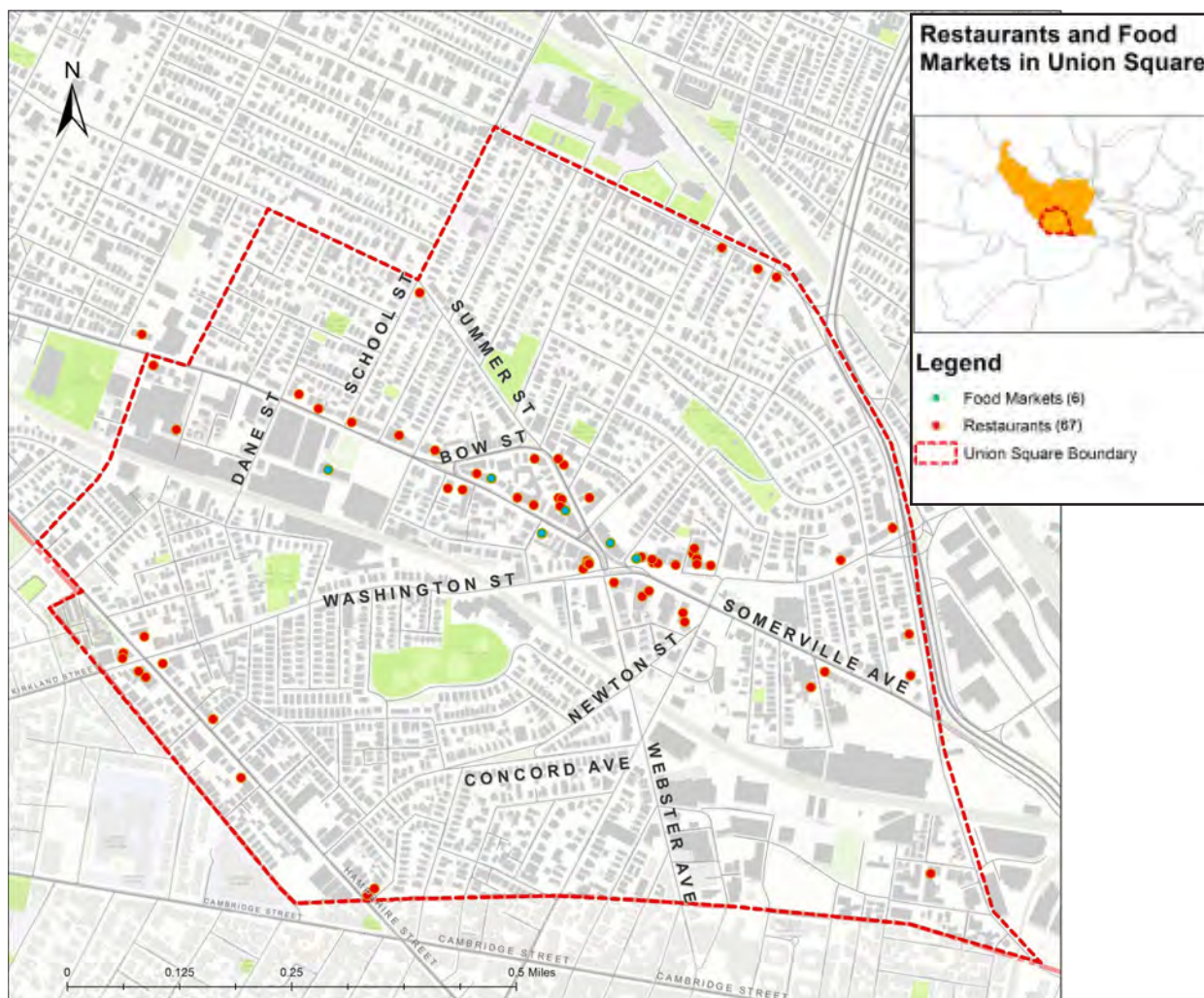


Figure 19. Map of food businesses in Union Square. (Source: ReferenceUSA, verified and corrected by team)

Current Food Business Landscape in Union Square

Reference USA shows that in 2017 there are 105 restaurants located in Union Square (ReferenceUSA). However, after investigating the food businesses in Union Square identified by Reference, our team found that many were closed and that some had been replaced by other restaurants or other retail stores. Finally, we found that there are currently 73 food businesses located in Union Square, of which 67 are restaurants and 6 are food markets (Figure 19). Of these restaurants, most are located along Somerville Avenue and Washington Street, with a majority nestled at the intersection of those two streets. Other groups of restaurants are separately located at the intersection of Beacon Street and Washington Street, the intersection of Summer Street and School Street, and the triangle area of Washington Street and New Washington Street (we included this outside group because it is still in the impact area of Union Square and the upcoming Union Square Green Line MBTA station).

Over 40% of food business owners in Union Square come from other parts of the world. In 27 surveys, 16 different countries of origin were identified.

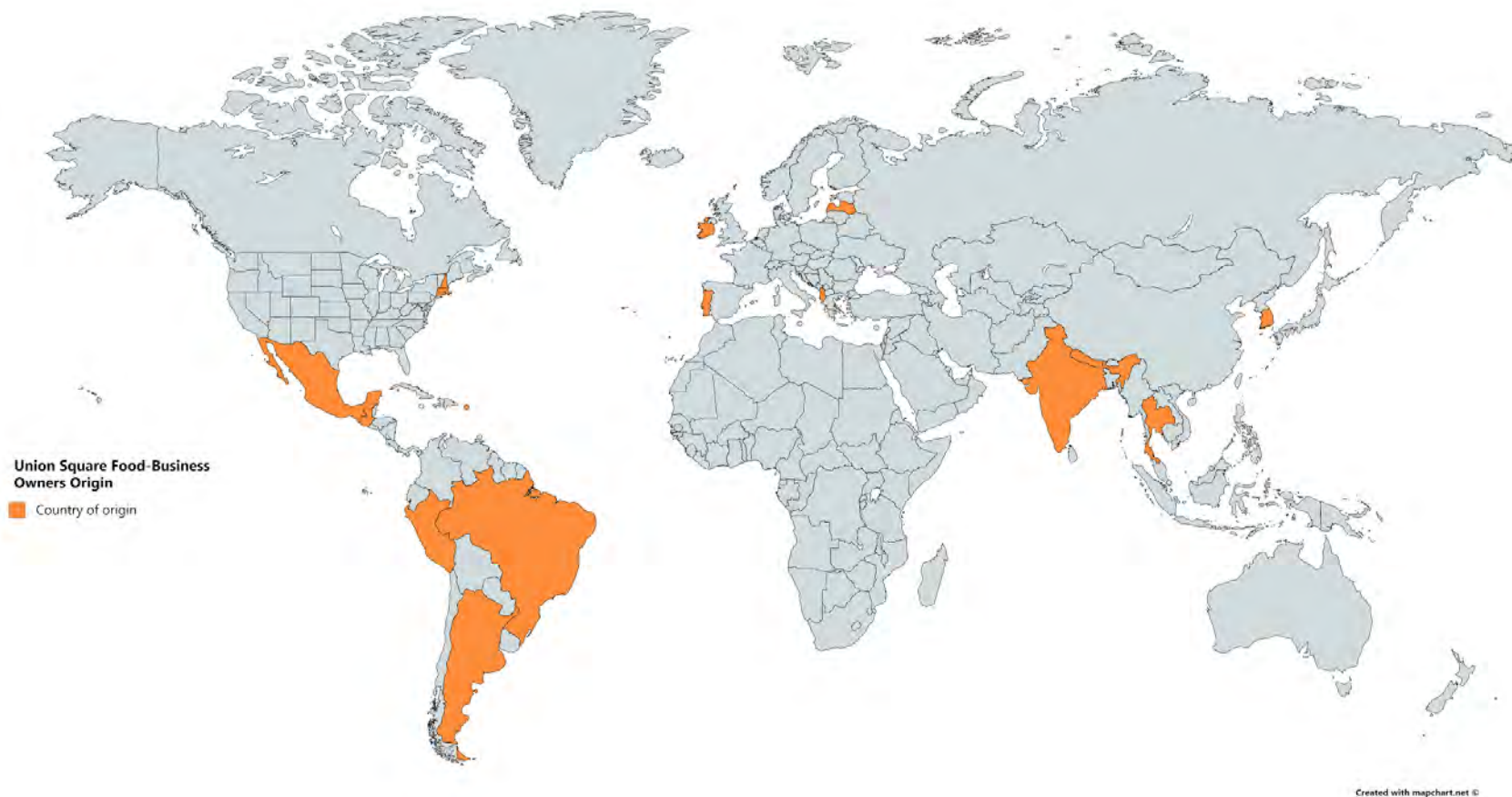


Figure 20. Map of food business owner origin. (Source: mapchart.net, interviews)

"I've seen my clientele change from mostly townies, to yuppies, to hipsters. But that's OK! It just means I've needed to adjust some of my businesses operations."

- Market owner in Union Square

Food Businesses' Years in Operation

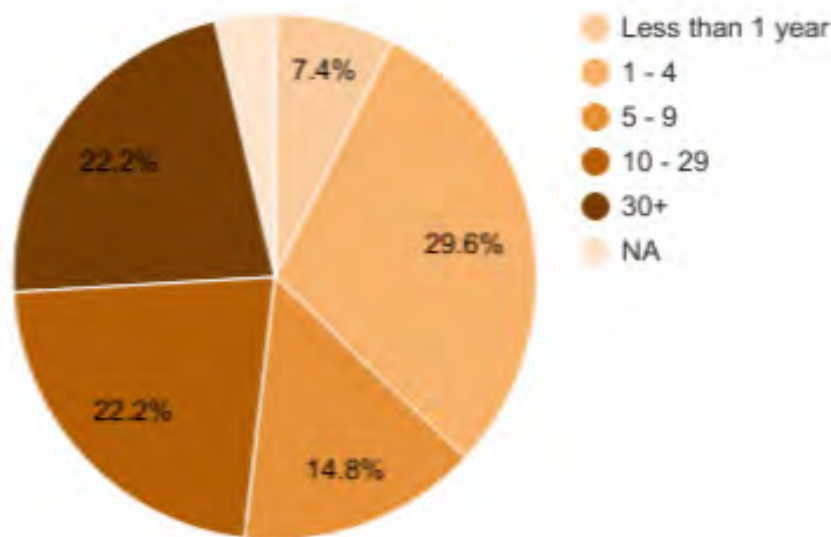


Figure 21. Food businesses' years in operation
(Source: Union Square business owner interviews)

In our baseline interviews of 27 food businesses (24 restaurants and 3 markets), we found that Union Square has a global representation with over 40% of the owners originating from 16 countries besides the United States. (Figure 21).

Additional findings

- 33% of food business owners lived in Somerville.
- 66% of the surveyed food businesses rented their building.
- Of the 18 food businesses that rent, 50% said that they would own if possible.
- Over half of the surveyed businesses participate in community events.
- 26% of food businesses were interested in having outdoor seating.
- Many food businesses that have been open for 30+ years owned their building.
- Four restaurants bring in guest chefs regularly or periodically.

Interview with Rosy, owner of Machu Picchu restaurant

Rosy Cerna came to Somerville from Lima, Peru in 1995. For her first five years here, she worked at a restaurant in Cambridge before deciding to go into business herself. Her business tenure in Somerville began in 2000 when she bought Taco Loco; however, not being a Mexican native, she had trouble coming up with innovative menu offerings and eventually decided to make a switch to what she knows: Peruvian cuisine. She now owns two restaurants in Union Square: Machu Picchu Restaurante Turistico and Machu Picchu Charcoal Chicken and Grill. She currently leases out the space she operates her restaurants in, but she is actually very interested in owning the building. The problem is, property prices are extremely high and the empty spaces available for purchase would require many expensive renovations to make operational. So, she maintains a five-year lease and tolerates an annual 3% rent increase. However, this year was different. Her rent increase was much more dramatic and unexpected. To justify the increase, her landlord explained that the property value has greatly increased; therefore, more taxes need to be paid on the property. While Rosy understands the reason behind this increase,

she is concerned about the additional costs associated with maintaining the property and improving her storefront and interior.

“I don’t like that [my landlord] increased the rent by \$700 but doesn’t take care of the issues that we have...[such as] the roof leaking. She says if we have a problem with the building we can leave...[My landlord] knows the Green Line Extension is coming to Union Square and she wants to take advantage of that.”

Rosy is not so sure about the opportunities her landlord sees associated with the Green Line Extension project. She has heard her community talking about this for as long as she has been in business in Union Square, but questions whether the project will actually happen (we did explain to her that the funding for the project had been approved and the construction for this project would be starting soon). Nonetheless, she recognizes that when this project does happen, she is going to have her work cut out for her to keep up with the new development. She is concerned about making her storefront more attractive to compete with recognizable formula storefronts, wants to provide more

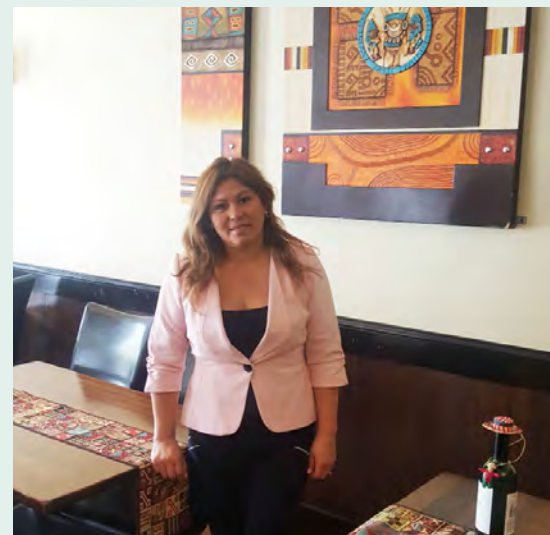


Figure 22. Rosy of Machu Picchu restaurant.
(Photo Credit: Stephanie Johnson)

food options and desires to improve the restaurant’s interior ambiance. A tall order for a small-business owner facing high rent increases and building maintenance issues.

While Rosy faces challenges associated with the Union Square redevelopment, she also sees opportunities to increase the amount of patrons she can serve daily. In the past, she has participated in community events such as the Fluff Festival

or the Somerville Arts Council food tours – these types of events have definitely helped her promote her business. She would like to see an increase in food tours happen during the construction phase of development, and would be interested in participating in a community event centered around guest cheffing opportunities to bring new visitors to existing food businesses in Union Square.



Figure 23. Outside Machu Picchu restaurant. (Source: Google Maps)

Interview with Jeetendra, owner of New Bombay Market



Figure 24. Jeetendra of the New Bombay Market. (Photo Credit: Stephanie Johnson)

Jeetendra bought the New Bombay Market, located at 359 Somerville Ave, just two years ago. When he was looking for potential business opportunities, he specifically looked in Union Square, knowing the Green Line Extension project would be bringing more people to the area. However, he is still waiting to see the booming business he was expecting when he moved to this location. His client base is pretty steady and comprised mostly (90%) of the local Nepalese community. He says about 5% of his business comes from Indian and Pakistani residents, and the remaining 5% is younger American patrons. Most of the new customers he is seeing these days are younger people who come in to visit but tend not to do their weekly grocery shopping there. "I sell spice, and spicy food – so spicy people come in here!"

While Jeetendra is happy with his business and client base, he is really hoping to see more foot traffic in the area to attract more visitors to his shop. As a sole proprietor, Jeetendra is not able to leave his store to participate in community events such as the farmer's market. He is looking for more

support from the City to implement changes which will increase the number of people coming to his market. Not only does this include beginning the construction of the Green Line station to bring more people to the square, but this also includes simpler actions like ensuring immigrant owned food markets, such as New Bombay, are accessible to the people who wish to shop there.

Currently, Jeetendra has no parking for his market. There is street parking, but customers must have quarters on hand to pay the meter in order to grocery shop. Jeetendra has seen multiple customers get a parking ticket while shopping at his store and then not return. Providing a few 15 or 30 minute parking spaces outside of these important cultural food centers would go far in ensuring Union Square residents can continue to procure authentically sourced specialty items from their native counties while supporting local small businesses.

5. Food Business Regulatory Environment





Figure 25. Cuisine at Union Square.
(Source: Nibble book)

In order to operate, the food businesses in Union Square must comply with health policy to ensure that the food is safe for consumption by the public. Food retail is subject to a complex web of federal, state, as well as local regulations. The storage, handling, cooking, and serving of the food is just one aspect of these regulations; kitchen equipment and workers themselves are also carefully regulated. The Food and Drug Administration (FDA) is the primary federal agency responsible for the regulation of retail food establishments; this is accomplished through the publication of the national Food Code every four years. This code is a document of food sanitation regulations for retail outlets, which State, tribal, and local regulators can use as a basis for food retail regulation in their own jurisdictions.

In Massachusetts, the Department of Public Health is the entity responsible for updating and revising the State Food Code; 105 CMR 590.000 is the chapter of the Code which includes sanitation standards for food establishments - these are provisions designed by the State and are not included in the FDA Food Code. Within the Department of Public Health there is a Food Protection Program which strives to ensure a safe and wholesome food supply in the Commonwealth. This

objective is met through the conduction of routine inspections, implementation of educational program, response to foodborne illness complaints, and the undertaking of regulatory enforcement actions. Commonwealth regulations mandate that each food establishment must have at least one on-site person in charge (i.e., an owner or manager) who is a certified food protection manager through an accredited program such as ServSafe or Prometric.

The City of Somerville has an Inspectional Services Department which is responsible for the issuance and renewal of health-related licenses as well as for the enforcement of State Sanitary Code compliance within the City's jurisdiction. New food -businesses are required to obtain a food establishment health license from the City. Separate licenses are required for catering, alcohol provision, mobile food sales, and farmers market participation.

Overview of State and National Food Code

Every four years, the Food and Drug Administration (FDA) publishes an updated version of the national *Food Code*, a model retail food code that provides governments with a scientifically-sound technical and legal basis for regulating retail stores and food service establishments. Local, state, tribal, and federal regulators use the *FDA Food Code* as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy. This national code is the underlying structure which all additional state, tribal, or local governments should build upon when those jurisdictions wish to provide additional or clarifying policies.

In 2001, the Massachusetts Department of Health adopted the *1999 FDA Food Code* to replace the Massachusetts Retail Food Code that was promulgated in 1984 and amended in 1990. Since that time, there have been significant changes in the science of food protection. The FDA updated and reissued its model *Food Code* in 2001, 2005, 2009 and 2013, and issued supplemental guidance in 2015. Forty-six states currently enforce these newer versions of the *FDA Food Code*. Only Massachusetts, Louisiana, Arizona and the

District of Columbia still enforce the 1999 version of the code.

Some local jurisdictions in Massachusetts have already adopted and enacted the 2013 Food Code. However, adopting the 2013 FDA Food Code statewide would be a better approach: it would eliminate the need for municipalities to adopt the code as a local regulation and prevent significant industry impacts where establishments have multiple locations in different communities. Massachusetts is in the process of adapting the 2013 code to meet its more specific needs; public hearings on these amendments to the State Sanitary Code were held in winter 2016, with a draft revision of the sanitation standards available on the Department of Health website. The remainder of this report focuses, specifically, on draft 105 CMR 590.010: Minimum Sanitation Standards for Food Establishments: Guidance for Retail Operations.



Figure 26. Kitchen at Brass Union restaurant. (Photo Credit: Wencong Xu)



Figure 27. Juliet cafe in Union Square.
(Photo Credit: Michael Flanary)

Draft Massachusetts Shared Kitchen Code

The most recent draft of the revision of the State's Sanitation Standards for Food Establishments includes language defining shared kitchens and incubators, as well as outlines a licensing and permitting procedure required to enact and operate such establishments. The specific language is as follows:

105 CMR 590.010 (H) Shared Kitchen or Incubators

(1) Shared kitchens or incubator operations are food preparation facilities that are designed to provide fledgling food retailers or preparers with kitchen space and access to professional equipment.

(2) Shared kitchen entrepreneurs use these facilities:

(a) To develop their skills and create products before committing to the expense of operating a commercial kitchen on their own, or

(b) To rent space for the purpose of preparing food that may be served or sold to the public before they are ready to open a restaurant or operate a commercial kitchen on their own.

(3) An alternative to renting space in a shared kitchen incubator is renting space in the kitchen of a permitted restaurant, in which an entrepreneur would operate under the permit and supervision of the restaurant's operator with a separation of food production and food products.

(4) Required Approvals.

(a) The owner-operator of a shared kitchen shall not rent or share the kitchen unless it has been approved to do so and has obtained a valid permit from the board of health. Each shared kitchen is subject to inspection and enforcement as a retail food establishment.

(b) Each user of a shared kitchen must obtain a retail food license from the board of health of the town where the food is sold or served in order to sell ready-to-eat food at street fairs or any type of catered event in Massachusetts.

Other Nationwide Food Codes and Policies

Definitions

There are several ways a burgeoning chef can test their product out with the public before making a commitment to start their own business. A chef at the beginning of their business explorations may simply want to test the popularity of their cuisine in a particular neighborhood. Other food entrepreneurs may just require commercially-licensed space to create their products, and some may need a more structured and supportive innovation space with a workforce training program and partnerships with local artisan markets. These different commercial uses are defined and delineated in some food codes around the country. Other food codes lump these activities into “kitchen sharing” or do not address them at all.

- According to the City of Minneapolis, a *community kitchen* is defined as “an approved facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used

by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.”

- The Chicago food code differentiates between shared kitchen space that is used exclusively as a non-retail makerspace or used for a food-related purpose secondary to the establishment’s primary business.
 - Shared Kitchen (Operator): Any establishment used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its commercial kitchen space to individuals, or business entities, for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; and does not hold a valid retail food establishment license.
 - Like the *community kitchen* defined above, though with a non-commercial purpose.
 - Shared Kitchen (Supplemental): Any licensed retail or wholesale food establishment, that leases, rents or otherwise makes their commercial kitchen space available for utilization by individuals or business entities for

food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose that is secondary or incidental to the establishment’s primary business activity of retail or wholesale food establishment

- Could be interpreted as a policy for “*guest cheffing*”, where an individual or entity may rent out commercial kitchen space from a licensed retailer for the purposes of public/retail menu planning or taste testing. Language could also be interpreted to mean the individual or entity may produce but not sell the product created in the commercial kitchen.
- Massachusetts provides delineated definitions for *shared kitchens* (105 CMR 590.010 H.1) and *guest chefs* (105 CMR 590.010 H.3)

shared kitchens: Shared kitchens or incubator operations are food preparation facilities that are designed to provide fledgling food retailers or preparers with kitchen space and access to professional equipment.

guest cheffing: An alternative to renting space in a shared kitchen incubator is renting space in the kitchen of a permitted restaurant, in which an entrepreneur would operate under the permit and supervision of the restaurant's operator with a separation of food production and food products.

Liability

What follows is an example liability statement for an incubator kitchen (most such facilities require similar tenant insurance):

Flint Food Works, LLC shall not be liable for any damage to either person or property sustained by the tenant or by any third party arising in any way out of the tenant's use, operation, occupancy of Kitchen premises, or sale or distribution of any product manufactured in or on the kitchen premises. By entering into the terms of the Flint Food Works Kitchen Rental Agreement, the tenant covenants and agrees to indemnify, defend and save hold harmless Flint Food Works, LLC and its successors, heirs, affiliates, executors, administrators, agents, assigns, servants, employees, directors, officers, employees, agents, servants, officers, past and present and any related corporate entities from all claims, costs, and liabilities arising from or in connection with tenants

use of the kitchen, including any and all damages, injuries to persons (including death), or property in, upon, or about the kitchen's premises, or any portions thereof, or resulting from the sale, distribution, and use of a product manufactured by the tenant on the kitchen premises. Food Works, LLC holds liability insurance for the facility and the equipment; it does not provide liability insurance for any food products/ items produced by tenants using the facility. Tenants must obtain liability insurance of at least \$1,000,000 (One Million Dollars) per occurrence and \$2,000,000 (Two Million Dollars) aggregate, with Flint Food Works, LLC named as additional insured.

Licensing and Other Required Approvals

In Chicago, a Shared Kitchen License is required for each business and user of a shared kitchen. These licenses are either short (90 day) or long (2 year) term. When a business or user is applying for a shared kitchen user license, all activities and services must be detailed on the application. Fees are commensurate with the size and duration of the food-related activity. Shared kitchens pay the highest licensing fee, with a "shared kitchen – supplemental" (or guest chef) licensing fee costing about half

as much – however, this cost is in addition to the applicable retail or wholesale food establishment license. Short-term shared kitchen user license fees are quite small, while long-term user fees are the same as the cost of the supplemental license. Shared Kitchen/ Shared Kitchen-Supplemental applications require a valid Food Sanitation Manager Certificate, a lease or other proof of ownership of the business location property, proof of valid retail or wholesale food establishment license, and a business location floor plan. Shared Kitchen User applications also require a valid sanitation certificate, a lease or statement of intent from the owner or operator of the applicable licensed shared kitchen, as well as a menu of the food items the applicant intends to handle for food-related purposes at the licensed shared kitchen.

Recurring Catered Events and Temporary Events

The current policy in Somerville for a temporary event series requires applying for a temporary food permits on an individual basis. This can be inefficient and burdensome when events may be ongoing or seasonal. According to the City of Somerville's Inspectional Services Department's (ISD) Temporary Food Permit Policy for 2015, temporary food

permits (TFP) follow the 1999 Food Code as a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a single event or celebration. All food service beyond what is approved by the Somerville Food License needs to obtain a TFP. These permits are usually used by vendors at Somerville public events or festivals like SomerStreets. A TFP is required for all food vendors if the public is invited to a Somerville event where food will be served. Food business establishments that are already licensed in Somerville must still obtain a TFP as it provides information about how the food business will transport, serve, and keep the food safe. Somerville allows for TFP fees to be waived with a “doorstep exemption” for food businesses that are operating close to their licensed establishment. This exemption of fees stipulates: that a TFP application is still completed, along with being within 250 feet of the establishment, not across an active street, and have easy, convenient access to the establishment’s facilities (bathrooms, refrigeration and sanitizing). For food businesses at a farmers market, Somerville has a separate permitting requirement from the TFP (City of Somerville).

A temporary food permit that includes the recurring series of temporary

Case Study: King County, WA

King County, Washington has a population of nearly two million people and includes the state’s largest city, Seattle. King County’s Public Health department has about 11,000 permitted permanent food establishments (King County). In addition to food safety inspection and food safety ratings, there are several permits and licenses for food businesses:

Temporary food service business permit

The temporary food service business permit allows for recurring temporary food establishments for up to twenty-one days or up to three days per week, coinciding with an already approved event. This temporary food service business permit is used for events like fairs, festivals, fundraisers, sporting events, and other public events (King County). The guidelines and fee schedules for these temporary food establishment show the requirements based on what type of food will be served and handled during food service by several categories: minimal, moderate and complex. The cost of the permit increases with each category, taking into account whether the food is packaged, whether raw animal products are used, and if food is cooked and cooled in a prep-kitchen. Additionally, food businesses may choose to opt into an incentive based permit option. This enables food businesses to attend

multiple events for a lower cost if they are able to demonstrate and maintain good food safety practices. Having a certified booth operator class completion and certificate is required for this option.

Catering and home-based food establishments

In order to prepare and serve food at private parties and events, catering food businesses require a food service permit. These catering businesses have to be operated from an approved commissary kitchen. The commissary is an essential part of a caterer’s operation and must have facilities for supply storage, equipment cleaning, food preparation and other food service-related activities. Many catering operations lease space at an existing approved commercial kitchen facility rather than constructing a facility of their own. Some examples of facilities that may be utilized include rental kitchens, existing restaurant kitchens with time and space available; church, school or community kitchens. Food businesses which use a shared kitchen situations are evaluated on an individual basis (King County). There is a Use of Commissary/Shared Kitchen Agreement form for caterers and commissary owners to agree to terms and so that the county has documentation about what services will be allowed at the commissary.



Figure 28. Fluff festival in Union Square
(Source: Relish Management LLC)

events may help in Somerville to support ongoing temporary food establishments. In King County, WA (which includes Seattle) there is a temporary food service business permit that allows for recurring temporary food establishments for up to twenty-one days or up to three days per week, coinciding with an already approved event. King County has guidelines and fee schedules for these temporary food establishment by several categories, increasing with each category. Additionally, food businesses may choose to opt into an incentive based permit option. This enables food businesses to attend multiple events for a lower cost if they are able to demonstrate and maintain good food safety practices.

In another example, the City of New York has a temporary food service establishment permit (TFSE) that is only valid when used in conjunction with an event that meets one or more of the following criteria: a single event with a one-time continuous duration of fourteen days or less, recurring events that do not exceed three total days per week at the same location, and multiple events at different locations occurring in the same week that do not occur at the same location, day or time, and which do not exceed three days in a given week (nyc.

gov). New York does not require a restaurant to obtain a separate temporary food service permit if they are already permitted as a food service establishment (FSE) to operate at special events on a temporary basis. As part of this regulation, FSE's must have a copy of their FSE permit onsite at the temporary event and available for inspection (nyc.gov).

Model Code and Policies for the Support of Food Entrepreneurs

Conversations with food business owners revealed there is no explicit regulatory structure to license or permit guest chefs or cooking demonstrations in the City of Somerville. While the authors understand additional regulations and permitting requirements can be burdensome for businesses, we do recommend formalizing a regulatory program for the permitting of guest cheffing and cooking demonstration events. We recommend this not just for public health and sanitation reasons, but also because formalizing these events will make it easier for the Somerville Arts Council (SAC) to keep track of and promote them.

Food entrepreneurs with no commercial space of their own may wish to take advantage of kitchen incubator space or utilize the kitchen area of an existing business

in Union Square. A Guest Chef License should be offered by the City of Somerville to these types of entrepreneurs, which would easily allow them to use these spaces. This license application must require proof of ServSafe or similar certification for sanitary kitchen management practices as well as proof of liability insurance. These permittees must be required to report any intended public food sales - whether this is an incubator or market cooking demonstration or a guest chef appearance at a local restaurant. This will allow the City's Inspectional Services Department to more readily respond to any food-illness complaints and will also allow the SAC or Union Square Main Streets to advertise and promote these events through their websites or other media.

Existing food business establishments in Union Square should be offered a Multi-Use Permit to offer food at public and private events. This would include off-site catering for public or private events, food sales at temporary events such as Oktoberfest or Fluff Festival, and food sales at the farmer's market. This Multi-Use Permit should be modeled after the Multi-Use Permit offered by the County of Sacramento (see case study: Sacramento County). Over half of the existing businesses we surveyed reported they already

participate in these types of events; however, they also reported being prohibited from participating in the farmer's market due to their existing storefront in the area. Many of these business owners, while recognizing the space limitations at the market, still felt this exclusion was unfair, as patrons in the square on market days most frequently spent their time and money at the market, and not the surrounding businesses. The City needs to allow for 1-2 booths as the market to be utilized by local businesses. Any business with the Multi-Use Permit would be eligible to sell food at these booths. Businesses interested in market participation should be allowed to occupy this space on a shared/rotating basis.

Model food code:

105 CMR 590.010 (H) Shared Kitchens, Incubators, and Guest Cheffing

- (1) Shared kitchens or incubator operations are food preparation facilities that are designed to provide food retailers or preparers with kitchen space and access to professional equipment.
- (2) An alternative to renting space in a shared kitchen incubator is renting space in an existing commercial kitchen, such as a restaurant.

(3) Shared kitchen entrepreneurs use these facilities:

- (a) To develop their skills and create products before committing to the expense of operating a commercial kitchen on their own, or
- (b) To rent space for the purpose of preparing food that may be served or sold to the public before they are ready to open a restaurant or operate a commercial kitchen on their own.

(4) Guest Chefs may be contracted to "perform" (operate as the Executive Chef) at restaurants, food markets, kitchen incubators, or community events on a temporary basis.

(5) Required Approvals.

- (a) The owner-operator of a shared kitchen shall not rent or share the kitchen unless it has been approved to do so and has obtained a valid permit from the board of health. Each shared kitchen is subject to inspection and enforcement as a retail food establishment.

(b) Each user of a shared kitchen must obtain a retail food license from the Inspectional Services Department in order to sell ready-to-eat food at restaurants, food markets, kitchen incubators, or at community events in Somerville. Users must also provide proof of liability insurance and a copy of a valid sanitary kitchen management certificate.

Case Study: Sacramento County, CA

The Sacramento County, CA has a multi-event permit for a temporary food facility. In some cases a seasonal operation may be approved. The seasonal operation is designated as high risk or low risk depending on the facilities and scope of food sales. All seasonal temporary food facilities must obtain the multi-event permit.

Criteria for the designation of Season Operation include, but are not limited to:

- A single operation.
- **Low Risk** designation includes: properly labeled, prepackaged, processed food from an approved facility that may or may not require refrigeration such as candy, canned soda, and ice cream bars. Unpackaged potentially hazardous foods that require no preparation other than portioning and serving such as pizza, hot dogs or ice cream. Unpackaged non-potentially hazardous foods such as popcorn, snowcones, and cotton candy.
- **High Risk** designation includes: Assembling, prepping, or cooking of potentially hazardous foods such as BBQ chicken, tacos, sushi, chow mein, hamburgers etc.

Operation should not exceed 25 consecutive or non-consecutive days in a 90 day period. The “seasonal” designation would be used in cases where the same seasonal activity occurs year after year. Examples: little league snack bars, Christmas tree lots, pumpkin patches.

If a seasonal snack bar is operating for more than 25 days in a 90 day period, it is required to have permanent approved facilities.

Definitions

The following terminology is used in the multi event permitting process and is based on the California Uniform Retail Food Facilities Law (CURFFL).

“Community Event” means an event that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency. CURFFL 113750.1

“Event Coordinator” is the person or organization responsible for facilities or equipment that are shared by two or more temporary food facilities operating at a community event. CURFFL 114314

“Temporary Food Facility” (TFF) means a food facility operating out of temporary facilities approved by the enforcement officer at a fixed location for a period of time not to exceed 25 consecutive or non consecutive days in any 90-day period in conjunction with a single, weekly, or monthly community event. CURFFL 113895

“Multi-Event Permit” allows a temporary event vendor to sell at any permitted community event for no more than 25 days in a 90 day period without the event coordinator being charged an individual fee for the multi-event vendor’s booth. Sacramento County Code 6.110.036

Types of Multi-Event Permits

This department currently has two types of multi-event permit.

“Pre-packaged / Low Risk Permit” would be issued to a vendor that sells any properly labeled, prepackaged, processed food from an approved facility. Examples include candy, canned sodas, canned and bottled foods, and ice cream bars. This permit may also be issued to a vendor who engages in low-risk food preparation of foods such as; snow cones/shaved ice, smoothies, hot dogs, espresso beverages, and precooked/sliced pizza.

“Food preparation / High Risk Permit” would be issued to a vendor who engages in cooking, packaging, processing, assembling, or portioning, of any potentially hazardous food. High-risk food

preparation includes foods such as: hamburgers, tacos, meat sandwiches, and barbecue.

Administrative requirements

The following requirements must be complied with to operate under a multi-event TFF permit:

1. Operate from an approved retail food facility. Provide completed commissary letter.
2. Operate only at approved community events in Sacramento County.
3. Multi-event TFF vendors must fill out a detailed TFF menu to be completed once a year and each time the menu changes. A specialist from environmental health will review and approve the TFF menu completed by the vendor describing their operation and verifying that food is obtained from approved sources and an approved facility is provided for:

- transportation,
- food and equipment storage,
- equipment/multi-use utensil cleaning and sanitizing, if applicable,
- refuse disposal,
- food packaging and approved labeling, and
- food preparation.

4. A multi-event TFF permit will be required for each booth operating at the same time in Sacramento County.

5. Multi-event TFF vendor must submit annual payment of permit fee.

6. A current food safety certification is required for high-risk TFF vendors. Copy of food safety certificate must be provided with application.

7. A current food safety certification or food safety education class certificate (Environmental Management Department provides food safety education class) is required for low-risk TFF vendors. Copy of food safety certificate or food safety education class certificate must be provided with application.



6. Assessment of Union Square Zoning

Overview

Zoning is a powerful tool that can be used to safeguard the immigrant-owned food businesses in Union Square. However, zoning is only one component of the many required to assist in the preservation of Union Square's food landscape. Somerville's zoning is changing citywide from a use-based zoning code to a form-based zoning code. This means that the city will focus on building form as it relates to streetscape instead of limiting zones to uses. It will encourage mixed-use developments, and it will rely on concepts and patterns intended to preserve the assets and character of a community.

In 2009, the City of Somerville revised Union Square's zoning to include more mixed use areas. This resulted in new types of mixed-use zoning districts, the Commercial Corridor District (CCD-45 and -55) and four different transit-oriented development districts (City of Somerville, 2012). The new zoning applied to Union Square was designed to be responsive to changing market conditions while maintaining high standards for building design and construction (City of Somerville, 2012). In addition, this rezoning included creating a new Union Square Arts Overlay District to ensure that benefits are focused in Union Square

and avoid negative effects on neighboring areas of Somerville. The Arts Overlay provides incentives for incorporating arts-related uses in new development. This was done by regularizing and streamlining existing requirements for use, density, parking, and review procedures (City of Somerville, 2009).

The 2012 Union Square Revitalization Plan identified the seven D Parcels at the center of Union Square as development opportunities. They are formerly industrial sites, vacant or underused, close to the future Green line station. The 2016 Union Square Neighborhood Plan proposed a zoning overlay – the Union Square Overlay District (USOD) – for an area incorporating those parcels and others in between and around them to form a unified development framework for the heart of Union Square (Figure 32). The USOD governs the area that is being master planned by US2.

The CCD and TOD zoning designations remain the base, underlying districts, but the overlay gives more development incentives if specific ratios of uses and other requirements are followed. New zoning designations in the overlay include MR4 and 5 (mid-rise buildings of 4 and 5 stories), CC 4, 5, and 7 (commercial core buildings of 4, 5 and 7 stories) and HR



Figure 29. Union Square sign
(Photo Credit: Michael Flanary)

(high-rises, from 70' to 100' in height).

These changes reflect refinements and adjustments made to zoning requirements as each parcel is examined in more detail for its development potential, and continue to evolve. The overall principles guiding the evolution of zoning in Union Square remain the same: to apply the goals of SomerVision, unlock the development potential of Union Square as a vibrant, dense, transit-oriented center, create more jobs, increase the city's commercial tax base, and engage the community at every stage.

Union Square's existing land uses and proposed zoning maps are depicted in Figures 30 and 31. In the 2015 maps, the intersection of Washington Street and Somerville Street is a commercial core of Somerville. The Commercial Corridor District (now called CC4, 5, and 7) is aggregated along those two streets. In addition, in the southeast, a large area was planned as Transit Oriented Development (TOD), now called HR. This means that the area's density will increase which will lead to more residents and jobs. While there may be greatly enhanced economic development opportunities for Union Square, it will also be harder for small businesses to survive.

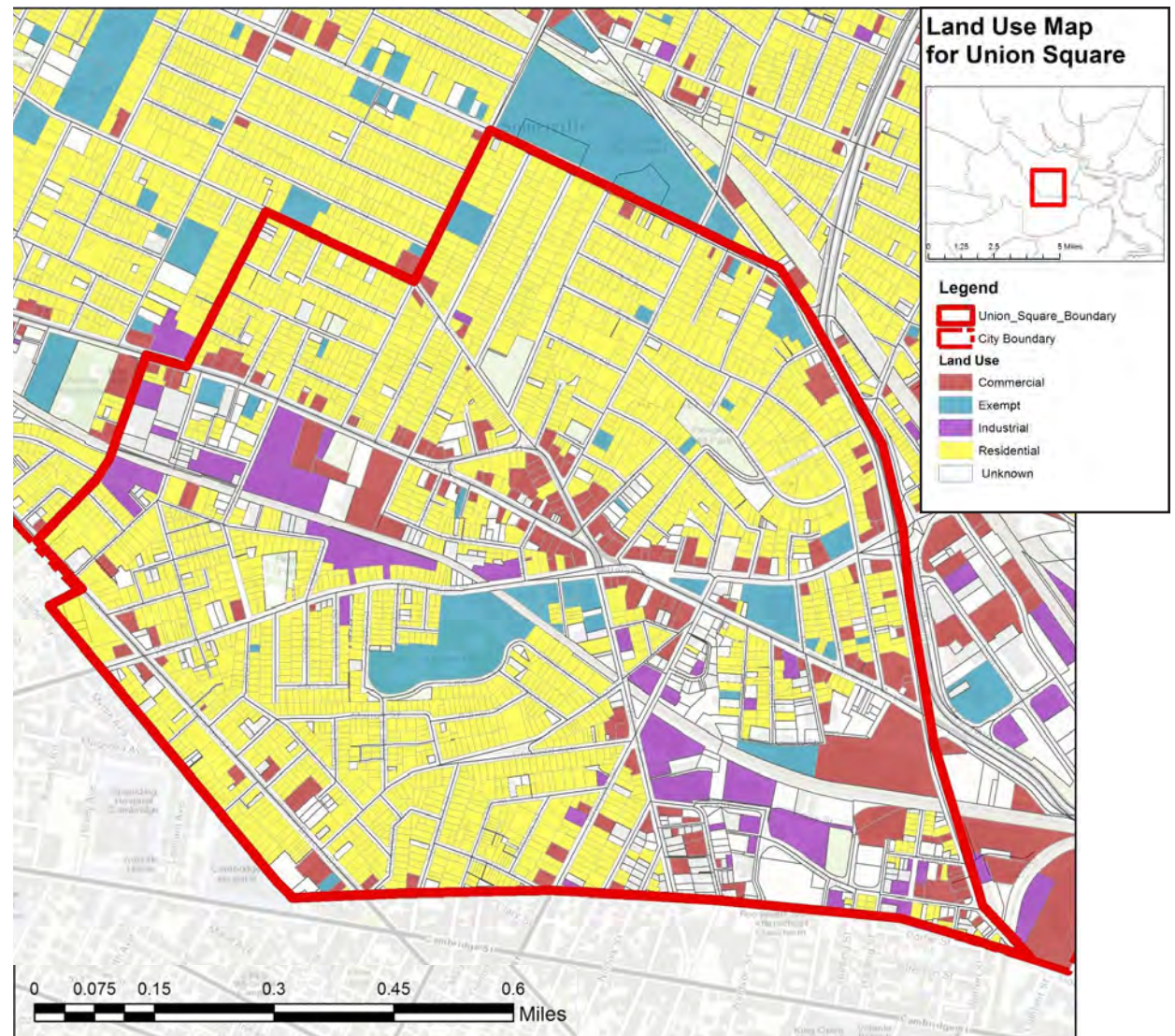


Figure 30. Land use map of Union Square (Source: MassGIS)

Union Square Proposed Zoning

In addition to undertaking citywide zoning changes, the Office of Strategic Planning and Community Development continues to refine the Union Square Overlay District. According to a memorandum from Director of Planning, George Proakis, to the Somerville Board of Aldermen and the Somerville Planning Board, the Union Square Overlay District will establish additional regulations and guidelines that will support the development of Union Square as a mixed-use urban employment center with a commercial core.

According to Proakis, to activate the Overlay, a developer must meet a few fundamental requirements:

- a. A minimum of 60% of total square footage of the completed project must be commercial.
- b. No more than 10% of that commercial area may be retail uses.
- c. A minimum of 5% of that retail square footage must be for arts/creative uses.
- d. Commercial space must account for at least 375,000 square feet of the total plan for the Union Square Overlay

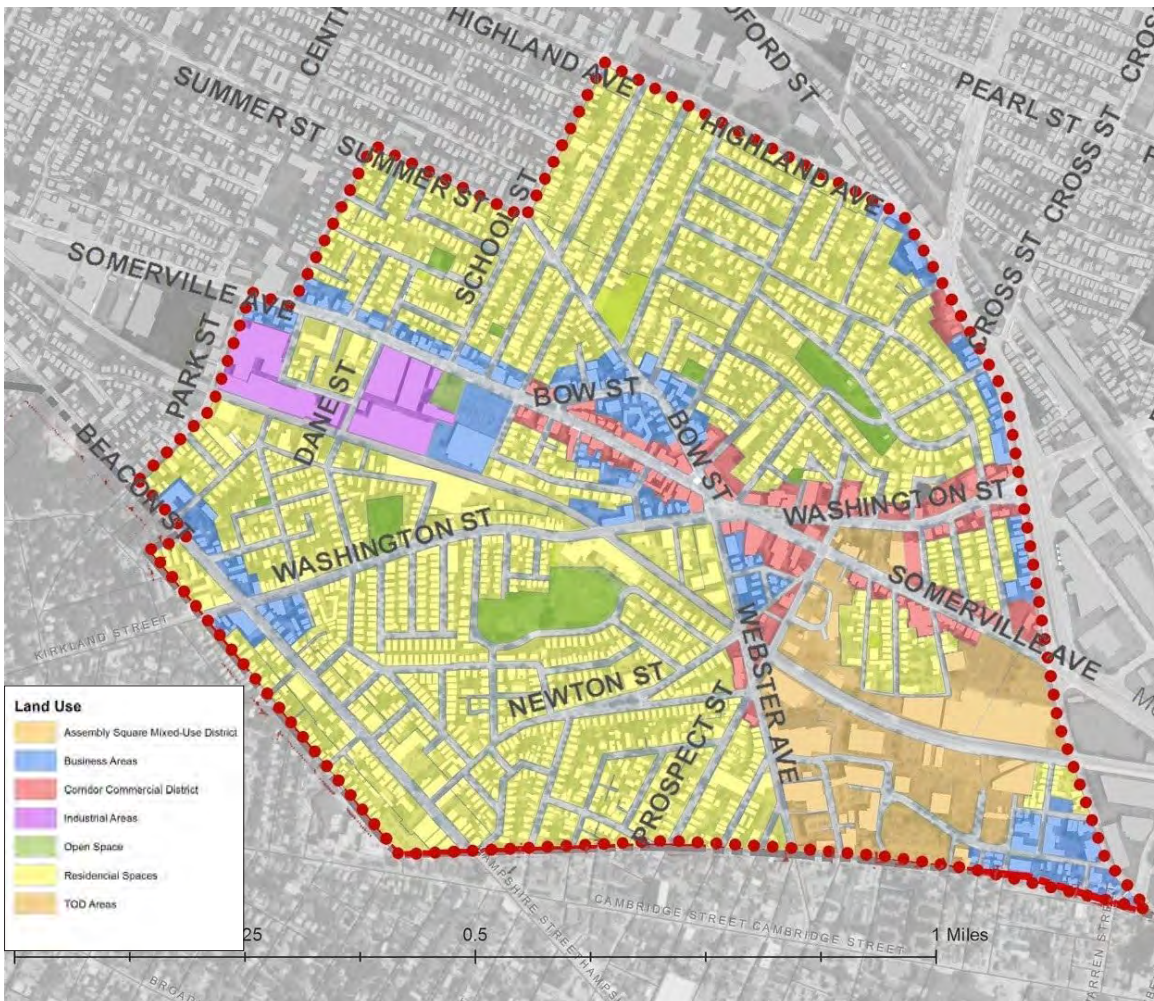


Figure 31. Land use zoning in Union Square (Source: Somerville Open Data)

District.

e. Residential spaces are limited to 1 dwelling unit per 685 square feet of land in the plan area. Each of these numbers is carefully calibrated to ensure that the complete project has an adequate mix of jobs to housing, thereby meeting the goals of the Neighborhood Plan and SomerVision (Proakis, 2016).

These requirements make it clear that the city envisions Union Square as a new employment hub in the city. Since 60% of new development in the seven parcels around the new Union Square Green Line MBTA station must be for commercial use, with only 10% for retail and creative uses, then the rest of that commercial space will be for office space.

With respect to food businesses, the Union Square Overlay District explicitly states that formula businesses will require a special permit from the Planning Board in order to operate in Union Square. The Proposed Union Square Zoning Amendment defines *formula business* as,

“Any use classified under the eating & drinking establishment or retail sales use categories which, along with nine (9) or more other businesses regardless of ownership or location worldwide, does or is required as a

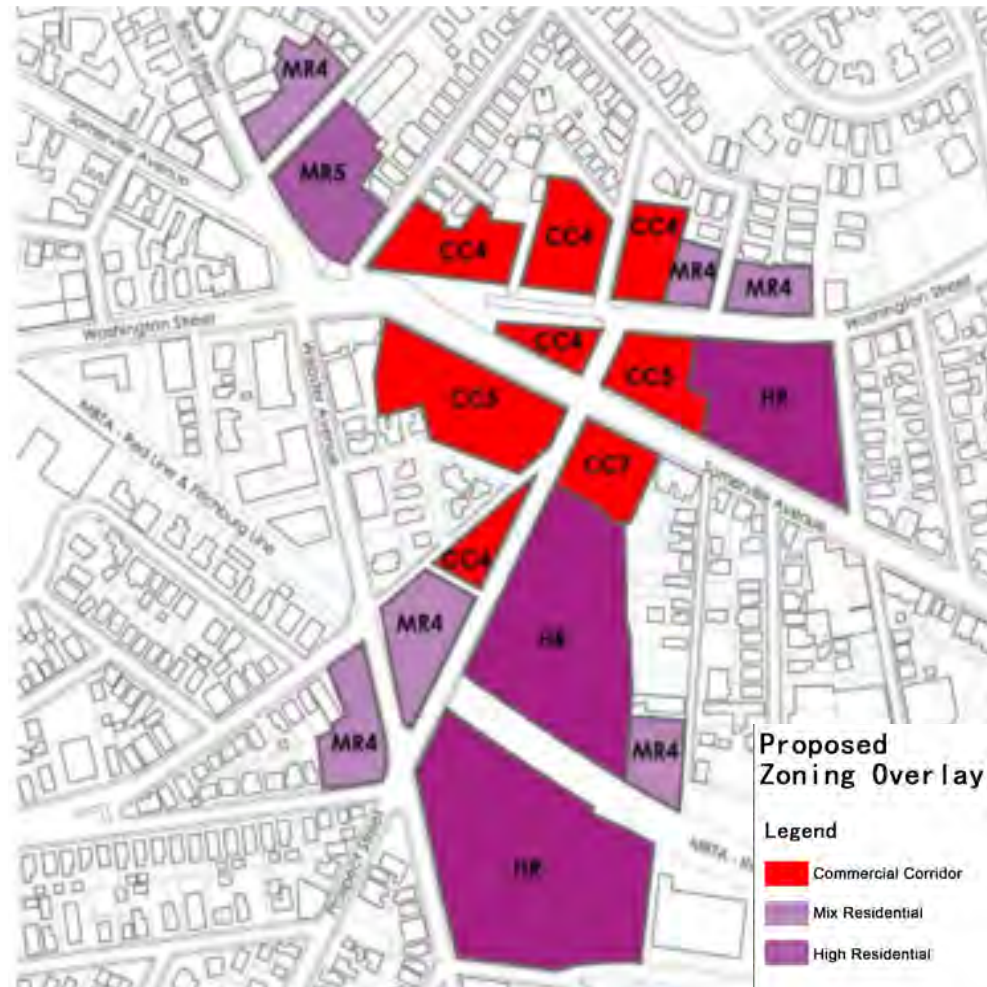


Figure 32. Proposed Union Square Overlay District in context of Union Square.
(Source: City of Somerville)



**Figure 33. Dunkin Donuts in Union Square
(Photo Credit: Michael Flanary)**

franchise, by contractual agreement, or by other arrangement to maintain two (2) or more of the following features: a standardized menu, a standardized facade, a standardized decor and/or color scheme, a standardized uniform, a standardized sign or signage, a trademark or a service mark requires a special permit” (City of Somerville, 2016).

While the proposed Union Square Overlay clearly defines formula businesses, it does not lay out what the special permit process will consist of, nor does it require that these formula businesses meet certain conditions to open. To strengthen the formula businesses section in the Union Square Overlay District Ordinance, clearer guidelines and conditions should be explicitly listed. In addition, other safeguards must be incorporated to preserve the current food landscape.

As we can see in Figure 34, when the Green Line extension arrives, the Union Square station’s TOD catchment area, the space within walking distance of the station (1/4 mile and 1/2 mile radius), will reach most of the existing food businesses in Union Square. This means that most of the food businesses will be impacted by the green line extension and face gentrification pressures.

Land value growth in TOD’s catchment area will lead to the possibility of rent increases that will make it harder for small businesses to survive.

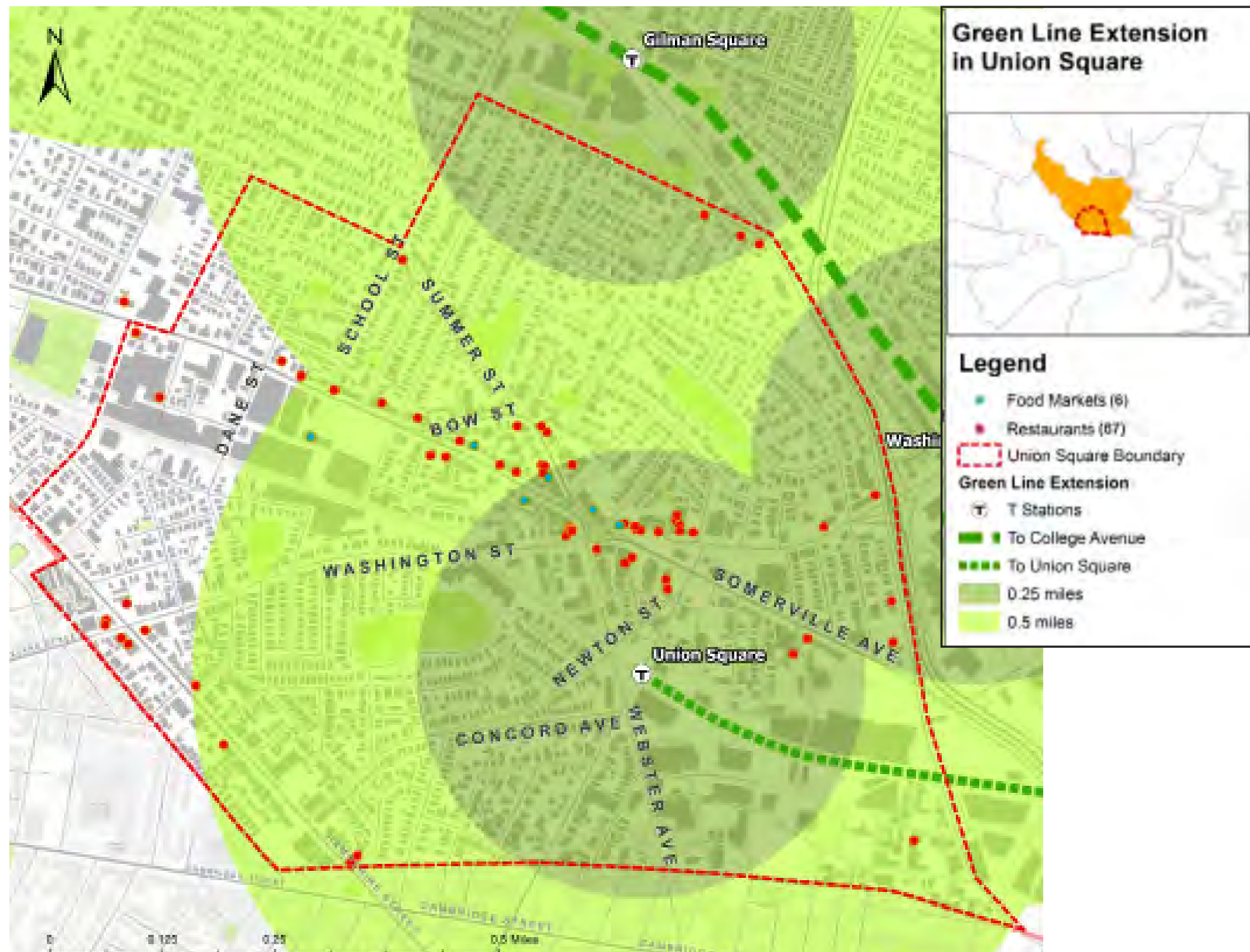


Figure 34. Distance from food businesses to proposed Green Line Stations (Sources: ReferenceUSA, MassGIS)

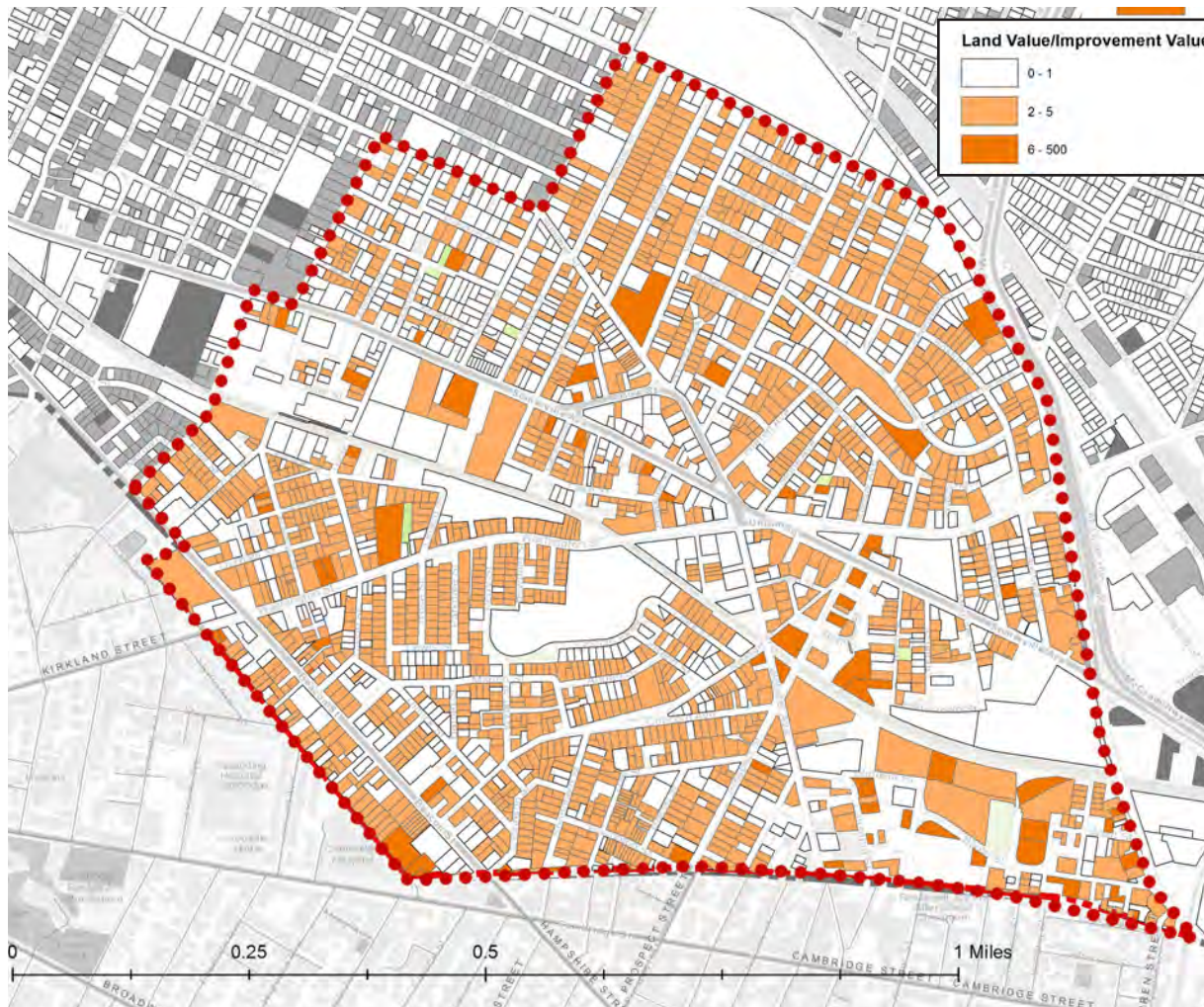


Figure 35. Land value to building value map (Source: Somerville Open Data)

Vulnerability to Displacement

While zoning can show us what land use is allowed in the area, the land values show what that area is worth. As these values increase, this can cause issues for current tenants who rent as the owners may charge a higher rent or sell their property. With the land value data from the City of Somerville, it is evident that the land value in Union Square has increased substantially from 2009 to 2016 (Figure 36 and 37).

The Land Value to Building Value Map (Figure 35) represents the vulnerability that Union Square tenants are facing. It shows that most of the parcels' land values are worth two to five times more than the building value. This means that land owners will profit more by selling their property for redevelopment, than by keeping and maintaining their buildings, even if they charge higher rents to their residential or commercial tenants. These parcels are depicted in light orange and dark orange. As the orange color darkens, it shows an increasing land to building value ratio. This redevelopment may lead to rent increases, property value increases, and ultimately displacement. Vacant parcels are also shown,

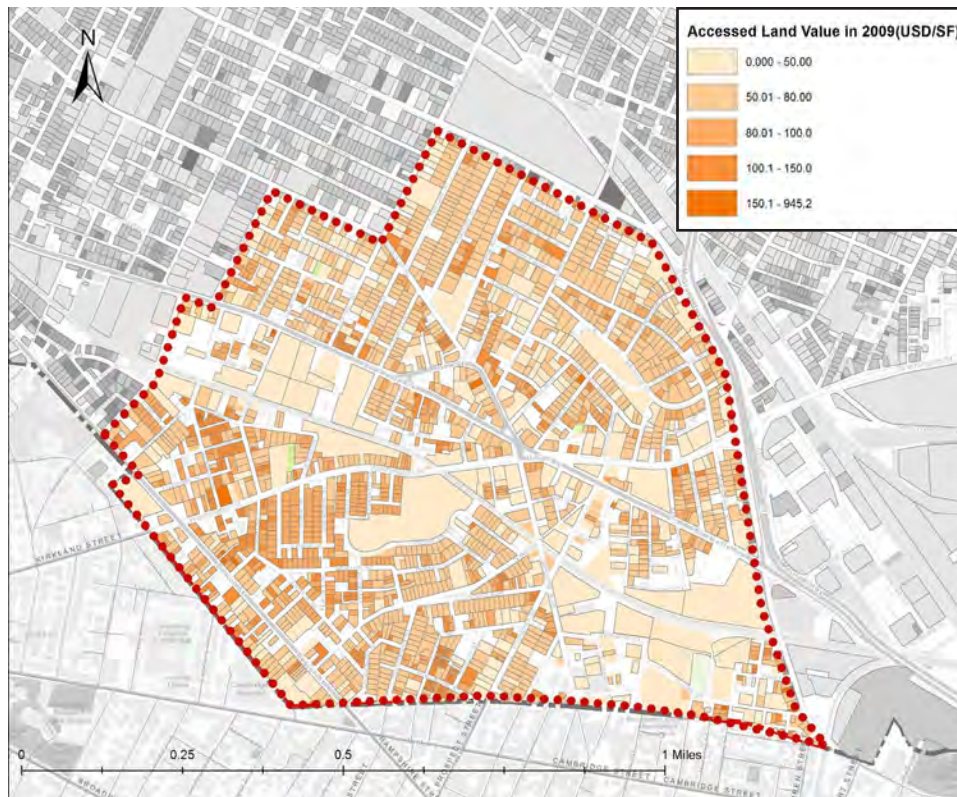


Figure 36. Map of Land Value 2009 (Source: City of Somerville)

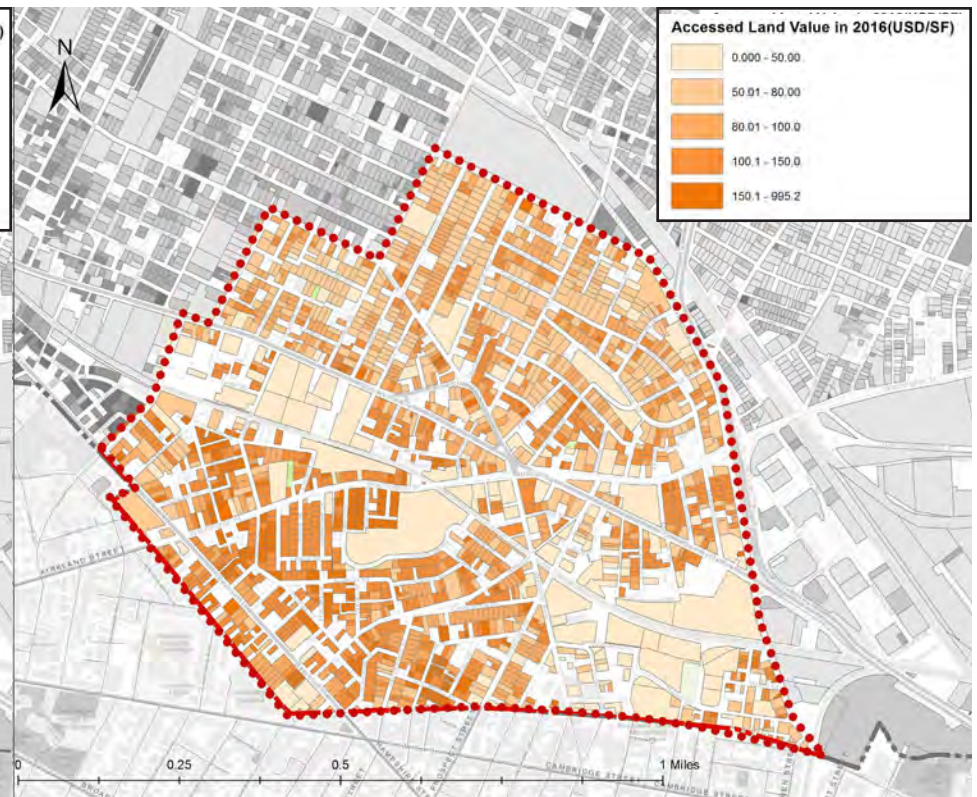


Figure 37. Map of Land Value 2016 (Source: City of Somerville)

but their displacement risk due to land value increases is not relevant because there are no tenants on those parcels that could be displaced. The white areas on the map depict vacant parcels as well as parcels where the building value is equal to or higher than the land value.



7. Recommendations for Food Business Preservation

There are many ways that zoning and health policies could be merged and leveraged to provide opportunities for current food business owners to keep up with redevelopment pressures in Union Square. Below, we present three options that the City of Somerville and/or US2 development team could take to aid in the preservation of the current, diverse food landscape of this unique neighborhood. These options are to:

1. create a “Food Overlay District” with exclusive opportunities for Union Square food-business owners.
2. amend the current Union Square Overlay District to incorporate stronger small business and food business protections.
3. include resources for storefront improvements and other assistance for existing retail in the Community Benefits Agreement currently under negotiation.

These options are analyzed below and ranked according to five criteria: ease of implementation, level of community awareness, legislative action required, level of support for food businesses and food tourism promotion potential.

1. Food Overlay District

Since Union Square is labeled as an area to transform in the city’s SomerVision plan, a Food Overlay District (Figure 38) could be effective in ensuring that the local small business-based food economy is protected and celebrated. Similar to the Union Square Arts Overlay District, a Food Overlay District would provide additional options for food-related development, in addition to protecting precious space for local cultural restaurants and urban agriculture. It would be a tool to incentivize the retention of culturally-diverse residents and food-related business owners while anchoring the Nibble Program as a resource to support local food businesses through programming and promotion of an incubator kitchen space. Our Food Overlay District proposal focuses on 1) formula business restrictions through store size restrictions; and 2) support for food entrepreneurship through the promotion of Shared Kitchen and Guest Cheffing Permits and Multi-Use Permits available exclusively within the FOD.

Store Size Limits

In addition to restricting formula

businesses as defined by the number of restaurants operated and the use of standardized signage, dozens of cities and towns have also enacted Store Size Cap Ordinances and Bylaws. These policies limit the square footage of stores so that it can help to sustain the vitality of small-scale, pedestrian-oriented business districts, which in turn nurture local business development. For example, in 2004 Bristol, Rhode Island, with a population of 23,000 people, passed an ordinance prohibiting any “formula businesses larger than 2,500 square feet or that take up more than 65 feet of street frontage from locating in the downtown area” (Institute for Local Self-Reliance). In addition, Greenfield, MA demands that all stores larger than twenty thousand square feet undergo a comprehensive review, and only receive a permit to proceed when outstanding questions about traffic, net tax revenue, public infrastructure, and environmental quality are resolved (Shuman, 2007). A similar ordinance in Stoughton, Wisconsin, also evaluates whether the proposed store would hurt existing local businesses (Shuman, 2007). A similar policy, requiring special review of large storefront permits and consultations with existing local businesses before permit

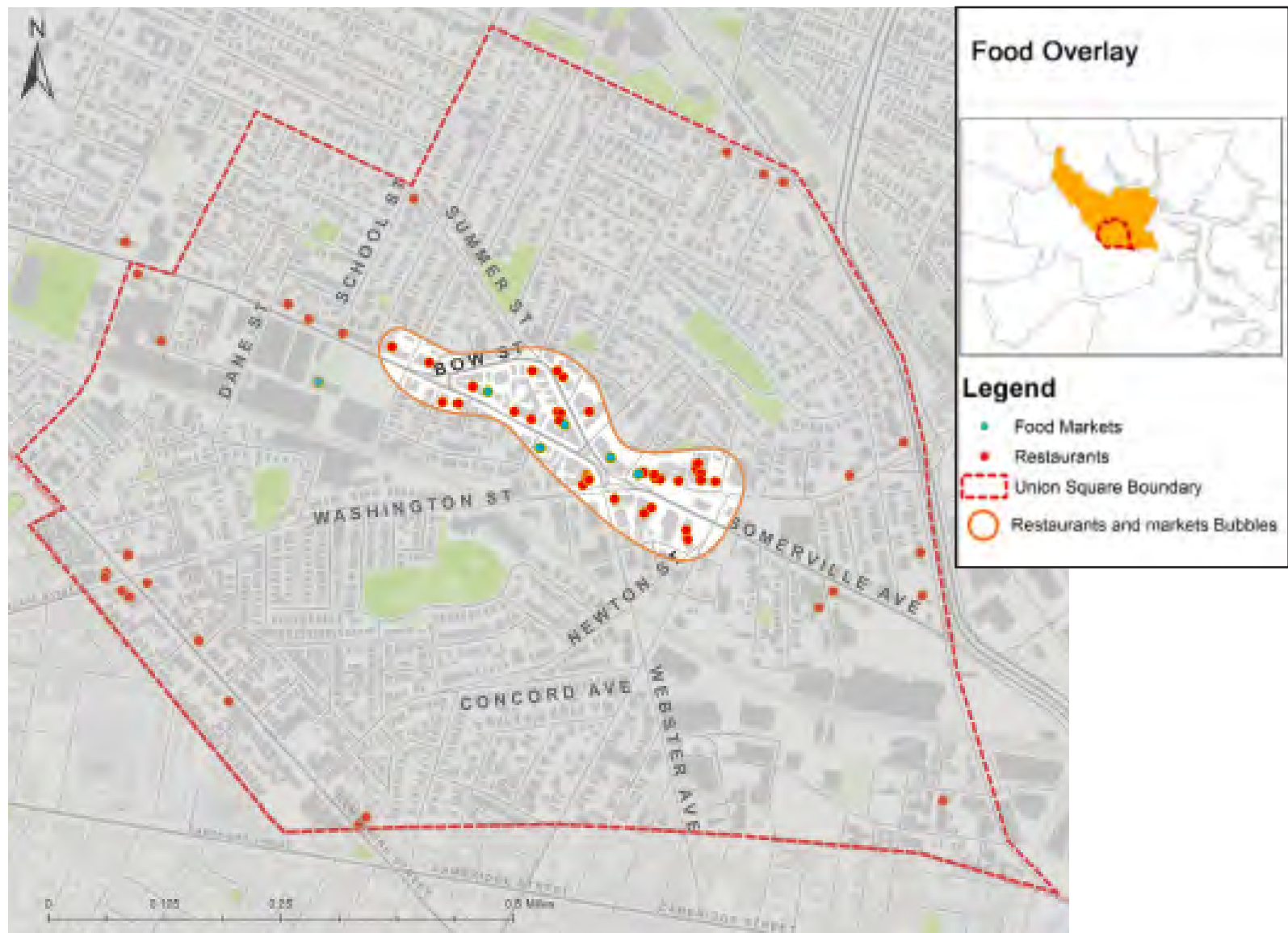


Figure 38. Food overlay map (Source: ReferenceUSA, MassGIS)

approval used be enacted in the Food Overlay District.

Proposed Permits

By offering the Multi-Use and Shared Kitchen and Guest Chef permits exclusively in the Food Overlay District and promoting community wide guest cheffing events, Somerville can create a food innovation district and culinary destination in Union Square. The City of Chicago has had success using a similar permitting model. See *Case Study: Chicago, Illinois* for more information.

2. Amend the Union Square Zoning Overlay

Another way to preserve the current food landscape in Union Square is through amending the proposed Union Square Overlay District (USOD) to incorporate small business protections. Although the proposed USOD clearly defines formula businesses and limits their development through a special permit process, it does not go far enough to safeguard the current small food businesses in Union Square. We have two ways to potentially strengthen the USOD. First, the city should require that 30% of business space square footage in the new development be

subsidized with priority given to existing food businesses and after that priority to immigrant-owned food businesses. Thus, not only must retail make up 10% of the 60% commercial square footage, but within that 10%, 30% of that must be subsidized to stabilize existing businesses. Second, the city should include language in the USOD that encourages developers to set aside a certain portion of ground-level retail to be sold as commercial retail condominiums. This would increase small business property ownership and is more likely to appeal to locally owned businesses than to national chains, which have a standard business model around leasing (LaVecchia & Mitchell, 2016). Furthermore, Somerville could then add further incentives, such as a tax abatement for selling the condo to a business that is locally owned.

Providing affordable commercial retail is essential to preserving Union Square's food landscape. The USOD already requires that 20% of residential dwelling units in the overlay must be designated as affordable housing (Somerville, 2017). Thus, this affordability requirement could also apply to commercial retail space, allowing small food businesses to remain in the neighborhood that they have made vibrant. Rising rents are a major concern for food business owners in Union

Square. Rosy Cerna, owner of Machu Picchu Restaurante Turistico and Machu Picchu Charcoal Chicken and Grill, is not alone in her experiences with large rent increases, and rent increases like the one that she has experienced can shutter longtime small businesses. Therefore, just as there is a public stake in the availability of affordable housing, there should also be a public interest in the affordability requirement for commercial side of the built environment (LaVecchia & Mitchell, 2016). Having a healthy independent business sector is closely tied to the unique character of Union Square and many of Somerville's policy priorities, including increasing jobs, lessening economic inequality, and strengthening the social fabric of neighborhoods. Furthermore, to increase development feasibility with the addition of affordable commercial space, the city should offer tax abatements as a development incentive. Tax abatements such as property tax rate reductions and temporary property tax assessment freeze provide a reduction in recurring taxes associated with the property and allows developers to reduce their operating costs (Urban Land Institute, 2016).

Although not suitable for every food business in Union Square, owning rather than leasing is one of the best ways to

Case Study: Chicago, Illinois

The City of Chicago has a policy where they link Shared Kitchen Licenses and Guest Chef Permits to Zoning. There are two types of Shared Kitchens in Chicago. The first is the traditional Shared Kitchen that is used as a place of business for the primary purpose of utilizing, leasing or renting its commercial kitchen space to individuals, or business entities, for food preparation, and extra production capacity (City of Chicago, Small Business Center). The second is the Shared Kitchen-Supplemental, or their Guest Chef Kitchen, that encompasses any licensed retail or wholesale food establishment, that leases their commercial kitchen space only when they are not using it (City of Chicago, Small Business Center).

Chicago is divided into distinct zoning districts that reflect the diversity of business and neighborhood uses. Each zoning district has different regulations about the types of business activities that are permitted. Shared Kitchens are allowed in zoning districts B3, C1, C2, and C3 (City of Chicago, Small Business Center). The primary purpose of the B3, Community Shopping district is to accommodate a very broad range of retail



Figure 39. MyKitchens shared commercial kitchen user in Chicago (Source: mykitchensllc.com)

and service uses, often in the physical form of shopping centers or larger buildings than found in the B1 and B2 districts (City of Chicago, Zoning Code). While the C districts range from compact nodes at the intersection of two or more major street to high intensity business or commercial zoning district (City of Chicago, Zoning Code). All of these districts allow shared kitchens to be located in

central high foot trafficked areas. In contrast, Shared Kitchen-Supplemental applications, also known as Guest Chef Applications, are not subject to Zoning Review, however, the licensee's business activities are subject to the Zoning provisions of the applicable primary license (City of Chicago, Small Business Center).



Figure 40. New York storefront (Source: James and Karla Murray)

Case Study: New York, NY

New York City has the largest market for commercial condominiums. However, they are becoming more popular in cities like Boston, Chicago, and San Francisco (Tarquinio, 2007). In New York City, the borough president of Manhattan, Gale A. Brewer, has proposed strategies that the city could use to encourage landlords to separate ground-level retail space in buildings they own and sell those spaces as commercial condominiums to local businesses. According to Brewer's report, "Small Business, Big Impact," the Small Business Association's 504 Loan allows businesses to purchase properties valued at up to \$5 million if they can provide at least 10% of the purchase amount and if 51% of the building is used as part of the business. Thus, a program that encourages "condo-ization" for compliance would make the purchase of ground-floor retail space a possibility for small business owners. As one way to incentivize landlords to separate the space, Brewer proposes that the city could offer landlords a reduction on certain city debts, such as building fines and sewer payments, if they paid the debts using earnings from the sale of the commercial condos (Brewer, 2016).

ensure stable occupancy costs and safeguard food businesses. The cost of owning an entire building may be out of reach for most small businesses owners; however, ground floor commercial condominiums would allow small business owners to own their space and safeguard their business. A commercial condominium is "a form of individual ownership with a jointly owned undivided interest in a common area in a commercial building or buildings" (Mass Consumer Affairs and Business Regulation). The Massachusetts condominium statute, MGLA Chapter 183A, Section 21, was recently amended to specifically authorize commercial condominiums describes the foundation for the creation and governance of them. In fact, commercial condominiums would operate similarly to residential condominiums. Furthermore, condo associations that are primarily residential may also be called "mixed use" because they also include some units for commercial owners. For small businesses, especially food businesses, ownership would eliminate the danger of drastic rent increases upon each periodic renewal and nonrenewal of an existing lease. In addition, it would enable small businesses to project future costs more accurately and plan its future operations with a greater degree of certainty (Goldstein et al. 2012). In our baseline interviews of 27

food businesses in Union Square, we found that of the 18 food businesses that rent, 50% said that they would own, if possible. This statistic shows that there is a desire to own in Union Square, and commercial condominiums could be the avenue to make ownership available to food business owners and allow them to build wealth that will stay in the community.

3. Community Benefits Agreement (CBA)

In lieu of zoning and health policy changes, the City might alternatively consider incorporating Union Square food landscape preservation goals into the Community Benefits Agreement (CBA) between the community and the developers. A CBA is a legally binding contract between a developer and a community coalition that ensures specific and measurable outcomes for the community. A successful CBA must be negotiated by a coalition that effectively represents the interests of the impacted community, be a transparent process that is both inclusive and accessible to the community, provide specific and concrete terms, and be clearly defined. On March 7, 2017 Somerville residents, many led by Union United, a coalition of Somerville

stakeholders working to ensure that the Union Square redevelopment process results in tangible benefits for the Union Square community, packed the City of Somerville's Land Use Committee Hearing. Their objective was that the Union Square Overlay should not be approved until there was a Community Benefits Agreement (CBA) between the developer, US2, and the community. Union United has created a proposed CBA for Union Square that focuses on affordable housing, local jobs, small businesses, etc. In regard to small businesses, Union United wants developers to:

- Provide assistance to area businesses before and during the construction phases of the project.
- The developer will fund a Small Business Assistance Program.
- 30% of the commercial space should be affordable. This space should go first to previous tenants and then to local minority- and woman-owned small-businesses.



Figure 41. Staples Center in Los Angeles, CA
(Source: ESPN)

Case Study: Los Angeles, California

The Staples Center CBA in Los Angeles is often regarded as one of the most successful. The developer of the project, Anschutz Entertainment Group (AEG), negotiated with a coalition of labor unions, community groups, and local citizens called the Figueroa Corridor Coalition for Economic Justice. The agreement resulted in targeted hiring and wage goals, contributions to affordable housing projects, parks, recreational facilities, annual public reports detailing compliance, and funding for a local non-profit (Marantz, 2015). The Figueroa Corridor Coalition for Economic Justice was comprised of more than 30 organizations including two labor unions, community development corporations, and over 300 residents (Marantz, 2015). The infrastructure that was available to carry out the coordination and supervision of the provisions laid out in the CBA was critical to its success (Saito and Truong, 2014).



Figure 42. Bronx, NY (Source: Greenaircleaningnyc.com)

Case Study: Bronx, New York

As is shown from examples of past CBA negotiations in other cities, the most effective way for a municipality to be involved in these processes is through actively encouraging CBA's while also allowing the conversation to take place only between the community coalition and the developer. In 2013, for example the Kingsbridge Armory Redevelopment Alliance (KARA), a broad-based coalition of community organizations, entered into a comprehensive CBA regarding the redevelopment of the Kingsbridge Armory in the Northwest Bronx (Delivering CBA's, 2014). The group was able to negotiate a range of benefits including living wages for all workers in the project, more than \$8 million in contributions to a community fund, extensive green building measures and community consultation on environmental issues, priority community access to the project's athletic facilities and formal structures for community-based oversight and enforcement of CBA commitments in the development of a new ice rink complex (Delivering CBA's, 2014). When a prior developer of the site refused to agree to the CBA demands, the City Council declined to approve that developer's project. Thus, the city was in support of an agreement between the developer and the community group, which allowed the coalition to gain benefits outside of the realm of the city's jurisdiction.

Many of Union United's goals are well-aligned with SAC Nibble, especially the allocation of affordable commercial space. As such SAC may want to consider working with Union United to further expand small business protections. For example, funds from the Small Business Assistance Program could go toward subsidizing guest cheffing events for budding food entrepreneurs. In addition, the assistance to area businesses before and during construction can be coupled with the city's Commercial Property Improvement Program to increase its effectiveness. It is important to note that a CBA is between the developer and the community. Since SAC is a government agency, they will not have a seat at the negotiation between the two parties. However, they may be able to share this report to members of Union United and persuade them to expand small food businesses protections.

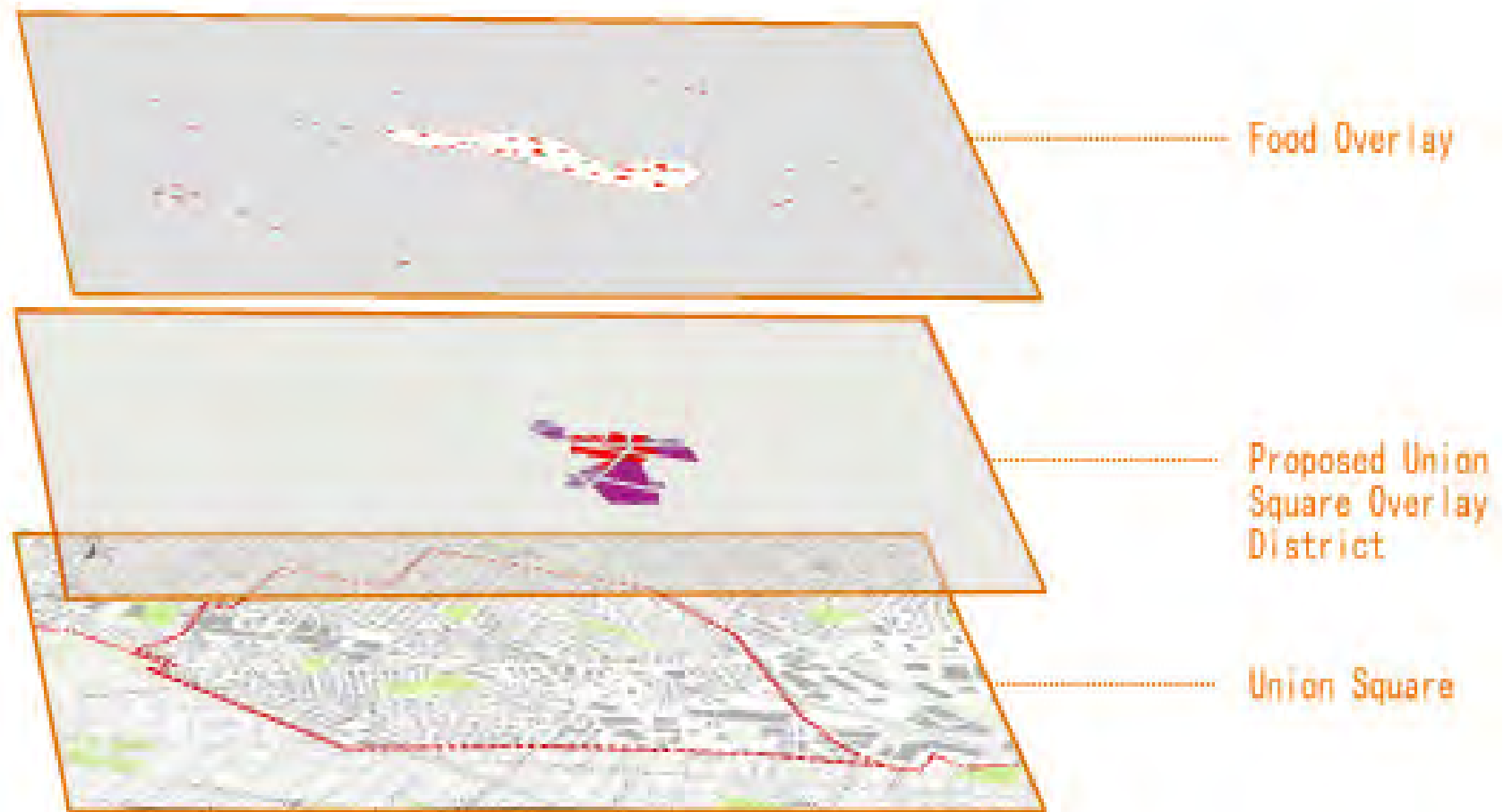


Figure 43. Proposed Zoning layers of Union Square (Source: City of Somerville, Created by Wencong)

8. Assessment of Options



Below, we offer a matrix analysis of our recommended actions (Table 1). A simple “red, orange, green” matrix was chosen to easily visualize the strengths and weaknesses of each proposed option. An explanation of criteria and rank as well as a discussion of the analysis is offered below.

Table 1. Matrix of Options

		Recommended Actions		
		Create a Food Overlay District	Amend Union Square Overlay District	Negotiate developer support through Community Benefits Agreement
Criteria	level of community awareness			
	ease of implementation			
	legislative action required			
	food tourism promotion potential			
	support for food business owners			
Score:		10	13	12
point values: green = 3, orange = 2, red = 1				

Criteria and Ranking

Level of community awareness: media attention and attendance at public meetings

green: proposed action is related to community or municipal efforts with broad media attention and a strong community presence at public meetings

orange: proposed action is related to community or municipal efforts with associated press releases and discussion at public meetings

red: proposed action has no community or municipal attention or media presence

Ease of implementation: level of effort required to carry-out the recommendation at the municipal or community level

green: proposed action is related to current high-priority community and/or municipal efforts

orange: proposed action is related to current community/municipal efforts

red: proposed action is unrelated to current community or municipal efforts

Legislative action required: bureaucratic processes required to implement action

green: proposed action requires no legislative action

orange: proposed action requires amendments to existing or drafted

legislation

red: proposed action requires new legislative action

Food tourism promotion potential: likelihood the action will capture public interest and increase foot traffic in Union Square

green: proposed action directly incentivizes community events and offers opportunities to showcase food diversity in Union Square

orange: proposed action indirectly incentivizes food-showcase and/or community events

red: proposed action offers no incentive for community or food-showcase events

Support for food business owners: technical, operational, or monetary resources associated with action

green: proposed action directly offers technical, operational, and/or monetary resources to food business owners

orange: proposed action may result in technical, operational, and/or monetary resources to food business owners

red: proposed action is not associated with technical, operational, or monetary resources for food business owners

Discussion

The option to amend the current Union Square Overlay District (USOD) scored the highest in the red, orange, green criteria analysis, with a score of 13 points. This is followed very closely by the option to negotiate food-business support through the Community Benefits Agreement (CBA) currently being negotiated with the developer, with a score of 12 points. In terms of weaknesses of these options, the amended USOD could face implementation issues with the affordable commercial space. This is because the City would have to define what affordable commercial space is, create eligibility guidelines, and create a program to monitor compliance with the affordable commercial space. This may be resource intensive for the City. However, the recommendation for the creation of commercial condominiums could be easily implemented because the Commonwealth already has a statute governing their use and creation.

The CBA option is lacking in food tourism promotion potential, whereas the USOD option would require regulatory amendments. While regulatory action can be complicated and time-consuming, the level of effort required to implement this option

is less of a weakness than the lack of food tourism potential associated with the CBA option. Since the goal of the redevelopment in Union Square is to bring more employment opportunities and stimulate economic activity in the neighborhood, it is important that the Somerville Arts Council advocates for action which is likely to bring more foot traffic and potential consumers to the area, while also safeguarding the food businesses that made Union Square attractive in the first place.

The Food Overlay District (FOD) scored lowest, with 10 points. This is due to the newness of the proposal. The FOD was originally conceived by the authors of this report, and while the idea has been presented and discussed with Somerville city officials, the proposal has not been discussed at public meetings or otherwise communicated to the public through media. This lack of public awareness and support may make it difficult to implement this option, as there are already similar, related, efforts occurring in the community. Nonetheless, we believe that the shared kitchen and guest chef permits, and the multi-use permits are strong recommendations that should be adopted citywide to aid food businesses and help food entrepreneurs.

Enhanced Community Engagement and Use of Government Programs

In addition to the tools outlined above, we believe that outreach should be done with the residents of Union Square before any Formula Food business is approved. San Francisco currently has a neighborhood notification program that is composed of three steps. First, surrounding property owners, residents, and businesses are mailed a notification of the formula retail business attempting to move into the neighborhood. Second, a large, window sized poster is placed at the location of the proposed project. Third, an advertisement is placed in the San Francisco Chronicle to alert the entire city of the proposal (San Francisco Planning Department, 2013). While Somerville may choose not to follow these exact steps, it is a good model for guidance about increased awareness about development in Union Square.

While new development is inevitable in Union Square, current businesses should look at other ways to secure their businesses and presence in Union Square. Somerville offers the Commercial Property Improvement Program (CPIP) that provides design and

financial support in the renovation or restoration of commercial building facades to businesses and property owners. The CPIP is part of a strategy to revitalize key eligible business districts in Somerville by improving the exterior appearance and appeal of commercial shops while also enhancing the urban realm (City of Somerville, 2004). Usually, CPIP provides a reimbursable matching grant for approved storefront and building improvements. These funds are allocated towards items such as the renovation or restoration of architectural details, the installation of energy efficient windows and entrance systems, Americans with Disabilities Act upgrades, the removal of roll down grills, and signage, awnings and lighting for commercial properties in eligible locations in Somerville. CPIP is another program that can help current small immigrant run businesses compete with new development.

The U.S. Department of Agriculture's Local Food Promotion Program (LFPP) offers grant funds with a 25% match to support the development and expansion of local and regional food business enterprises to increase domestic consumption of, and access to, locally and regionally produced agricultural products, and to develop new market

opportunities for farm and ranch operations serving local markets. A number of food incubators around the country have utilized these funds to implement partnerships with local farms to provide opportunity for job creation, economic growth, and increased access to healthy, local food products. Linking food-based startups with small farmers creates opportunity in lower-risk, sell-before-you-plant relationships. Developing local commercial distribution channels for these food products supports a sustainable food system that improves wellbeing and resiliency across a community. CommonWealth Kitchen, a kitchen incubator located in Dorchester, MA, has utilized these funds to establish partnerships with colleges, hospitals, schools, and other institutions looking to increase their sourcing of local food. They also connect with local farmers, aggregators, and distributors to source raw ingredients for the production of simple, mostly shelf-stable foods by shared kitchen users. CommonWealth Kitchen leverages all of these relationships to create sales channels and drive business growth. The Nibble program should similarly leverage these USDA LFPP funds to promote similar partnerships between local farmers, institutions wishing to increase local food source, and future kitchen incubator entrepreneurs in Union Square.

The Nibble Entrepreneurial Program should be used not only to provide business mentoring services and to promote local partnerships but also to plan and implement food related tourism events in Union Square. The new incubator space should be used as a stage to spotlight local chefs and hold community events such as cooking classes and tasting events. The NEP should also promote a quarterly or biannual “Guest Chef Week”. This event would promote new chefs and new menus nightly over the course of a week hosted at the incubator or by participating local food businesses. Promoting this as a community-wide food innovation event would increase food tourism to Union Square for these events, not only creating opportunities for businesses to make extra money during the event but also likely bringing new patrons to the neighborhood and increasing the likelihood these patrons will return in the future. Nibble should also partner with the Somerville Welcome Project to maximize the amount of advertising for events and other opportunities to support the existing diverse food landscape of Union Square. For example, Nibble should advertise the Welcome Project’s “Yum Card” which provides consumers discounts to participating Union Square restaurants and provides proceeds to support education and leadership programs

for immigrant youth and adults. The Welcome Project should, in return, promote “Guest Chef Week” and other Nibble Entrepreneurial Program events on their website.

9. Conclusion



The Green Line Extension Project is scheduled to begin in early 2018 and is expected to be completed by 2021 (Dungca, 2017). The new Green Line Station in Union Square, coupled with the high demand for property in Somerville, has created a precarious situation for food businesses in the area. After conducting interviews with food business owners, we found that there is a range of threats and opportunities around the Green Line extension. On one hand, restaurant owners like Rosy of Machu Picchu, fear that rent increases and storefront improvement needed to remain attractive amongst the new developments will make it more difficult for them to make sustainable revenue. On the other hand, owners like Jeetendra of New Bombay Market have not yet been impacted by rent pressures and are excited for the new Green Line station because it will increase their client base.

The recommendations described throughout this report represent a range of solutions to preserve the current food landscape in Union Square amidst development pressures. The creation of a Food Overlay District has the potential to provide additional options for food-related developments and legitimize Union Square as a food innovation hub. The amended

USOD has the ability to incorporate stronger small business protections and specific food business protections, allowing the city to be intentional about preserving the businesses that make Union Square vibrant and attractive. The CBA improvements allow the city and the community to work as a team to ensure that no value is left on the table for Somerville residents when negotiating with developers. In addition to looking at each recommendation individually, we believe that many of these recommendations will work best when deployed in combination with each other and with other existing government programs. Thus, we encourage SAC to continue to build on these recommendations and tailor them as they see fit to foster a Union Square that has independent and locally owned food businesses.

The City of Somerville now has an agreement in hand from Union Square Station Associates (US2) that, once in effect, will translate to developer contributions and payments to the community totaling an estimated \$112 million (Somerville News Weekly, 2017). Contributions include funds for the Green Line extension, sewer and street upgrades, new open space, job training, and small business support. In addition, the agreement requires



Figure 44. Market owner Jeetendra of New Bombay Market (Photo Credit: Stephanie Johnson)

the developer to negotiate an additional community benefits agreement (CBA) with community members through the currently forming Union Square Neighborhood Council. This CBA will expand of the contributions already given. However, for this agreement to go in effect, the Somerville Board of Alderman must approve the Union Square Zoning by May 31, 2017 (Somerville News Weekly, 2017).

We believe the recommendations provided in this report will help the zoning proposal to pass by the May 31st deadline, allowing the community to reap the large reward associated with negotiating an agreement by this date. While the politics around Union Square development continue to be debated during the next few months and years, it is important that organizations like the Somerville Arts Council and Union Square Main Streets continue to advocate for policies and programs that will uplift the food businesses in Union Square. These food businesses will soon embark on a time of great uncertainty, and safeguards put in place now may help them overcome threats to their businesses in the future. While it is important to help Union Square reach its full potential, it is equally important to ensure that businesses that have a history in Union Square can reap the same benefits as the businesses to come.

Summary of Recommendations and Suggestions for Next Steps:

1) Existing food-business establishments in Union Square should be offered a Multi-Use Permit to offer food at public and private events. This would include off-site catering for public or private events, food sales at temporary events such as Oktoberfest or Fluff Festival, and food sales

at the farmer's market. This Multi-Use Permit should be modeled after the Multi-Use Permit offered by Sacramento County (see: *Case Study: Sacramento County*).

The Inspectional Services Department should examine the Sacramento County and King County case studies and determine a similar permitting structure to be implemented either within the proposed Food Overlay District or citywide.

2) A Guest Chef License should be offered by the City of Somerville to food entrepreneurs with no commercial space of their own who wish to take advantage of kitchen incubator space or utilize the kitchen area of an existing business in Union Square. This license application must require proof of ServSafe or similar certification for sanitary kitchen management practices as well as proof of liability insurance. These permittees must be required to report any intended public food sales - whether this is an incubator or market cooking demonstration or a guest chef appearance at a local restaurant. This will allow the City's Inspectional Services Department to more readily respond to any food-illness complaints and will also allow the SAC or Union Square Main Streets to advertise and promote these events through their

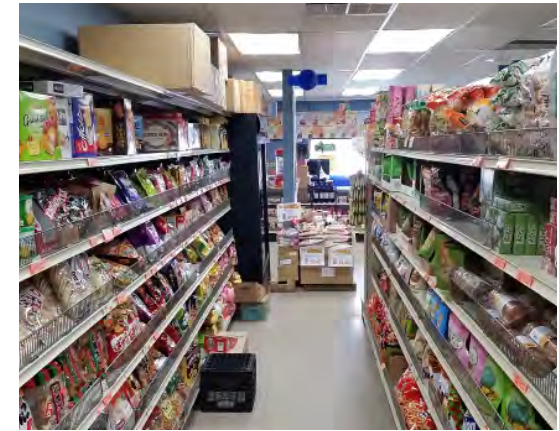


Figure 45. Reliable Market (Photo Credit: Michael Flanary)

websites or other media.

The Inspectional Services Department should examine the above research and model definitions of guest cheffing and shared kitchen use to implement a Guest Chef/Shared Kitchen User permitting program. The Somerville Arts Council should work with ISD to create an events tracking database so the SAC and Union Square Main Streets can promote guest cheffing events occurring in Union Square.

3) Create a “Food Overlay District” with storefront size restrictions and exclusive opportunities for Union Square food business owners in order to create a food innovation hub in Union Square. The Guest Chef/Shared Kitchen User and Multi-Events Permit should be promoted to encourage community food event participation.

The Office of Strategic Planning and Community Development should consider the feasibility of implementing a new overlay in Union Square and should examine and consider the case studies from around the country of storefront size restrictions. OSPCD should work with the ISD to offer Guest Chef/Shared Kitchen Use permits and Multi-Event Permits within the overlay district area.

The Somerville Arts Council should work with ISD to create an events tracking database so the SAC and Union Square Main Streets can promote guest cheffing events occurring in Union Square.

4) Amend the current Union Square Overlay District to incorporate stronger small business and food business protections.

The City should require that 30% of business space square footage in the new development be subsidized with priority given to existing food businesses and after that priority to

immigrant-owned food businesses. Thus, not only must retail make up 10% of the 60% commercial square footage, but within that 10%, 30% of that must be subsidized to stabilize existing businesses. Second, the city should include language in the USOD that encourages developers to set aside a certain portion of ground-level retail to be sold as commercial retail condominiums.

The Office of Strategic Planning and Community Development should consider implementing these recommendations through the Union Square Overlay District proposal. Including additional benefits to existing small businesses may help gain the community support required to get this proposal passed by May 31st - in time to meet the deadline to secure the \$112 million in community benefits currently on the table from US2.

5) Include resources for storefront improvements and other assistance for existing small food business retail in the Community Benefits Agreement currently under negotiation.

Union Square Main Streets should disseminate this plan and CBA recommendations to key community partners with Union United.



Appendix



Appendix

Interview Methods

1) One-hour interviews with City partners: The purpose of these interviews is to learn from expert Somerville planners and community organizers, especially pertaining to: health policies, such as licensing and permitting procedures; current zoning and development proposals in the Union Square area, feasibility of a food overlay district, and other tools to address development pressures felt by local-business owners; baseline information collection for Union Square neighborhood.

- George Proakis, Director of Planning for the City of Somerville
- Daniel Bartman, Senior Zoning Planner for the City of Somerville
- Doug Cress, Director of Health and Human Services Department for the City of Somerville
- Tom Galligani, Director of Economic Development for the City of Somerville
- Esther Hanig, Executive Director of Union Square Main Streets

These interviews do not have a set of structured questions. All questions posed will be open ended. Each interviewee and their expertise will be separately researched and specific questions will be delineated for each interview. Generally, the categories of information we are looking for input on are as follows:

1. Feasibility of implementing a food overlay district which protects existing independently-owned food businesses and promotes food innovation and entrepreneurship
2. Other tools to address development pressure on food-business owners in Union Square

Recruitment: We are interested in speaking to zoning, planning and health policy experts in the City of Somerville. Co-investigators will email expert City partners explaining the project and why we'd like to hear the interviewee's thoughts. Email addresses for city officials are readily available online. Meetings will be scheduled via email. Meetings will most-likely be held at the interviewee's place of business (Somerville City Hall or City Hall Annex), but may also take place on Tufts' Medford campus as needed.

Initial recruitment email:

Hello [George],

I am a student at Tufts University conducting a project (along with three other co-investigators, copied on this message)

to explore ways to preserve the diverse food-landscape of Union Square in light of redevelopment pressures due to the Green Line Extension. We've conducted background research on zoning and health policies which could be enacted or amended to afford additional protections to existing food-businesses in Union Square. As a [zoning or health policy] expert with the City of Somerville, your thoughts and input on these policies (and how they could be improved) would be extremely valuable. Do you have time to meet with our student group to discuss this project? We think one-hour should be sufficient to review the project and obtain your feedback. If you are willing to speak with us, please include some dates/times that work for you in your response. We'll gladly meet you at [City Hall or City Hall Annex] for the meeting.

Thank you for your time and consideration. We look forward to hearing from you!

Method for conducting interviews: We will meet in a conference room at City Hall/Annex or Tufts. An agenda and any supplementary material (e.g., maps) will be provided at each interview, tailored specifically towards the interviewee's expertise and co-investigators' needs. The interview will begin with review of the project and the "waiver of documentation" form. At this point recording will begin (via cell-phone or computer). Once interviewees sufficiently understand the project and why their input is relevant (consent to participate is obtained), we will proceed to review the agenda and goals for the interview. These interviews will be semi-structured – guided by the agenda – and happen conversationally.

Examples of the types of questions we'd ask:

Are there currently any regulations addressing guest-chef events at food-businesses in Somerville?

Could you explain why the City decided to move away from form-based zoning to use-based zoning?

Documentation of consent: We are applying to waive documentation of informed consent for these interviews because the research is minimal risk and only involves procedures for which consent is not normally sought. Supplemental form "waiver of documentation" will be presented to the interviewees for review before the start of the interview; interviewees will be given the opportunity to ask questions. Co-investigators will ensure interviewees are fully aware of the project design and intended use of interview data before beginning the interview.

2) 30-min in-depth interviews with food business owners in Union Square: We will hold approximately five in-depth interviews with food-business owners in Union Square to get input on how to best address redevelopment pressures. We will ask if they currently are experiencing challenges due to redevelopment pressure, explore what those challenges are, and then present options for addressing those concerns. The options we will discuss are as follows:

1. Create a new Food Overlay District
2. Incorporate recommendations into a Community Benefits Agreement

3. Incorporate recommendations into existing Union Square Overlay district

Questions in these interviews will be predetermined, with a mix of standardized and open ended questions. Each discussion will reveal a level of difficulty due to redevelopment pressure experienced by food-business owners as well as opinions on the best way the City and community can address those concerns. These stories will be used to demonstrate the need for support of the current food-business landscape in Union Square as well as to reveal how stakeholders feel their concerns will be most effectively addressed. We may learn of other options to address redevelopment concerns for food-business owners in Union Square.

Recruitment: Will happen in two ways:

- a) email recruitment: Rachel Strutt from the Somerville Arts Council will send the following email to food-business owners that SAC has email contact information for:

Dear [Rosy]

It has been a while; I hope you are doing well!

The Arts Council/Nibble and Union Square Main Streets are working with a great group of Tufts graduate students who are doing a comprehensive study around food businesses in Union Square. They/we are interested in exploring ways we can support and protect Union Square' diverse food businesses as the area continues to shift and development increases. This group of students, Mike Flanary, Stephanie Johnson, Ivy Mlsna, and Wencong Xu, are looking to conduct 5 comprehensive interviews with Union Square food business owners. I suggested that you would be a great person to speak with. Can you spare half an hour or so to speak with the Tufts team? If possible for you, we would really appreciate it!

We look forward to hearing from you; many thanks.

- b) in-person recruitment: Co-investigators will visit the place-of- business of potential interviewees, describe the project, and request a 30-minute interview.

Hi, my name is [name], and I'm a graduate student at Tufts, in the Urban and Environmental Policy and Planning program. I am currently working on a project with the Somerville Arts Council and Union Square Main Streets, organizations which recognize the need to protect and restore the food-business landscape in Union Square in the face of future redevelopment plans in the area. We would like to talk to you about your thoughts on techniques the City could use in your neighborhood to provide support to existing small food-business owners. As a small food-business owner in Union Square, your thoughts and ideas on these matters would be extremely valuable. Would you be interested in providing your thoughts on this?

If yes: Thank you! I'd like to schedule a 30-min block for this interview. When is a good time for you? [Or provide a list of options for the business owner to choose from].

If no: OK, thank you for your time.

Documentation of Consent:

"Questions for this interview have been pre-determined. Your answers will be used to help portray the existing condition of the food-business landscape in Union Square. Your answers may also help direct our recommendations to the City to help address redevelopment pressures in the neighborhood. Do you mind if I record this interview so I may refer back to your answers later?"

If yes: Great, thank you. You may be quoted directly in our report, and your responses may also be summarized to convey your story and experiences to the readers of our report. Will you please review and sign this consent form for the interview, which allows me to summarize and quote your responses for reporting purposes? [see attachment "standard written consent form"]

Any questions or concerns raised by the interviewee will be addressed before obtaining a signature of consent and conducting the interview.

If no: OK, how about we just do a shorter interview where I ask you some pre-determined questions in support of an existing condition baseline analysis we are conducting in Union Square?

If yes: Great, thanks! Will you please sign this consent form, which allows me to use your answers in aggregate to present baseline information on the existing condition of the Union Square food-business landscape? [see "short-form written consent" supplementary document] (interviewer will proceed to ask questions and record data as outlined in 5-min baseline interviews with food-business owners)

If no: OK, thank you for your time

Interview script:

[Questions will be asked as written, in the order they are written. In the event a response is insufficient to answer the question, the interviewer will prompt the interviewee to provide further response using phrases such as: "can you please explain what you mean by..." and "would you please elaborate further on..."]

Introductory questions

- How long have you owned this business/how long has it been operational?
- Has your business always been at this (the same) location?
- Have you previously owned or do you currently own other businesses?
 - *If yes, where? What was/is the type of business?*

- Do you live in Somerville?
 - *if no*, where do you live?
- Where are you from originally?

Baseline questions

- Do you rent or own the space in which you conduct business?
 - *If rent*, how long have you been renting at this location?
 - *If rent*, would you like to own your own space?
 - *If own*, how long have you owned the space?
- Would you be interested in a workshop on negotiating lease terms?
- Did you encounter any challenges during the licensing and permitting process?
- *If interviewing a restaurant owner*: Do you ever bring in “guest chefs” to offer special one-night menus?
 - *If yes*, how easy, or difficult, was the permitting process to do this?
- *If interviewing a market owner*: Do you ever do cooking demos in your store?
 - *If yes*, how easy, or difficult, was the permitting process to do this?
- Have you participated in (offered food) as part of a temporary event held in Union Square?
 - *If yes*, how easy, or difficult, was the permitting process?
- Do you offer catering services?
 - *If yes*, do you have to obtain a separate permit for each event/menu?
 - *If yes*, how easy, or difficult, is the permitting process for your catering services?
- Do you deliver?

For questions which ask for a level of ease or difficulty, can quantify on a 10-point scale:

0 - 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 (0 - most difficult, 10 most easy)

Personal questions

- Are you aware of the Green Line Extension project?
 - *If yes*, do you foresee any opportunities or challenges for your business as a result of this project?
- Have you noticed a change in clientele in recent years?

- *If yes, what are those changes?*
 - *If yes, has this change affected your business?*
- Do you currently feel supported as a business owner by the City?
 - *If no, what could the City do to provide better support?*
 - *If yes, what are some of the most helpful or supportive activities/programs provided by the City?*
- What are the greatest current and future (perceived) threats to your business?
- What are the greatest (perceived) future opportunities for your business?
- Are you familiar with the new zoning proposal for Union Square?
 - *If yes, how do you feel your business will, or will not, be impacted by the new proposed zoning ordinances?*

3) 5-min baseline interviews with food-business owners: We are interested in expanding our understanding and analysis of the existing condition of the food-business landscape in Union Square. Some of the information we are interested in acquiring is demographic in nature, other information of interest is related to the food-business owner's opinions and specific activities.

Recruitment: Will take place in the interviewee's place of business. Co-investigators will request study participation in-person using the following script:

Hi, my name is [name], and I'm a graduate student at Tufts, in the Urban and Environmental Policy and Planning program. I am currently working on a project with the Somerville Arts Council and Union Square Main Streets, organizations which recognize the need to protect and restore the food-business landscape in Union Square in the face of future redevelopment plans in the area. We are conducting an existing condition analysis of the food-business landscape in Union Square, and have some questions that can't be answered from online public resources. Your input for our analysis would be extremely valuable. Do you have five minutes to answer some questions?

If yes: Thank you! [proceed to "Documentation of consent", below]

If no: OK, thank you for your time.

Documentation of Consent:

"Before we get started, will you please sign this consent form, which allows me to use your answers in aggregate to present baseline information on the existing condition of the Union Square food-business landscape?" [see attachment "short form written consent"]

Any questions or concerns raised by the interviewee will be addressed before obtaining signature and beginning the interview.

Interview script:

[A data collection sheet, below, will be used to direct the conversation. Questions will be asked as written and in the order indicated. If useful follow-up conversation ensues or the interviewee would like to expand on any of their answers or provide further information, interviewer should proceed to “documentation of informed consent” for in-depth interviews, request to record the conversation, and then conduct the rest of the interview]

Data Collection Form:

- 1) Name of Business:
- 2) Name of business owner:
- 3) Do you live in Somerville?
- 4) Where are you from originally?
- 5) How many years has your business has been operational?
- 6) Do you rent or own the building?
 - a. *If rent:* Do you wish to own your own building? (Y / N)
- 7) Are you interested in having outdoor seating?
- 8) *If interviewing a market-owner:* Do you ever do cooking demos in your store? (Y / N)
- 9) *If interviewing a restaurant-owner:* Do you ever bring in “guest chefs” for one-night special menu offerings? (Y / N)
- 10) Do you offer catering services? (Y / N)
- 11) Have you ever offered services (sold food) at temporary events held in Union Square? (Y / N)
- 12) Do you deliver? (Y / N)



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