



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-18

Date: May 9, 2013

Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT**

Site: 44 Park Street

Applicant Name: Gregory Cain

Applicant Address: 15 Upland Road Apt 4 Cambridge, MA 02140

Property Owner Name: Belam, LLC

Property Owner Address: 15 Ward Street Somerville, MA 02143

Agent Name: Kneeland Construction Corp.

Agent Address: 407 Rear Mystic Ave Suite 34B Medford, MA 02155

Alderman: Maryann Heuston

Legal Notice: Applicant, Gregory Cain, and owner, Belam, LLC, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure, SZO §7.11.6.3.a to establish a commercial gym under 10,000 square feet and under SZO §9.13 to share parking onsite.*

Zoning District/Ward: RC/Ward 2

Zoning Approval Sought: Special Permit under SZO §7.11.6.3a and §9.13

Date of Application: March 19, 2013

Date of Hearing: Zoning Board of Appeals - April 14, 2013

* The special permit for shared parking is no longer part of the application. The required number of spaces will be constructed on-site.

** The site plan for the development changed after the staff report dated April 25, 2013 was issued. Changes and clarifications to that report are underlined or ~~struck~~ in this document.

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 43,012 square foot lot on which sits a 10,908 square foot one-story steel framed warehouse. The building has an 800 square foot vacant office area in the front portion of the building and a daycare occupying the rear of the building since 2012. On the site, there is a parking lot with 19 spaces and a playground for the daycare. The rear of the site, where the daycare occupies, was renovated in 2012. The northern edge of the property abuts an MBTA commuter rail track. There is an approximately 7-foot chain link fence along the tracks. The parcel is rectangular except for the southwestern edge, which has a triangular shape. The front of the site is poorly maintained, the lawn has debris and rocks.

There have been several prior cases for 44 Park Street. The first, in 2002, was a conditional approval for a new fence. In 2003, 2004, and 2008 (ZBA 2008-24) there were proposals for affordable housing. In 2011, a special permit was approved to alter a nonconforming structure under SZO §4.4.1 by adding windows, doors and a canopy for the use of an approximately 6,000 square foot by-right child care facility (ZBA 2011-83).



Park Street Frontage



East/Rear Elevation at Daycare (South Elevation similar)

2. Proposal: The proposal is to build out a 4,445 square foot strength and conditioning facility with personal and small group CrossFit training. The gym hours will be 6-8 am and 6-8:30 pm Monday

through Friday and 9-12 on Saturday, with expansion of hours expected. The only alteration to the exterior of the building is a second emergency egress at the north of the property and a 4' x 7' vinyl sign above the main entrance with no lighting. The parking lot will be extended to include another eight spaces on a crushed rock surface with a partial cobble-stone curb. A handicap parking space will be accommodated on existing paving at the front of the lot for a total of 9 additional spaces.

3. Nature of Application: Under SZO §4.4.1, lawfully existing nonconforming structures, other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA. The structure is currently nonconforming in terms of the northern side yard setback. The building is 2 ft 5 in from the side yard and the requirement is 6 feet. Due to its nonconforming status, a special permit is required to add the additional exterior door.

The building is in an RC zone. The use of a commercial health facility under 10,000 square feet is allowed by special permit (SZO §7.11.6.3.a).

No parking relief is required for the use because of the parking lot expansion and previous nonconformity with respect to parking requirements. Refer to the table and narrative below for the calculation of the parking requirement. Recreational centers or health clubs require 1 parking space per 500 square feet or 1 space per 4 persons based on occupancy capacity (Refer to 780 CMR Mass Building Code Table 1004.1.2 Maximum Floor Area Allowance per Occupant) of the largest assembly area, whichever is higher. The parking requirement is 21 parking spaces based on the calculation of the largest assembly area.

The last known use is office space which requires 1 space per 500 sf. The parking requirement was 9 spaces.

SZO § 9.4.1.d.2 states that when there is a nonconforming parking situation and a change in use with no change in floor area, no additional parking shall be required if the new use requires 1 or less parking spaces than the prior use. If there is a difference of greater than 2 spaces, then 50% of this additional requirement shall be provided. Since the old use required 9 spaces and the new use requires 21 spaces, then 6 spaces must be provided. There is no parking relief needed because 8 new spaces in the rear of the lot and 1 new space in the front of the lot are being provided.

<u>Gym Parking Requirements – whichever is higher</u>			
<u>9.5.6.d</u>	<u>1 space/500 sf</u>	<u>4500/500</u>	<u>9 spaces</u>
<u>OR</u>			
<u>9.5.6.d</u>	<u>1 space per 4 person based on occupancy capacity of largest assembly area</u>	<u>(4150/50)/4</u>	<u>21 spaces</u>
<u>Office Parking Requirements</u>			
<u>9.5.7.a</u>	<u>1 space/500 sf</u>	<u>4500/500</u>	<u>9 spaces</u>
<u>Nonconformity with Respect to Parking Requirements</u>			
<u>9.4.1.d.2</u>	<u>Gym Parking</u>		<u>21 spaces</u>
	<u>Minus Office Parking</u>		<u>9 spaces</u>
	<u>Equals the Sub-Total</u>		<u>12 spaces</u>
	<u>Sub-Total divided by 2</u>		<u>6 spaces required</u>

Once again, no parking relief is required because 9 spaces are being provided and only 6 are required.

Under SZO §9.15, two bicycle spaces need to be provided. Four bicycle racks are being installed on a concrete pad near the front entrance to the gym which will accommodate 8 bicycles.

The design and size of signage for the gym must comply with SZO §12.4.

4. Surrounding Neighborhood: The neighborhood to the north is comprised of a mix of factory, business and residential uses including a new climbing gym. Conway Playground is also located north of the site. To the south, east and west are mostly residential neighborhoods with one- and two-family homes. There is a large residential development across Park Street with Park and Ivaloo Street addresses.

5. Impacts of Proposal: The renovation to the rear portion of the building for the daycare in 2012 greatly improved south and east elevations. The industrial feeling was maintained and is compatible with the gym use. There will be signage above the existing front door to indicate the new tenant and an additional egress door; however, no other alterations are proposed except that the front portion of the building will be painted this year. Since the front of the building is being activated, a condition of the special permit is cleaning up the front lawn of the property by removing the rocks and re-seeding.

The vehicular, cycling, and pedestrian traffic to the site will increase. Because the gym entrance and bicycle parking will be on Park Street, it will add to a more active street life along Park Street and to the building itself. The site has transit access from the 83, 85, 86, and 87 bus lines. The required number of parking spaces and anticipated parking space demand will be provided on-site. A Traffic Assessment conducted by McMahon Transportation Engineers and Planners using ITE calculations adjusted for the site's transit accessibility projects that the Saturday midday peak parking demand will be 8 spaces. A condition of this report is to fully enclose the cobble-stone parking area with a curb to contain the crushed stone.

6. Green Building Practices: Recycled materials will be used when possible.

7. Comments:

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

Wiring Inspection: Has been contacted but has not yet provided comments.

Ward Alderman: Has been contacted and is supportive of the use. She has not yet provided comments regarding expanded parking.

Community Meeting: There was a community meeting on May 8th that Planning Staff was not able to attend.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §7.11.6.3.a):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

In considering a special permit under §7.11.6.3.a of the SZO, Staff find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. The use is a fairly quiet use and the required number of parking spaces and anticipated parking demand will be met onsite. A Traffic Assessment conducted by McMahon Transportation Engineers and Planners projects that the Saturday midday peak parking demand will be 8 spaces.

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The alterations to the structure by adding an egress door do not increase the nonconforming side yard.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "promote the health, safety, and welfare of the inhabitants of the City of Somerville; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence C district, which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The industrial feel of the building is compatible with the gym use. There will be improvement to the property including painting the front portion of the building and cleaning up the front lawn of the property by removing the rocks and re-seeding. A condition of this report is to fully enclose the cobble-stone parking area with a curb to contain the cobble-stones.

III. RECOMMENDATION

Special Permit under SZO §4.4.1 and §7.11.6.3.a

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes														
1	Approval is for a Special Permit under SZO §4.4.1 to alter a nonconforming structure and SZO §7.11.6.3.a to establish a commercial gym under 10,000 square feet. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 19, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 14, 2013 (April 25, 2013)</td><td>Modified plans submitted to OSPCD (A-01 Crossfit Gym Plan, A-02 Crossfit Gym Bathroom Plan)</td></tr><tr><td>November 1, 2011 (April 25, 2013)</td><td>Modified plans submitted to OSPCD (A2.0 Signage)</td></tr><tr><td>April 23, 2013 (April 25, 2013)</td><td>Modified plans submitted to OSPCD (C4.0 Grading, Drainage, and Utilities Plan)</td></tr><tr><td>May 3, 2013 (May 8, 2012)</td><td>Modified plans submitted to OSPCD (A-01 Cross Gym (Potential Gym Layout Sketch))</td></tr><tr><td>May 3, 2012</td><td>Modified plans submitted to OSPCD (Parking Assessment)</td></tr></table>	Date (Stamp Date)	Submission	March 19, 2013	Initial application submitted to the City Clerk's Office	March 14, 2013 (April 25, 2013)	Modified plans submitted to OSPCD (A-01 Crossfit Gym Plan, A-02 Crossfit Gym Bathroom Plan)	November 1, 2011 (April 25, 2013)	Modified plans submitted to OSPCD (A2.0 Signage)	April 23, 2013 (April 25, 2013)	Modified plans submitted to OSPCD (C4.0 Grading, Drainage, and Utilities Plan)	May 3, 2013 (May 8, 2012)	Modified plans submitted to OSPCD (A-01 Cross Gym (Potential Gym Layout Sketch))	May 3, 2012	Modified plans submitted to OSPCD (Parking Assessment)	BP/CO	ISD/Plng.	
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Any changes to the approved plan and elevations that are not <i>de minimis</i> must receive SPGA approval.																		
2	The crushed-stone parking area shall be fully enclosed with a stone curb to contain the crushed-stones.	CO	Plng.															
3	After completion of the parking lot addition, the Owner must install rear landscaping as specified in case ZBA 2011-83. Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD															
4	Owner must remove rocks from front lawn and re-seed.	CO	Plng/ISD															
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP															
6	Signage design to be submitted for Planning approval.	CO	Plng.															
7	Signage will be limited in size and location to that shown in the elevation diagrams.	CO/Cont.	Plng.															
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD															

9	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
10	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

