



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

STAFF

MADELEINE MASTERS, *DIRECTOR OF PLANNING*
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Case #: ZBA2005-27-R-1108
Site: 1 Davis Square
Date: December 11, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: Davis Square LLC
Applicant Address: 444 Somerville Avenue, Somerville, MA 02143
Property Owner Name: same
Property Owner Address: same
Alderman: Gewirtz

Legal Notice: The Applicant/Owner seeks a revision to Special Permit ZBA 2005-27a for a change in use to allow a commercial health and exercise facility to expand onto the third floor currently permitted for non-medical office use.

Zoning District/Ward: CBD / 6
Zoning Approval Sought: Revision to Special Permit 2005-27a
Date of Application: October 30, 2008
Date(s) of Public Hearing: [ZBA: December 17, 2008]

I. PROJECT DESCRIPTION / FINDINGS

On November 2, 2005 the applicant was granted a special permit to alter and expand a non-conforming structure, a special permit with site plan review to establish a retail store of greater than 10,000 sf, a special permit with site plan review to establish a commercial health and fitness club of greater than 10,000 sf, a special permit for shared loading facilities and a variance for failure to provide twenty eight (28) additional parking spaces required for the expansion.

On March 5, 2006 the applicant was approved for a minor revision in order to incorporate a number of design changes to the original plans that were as a result of recommendations from the Design Review Committee as well as from conditions requested by the Planning Board and adopted into the final ZBA decision. Changes to the height of the building were also approved by the ZBA after preparations of the construction drawings showed the need for increased floor to ceiling height.

On July 11, 2007 the applicant received approval to modify the location of a sunshade.

The applicant is requesting this Special Permit Revision in order to allow a commercial health and exercise facility to expand onto the third floor.

The original ZBA decision approved a commercial health and fitness club of greater than 10,000 sf. However, that decision approved plans prepared by Paul Lukez Architecture dated July 21, 2005 (A0.0-A3.4), which includes a third floor plan showing office tenant space occupying the entire floor (A2.4). Consequently, the expansion of the health and fitness club requires ZBA approval. No additional parking is required.

The health and fitness club (Boston Sports Club), which currently occupies the second floor wishes to expand their business into 3,016 gsf on the third floor of the building. The two floors would be connected with a 120 sf interior stairway. The health and fitness club would install by-right signage in several windows on the third floor that would match the existing second floor signage. The remaining third floor square footage would continue as non-medical office use.

Staff finds that the applicant has been unable to rent the third floor office space and that prolonged vacant floor space can have negative effects on a community. Staff finds the expansion of the health and fitness club onto the third floor to be an appropriate use, a good amenity and healthy for the neighborhood.

II. RECOMMENDATION

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **REVISION TO THE SPECIAL PERMIT**.

The original conditions attached to the Special Permit would still apply and are repeated here, modified to reflect the revised plan submission.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>This approval is to allow a health and fitness club to expand onto the third floor.</p> <p>The previous approval allowed the alteration of a non-conforming structure, established a health and fitness club use above 10,000sf, established a retail use above 10,000sf, allowed shared a loading facility and granted a variance for failure to provide 28 parking spaces.</p> <p>Previous revisions allowed design, height and sunshade alterations.</p> <p>Approval is based upon the following application materials and the plans submitted by the Applicant and/or agent:</p>	CO	ISD/ Plng.							
	<table><tr><th>Plan Date (Stamp Date)</th><th>Submission</th></tr><tr><td>7/21/05 (N/A)</td><td>Plans prepared by Paul Lukez Architecture (Pages A0.0-A2.3, A2.5)</td></tr><tr><td>2/7/06 (SPCD 3/13/06)</td><td>Elevations and drawings</td></tr></table>				Plan Date (Stamp Date)	Submission	7/21/05 (N/A)	Plans prepared by Paul Lukez Architecture (Pages A0.0-A2.3, A2.5)	2/7/06 (SPCD 3/13/06)	Elevations and drawings
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		(A200, A201, A600)			
	6/14/07 (N/A)	Elevation (SKA-56)			
	10/29/08 (SPCD 12/11/08)	3rd floor expansion plan			
	<p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval. Any future changes to floor plans that do not constitute a change of use or increase the required parking shall not require ZBA approval.</p> <p>These conditions replace all conditions attached to prior permits.</p>				
2	All exterior lighting to be used on the building shall be subject to final review and approval by the City's Lights and Lines Inspector		Cont.	DPW	
3	An upgrade in the entire building's fire alarm and suppression systems to current code is required. The entire building will be required to meet the NFPA 13 and 72 2002 standards. Fire Prevention permits will be required for all work. The Board approves the granting of these special permits subject to the building being completed in accordance with plans filed and in accordance with the requirements of the Fire Prevention Bureau and fire safety code, and as evidenced by a Certificate of Compliance being granted prior to the issuance of an Occupancy Permit.		CO	FP	
4	Upon the issuance of a Certificate of Occupancy for the building the Applicant must make the first of five (5) equal annual installments of the PMC (linkage) as provided in SZO §15.3. The PMC shall be calculated in accordance with the documented final area calculations obtained from the OSPCD Housing Director.		Cont.	Housing	
5	A designated trash storage room must be provided within the building. All trash must be stored within the building until it is to be removed for curbside pickup. Trash removal must occur at the designated loading area on Dover Street.		Cont.	ISD	
6	A designated bicycle storage room must be located within the building and must be available to all employees of the building.		Cont.	ISD	
7	Since the Applicant is not proposing any landscaping at the site, the Applicant/or tenants must participate in the City's Adopt-A-Spot scheme to help with the upkeep of the Davis Square Plaza, which is located directly opposite from the proposed building.		Cont.	ISD	
8	The use of the roof of the building shall be restricted to maintenance and mechanical related activities.		Cont.	ISD	
9	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.		Final sign off	Planing	