



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA2008-43

Site: 1 Summer Street

Date: September 12, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 1 Summer Street

Applicant Name: Victoria Lamb

Applicant Address: 1 Summer Street -Somerville, MA

Property Owner Name: same

Property Owner Address: same

Alderman: Taylor

Legal Notice: The applicant seeks Special Permit with Site Plan Review under SZO §7.11.1.c to revise a previously approved residential development by converting storage space to a commercial office. The applicant seeks variance from SZO §9.5 in order not to provide the one additional parking space required by this change of use.

Zoning District/Ward: CBD / 3

Zoning Approval Sought: SPSR under SZO §7.11.1.c and Variance for SZO §9.5

Date of Application: August 11, 2008

Date(s) of meeting/public hearing: [PB: September 4, 2008 / ZBA: September 17, 2008]

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on September 4, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0), with Linda Bohan and Elizabeth Moroney absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The subject property, a 10,788 s.f. lot located within a Central Business District (CBD) zoning district, is improved with an Early Gothic Revival style red brick church building. This church building is on both the National Register of Historic Places and is also within a Local Historic District. The building has an overall height of seventy-six (76') feet and acts a prominent landmark that defines the edge of Union Square, at the intersection of Bow Street and Summer Street. The building occupies almost the entire lot upon which it is located and has 12 off-street parking spaces located below grade.

2. Proposal: The Applicant is proposing to change an existing 140 s.f. storage room to non-medical commercial office use for resident lease only. This space is located on the ground floor in the front lobby area and no exterior work is proposed. The change in use would generate the requirement of one (1) additional parking space which is not provided for in the proposal.

3. Nature of Application: The applicant is proposing an alteration to the existing Special Permit with Site Plan Review (SPSR) approved in 2002, which allowed seven (7) units on the property and provided zoning relief for parking space dimensions. The proposed office space is a by-right use but, since the seven (7) unit condition still exists which required an SPSR this new application would require an SPSR in order to revise it. Under this circumstance the applicant would require SPSR approval under §7.11.1.c. The proposed use requires one (1) parking space for every 575 s.f. of office space in a CBD under SZO §9.5.7 and would require a variance since the additional space can not be provided on, or near, the property.

4. Surrounding Neighborhood: The surrounding area includes uses typical of the CBD zone in which the property is located. The area has a mix of offices, restaurants, banks, stores and other establishments toward Union Square and residential neighborhoods, which abut the property to the north and west. The residences are a mix of single-, two-, three-, and multi-family dwellings. Directly opposite the property are a number of small retail storefronts.

5. Impacts on Abutting Properties: The incorporation of a small office use into the property would have a limited effect on abutting properties. Any impacts from additional cars to the area from patrons of the office use would be minimal because only driving visitors would require parking since the residents of the building have below grade space to park.

6. Green Building Practices: None

7. Comments:

Alderman: Alderman Taylor has been contacted and supports this proposal.

Traffic and Parking: Terry Smith has been contacted and does not object to this proposal as long as it is residents only office use.

II. FINDINGS AND DETERMINATIONS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.11.1.C)

In considering the requested special permits with site plan review the Staff must consider and make findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in more detail.

1. Information Supplied: The Applicant must comply "with the information requirements in Section §5.2.3;"

The information provided by the Applicant allows for a comprehensive review of the proposed development and complies with the requirements set forth under §5.2.3 of the SZO.

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 with site plan review".

As conditioned, the proposal will comply with these standards.

3. Purpose of the District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6". The project site is located within a Central Business District (CBD). The CBD district seeks to "preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses."

The Board finds the proposal for office space to be consistent with the intent of the CBD. The proposed variance to reduce the required parking is also consistent with the goals of the district to promote pedestrian activity. The Board finds that limiting the number of parking spaces available will encourage using other modes of transportation, including walking, to get to the office space.

4. Site and Area Compatibility: The Applicant has to ensure that the project "Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area."

No exterior alterations are proposed.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

The Board finds the project meets accepted standards and criteria for the functional design of facilities, structures, and site construction. Any necessary mitigation has been incorporated into the recommended conditions section of this report.

6. Impact on Public Systems: The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the

public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."

The Board finds that any public impacts would be related to the street system and vehicular traffic. The SZO requires one parking space for the proposed office space and the applicant is requesting a variance from that requirement. The Board finds that due to the location of the existing building within a CBD, the considerable pedestrian activity in the area, and the availability of public transportation that the parking reduction is acceptable for this use.

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

No environmental impacts are foreseen as a direct result of this development. The office use would be allowed as-of-right in CBD if there were not seven (7) units existing through Special Permit in the building.

8. Consistency with Purposes: "Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections."

As the required findings of Article 5 have been made, and the proposal satisfies the purposes of Article 1, including "to encourage the most appropriate use of land" and "to preserve and increase the amenities of the municipality" and of Article 6, as already described, the Board finds the proposal to be consistent with the purposes of the SZO.

9. Signage: "The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures of features shall reflect the scale and character of the proposed buildings."

As conditioned, signage must reflect the residential nature of the building and the historic character of the building.

III. FINDINGS FOR VARIANCE (SZO §9.5)

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."

The Board finds that there are special circumstances relating to the size of the existing historic structure and the lot coverage on the site. Lot area for parking does not exist on the site due to the high lot coverage of the building. The original proposal was creative in creating enough parking spaces for the

residential units in a below grade parking structure, but that area is filled to capacity. This circumstance creates a hardship for the owner in accommodating an office use which, on its own, would be allowed as-of-right in the CBD. Also, the provision of required parking would adversely impact the historic structure and it's landscaping along the street.

2. “The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

The Board finds this variance from the City parking requirements (one space) to be the minimum variance to grant reasonable relief to the owner in order to incorporate an office use within the CBD. As previously stated, the proposed use would be allowed by right in this zoning district, and therefore, the Board finds this a reasonable use of the building. Without this parking variance the applicant would not be allowed this reasonable by-right use to be established.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The Board finds that the intent of the Ordinance is for Central Business District areas to provide a wide variety of commercial uses in a pedestrian friendly environment. The reduction in parking will encourage pedestrian activity and the office has the potential to provide a local amenity. The applicant has stated that the office is to be rented solely to a resident or residents of the building who currently have available parking within the building. The Board finds that granting the variance would be in harmony with the general purpose of the Ordinance.

IV. RECOMMENDATION

Special Permit with Site Plan Review (SPSR) SZO §7.11.1.c and Variance SZO §9.5

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT with SITE PLAN REVIEW and VARIANCE**

The Board finds that this application complies with the requirements for granting a Special Permit with Site Plan review as set forth under §5.2.5 that the new construction proposed would not be detrimental to the neighborhood. The Board finds that the project has been designed in a manner that is in character with surrounding properties, provides sufficient landscaping, and meets all dimensional requirements.

The finds that this application complies with the requirements for granting a variance as set forth under §5.5.3

Although the Planning Board is recommending approval of the requested special permit with site plan review and variance, the following conditions should be added to the permits:

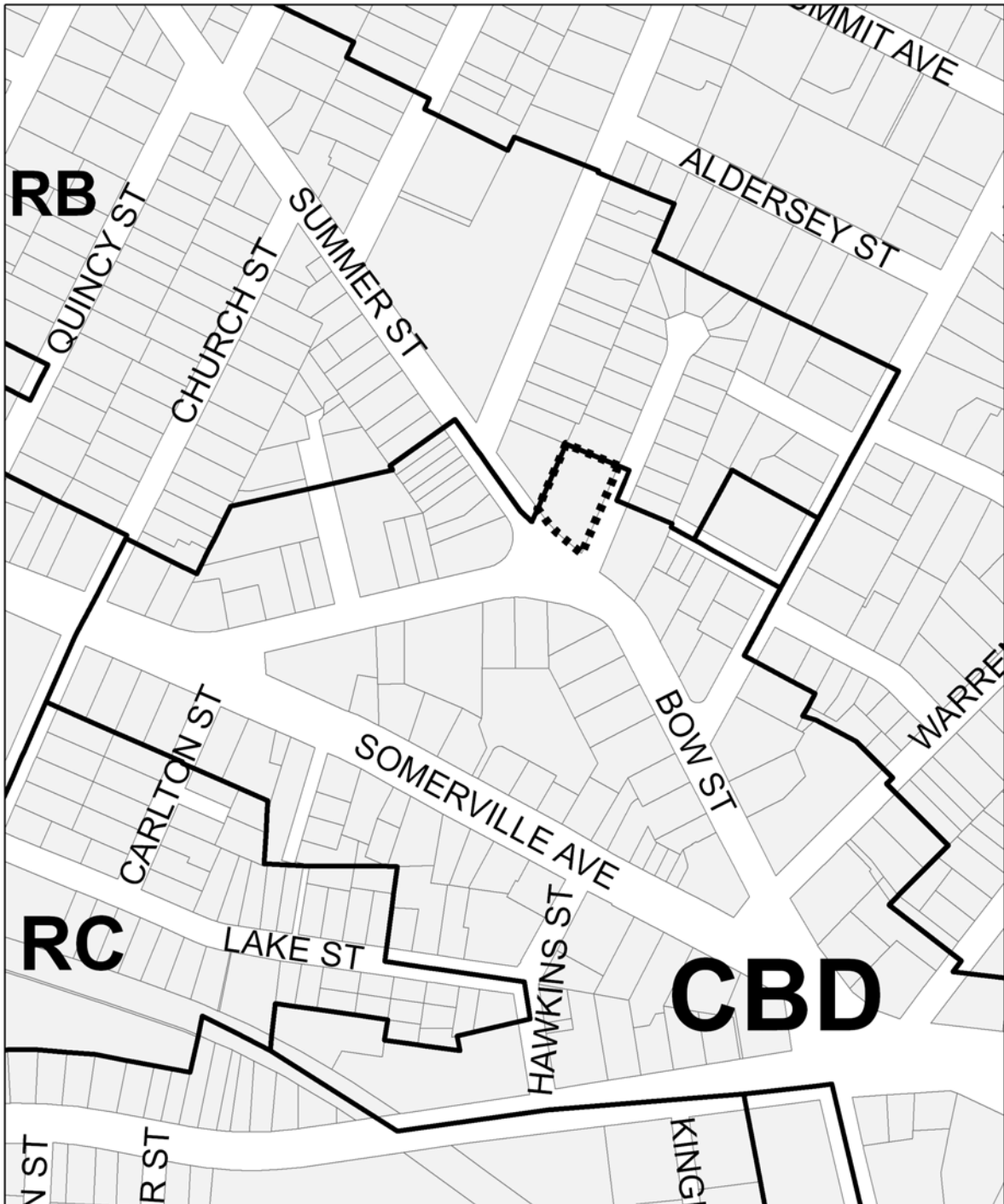
#	Condition	Timeframe for Compliance	Verified (initial)	Not es
1	Approval is for a revision to the original Special Permit with Site Plan Review to allow the alteration of a storage area into a non-medical office space and for a Variance to		PIng.	

	reduce the parking requirement for this use by one space. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor: <table><tr><th>Date</th><th>Submission</th></tr><tr><td>August 11, 2008</td><td>Initial application and site plan submitted to the City Clerk’s Office</td></tr></table> Any changes to the approved site plan or use that are not <i>de minimis</i> must receive ZBA approval.	Date	Submission	August 11, 2008	Initial application and site plan submitted to the City Clerk’s Office			
Date	Submission							
August 11, 2008	Initial application and site plan submitted to the City Clerk’s Office							
2	The office space shall only be available to residents of 1 Summer Street as indicated in the applicant's application.	Perpetual	ISD.					
3	Signage shall be limited to the existing pole signage.	CO	Plng.					
4	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.	CO	Plng.					

Sincerely,



Kevin Prior
Chairman



1 SUMMER STREET