



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-86
Date: November 1, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 862 Broadway

Applicant Name: Amber Lee
Applicant Address: 26 Glenwood Road #2, Somerville, MA 02145
Property Owner Name: Charles Kostopoulos
Property Owner Address: Beckate LLC, 51 Fairfield Street #2, Cambridge, MA 02140
Alderman: Robert Trane

Legal Notice: Applicant, Amber Lee, and Owner, Charles Kostopoulos, seek a Special Permit under SZO §4.5.1 to change the nonconforming use from a message therapy medical office to a personal training studio and a Special Permit under SZO §9.13.a for relief from parking requirements. RB district. Ward 7.

Zoning District/Ward: RB / 7

Zoning Approval Sought: Special Permit under SZO §4.5.1

Date of Application: October 4, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, November 7, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The property is a single story commercial structure on a 12,018 square foot lot on the corner of Broadway and College Avenue at the Powderhouse Rotary. The building has several commercial storefronts and the subject space is approximately 500 net square feet. The structure, as a whole has 9,738 gross square feet, a floor area ratio of .81 and no on-site parking. The subject commercial space was previously used as a dry cleaner, a nail salon, and a message therapy medical office. The building is located in a Residence B district and is predominantly surrounded by two- and three-family dwellings.



This commercial building and subject space has received zoning relief multiple times to change from one nonconforming use to another in a Residence B district. In 2010 this space changed use from a dry cleaning business to a message therapy medical office and in 2008 the space changed use from a real estate office to the previously mentioned dry cleaners.



Top: 852-868 Broadway

Right: 862 Broadway, commercial storefront



2. Proposal: The Applicant, Amber Lee, proposes to change the use of the subject commercial space from a message therapy medical office to a personal training studio. The Applicant does not propose to change the interior or exterior of the space, other than modifying the signage above the door. The signage will be consistent with other signage on the building and consist of gold lettering that forms an arch.

Currently, there is no on-site parking for this building and the Applicant proposes no changes to the present parking situation. The surrounding neighborhood is permitted parking and the main streets that circle the rotary have metered parking. The subject commercial space has had several previous uses and the parking situation has remained consistent. The residential zone of this parcel requires Special Permit approval to change the use of these commercial spaces.

3. Nature of Application: This is a commercial property within an RB district. The Applicant, Amber Lee, and Owner, Charles Kostopoulos, seek a Special Permit under SZO §4.5.1 to change the nonconforming use from a message therapy medical office to a personal training studio (§7.11.6.a). There are no interior or exterior modifications as part of this proposal, other than signage.

A Special Permit under SZO §9.13.a is also part of this request. Presently, there is no on-site parking for this commercial building. The previous use, a medical office, requires one parking space and the proposed use, a personal training studio, requires two spaces. Therefore, as §9.13.a allows for the modification of parking requirements, the Applicant requests relief from providing one additional parking space. The surrounding neighborhood is permitted parking and the main streets that circle the rotary have metered parking.

4. Surrounding Neighborhood: The subject parcel is located in a Residence B district on the corner of Broadway and College Avenue at the Powder House Circle. This commercial building is composed of a variety of retail stores and the surrounding neighborhood is predominantly composed of two- and three-family residential dwellings. Tufts University is also located near Powder House Circle.

5. Impacts of Proposal: The proposed change in nonconforming use, from a message therapy medical office to a personal training studio, will not be detrimental to the structure or the surrounding residential neighborhood. There will be no modifications to the interior or exterior of the space, other than signage. While the Applicant does request relief from providing one parking space, the proposed use of this space will not have more than four students at one time and the surrounding area is permitted neighborhood parking.

6. Green Building Practices: The Applicant indicates that this facility will not supply disposable cups or towels and that the toilet(s) will have an efficient water flush system.

7. Comments:

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

Ward Alderman: Has been contacted but has not yet provided comments.

Traffic & Parking: The Department of Traffic and Parking has concerns about the on-street parking situation that would be created in the Powder House neighborhood should relief be provided to the Applicant for the proposed project. The Department of Traffic and Parking is requesting a Traffic Memorandum that discusses the impacts of this proposal on the neighborhood parking situation. At this time, the Applicant has not provided a Traffic Memorandum. Until the Department of Traffic and Parking receives this document, their office will not comment on this proposal; however, they remain concerned about the possible on-street parking situation in the neighborhood that would result from the Applicant receiving this relief.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5.1 & §9.13.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: Staff find 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 §4.5 of the SZO, Staff find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. The new use, a personal training studio, is a unique amenity to incorporate into the residential Powder House neighborhood. Locating the proposed use in a residential neighborhood, which is also accessible by public transit, encourages potential users to walk. As the space is approximately 500 net square feet, no more than four students and one trainer will occupy the space at one time.

In considering a Special Permit under §9.13 of the SZO, the Applicant must be able to demonstrate that granting the requested Special Permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) Increase in traffic volumes;
- 2) Increased traffic congestion or queuing of vehicles;

- 3) Change in the type(s) of traffic;
- 4) Change in traffic patterns and access to the site;
- 5) Reduction in on-street parking; or
- 6) Unsafe conflict of motor vehicle and pedestrian traffic.

The Department of Traffic and Parking has requested a Traffic Memorandum for the proposed space of relief to more clearly understand how this will affect the parking situation for Powder House Circle and the surrounding neighborhood. This is a unique neighborhood amenity that will likely be most often utilized by residents of the surrounding neighborhood who could walk or bike to the location. However, as the requested use is for one-on-one and small group training, no more than five people will occupy the space at one time. Additionally, the surrounding neighborhood is permitted parking while the main streets that circle the rotary have metered parking. Therefore, the on-street parking situation as a result of this proposal will likely be either minimally impacted or not at all.

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 "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence B district, §6.1.2, which is, "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, which establishes standards ensuring the availability and safe use of parking areas within the City. The proposed nonconforming use of this commercial space will likely have either no impact or a minimal impact on the parking situation of the surrounding residential neighborhood since the surrounding area is permitted parking and the main streets that intersect at the Circle have metered parking.

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 proposed nonconforming use of the commercial space at 862 Broadway is compatible with the characteristics of the built and unbuilt surrounding area, including land uses. The new use, a personal training studio, is a unique service which will contribute to the existing amenities that serve the surrounding residential neighborhood. There will not be modifications made to the interior or exterior of the space, other than signage. While the Applicant does request relief from providing one space of parking relief, the proposed use of this commercial space will not have more than five occupants at one time.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the proposed use will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

Although the Department of Traffic and Parking has requested a Traffic Memorandum for the proposed parking relief, the surrounding neighborhood is permitted parking only and the proposed space would not have more than 5 occupants at any given time.

III. RECOMMENDATION

Special Permit under §4.5.1 and §9.13.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 §4.5.1 to change the nonconforming use from a message therapy medical office to a personal training studio and a Special Permit under SZO §9.13.a for relief from parking requirements. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(October 4, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 22, 2010 (October 25, 2012)</td> <td>Mortgage Inspection Plan submitted to OSPCD</td> </tr> <tr> <td>April 22, 2010 (October 25, 2012)</td> <td>Signage plan submitted to OSPCD</td> </tr> <tr> <td>(October 25, 2012)</td> <td>Floor plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(October 4, 2012)	Initial application submitted to the City Clerk's Office	April 22, 2010 (October 25, 2012)	Mortgage Inspection Plan submitted to OSPCD	April 22, 2010 (October 25, 2012)	Signage plan submitted to OSPCD	(October 25, 2012)	Floor plan submitted to OSPCD
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Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											

3	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.	
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