



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-30
Date: May 30, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 76 Cross Street/126 Pearl St

Applicant & Owner Name: Winford Realty Trust
Applicant & Owner Address: P.O. Box 207 Somerville, MA 02143
Alderman: Maureen Cuff-Bastardi

Legal Notice: Applicant and Owner, Winford Realty Trust, seek a Special Permit under SZO §4.5.3 to expand a nonconforming use beauty salon/barber shop in an existing storefront. RB Zone. Ward 1.

Zoning District/Ward: RB/Ward 1

Zoning Approval Sought: Special Permit

Date of Application: April 12, 2012

Dates of Public Hearing: Zoning Board of Appeals – June 5, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is located at the corner of Cross Street and Pearl Street in the heart of East Somerville. The building is roughly 13,000 square feet with a total of 7 units, 4 storefronts and 3 residential units, on a 7,871 square lot. Currently, Cross Street Market and Deli, a beauty salon, and a uniform service business (mailing address 78 Cross Street) occupy 3 of the 4 storefronts. The vacant storefront was previously a church.



Cross Street Frontage



Pearl Street Frontage

2. Proposal: The proposal is to expand a nonconforming use, a salon/barber shop, into a 992 square foot vacant space located next to the existing beauty shop. The vacant space has a purple storefront shown in the photo below. There are no interior or exterior modifications as part of this proposal.



Storefront (purple)

3. Nature of Application: The subject property is a residential and commercial building in an RB district. The Applicant, Winford Realty Trust, seeks a special permit under §4.5.3 of the SZO, to expand an existing nonconforming use a barber shop/salon.

There is no parking relief needed as part of the use change. The previous use, a church, required 5 parking spaces (1 per every 6 seats, occupancy of 30 allowed). A salon/barber shop requires 1 space for every 450 square feet. The 992 square foot space only requires 2 parking spaces. No parking is provided with the building. Under §9.4.1, when there is a nonconforming parking situation with a change of use but no change in floor area and there is a lower parking requirement for the new use, no spaces shall be required.

4. Surrounding Neighborhood: The subject property is in an RB district located at the corner of Pearl and Cross Streets. The surrounding neighborhood is mostly 2 ½ story homes with some triple deckers and is in the heart of the East Somerville neighborhood. The Cross and Pearl Street intersection is a relatively busy intersection, the East Somerville Community School is across Pearl Street.

5. Impacts of Proposal: The proposed change, to expand a nonconforming use, a barber shop/salon, 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.

6. Green Building Practices: None listed on the application.

7. Comments:

Ward Alderman: Alderman Bastardi was contacted and has not provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5.3):

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 §4.5 of the SZO, Staff do not find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. The previous use, the church, a by right use, was more disruptive because of the music to the residential tenants above than a beauty salon/barber shop.

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 the purposes of the Ordinance are to promote the health, safety, and welfare of the inhabitants of the City of Somerville and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, 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.

Planning Staff believe that a beauty salon/barber shop is a convenient amenity for 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 exterior of the building will not change except for signage for the salon/barber shop. The conditions of approval will limit the location to the sign band on the building and the Zoning Ordinance limits the size to an appropriately sized sign of 12 square feet. Despite the residential zoning the building was designed to have a commercial first floor and the proposal is compatible with its design.

III. RECOMMENDATION

Special Permit under §4.5

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 §4.5.3 to expand a nonconforming use beauty salon/barber shop in an existing storefront. 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>April 12, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(May 28, 2013)</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 12, 2013	Initial application submitted to the City Clerk's Office	(May 28, 2013)	Modified plans submitted to OSPCD (Plot Plan)
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Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.										
Public Safety										
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
Signage										
3	Signage location will be limited to the sign band existing on the building and cannot be more than 12 square feet per SZO §12.3. Sign lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.							
4	Temporary signs pertaining to special sales or event may be affixed to windows provided that their total area does not exceed 30%.	CO/Cont.	Plng.							
Final Sign-Off										
5	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.							

