



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-23
Date: April 25, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 314 Highland Avenue

Applicant Name: Union Square Animal Hospital
Applicant Address: 314 Highland Ave, Somerville MA 02144
Property Owner Name: CT & M, LLC
Property Owner Address: 314 Highland Ave, Somerville M A02144
Agent Name: Richard G. Di Girolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Union Square Animal Hospital, and Owner, CT & M, LLC, seek a Special Permit under SZO §7.11.8.11.a to establish an approx 800 sf office of veterinarian.

Zoning District/Ward: RC / 6

Zoning Approval Sought: Special Permit §7.11.8.11.a

Date of Application: April 1, 2013

Dates of Public Hearing: Zoning Board of Appeals 5/1/2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,638 square foot lot on which sits a 7040 square foot mixed-use structure. There are two vacant commercial units on the ground floor and five residential units in the building. The building sits on the front property line and at the back of the property is a patio area with brick pavers. There is no associated parking with the building.

There are a few past zoning cases for this property. In 1977 the Zoning Board of Appeals (ZBA) denied an application to convert the site which was a candy operation to a wholesale donut business. In 1998 the



ZBA approved the construction of the existing building. There was a condition that the signs for the storefronts are to be no larger than the proposed 13 square feet each, made of wood, and are not to be internally-illuminated, subject to Planning Staff review and approval.



314 Highland Ave: (top left) Front of building with vacant storefront, (top right) Rear of site, (bottom right) Sign in existing location in Union Square



2. Proposal: The proposal is to establish an office of veterinarian in the leftmost storefront that is 800 square feet. Union Square Veterinary Clinic would move from Union Square into this space. Patrons and employees that drive to the site would use on-street parking. There is no overnight operations. The Clinic does not generate a lot of trash and the trash that is generated would be kept inside. The sign would be moved from the Union Square location to the subject property.

3. Nature of Application: An office of veterinarian requires a Special Permit under SZO §7.11.8.11.a to establish in a RC district. Since the prior retail use required two parking spaces and the proposed use requires two parking spaces, no parking relief is required.

4. Surrounding Neighborhood: The surrounding neighborhood is a mix of commercial establishments and residences. The business immediately to the left is a tutoring establishment and the space to the right is a vacant storefront.

5. Impacts of Proposal: The greatest impact of the veterinary clinic will be noise of animals being treated. The hours of operation are during the day so the noise will not disturb people at night. The Clinic has been operating in Union Square and is accustomed to functioning in an urban environment. The trash will be kept indoors until it is picked up. Patrons and employees that drive to the site will use on-street parking during the day when it is most available. The sign will fit in the existing sign band on the building.

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

7. Comments:

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

Traffic & Parking: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman Gewirtz is not opposed to the proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO § 7.11.8.11.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."

The proposal complies with the standards for granting a special permit. The use is allowed by Special Permit and no parking relief is required. A past condition of approval for this site is that signs for the storefronts are to be no larger than the proposed 13 square feet each, made of wood, and are not to be internally-illuminated. This condition will be carried forward with this application.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the RC district in providing a use that is compatible with residential uses and convenient 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 appearance of the building will not change greatly with the establishment of the veterinarian clinic. The only change is that the existing sign at the Clinic's location in Union Square will be installed in the sign band above the door; however, if the sign does not conform to the condition attached, it will have to be altered. Trash will be kept indoors. The greatest impact of the veterinary clinic will be noise of animals being treated. The hours of operation are during the day so the noise will not disturb people at night. The Clinic has been operating in Union Square and is accustomed to functioning in an urban environment. Patrons and employees that drive to the site will use on-street parking during the day when it is most available.

III. RECOMMENDATION

Special Permit under §7.11.8.11.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 the establishment of an 800 sf office of veterinarian. 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>Apr 1, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Sept 15, 1999</td> <td>Plans submitted to OSPCD (Site Plan)</td> </tr> <tr> <td>May 19, 1998 (Apr 25, 2013)</td> <td>Plans submitted to OSPCD (first floor plan)</td> </tr> <tr> <td>(Apr 1, 2013)</td> <td>Plans submitted to OSPCD (clinic's floor plan)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | Apr 1, 2013 | Initial application submitted to the City Clerk's Office | Sept 15, 1999 | Plans submitted to OSPCD (Site Plan) | May 19, 1998 (Apr 25, 2013) | Plans submitted to OSPCD (first floor plan) | (Apr 1, 2013) | Plans submitted to OSPCD (clinic's floor plan) |
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| Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | | | |
| Signage | | | | | | | | | | | | | | |
| 2 | Signs for the storefronts are to be no larger than the proposed 13 square feet each, made of wood, and are not to be internally-illuminated. Lighting after 10p.m. facing residential property will be turned down or off. | CO/Cont. | Plng. | | | | | | | | | | | |
| Trash | | | | | | | | | | | | | | |
| 3 | Trash shall be stored inside and only put outside during pick up times. | Cont. | ISD | | | | | | | | | | | |
| Final Sign-Off | | | | | | | | | | | | | | |
| 4 | 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. | | | | | | | | | | | |

