



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-146
Date: December 28, 2016
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 352 Washington Street

Applicant Name: Sasha Craine
Applicant Address: 54 Linden Place, Brookline, MA 02445
Owner Name: Mai Luo
Owner Address: P.O. Box 608, Weston, MA 02493
Alderman: Maryann Heuston

Legal Notice: Applicant, Sasha Craine, and Owner, Mai Luo, seek a Special Permit under SZO §4.5.1 to change a nonconforming use, an auto supply store, to another nonconforming use, a for-profit school for instruction in arts, skills, or vocation training. RB zone. Ward 6.

Dates of Public Hearing: Zoning Board of Appeals – January 4, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The property is located on the southern side of Washington Street on the block between Rose Street and Parkdale Street. The property contains approximately 6,200 square feet of land area with a one story flat roof commercial building of approximately 4,386 square feet. There are two storefront entrances on Washington Street. The whole building was last occupied by an auto parts store.



Street view from Washington Street.

2. Proposal: The proposal is to establish a for-profit school for instruction in arts, skills, or vocation training that will teach Standard Martial Arts; called Oom Yung Doe. It is proposed to occupy approximately 2,050 square feet of the space in the western half of the building. The expected hours of operation are weekly Monday through Friday 7 a.m. to 9 p.m., Saturday 8 a.m. to 3 p.m., and closed on Sunday. There are expected to be three employees.

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

4. Comments:

Ward Alderman: Alderman Heuston has been contacted and has not yet provided comment.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the Somerville Zoning Ordinance (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 structure is currently vacant; however, the last occupant within the past two years was an auto supply store, which is not permitted in a RB zone. That particular use has existed in that location for over thirty years as a preexisting nonconforming use. The proposal to establish a for-profit school for instruction in arts, skills, or vocation training that will teach Standard Martial Arts is a use that is also not permitted in an RB zone.

Section 4.5 of the SZO states that *"a nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the*

existing nonconforming use. In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character."

The proposal to change a nonconforming use, an auto supply store, to another nonconforming use, a for-profit school for instruction in arts, skills, or vocation training requires a Special Permit from the Zoning Board of Appeals. In considering a special permit under §4.5 of the SZO, Staff finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. Staff finds that the proposed use would allow for an educational business that will be an amenity for the neighborhood.

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 promote 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 lessen congestion in the streets; to protect health; 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 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." Staff finds that the proposed for-profit school is compatible with and convenient to the residents of the neighborhood and the municipality as a whole.

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."*

Surrounding Neighborhood: The locus is surrounded by residential land uses with the exception of a factory use on the opposite corner of Parkdale Street. To the west along Washington Street at the intersection with Dane Street there are other storefronts including a laundromat, an instructional kitchen, and a fitness studio. There are two parks nearby: Perry Park to the west and the Argenziano School and Lincoln Park to the southeast.

Impacts of Proposal (Design and Compatibility): There is no exterior construction proposed by the Applicant other than replacing the existing tenant's light box signs and replacing two cracked storefront window panes. Staff finds that the proposed use and signage is compatible with the characteristics of the building and unbuilt surrounding area.

5. Adverse 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.*

Impacts of Proposal (Environmental): Staff finds that there will be no adverse environmental impacts as a result of the proposal.

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

Impacts of Proposal (Circulation): Oom Yung Doe has five other locations in Greater Boston (West Cambridge, North Cambridge, Medford, Newton, and Natick) and their student base is comprised of adults, teens, and family living in the neighborhood of each particular location. Oom Yung Does has found that the order in the way students commute to each respective school is by foot, public transit, bicycle, and motor vehicle. Staff finds that the circulation patterns for motor vehicles and pedestrians as a result of the change in use will not result in conditions that create traffic congestions or reduce on-street parking availability.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no adverse impact on the stock of existing affordable housing.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods and make Somerville a regional employment center with a mix of diverse and high-quality jobs. A goal of SomerVision is to support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here, and stay here.*

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						
	<p>Approval is for the establishment of Oom Yung Doe, a for-profit school for instruction in arts, skills, or vocation training specializing in Standard Martial Arts. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>December 1, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>November 6, 2016</td><td>Ground floor plan submitted to OSPCD</td></tr></table> <p>Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	December 1, 2016	Initial application submitted to the City Clerk’s Office	November 6, 2016	Ground floor plan submitted to OSPCD	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission									
December 1, 2016	Initial application submitted to the City Clerk’s Office									
November 6, 2016	Ground floor plan submitted to OSPCD									
	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.							
Final Sign-Off										
	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.							

