



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2014-116
Date: December 4, 2014
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 862 Broadway

Applicant Name: Mary McPartland
Applicant Address: 534 High St. Medford, MA 02155
Owner Name: Charles Kostopoulos
Owner Address: 51 Fairfield St, Cambridge, MA
Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Mary McPartland, and Owner, Charles Kostopoulos, seek a Special Permit under SZO §4.5.1 to change the nonconforming use from a personal training studio to a specialty food store §7.11.9.3.a. RB zone. Ward 6.

Dates of Public Hearing: December 10, 2014

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.

This commercial building and subject space has received zoning relief multiple times to change from one nonconforming use. The subject commercial space was previously used in the recent past as a dry cleaner, a nail salon, a message therapy medical office, and personal training studio.

2. Proposal: The proposal is to change the use of the space from a personal training studio to a candy store. There will be an internal connection between the candy store and the frozen hoagie shop that



recently opened in the retail space next door. The signage for the store will consist of letters applied to the façade above the door. Trash for the business will be stored behind the building.



The subject property is the fourth storefront from the right in this image.

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

4. Comments:

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

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5.1):

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 most recent use of the space was a personal training studio, which is a nonconforming use. A nonconforming use can change to another nonconforming use by special permit, which in this case is a specialty food store, §7.11.9.3.a, or more specifically for this tenant, a candy shop. 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. A candy store is a neighborhood serving store that will not draw a lot of customers that will be driving to the site. The use will fill a vacant storefront at this highly visible location in Powderhouse Circle.

No parking relief is required. The gym required 1 space (1 space per 500 sf) and the new use requires 1.17 spaces (1 space per 425 sf), which rounds down to 1. Since the new use had the same requirement as the previous use, no parking is required (SZO §9.4).

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 "providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings."

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." Filling this small retail space will provide an amenity to the surrounding residential neighborhood.

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."*

There are no exterior changes proposed to the building other than the addition of signage. A candy shop is an appropriate use for the area with college students and residences. Powder House Circle functions as a commercial area even though it is zoned residential. The store is relatively small so it would not be out of scale with the retail in the area. The store would fill a vacant storefront and provide a few jobs. There is metered parking along the street for people to park. This area has heavy pedestrian traffic. The existing structure has a strong commercial presence in the area and Staff find it appropriate to continue to support commercial uses here

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

The proposal does not involve housing nor have an adverse impact on it.

6. 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

Powderhouse Circle is an area mapped to be enhanced in the SomerVision map. The current proposal will support the plan's goals of providing small scale, pedestrian oriented, neighborhood serving retail and the goal of providing jobs in the City.

III. RECOMMENDATION

Special Permit under §4.5.1

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 to establish an approx 500 sf specialty food §7.11.9.3.a. 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>November 19, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(December 4, 2014)</td> <td>Modified plans submitted to OSPCD (floor plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 19, 2014	Initial application submitted to the City Clerk’s Office	(December 4, 2014)	Modified plans submitted to OSPCD (floor plan)
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Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.										
2	The final design of the sign shall be reviewed and approved by planning staff.	CO	Plng.							
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
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.							

