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VIA HAND DELIVERY AND
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September 14, 2021

Planning and Zoning Division
City Hall
93 Highland Avenue
Somerville, MA 02143

ATTN: Wendy Sczechowicz, Planner

RE: 44 Medford Street
P&Z 21-079

Dear Mr. Sczechowicz:

Enclosed please find the Development Review Application for the use special permit regarding the above-referenced property. Please review for completeness and let me know when we can have a hearing date.

If you have any questions, please feel free to contact me.

Thank you.

Very truly yours,



Adam Dash



CITY OF SOMERVILLE


Office of Strategic Planning & Community Development

DEVELOPMENT REVIEW • PROPERTY OWNER AUTHORIZATION

Property Address: 44 Medford Street		
Zoning District: MR4/UR	Ward: 2	MBL: 97/D/5 & 6 & 97/C/9
Applicant: KapSam LLC		
Address: 19 Wright Avenue, #3, Medford, MA 02155		
Phone: 617-480-3697	Email: emily@pisethsam.com	
Property Owner: 44-48 Medford Street LLC		
Address: 1330 Boylston Street, Suite 600, Chestnut Hill, MA 02467		
Phone: 617-398-0747	Email: info@blockproperties.com	
Agent: Adam Dash, Esq.		
Phone: 617-625-7373	Email: dash@adamdashlaw.com	

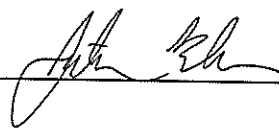
As the **Applicant**, I make the following representations:

1. I understand that an application for development review is not complete until all necessary information has been submitted and all fees have been paid
2. I understand that an incomplete application will not be reviewed, will not be publicly noticed, and will not be scheduled for a public hearing, as applicable.
3. I certify that the information supplied on and with this form is accurate to the best of my knowledge.
4. I certify that the agent listed on this application form is authorized to represent me before City staff and review boards as it relates to the development of this property.

Signature: 

As the **Owner**, I make the following representations:

1. I certify that I am the owner of the property identified on this property owner authorization form.
2. I certify that the applicant named on this application form is authorized to apply for development review for the property identified and for the purposes indicated by the submitted documentation.
3. I certify that the agent listed on this application form is authorized to represent me before City staff and review boards as it relates to the development of this property.
4. I permit City staff to conduct site visits on my property.
5. If the ownership of this property changes before the development review is completed, I will provide updated information and new copies of this form.

Signature: 

DEVELOPMENT NARRATIVE

Property: 44 Medford Street
Applicant: Kapsam LLC
Agent: Adam Dash, Esq.
Zoning District: MR4 (parking spaces in UR)/1/2 mile Transit Area/In a Pedestrian Street District
Case #: P&Z 21-079

The property is currently a 1,200 sf first floor commercial space in a newly constructed mixed-use building which was built pursuant to Case# ZBA 2016-93.

Applicant will lease the Property in order to establish a small scale fitness business called P+E Wellness which will be focused on providing fitness, nutrition and wellness programs to an underserved clientele of marginalized communities, including but not limited to people of color, as well as LGBTQ+ and gender fluid individuals. Applicant will provide a safe space for these clients to work out and receive wellness and nutrition services in a judgment-free environment. This is a unique approach to the fitness services business.

There will be three parking spaces for this use located across the street at 2 Ward Street, which is in the UR district. Nevertheless, parking is not required for this use under the Somerville Zoning Ordinance ("SZO").

Applicant now seeks a Special Permit to establish a fitness services use at the Property, which is required due to the Property being in a Pedestrian Street District.

A. Special Permit

Per Section 15.2.1.e of the Somerville Zoning Ordinance:

In its discretion to approve or deny a Special Permit required by this Ordinance, the review board shall make findings considering, at least, each of the following:

a). The comprehensive plan and existing policy plans and standards established by the City.

b). The intent of the zoning district where the property is located.

c). Considerations indicated elsewhere in this Ordinance for the required Special Permit.

- a. Applicant's proposal meets the requirements for a fitness services establishment as set forth in Section 9.2.6.k.ii of the SZO. In addition, the City recently amended the SZO to

permit fitness services uses on first floors in Pedestrian Street Districts in order to facilitate the establishment of those uses in locations such as this. This amendment shows that the policy plans and standards as established by the City favor the creation of fitness services uses in this particular area, and that Applicant has met such policy plans and standards.

- b. Per Section 4.2.1 of the SZO, the purpose of the Mid-Rise 4 (MR4) district is “characterized by a variety of moderate floor plate buildings up to four (4) stories in height. Buildings are set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. The district is primarily commercial, with ground story uses that typically address the needs of residents and employees in the immediate neighborhood.” The MR4 zoning district was also recently amended to allow fitness services on ground floors facing Pedestrian Street Districts.

The Property at issue fronts a Pedestrian Street District and meets the intent that fitness services uses are appropriate in such locations. The four-story building will be mixed-use, as is intended in the MR4 zoning district, with this small scale commercial use on the first floor and multi-unit housing above, in accordance with SZO 4.2.3.

- c. Per Section 4.2.13.b.i.b of the Somerville Zoning Ordinance:

In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a Fitness Services or Health Care Services use to occupy a ground story commercial space fronting a pedestrian street:

i). The maintenance of a diverse blend of commercial uses within the neighborhood.

ii). The existing concentration of uses from the same use category within the neighborhood.

iii). The availability of the same services within the neighborhood.

iv). The availability of comparable commercial spaces within the neighborhood.

- i. The Property is located on the border of Boynton Yards, which is being redeveloped into a mixed-use neighborhood served by the new Green Line Extension. The Twin City shopping center is across Medford Street nearby, with its mix of mostly big box and chain stores. Applicant’s small scale, fitness use will add its business model of

catering to an underserved clientele to this mix, and thereby make that mix more diverse as a result. Applicant is not proposing a typical fitness services business.

- ii. While there are some other fitness uses in the same general area, there are not a lot of them and there are certainly not enough to serve the coming development in Boynton Yards.
- iii. None of the other fitness businesses in this area cater specifically to the clientele that Applicant seeks to serve. As such, Applicant's business model is fundamentally different from those other fitness uses and provides services that cannot otherwise be found in this location.
- iv. There are not many small, first floor commercial spaces facing this part of Medford Street currently. In order for Applicant to serve this neighborhood, and the coming Boynton Yards development, the Property is the best location for Applicant to operate from. Applicant has been unable to find comparable space in this neighborhood for its business.