



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-60
Date: June 22, 2016
Recommendation: APPROVAL

PLANNING STAFF REPORT

Site: 62A Summer Street

Applicant Name: Alexandra Cruzado
Applicant Address: 62A Summer Street, Somerville, MA 02143
Owner Name: Gurmail Banwait & Julie Banwait
Owner Address: 17 Farragut Avenue, Apt #1, Somerville, MA 02144

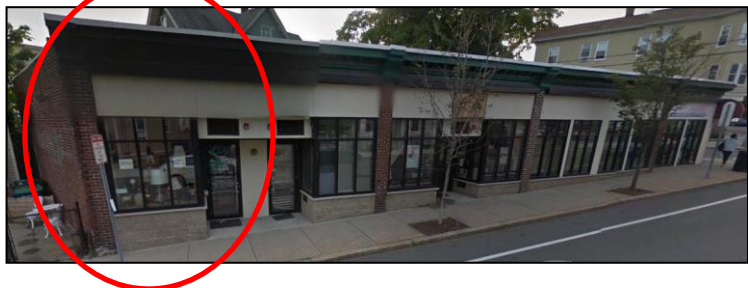
Legal Notice: Applicant, Alexandra Cruzado, and Owner, Gurmail Banwait & Julie Banwait seek a Special Permit for parking relief under SZO §9.1.3. RB zone. Ward 3.

Dates of Public Hearing: **Wednesday, June 22, 2016**

I. PROJECT DESCRIPTION

1. Subject Property:

The subject property is a single-story, pre-existing commercial building containing four units with varying business types. The building rests on a 3,485 square foot lot in the RB zone.



2. Proposal: The proposal is to change the use of unit 62A from retail to a religious (house of worship) use. This use is protected by law and requires no zoning relief. Zoning relief is required, however, for one parking space as the property has no parking available for tenants.

3. Green Building Practices: Not applicable.

4. Comments: **Ward Alderman:** Alderman McWatters has been informed of this proposal.

II. FINDINGS FOR SPECIAL PERMIT under SZO 9.13.a

In order to grant a special permit the SPGA must make certain findings and determinations as outlined in §9.13.a of the SZO. This section of the report goes through §9.13.a in detail.

1. **Information Supplied:**

The Staff finds that the information provided by the Applicant conforms to the requirements of §9.13.a (as well as §9.5.5.d parking requirements for institutional, educational and arts uses) of the SZO and allows for a comprehensive analysis of the project.

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 applicant requires a Special Permit because, with the change of use from retail to house of worship, the applicant will be providing inside seating for congregants. 30 seats will be provided. This would normally require that 5 parking spaces be provided (1 space for every 6 seats). There are no employees, only a volunteer pastor.

However, currently, even under the retail use, there is no on-site parking at all that can be provided for any of the units in this commercial building. Yet, under existing retail conditions, there should have been 2 parking spaces provided. Given that this was not possible due to non-existent off-street parking on the parcel, no parking was provided. In order to determine the number of spaces for which relief is needed under the new conditions, the following equation is used:

$$(\text{new parking requirement} - \text{old parking requirement}) \times .5 = \text{new spaces required}$$

In this instance, the parking equation is: $(5-2) \times .5 = 1.5$ spaces of relief.

The hours of operation for the church will be Monday – Friday evenings from 6PM to 9PM and Saturdays and Sundays from 7AM – 10PM. The Applicant has informed Planning Staff that the church will not be open all of the hours that are indicated as hours of operation, therefore minimizing the impact on on-street parking. The Applicant included longer hours in their application, particularly on Saturdays and Sundays, for the occasions when the church may hold special events.

3. **Purpose of District:** *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6”.*

The purpose of the RB district in which this parcel resides 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.” The building and its uses are pre-existing, non-conforming uses for this residential district. It may be argued that the various current and past uses and, now, the religious use, are “compatible with and convenient to the residents of such districts.” The Applicant states in the application that this “...project is intended to serve the community”.

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.*

The area is a busy street with a mix of one-, two-, and three-family structures along with pre-existing small businesses of varying kinds including a recording studio, retail, and a convenience store. There was formerly a service station on the opposite side of the Summer Street - School Street intersection. Despite the increase in the number of people that this unit will be able to serve at one single time, Staff finds that providing 1.5 spaces of parking relief will not be a detriment to the site or area. Regarding each of the items below, Staff finds the following:

a. Increase in traffic volumes

It could be argued that, given the number of anticipated seats filled (30) at one time, that there is the potential for an uptick in vehicular traffic in the area. This is, however, a busy street that already accommodates a goodly volume of daily traffic. The church unit is at the intersection of Summer and School Streets and is already regulated by a set of traffic lights. Further, any uptick in traffic will occur only at specific, limited times each day, mostly during the evening hours and limited occasions on weekends.

b. Increased traffic congestion or queueing of vehicles

Given the small number of congregants at the church, and no guarantee that all of them will be driving individually to create an additional volume of 30 cars during the hours of operation, there should be little impact on traffic congestion in the area or vehicle queueing either at traffic lights or at the property itself.

c. Change in the type(s) of traffic

The change in use will not create a change in the type of vehicular or non-vehicular traffic in the area.

d. Change in traffic patterns and access to the site

The change in use will not cause a change in the traffic patterns from that which exists today. The site will be accessed in the same way in which it was accessed as a retail store: by vehicle, bicycle, or via walking.

e. Reduction in on-street parking

The proposal will not create a reduction in on-street parking. Impacts to on-street parking will only occur during specific and limited hours. Providing parking relief for the house of worship is consistent with the parking relief that was provided for current and previous businesses in this location.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

The proposal will not create adverse impacts on the public services and facilities serving the development.

7. 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.”

The proposed parking relief will not create and adverse impact on the surrounding area.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, §9.1 which states that its purpose is, in part,: “...establish standards ensuring the availability and safe use of parking areas within the City of Somerville...”*

The proposal is consistent with the general purposes of the Ordinance as set forth under §9.1, in that it will not significantly impact the orderly access and egress to and from the public street, will not significantly increase the amount of traffic on the street, will not contribute to surface water run-off, nor create an increase in expanses of paving.

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

Not applicable.

10. 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.*

Not applicable.

III. RECOMMENDATION

Special Permit under SZO 9.13.a

Based on the materials submitted by the Applicant, the above findings are subject to the following conditions, the Planning Staff recommends **APPROVAL** of the requested **SPECIAL PERMIT**. **Due to the nature of the proposal, Staff does not feel it necessary to recommend any conditions on the approval.**

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.