



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2005-32-R1-10/2011

**Date:** November 10, 2011

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site: 1180 Broadway**

**Applicant Name:** Jonathan Medeiros

**Applicant Address:** 1 Hardwick Street, Cambridge, MA 02141

**Property Owner Name:** Cherif Benattia

**Property Owner Address:** 655 Concord Avenue, #701, Cambridge, MA 02138

**Alderman:** Robert Trane

Legal Notice: Applicant Jonathan Medeiros and Owner Cherif Benattia, seek a modification to the original parking variance (ZBA 2005-32) under SZO §5.5 in order to add four parking spaces of relief to the variance. NB Zone. Ward 7.

Zoning District/Ward: NB Zone / Ward 7

Zoning Approval Sought: Variance under SZO §5.5

Date of Application: October 18, 2011

Dates of Public Hearing: Zoning Board of Appeals – **November 16, 2011**

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**I. PROJECT DESCRIPTION**

1. Subject Property: Located between Weston Avenue and Clarendon Street and fronting onto Broadway, the subject property is a 17,662 square foot lot located in the heart of Teele Square. The east of the site is abutted by St. James Episcopal Church and the west by Middlesex Federal Savings Bank. In 2005, the property received special permit with site plan review approval to construct a four-story, twenty unit residential building with approximately 1,500 square feet of commercial space and 33 parking spaces. Two variances, one for relief from a required five-foot setback at the fourth floor and another for relief from three required off-street parking spaces, were also awarded. The commercial space in the structure, 1180 Broadway, has been vacant since the construction of the building was completed in 2007.



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2. Proposal: The Applicant is proposing to open a mind and body fitness training studio (by appointment only) in the commercial space at the 1180-1188 Broadway building. The use, at its maximum capacity, will not have any more than 10 occupants at any one time which would include both trainers and clients. Typically the studio would be operating with three fitness trainers with the hours of operation being Monday to Friday from 6:00 AM to 9:00 PM and Saturday and Sunday from 8:00 AM to 8:00 PM. The interior space will require some modifications to install a front desk, storage space, an additional bathroom, and fitness flooring throughout the space. This type of use, a recreational center/health club, requires nine parking spaces per §9.5 of the Somerville Zoning Ordinance (SZO). The site already contains 33 parking spaces in a first floor garage that is controlled by gate access. Most of these 33 spaces are designated for the residential units on the floors above and only two of 33 spaces have been allocated to the business by the property owner. The proposed fitness training studio use for this space needs to provide four additional off-street parking spaces to comply with the zoning ordinance, but the Applicant cannot as the existing structure takes up the entire lot. Therefore, the Applicant is requesting a modification to the original parking variance for the property (ZBA 2005-32) in order to add four parking spaces of relief to the variance.

3. Nature of Application: Section 9.5 of the SZO requires that recreational centers and health clubs have, whichever is higher, one parking space for every 500 gross square feet of building area or, one parking space per every four persons based on the occupancy capacity of the largest assembly area. The commercial space is 2,316 square feet which would require five parking spaces and the largest assembly area is 560 square feet which would require nine parking spaces. The original parking variance at the property provided three parking spaces of relief and the Applicant has been allocated two parking spaces in the garage of the building. Therefore, the nine required parking spaces is reduced down to a requirement for only four additional off-street parking spaces for the proposed fitness training studio to be in compliance with §9.5 of the SZO. The Applicant is seeking a modification to the original variance under §5.5 of the SZO to add four parking spaces of relief to the original parking variance for a grand total of seven parking spaces of relief at the property.

4. Surrounding Neighborhood: The property is located in an NB district and, reflective of this zoning, the surrounding neighborhood is a mix of commercial and residential uses. This area of Teele Square has a concentration of multi-story buildings with ground floor retail, restaurant, and office uses, with residential units on the upper floors. Commercial and retail uses can also be found when traveling along Broadway, though once off this main thoroughfare the neighborhoods become almost exclusively single-, two-, and three-family dwellings between 2½ to 3 stories in height.

5. Impacts of Proposal: The Applicant and the Parking Assessment Memorandum submitted by Design Consultants, Inc. indicate that there would be negligible impacts to the on-street parking situation in the neighborhood around the proposed business. The memorandum was prepared when it was originally thought that the Applicant would need six additional parking spaces of relief for the fitness studio use, but upon further review by Planning Staff it was determined that only another four spaces of parking relief are required from the original parking variance. The Parking Assessment Memorandum states that even during the periods of the highest demand for parking in the area, which is during the evening period of weekdays, there is still a minimum of 11 available on-street parking spaces in the area. These 11 spaces, combined with the two spaces already allocated in the garage on-site would provide 13 total parking spaces for occupants of the fitness studio, and, as indicated above, there would only be a maximum of 10 occupants in the space at any one time. Additionally, the Applicant has indicated that most of his clients that would be following him to this new location are already in this area during the times of their training sessions and most of them will therefore be walking or biking to the fitness studio. Of the 11 clients that will be transferring to this new location, only one stated that they will be driving a car to their fitness appointment. The Applicant would also like to recruit new clients from the surrounding

area including residents within the building at 1180-1188 Broadway and from nearby Tufts University, where trips from these locations would most likely not necessitate the use of an automobile. Furthermore, since the space is within yards of a bus line that services the 87, 88, and 89 routes and is a reasonable walk to the Davis Square Red Line T Station, there is substantial opportunity for new clients to not require a vehicle to get to the studio.

The Traffic and Parking Department has indicated that the requested modification to the parking variance would create a minor increase in traffic congestion and vehicle delay in this location which is in the immediate vicinity of Teele Square. There will also be a slight decrease in pedestrian and bicycle safety as well as a lowering of parking space turnover rates. As side from these impacts, there are no negative anticipated affects from the proposed modification to the parking variance. Traffic and Parking suggests that to alleviate this condition and to promote a safe comprehensive transportation network in the Teele Square area, mitigation to provide effective turnover rates at parking spaces is required. To encourage appropriate turnover rates, Traffic and Parking is recommending that the Applicant purchase and deliver to the City four single-space parking meters capable of accepting coins, credit cards and pay-by-cell phone technology. Planning Staff has included this recommendation as a condition of the modification to the variance. Furthermore, this modification to the existing parking variance would allow the proposed fitness studio use to locate in a Broadway storefront that has been vacant since 2007. This business would increase the vibrancy of the streetscape and enhance the pedestrian environment along Broadway as one heads into and out of Teele Square, which is a benefit to the surrounding neighborhood.

6. Green Building Practices: The Applicant has indicated that energy efficient lighting and water efficient plumbing will be used at the business.

7. Comments:

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

*Ward Alderman:* Alderman Trane stated in an email to Planning Staff that he is supportive of the application.

*Traffic and Parking:* Stated in an email to Planning Staff the following:

“The Applicant proposes to open a private fitness facility utilizing available commercial space in a 20-unit residential complex at 1180-1188 Broadway. Per the Somerville Zoning Ordinance (SZO) the Applicant is required to provide 6 off street parking spaces. The Applicant is unable to provide these required parking spaces.

The Applicant has hired a professional transportation firm, Design Consultants, Inc. (DCI) to produce and provide a parking assessment to determine the impact of not providing the required parking spaces on the parking supply in the immediate neighborhood.

DCI has submitted a thorough and well prepared Parking Assessment memorandum. This Parking Assessment concludes that that there will not be an adverse impact on the parking supply in the immediate neighborhood due to the Applicant not providing the required number of parking spaces per the (SZO). Traffic and Parking does not fully support this assertion.

Traffic and Parking notes that due to the lack of fulfilling the six required off-street parking spaces, there will be a minor increase in traffic congestion and vehicle delay in this location which is in the immediate vicinity of Teele Square. There will also be a slight decrease in pedestrian and bicycle safety as well as a

lowering of parking space turnover rates. To alleviate this condition and promote a safe comprehensive transportation network in the Teele Square area, mitigation to provide effective turnover rates at parking spaces is required.

To encourage appropriate turnover rates, it is recommended that the Applicant purchase and deliver to the City six single-space parking meters capable of accepting coins, credit cards and pay-by-cell phone technology. The parking meters should be manufactured by the IPS Group or approved equal. Specifications for all requirements of the parking meters can be supplied by Traffic and Parking if required or necessary.

Provided the above is incorporated, Traffic and Parking has no objections to this application.”

Please note that these comments were received before Planning Staff had determined that the modification to the original parking variance would only require an additional four parking spaces as opposed to six parking spaces. Planning Staff confirmed with Traffic and Parking that their comments would not change based on this information with the exception that the number of single-space parking meters that the Applicant would be required to purchase and deliver to the City should directly correspond to the number of parking spaces for which the Applicant is seeking relief. Therefore, in this particular Application, Traffic and Parking would only require four single-space parking meters which is reflected in the list of conditions below.



Existing Conditions



Existing Conditions

## II. FINDINGS FOR VARIANCE (SZO §5.5):

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. “There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The building at 1180-1188 Broadway takes up almost the entire lot it sits upon with another 16% of the property being allocated to landscaping at the site. All of the parking spaces for the residential units and the commercial space are located in a garage that sits on the first floor of the building and is controlled by a gate entry. The garage contains 33 parking spaces and two of these spaces have been allocated to the storefront commercial space (1180 Broadway). This means that there are 31 spaces remaining for the 20 residential units, or 1.55 parking spaces per unit. There are no other locations on the property where the Applicant could potentially locate off-street parking spaces to conform with §9.5 of the SZO. The areas on each side of the building between the edge of the structure and the property line is where most of the landscaping for the property is located. There is no space to fit conforming parking spaces or maneuvering areas into these locations or at the rear of the property either. Furthermore, even if there was a small amount of remaining space on the property for additional parking spaces, these new spaces would eat up the small amount of landscaping that exists at the site.

2. “The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

Section 9.5 of the SZO requires that recreational centers and health clubs have, whichever is higher, one parking space for every 500 gross square feet of building area or, one parking space per every four persons based on the occupancy capacity of the largest assembly area. The commercial space is 2,316 square feet which would require five parking spaces and the largest assembly area is 560 square feet which would require nine parking spaces. The original parking variance at the property provided three spaces of parking relief and the Applicant has been allocated two parking spaces in the parking garage at the building. Consequently, the nine required parking spaces is reduced down to a requirement for only four additional off-street parking spaces for the proposed fitness training studio to be in compliance with §9.5 of the SZO. Therefore, the request for four additional parking spaces of relief is the minimum amount required as part of the modification to the variance to allow the fitness studio use to locate in the storefront at 1180 Broadway.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The granting of this modification to the existing parking variance for an additional four parking spaces of relief would allow a mind and body fitness training studio (by appointment only) to locate in a Broadway commercial storefront in Teele Square that has been vacant since 2007. This business would increase the vibrancy of the streetscape and enhance the pedestrian environment along Broadway as one heads into and out of Teele Square, which is a benefit to the surrounding neighborhood. The Applicant is also indicating that due to the small number of occupants that would be in the fitness studio at any one time, there will be little to no change in the amount of foot/vehicular traffic in the vicinity of 1180 Broadway. Further, the Parking Assessment Memorandum submitted by Design Consultants, Inc. indicates that the proposed fitness studio will have a negligible impact to the on-street parking condition in the area and will not overburden the surrounding neighborhood with additional parking needs. The memorandum indicates that even during the periods of the highest demand for parking in the neighborhood, which is during the evening period of weekdays, there is a minimum of 11 available on-street parking spaces in the immediate area. These 11 spaces, combined with the two spaces already allocated in the garage on-site would provide 13 total parking spaces for occupants of the fitness studio, and, as indicated above, there would only be a maximum of 10 occupants in the space at any one time.

The Traffic and Parking Department has indicated that there will be a minor increase in traffic congestion and vehicle delay in this location which is in the immediate vicinity of Teele Square. Traffic and Parking also feels that there will be a slight decrease in pedestrian and bicycle safety as well as a lowering of parking space turnover rates. However, aside from these impacts, there are no negative anticipated affects from the proposed modification to the parking variance. The Traffic and Parking Department has suggested that to alleviate this condition and to promote a safe comprehensive transportation network in the Teele Square area, mitigation to provide effective turnover rates at parking spaces is required. Furthermore, the modification of the existing parking variance will allow a health and fitness use to establish in Teele Square, which is a particular use that is in line with the overall healthy living and well being that the City promotes to its residents. Planning Staff feels that the variance would not be injurious to the neighborhood or detrimental to the public welfare.

### **III. RECOMMENDATION**

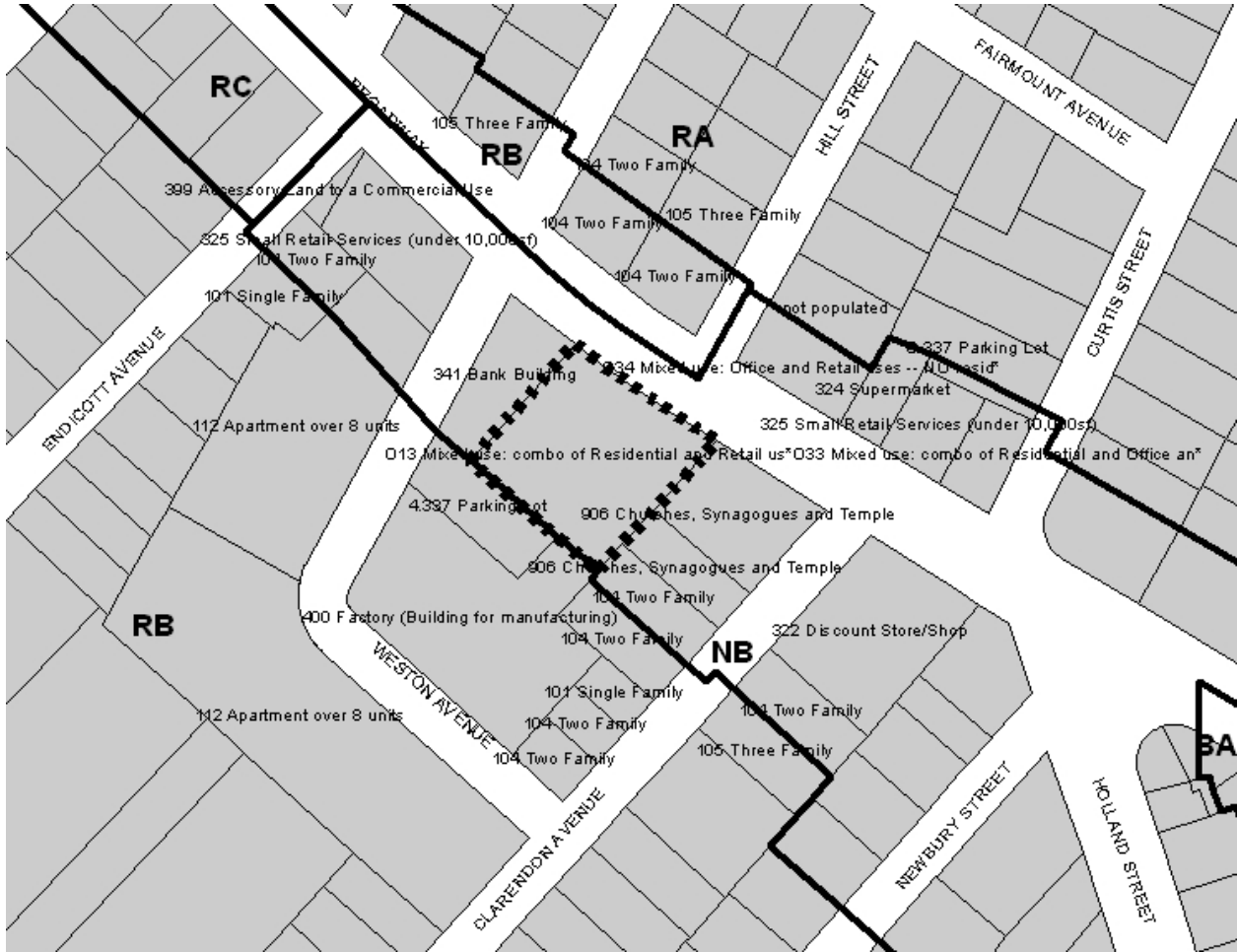
#### **Variance under §5.5 and §9.5**

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested modification to the original **VARIANCE**.

The recommendation is based upon a technical analysis by Planning Staff of the application materials 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	<p>Approval is modify the original parking variance (ZBA 2005-32) under SZO §5.5 in order to add four parking spaces of relief to the variance. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(October 18, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 25, 2011 (November 8, 2011)</td> <td>Unit Plans (basement + first floors) – Z-100</td> </tr> <tr> <td>October 25, 2011 (November 8, 2011)</td> <td>Site Plan – Z-101</td> </tr> </tbody> </table> <p>Any changes to the approved use or site plans that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(October 18, 2011)	Initial application submitted to the City Clerk's Office	October 25, 2011 (November 8, 2011)	Unit Plans (basement + first floors) – Z-100	October 25, 2011 (November 8, 2011)	Site Plan – Z-101	BP/CO	ISD/PIng.	
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2	<p>The Applicant shall purchase and deliver to the City four (4) single-space parking meters capable of accepting coins, credit cards and pay-by-cell phone technology. The parking meters should be manufactured by the IPS Group or approved equal. Specifications for all requirements of the parking meters can be supplied by Traffic and Parking if required or necessary.</p>	Final Sign Off	T&P									
3	<p>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.</p>	Final Sign Off	PIng.									





1180 Broadway