



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-92
Date: December 6, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 761 Broadway

Applicant Name: Zipcar, Inc.
Applicant Address: 25 First Street, 4th Floor, Cambridge, MA 02141
Property Owner Name: The Seven Hundred Sixty One Broadway Nominee Trust
Property Owner Address: 761 Broadway, Somerville MA
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Rebekah Gewirtz

Legal Notice: Applicant Zipcar, Inc. and Owner, The Seven Hundred Sixty One Broadway Nominee Trust, seek a Special Permit under SZO §4.5.3 in order to expand an existing nonconforming use, an office (SZO §7.11.1), to an office with three (3) parking spaces for car-sharing or flex-car spaces (SZO §7.11.11.14.a).

Zoning District/Ward: RB / 6

Zoning Approval Sought: Special Permit under SZO §4.5.3 & §7.11.11.14.a

Date of Application: Oct 22, 2012

Dates of Public Hearing: Zoning Board of Appeals Nov 28, 2012

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,036 square foot corner lot that contains a mixed use building with a law office and two residential units, at the intersection of Broadway and Pearson Road. The onsite parking lot contains eight (8) parking spaces and there is a paved driveway area behind the building. Three (3) of the existing eight (8) on-site parking spaces are currently being used as car-share or flex-car spaces by Zipcar.



2. Proposal: The Applicant is proposing to legalize the three (3) existing car-share or flex-car spaces that are being operated by Zipcar at the property. The three (3) existing car-share parking spaces on the lot are the spaces that are closest to the corner at the intersection of Broadway and Pearson Road. They are marked with pavement markings and no other signs.



761 Broadway: building, parking lot, zip car pavement marking

3. Nature of Application: The Applicant is applying for a Special Permit to legalize the three (3) existing parking spaces for car-share or flex-car spaces (SZO §7.11.11.14.a) at the property. A car-share or flex-car space use is not permitted in the RB district. The existing use of the property including an office (SZO §7.11.7.1) is also not permitted in the RB zoning district. Therefore, the Applicant is seeking to expand the existing nonconforming office use via a Special Permit from the Zoning Board of Appeals under SZO §4.5.3, to an office and residential building with three (3) car-share or flex-car spaces at the property.



4. Surrounding Neighborhood: This property is located in a RB district. The surrounding area is comprised of a mixture of two-, and three-family homes and a few mixed use buildings. There is on street parking along Broadway and Pearson Road.

5. Impacts of Proposal: There does not appear to be any negative impacts of providing three car-share spaces at this site. The existing mixed use building is required to have five or six (depending on the number of bedrooms in the two residential units) on-site parking spaces according to the Somerville Zoning Ordinance and there are currently eight marked spaces in a parking lot and a driveway at the property. The existing mixed use building is exceeding the zoning ordinance parking requirement by at least three parking spaces. Therefore, the three (3) requested car-sharing spaces would not utilize required parking spaces for the office and residences at the property. The positive impact is that Zipcar estimates that for every active Zipcar there are 15-20 fewer individually owned cars on the road. If the Zipcar spaces were to be legalized via this Special Permit, it would simply be a legalization of a use that has already been occurring at the property. The Zipcar spaces are already in this location and have been operating at the property for some time now. The legalization of these Zipcar spaces by expanding the

existing nonconforming use to an office and residential use with three (3) car-share or flex-car spaces at the property would not appear to be detrimental to property or the surrounding neighborhood.

6. Green Building Practices: None indicated by the Applicant, but car-sharing has been shown to reduce car ownership and therefore reduces the number of vehicles that are stored and driven in the City.

7. Comments:

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

Ward Alderman: Alderman Gewirtz is supportive of the application.

Traffic & Parking: Has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5.3, §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 Permit.

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 application complies with the standards for issuing a Special Permit. Section 9.3 of the Somerville Zoning Ordinance allows for off-street parking spaces to be shared, leased, or rented to enable car sharing as permitted under Section 7.11.11.14. However, at this site, the zip car spaces are in excess of the required spaces.

Section 9.5 of the Somerville Zoning Ordinance calls for five or six (depending on the number of bedrooms in the two residential units) on-site parking spaces and there are currently eight marked spaces in a parking lot and a driveway at the property. The existing mixed use building is exceeding the zoning ordinance parking requirement by at least three parking spaces. Therefore, the three requested car-sharing spaces would not utilize required parking spaces for the office and residences at the property.

There appears to be no negative impacts of providing three car-share spaces at the site. The Zipcar spaces have been operating in this location for some time now and they are active proof that the car-share spaces are not detrimental to the surrounding neighborhood. Zipcar estimates that for every active Zipcar there are 15-20 fewer individually owned cars on the road. By having these Zipcar spaces on site, it will encourage surrounding residents to not have a vehicle since they will have easy access to these Zipcar spaces.

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 promoting “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 facilitate the adequate provision of transportation; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.”

The proposal is also fairly consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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.” While the mixed use building and car-sharing use is a nonconforming use for this particular zoning district, the use is very compatible with the surrounding predominantly residential neighborhood. Many different users will have access to the Zipcar vehicles, which will provide more transportation options to residents in the area.

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.”

The Zipcar spaces are located and proposed for a very visible spot at the corner of a triangularly shaped lot at Broadway and Pearson Road. Since the property is a corner lot and the parking lot is currently in this highly visible location, there is not an effective way to screen the parking lot from Broadway. There is a landscape strip and chain link fence along the Pearson Road side of the building that could be planted to screen the parking lot and create a visible edge along this side of the site.

The use of the car-share spaces is a compatible use in this residential neighborhood as the cars will be easily accessible for a number of residents in the surrounding area. Staff find that the car-share spaces would have minimal effects on the physical character of the area and the spaces hold the potential to reduce car ownership and the need for parking in the neighborhood.

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.

The three (3) car-share spaces should have a positive impact on the environment. Zipcar data shows that car-sharing services reduce the need for single-owner vehicles and therefore should reduce traffic congestion in the streets and increase the amenities of the municipality. Providing easier access to Zipcars will encourage residents in the surrounding neighborhood to reduce or eliminate their need to have their own personal vehicle.

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.

The car-share spaces will not change the circulation pattern at the site because they are already existing parking spaces on the property.

III. RECOMMENDATION

Special Permit under §4.5.3, §5.1, and §7.11.11.14.a

Based upon 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	<p>Approval is to expand an existing nonconforming use, an office and 2-residential unit building (SZO §7.11.1 & 7.11.7.1), to permit 3 parking spaces for car-share or flex-car spaces (SZO §7.11.11.14.a) at the property. 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 22, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(December 6, 2012)</td> <td>Site Plan</td> </tr> </tbody> </table> <p>Any changes to the approved use or site plan that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(October 22, 2012)	Initial application submitted to the City Clerk's Office	(December 6, 2012)	Site Plan	BP/CO	ISD/Png.	
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2	The Applicant or Owner shall plant vegetation in the area labeled "landscaping" on the plan to make best efforts to screen the parking lot.	Final Sign Off	Png.							
3	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	Png.							

