



**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*  
ADAM DUCHESNEAU, *PLANNER*  
AMIE HAYES, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2012-93  
**Date:** November 21, 2012  
**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 765 Somerville Ave / 10 Adelaide Rd

**Applicant Name:** Zipcar, Inc.  
**Applicant Address:** 25 First Street, 4<sup>th</sup> Floor, Cambridge, MA 02141  
**Property Owner Name:** Nanstan Realty, LLC, c/o Porter Square Realty  
**Property Owner Address:** 765 Somerville Ave, Unit 3, Somerville MA 02143  
**Agent Name:** Richard G. Di Girolamo  
**Agent Address:** 424 Broadway, Somerville, MA 02145  
**Alderman:** O'Donovan

Legal Notice: Applicant Zipcar, Inc. and Owner, Nanstan Realty, LLC, c/o Porter Square Realty, seek a Special Permit under SZO §4.5.3 in order to expand an existing nonconforming use, a multi-family dwelling (SZO §7.11.1.c), to a multi-family dwelling use with three (3) parking spaces for car-sharing or flex-car spaces (SZO §7.11.11.14.a).

Zoning District/Ward: RB / 5

Zoning Approval Sought: Special Permit under SZO §4.5.3 and §7.11.1.c

Date of Application: Oct 22, 2012

Dates of Public Hearing: Zoning Board of Appeals Nov 29, 2012

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is 18,839 square feet and comprised of five lots that contain two multi-family residential buildings and a large storage shed. The lots are located along Adelaide Road, a private way. The onsite parking lot contains twenty-one (21) parking spaces. Three (3) of the existing twenty-one (21) 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 storage shed at the end of Adelaide Road. Two of the spaces are marked with signs attached to trees and one sign is marked with a sign on a pole. (Zipcar should avoid attaching future signs to trees as drilling a hole in the tree can injure it.)



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. To do this the Applicant is seeking a Special Permit to expand the existing nonconforming use of the property as a multi-family dwelling (Somerville Zoning Ordinance (SZO) §7.11.1.c). 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 a multi-family dwelling



*Top L: view of building from Somerville Ave, Top R: view of Adelaide Rd from Somerville Ave, Bottom L: location of zip car spaces, Bottom R: Tree and pole mounted signs*

with three (3) car-share or flex-car spaces at the property.

Currently, the multi-family dwelling use at the property is providing less than one parking space per dwelling unit. 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.

4. Surrounding Neighborhood: This property is located in a RB district. The surrounding area is comprised of a mixture of one-, two-, and three-family homes and there is a commercial district BA located across from Somerville Ave. There is on street parking along Somerville Ave. Porter Square is located a few blocks to the northwest of the site.

5. Impacts of Proposal: There does not appear to be any negative impacts of providing three car-share spaces at this site. While the 21 existing parking spaces at the property are well short of the 40 parking spaces that are required by the Somerville Zoning Ordinance (the property is also nonconforming with regard to parking), the legalization of the existing car-share spaces would not be detrimental to the property or the surrounding neighborhood. Many of the tenants do not have cars or they choose not to lease an on-site space and therefore there are spaces available to provide car sharing spaces. 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 legalization of these Zipcar spaces by expanding the existing nonconforming use to a multi-family 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 O'Donovan inquired about the proposal but has not provided comments.

*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. Section 9.5 of the Somerville Zoning Ordinance calls for 1.5 parking spaces for a 1- or 2-bedroom residential unit and 1 visitor parking space for every six residential units. 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 at the back of the site, as far from Somerville Ave as possible. On the one hand, this is not an ideal location because people will have to walk down the private way and past the residences to get to the cars; however, on the other hand, the car-share spaces, which are a commercial use in a residential district will be hidden from the public right of way.

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	Approval is to expand an existing nonconforming use, a multi-family residential use (SZO §7.11.1.c), 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:	BP/CO	ISD/Plng.							
	<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>				Date (Stamp Date)	Submission	(October 22, 2012)	Initial application submitted to the City Clerk's Office	(December 6, 2012)	Site Plan
	Date (Stamp Date)				Submission					
(October 22, 2012)	Initial application submitted to the City Clerk's Office									
(December 6, 2012)	Site Plan									
Any changes to the approved use or site plan that are not <i>de minimis</i> must receive SPGA approval.										
2	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.							

