



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-91
Date: December 6, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 73 Summer Street

Applicant Name: Zipcar, Inc.
Applicant Address: 25 First Street, 4th Floor, Cambridge, MA 02141
Property Owner Name: First Summer 73, LLC
Property Owner Address: 398 Columbus Avenue, # 293, Boston, MA 02116
Agent Name: Richard G. Di Girolamo, Esq.
Agent Address: 424 Broadway, Somerville MA 02145
Alderman: Tom Taylor

Legal Notice: Applicant Zipcar, Inc. and Owner First Summer 73, LLC, seek a Special Permit under SZO §4.5.3 in order to expand an existing nonconforming use, a service station (SZO §7.11.11.3.a), to a service station use with three (3) parking spaces for car-sharing or flex-car spaces (SZO §7.11.11.14.a). RB zone. Ward 3.

Zoning District/Ward: RB zone / Ward 3

Zoning Approval Sought: Special Permit under SZO §4.5.3

Date of Application: October 22, 2012

Date of Public Hearing: Zoning Board of Appeals – **December 12, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 14,400 square foot corner lot that contains a service station, primarily for the sale of fuel, at the intersection of Summer Street and School Street. The service station building is one story high with two garage service bays and nine (9) on-site parking spaces at the property. The service station business has a garage license which permits them to have up to ten (10) vehicles parked on the site at any given time associated with their business. Three (3) of the existing nine (9) on-site parking spaces are currently being used as car-share or flex-car spaces by Zipcar. The property



was granted a height Variance in January of 2001 to construct an 18 foot 11 inch high canopy over the exiting gasoline dispensers.

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. To do this the Applicant is seeking a Special Permit to expand the existing nonconforming use of the property as a service station (Somerville Zoning Ordinance (SZO) §7.11.11.3.a). Currently, the service station use at the property has nine (9) off street parking spaces with three (3) located along Summer Street and the other six (6) located along School Street. The three (3) existing car-share parking spaces on the lot are occupying the spaces that are perpendicular to the adjacent property on School Street. All three (3) of the existing car-share spaces are at grade and are adjacent to one another. The spaces are not well identified with pavement markings or signage as there is only one sign which alludes to the fact that there are three (3) Zipcar spaces in this location. However, the sign does not specifically indicate how many spaces are actually in the area.

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 as a service station (SZO §7.11.11.3.a) is also not permitted in the RB zoning district. Therefore, the Applicant is seeking to expand the existing nonconforming service station use via a Special Permit from the Zoning Board of Appeals under SZO §4.5.3, to a service station use 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 single-, two-, three-, and multi-family homes between 2½ and 3 stories. There are also some pre-existing commercial uses at the intersection of Summer Street and School Street including small retail stores and shops, as well as this existing gas station.

5. Impacts of Proposal: There does not appear to be any negative impacts of providing three (3) car-share spaces at this site. The existing service station use is required to have four (4) on-site parking spaces according to the Somerville Zoning Ordinance and there are currently nine (9) off street parking spaces at the property. What this means is that the existing service station use is exceeding their zoning ordinance parking requirement by five (5) parking spaces. Therefore, the three (3) requested car-sharing spaces would not utilize required parking spaces for the service station use 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 a service station 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:

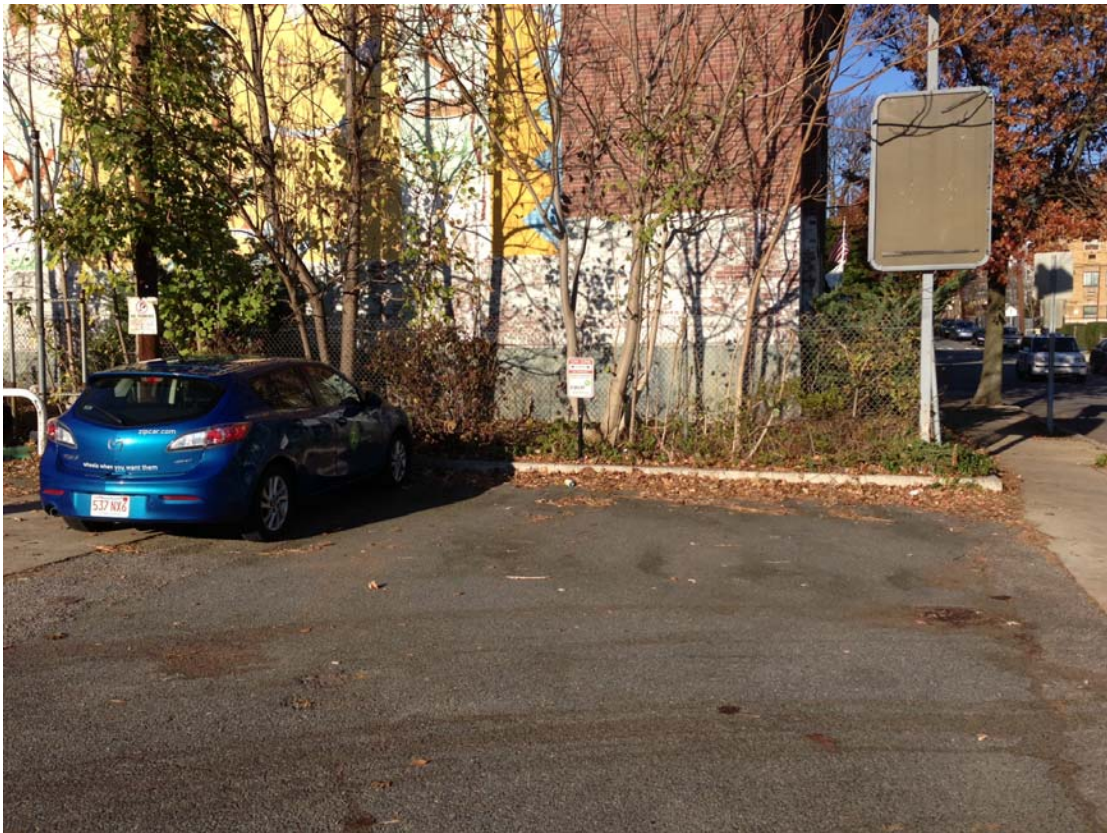
Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman Taylor has been contacted but has not yet provided comments.

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



Existing Gas Station



Existing/Proposed Location of Car-Share Spaces

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 9.5 of the Somerville Zoning Ordinance calls for a service station use to have two (2) off street parking spaces for the first service bay on-site and one (1) additional on-site space for each additional service bay. The zoning ordinance also calls for one (1) off street parking space for each business vehicle stored on site. This particular service station has two service bays and one business vehicle being stored on-site which requires the use to have four (4) on-site parking spaces. The site is currently providing nine (9) parking spaces which is five (5) spaces in excess of their required amount of parking called for in the zoning ordinance. Even if three (3) of these extra five (5) spaces were to be occupied by car-share vehicles, the service station would still have two (2) excess on-site parking spaces according to the zoning ordinance. Therefore, there appears to be no negative impacts of providing three (3) 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 combined services station 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 spaces are located and proposed for a location at the rear of the property immediately adjacent to School Street. Since the property is a corner lot, there are very few (if any) locations on site that are not visible from either Summer Street or School Street. The existing (and proposed legalized) Zipcar spaces are already existing parking spaces on the property. The spaces face the wall of an adjacent building on School Street which has no windows or openings and therefore the location of the car-share spaces should not have a negative impact on the abutting property. The car-share spaces are a compatible use in this residential neighborhood as they will be easily accessible for a number of residents in the surrounding area. Staff find that the car-share spaces would have minimal affects 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.

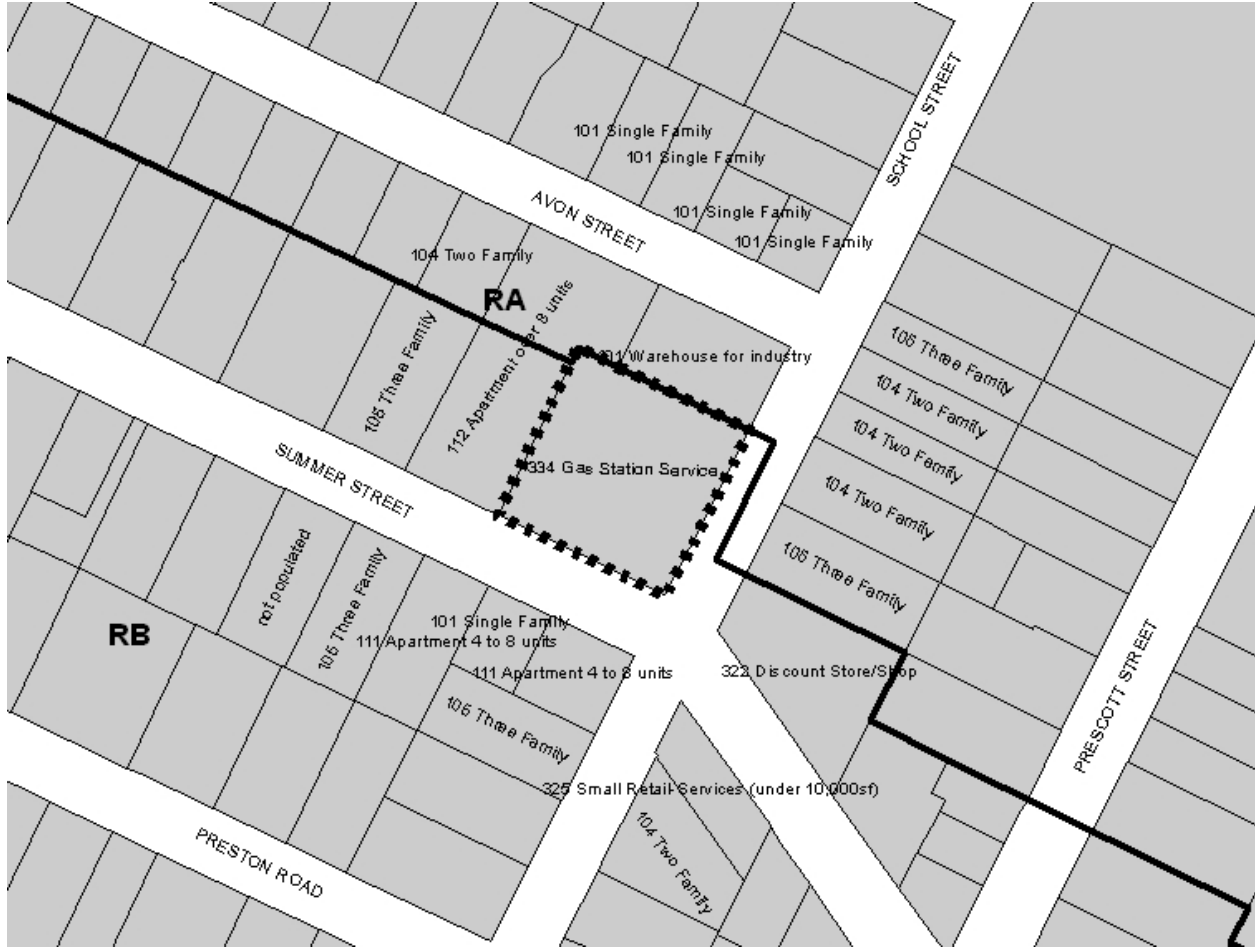
III. RECOMMENDATION

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, a service station (SZO §7.11.11.3.a), to a service station use with three (3) parking spaces for car-sharing or flex-car spaces (SZO §7.11.11.14.a) in the locations indicated on the site plan. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="250 533 889 877"> <thead> <tr> <th data-bbox="250 533 565 569">Date (Stamp Date)</th> <th data-bbox="565 533 889 569">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="250 569 565 674">(October 22, 2012)</td> <td data-bbox="565 569 889 674">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="250 674 565 772">(November 16, 2012)</td> <td data-bbox="565 674 889 772">Site Plan</td> </tr> <tr> <td data-bbox="250 772 565 877">(November 16, 2012)</td> <td data-bbox="565 772 889 877">Signage</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	(November 16, 2012)	Site Plan	(November 16, 2012)	Signage	BP/CO	ISD/PIng.	
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2	Each Zipcar space shall be striped as a 9 foot wide by 18 foot deep parking space and identified appropriately with pavement markings and/or signage as a car-share or flex-car space.	Final Sign Off	PIng.									
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	PIng.									



73 Summer Street