



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Planning Board  
**FROM:** OSPCD Staff  
**SUBJECT:** 288 Highland Ave, ZP23-000052  
**POSTED:** December 11, 2023

**RECOMMENDATION:** Approve with Conditions (SP)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the Special Permit application submitted for 288 Highland Ave, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on December 1, 2023 and is scheduled for a public hearing on December 21, 2023. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## LEGAL NOTICE

Lotus Yoga Studio LLC seeks to establish a Fitness Service principal use along a Pedestrian Street in the Mid-Rise 4 (MR4) District, which required a Special Permit.

## SUMMARY OF PROPOSAL

Lotus Yoga Studio LLC is proposing to establish a Fitness Service principal use at 288 Highland Ave. The proposed business "Lotus Yoga Studio" plans to set up a yoga studio offering a variety of yoga classes and course including educational and trainings courses.

## BACKGROUND

288 Highland Ave is located on a Pedestrian Street and in the 0.5mi Transit Area in the MR4 zoning district in the Spring Hill neighborhood represented by Ward 5 Councilor Beatriz Gomez Mouakad. Establishing a Fitness Service principal use along a Pedestrian Street in the MR4 district requires a Special Permit. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the MR4 zoning district.

## NEIGHBORHOOD MEETINGS

One (1) required neighborhood meeting was held between the Applicant and the Ward Councilor on October 24, 2024, virtually via the Zoom meeting platform. At the meeting members of the community expressed support for the proposed Fitness Service use.

## **ANALYSIS**

A Fitness Service principal use is permitted by-right in the MR4 district unless a Pedestrian Street designation is present. The Pedestrian Street designation triggers the Special Permit for the use, which is the case for this application. The existing ground floor location at 288 Highland Avenue previously had a yoga studio operating for many years up until it closed in 2021.

The previous yoga studio pre-dated the current zoning ordinance, making that use nonconforming due to the comprehensive zoning map addition of the Pedestrian Street. Nonconforming uses are allowed to exist as long as they don't expand or create further nonconformities. If a nonconforming use is abandoned for a period of two (2) or more years, the use cannot be replaced in-kind by the same use. The previous yoga studio has not been in operation for over two (2) years.

Staff believe the proposed Fitness Service principle use for a yoga studio is consistent with the goals of SomerVision 2040 including supporting small businesses. The direct neighborhood has been without a yoga studio or other Fitness Service uses for a few years, and believe that this proposal will have positive impacts both socially and economically for the neighborhood. Further, Staff will note that the existing space is already set-up for a yoga studio and at the neighborhood meeting there was unwavering support from community members who attended and provided feedback.

## **CONSIDERATIONS & FINDINGS**

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

### **Special Permit Considerations**

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. The maintenance of a diverse blend of commercial uses within the neighborhood.
4. The existing concentration of uses from the same use category within the neighborhood.
5. The availability of the same services within the neighborhood.
6. The availability of comparable commercial spaces within the neighborhood.

Information relative to the required considerations is provided below:

### Special Permit

1. *The comprehensive plan and existing policy plans and standards established by the City.*

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.

2. *The intent of the zoning district where the property is located.*

Staff find that the proposal meets the intent of the MR4 zoning district, which is, in part "[T]o create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."

3. *The maintenance of a diverse blend of commercial uses within the neighborhood.*

Staff believe that this neighborhood along the Highland Ave corridor has a diverse blend of commercial uses ranging from food/beverage uses to Personal Service. Most of the existing commercial uses are neighborhood serving, meaning that many of the business serve the immediate neighborhood and most trips can be done by foot or transit.

4. *The existing concentration of uses from the same use category within the neighborhood.*

There are other Personal Service uses that exist in the neighborhood including personal grooming and health care services.

5. *The availability of the same services within the neighborhood.*

At this time there is no other yoga studio within the neighborhood.

6. *The availability of comparable commercial spaces within the neighborhood.*

There is other commercial spaces available in the direct neighborhood across multiple properties. As noted above, the proposed space is already set-up for a yoga studio, making it an appealing space for someone looking to establish another yoga studio in the neighborhood.

### **PERMIT CONDITIONS**

Should the Board approve the required Special Permit to establish a Fitness Service principal use, Planning, Preservation & Zoning Staff recommend the following conditions:

Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (1) working days in advance of a request for final inspection.

Public Record

3. Digital copies of all required application material reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
4. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.