



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Planning Board
FROM: OSPCD Staff
SUBJECT: 393 Highland Ave, ZP24-000089
POSTED: September 26, 2024

RECOMMENDATION: Approve with Conditions (SP)

This memo is supplemental to the PPZ Staff Memos for case # ZP24-000058 dated August 9, 2024 and August 29, 2024.

LEGAL NOTICE

393 Highland Ave LLC seeks a special permit to occupy a single commercial space greater than ten-thousand (10,000) square feet in leasable floor area for a fitness center use.

SUMMARY OF PROPOSAL

393 Highland Ave LLC is proposing to occupy the site at 393 Highland Ave with a single commercial space, in this case a Fitness Service principal use. The proposed use will measure 18,946 sq. ft. in leasable floor area. The proposed business "Healthworks" plans to set up a gym offering a variety of fitness classes, exercise equipment, spa services, and massage services.

BACKGROUND

Prior to their application for this Special Permit for the occupancy of a single commercial space greater than ten-thousand (10,000) square feet in leasable floor area, which was deemed complete on September 13, 2024, the applicant had previously applied for a Special Permit for a Fitness Center use on a pedestrian street (ZP24-000058).

At the September 5, 2024 Planning Board Meeting, the applicant's request for a Special Permit for a Fitness Center use on a pedestrian street in the Commercial Core district (ZP24-000058) was continued to October 3, 2024. The reason for this continuation was so that an additional Special Permit request for the occupancy of a single commercial space greater than ten-thousand (10,000) square feet in leasable floor area could be properly advertised in accordance with legal requirements and both special permits could be heard together.

Occupancy of a single commercial space greater than ten-thousand (10,000) sq. ft. in leasable floor area by any permitted Commercial Service use requires a Special Permit. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the Commercial Core zoning district.

Additional background information on the Special Permit for a Fitness Center use on a pedestrian street can be found on the staff memos for case # ZP24-000058 dated August 9, 2024 and August 29, 2024.

ANALYSIS

A Fitness Service principal use is permitted by-right in the Commercial Core district. However, here a Special Permit is needed because of the occupancy of a single commercial space greater than ten-thousand (10,000) sq. ft. in leasable floor area. The existing ground floor location at 393 Highland Avenue was most recently occupied by a pharmacy (Rite Aid), but has been vacant since 2019.

ISD and Economic Development's comments on the proposal are summarized in the staff memo dated August 9, 2024.

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.

The intent of the Commercial Core zoning district is, in part: “To create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-use commercial buildings; neighborhood-, community-, and region serving uses; and a wide variety of employment opportunities.”

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

Staff believes that the surrounding neighborhood has a diverse blend of commercial uses ranging from food/beverage uses to Personal Service. There is an existing Fitness Service Use in the area, so adding another one will not increase this diversity.

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.

There is one other gym in the Davis Square neighborhood. Due to the high volume of people who reside, work, and visit Davis Square every day, the neighborhood could benefit from a second fitness center use.

6. The availability of comparable commercial spaces within the neighborhood

There are no other single-use commercial spaces in the neighborhood of a comparable size.

PERMIT CONDITIONS

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

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 (10) working days in advance of a request for a final inspection.
3. Approval is limited to Healthworks and is not transferable to any successor in interest.

Public Record

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.
5. Digital copies of all required application materials 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.