



City of New Bedford

Department of Planning, Housing & Community Development

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STAFF REPORT

REPORT DATE

May 4, 2018

PLANNING BOARD MEETING

May 9, 2018

Case #18-21: SITE PLAN REVIEW

Case #18-22: SPECIAL PERMIT

804-812 Brock Avenue

Map 14, Lot 232

Applicant/ Po Yam Chan

Owner: 8 Whitelock Street

New Bedford, MA 02745

Applicant's Michael Walker

Agent: Design/ Builder, LLC

500 Horseneck Road

Dartmouth, MA 02748

Overview

The applicant's request is for **Site Plan Approval** for the conversion of an existing mixed use structure from four (4) residential units and three (3) commercial units to six (6) residential units and one (1) commercial unit. The change in use requires seventeen (17) off-street parking spaces, whereas the project proposes two (2) spaces on-site; therefore, the petitioner also requests a **Special Permit** for a reduction of fifteen (15) of the required parking spaces. The site is located at **804-812 Brock Avenue** (Map 14 Lot 232) in a Mixed Use Business [MUB] zoned district.

The project proposes alterations in order to convert two commercial units on the first floor into two residential units. The project is mostly interior alterations with some minor exterior changes to the building but not the site.



804-812 Brock Avenue (front)
Looking east from Brock Avenue



804-812 Brock Avenue (rear)
Looking south west from Ellen Street

Existing Conditions

The project site is a 4,198 SF corner lot with 69'± of frontage on Brock Avenue and 85'± on the adjacent Ellen Street. The property is a three story structure with a single story addition on the south side. It is a mixed use property with three commercial units on the first floor level and four residential units on the upper floors (two one-bedroom units per floor). The last known uses on the first floor were two restaurants on each end with a commercial nail salon in between. The northern end unit and center unit are vacant and have been for a period of time. The third unit is still in operation at the southern end of the building. It is a Chinese food restaurant known as Golden Star II.

Four signs are present on the building. A sign over the door of the first unit reads "Restaurant". The middle unit has a sign that reads "Nails Today". There are two internally illuminated signs for Golden Star; one wall sign and one blade sign.

Exhaust fans, vents, and hoods for the restaurants are present in the rear of the building and on the roof of the addition.

Recessed lighting is located in the canopy overhang along the front of the building. In the rear a motion sensor wall light is installed near the entrance for the residential units. Another wall light (not motion censored) is installed over the rear door for the third commercial unit (Golden Star).

A concrete driveway area is located in the rear of the building. Upon a site visit staff noted this area is currently used for waste disposal containers including: residential trash and recycling bins, a commercial dumpster, and oil/grease waste containers (from the restaurant). A fence separates the driveway from an abutting parking lot. The existing driveway area available for parking is 12'x48', enough to accommodate two vehicles in a stacked formation.

On-street parking is available on Brock Avenue and Ellen Street. However, directly in front of the building parking is limited – 30 minute parking directly in front of Golden Star and 15 minute parking near the corner.



804-812 Brock Avenue

Looking north easterly from Brock Avenue



Existing Signage



Rear driveway

Looking south from Ellen Street

The surrounding neighborhood is a mixture of commercial and multi-unit residential properties. Directly abutting to the south is a 44 unit housing complex for the elderly (the InterChurch Council's "Young House"); the parking lot for which surrounds the subject site on the south side and rear. Directly across Brock Avenue is an auto sales and service business. Multi-unit residential properties are located directly across Ellen Street and diagonally north and south across Brock Avenue.

The site currently does not have any on-site stormwater management.

Proposed Conditions

The applicant proposes to convert the two vacant commercial storefronts on the first floor into residential apartments. The first unit on the north end of the building, formerly a restaurant, would be converted into a three bedroom unit. The second unit in the middle of the building, formerly a nail salon, would be converted into a two bedroom unit. The third unit, Golden Star Chinese Restaurant, would remain unchanged. The four (4) one-bedroom units on the second and third floors would also remain unchanged. The proposal will result in the property having six residential units, with a total of nine bedrooms, and one restaurant.

The trash/waste receptacles in the rear will be relocated to a screened area at the south end of the driveway. The driveway and curb cut, in all other respects, would remain unchanged.

The proposal includes the conversion of the commercial exterior to achieve a residential appearance by removing, replacing, and installing new windows and doors. The proposal also includes the removal of the exhaust fan and vents related to the northern unit. The signs for the northern unit restaurant and nail salon are also proposed for removal. The two signs for Golden Star would remain.

Parking. The proposal does not include changes to the current parking accommodations on-site.

The applicant requests a special permit for a reduction in the parking requirement. Per the ordinance, the project is required to have seventeen (17) off-street parking spaces, whereas two (2) spaces are proposed in the rear parking area. The applicant seeks a reduction of fifteen (15) parking spaces.

Circulation. The site does not allow for circulation on site. Vehicles parked in the rear driveway will exit the site in reverse onto Ellen Street.

Landscaping. The entire site is impervious. The building encompasses 80% of the lot and the driveway in the rear covers the rest. In the current configuration there is no space on-site for landscaping. Two street trees are located in front of the site on the Brock Avenue sidewalk.

Snow/Trash Removal. Snow disposal is not indicated on the site plan. The Planning Board may wish to discuss snow removal plans with the applicant.

The trash and recycling receptacles in the rear will be relocated to a screened area (10'± x 12'±) at the south end of the driveway. The applicant has not specified the materials to be used to screen this area. The board may wish to clarify the type of trash and recycling screening to be installed with the applicant.

Stormwater. Stormwater mitigation is not addressed within the applicant's proposal. There are no additional stormwater impacts anticipated, as the only exterior changes proposed on-site are aesthetic in nature.

Lighting. Lighting is not depicted on plans submitted. The board may wish to confirm that the existing lighting on the site is to remain and is in working order. The board may also wish to require additional lighting for the east and north side of the building.

Signage. The proposal includes the removal of the signs affixed to property for the former restaurant and nail salon. The two signs for Golden Star will remain.

Nonconformity. The property is an existing nonconforming property under current zoning ordinance. The project therefore requires a Special Permit from the Zoning Board of Appeals (ZBA) to make any changes to the property. This project is scheduled to be heard by the ZBA on May 17, 2018.

Review Comments

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

The Department of Public Infrastructure (DPI) has provided comments for the boards review dated April 27, 2018. The DPI comments note that a new address will need to be assigned for the apartments if a new door is to be used.

No other comments were received by staff prior to this reports publication. Any additional comments received will be made available at the public meeting.

Master Plan Goal

The proposal both supports and detracts from the master plan's goal to "provide safe, vibrant, sustainable neighborhoods that offer a multitude of uses, including: affordable, quality housing choices; good schools; walkable streets; proximity to open space, parks and playgrounds; and small, local businesses that provide the opportunity for goods and services."¹ The proposal supports the aforementioned Master Plan goal by bringing an active use back into an inactive vacant space and adding to the mix of housing options available in the city. However, the proposal reduces the "multitude of uses" specified within the aforementioned Master Plan goal due to the proposed reduction of storefront, commercial units with the replacement of residential units at this site.

Materials for Consideration

The engineered plan submittal is shown as the "Existing Conditions Plan, 804-812 Brock Avenue New Bedford, Massachusetts; Owner: Po Kin Chan & Po Yam Chan," dated March 15, 2018. Plans were prepared by Site Design Engineering, in Middleboro, MA and stamped by Thomas Hardiman. The plan set consists of the following sheet:

- Sheet 1 Existing Conditions Plan

The following additional architectural plan set materials - unstamped—were also provided, titled as "Chan Building Alterations 804-812 Brock Avenue New Bedford, Massachusetts, 02745," date stamped received by City Clerk's Office April 13, 2018 prepared by Michael Walker Design/Builder, LLC, in Dartmouth, MA. The plan set consists of the following sheets:

- Sheet T-1 Title Page
- Sheet A-1 3 Bedroom Floor Plan
- Sheet A-2 2 Bedroom Floor Plan
- Sheet A-3 Front (Brock Ave.) Elevation
- Sheet A-4 Elevation Ellen Street
- Sheet A-5 Rear Elevation

¹ A City Master Plan 2020, City of New Bedford. 2010. Executive Summary S-3.

In addition to the foregoing submitted materials, the Planning Board may also wish to consider:

▪ **Waivers**

The applicant has submitted the following waiver petitions for consideration by the Planning Board:

- Demolition Plan
- Construction Layout Plan
- Grading and Drainage Plan
- Utilities & Grading Plan
- Landscaped Plan
- Erosion Control Plan
- Sign Plan
- Lighting Plan
- Details Sheet (typical Details sheet)

▪ **Development Impact Statement (DIS)**

The applicant has not provided a DIS for the proposed development. Development Impact Statements are not required unless requested by the Board.

▪ **Traffic Impact & Access Study**

The applicant has not provided a traffic analysis for the proposed development. Traffic Impact and Access Studies are not required unless requested by the Board.

#18-21 Site Plan Approval

In considering Site Plan Approval for the proposed project, the Board must find the plan to meet a number of objectives identified in Section 5470 of the City's (c.9) Zoning Ordinance including:

- **Adequate access to each structure for fire and service equipment;**
- **Adequate provision for utilities and stormwater drainage;**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development so as to:**
 - Minimize cut/fill volumes, removal of 6" caliper trees and larger, removal of stone walls, displacement of wetland vegetation, extent of stormwater flow increase from the site, soil erosion and the threat of air/water pollution;
 - Maximize pedestrian/vehicular safety to/from the site;
 - Minimize the obstruction of scenic views from publicly accessible locations;
 - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas;
 - Minimize glare from vehicle headlights and lighting fixtures;
 - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity;
 - Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of solid/liquid wastes and hazardous substances;
 - Ensure compliance with the Zoning Ordinance;
 - Minimize damage to existing adjacent public ways;
 - Promote orderly and reasonable internal circulation within the site so as to protect public safety.

The project makes no changes to the site other than aesthetic improvements to make the structure more residential in character. No new impacts are expected from the site design as it remains the same as the existing conditions. The only impacts anticipated are additional vehicles from the new residential tenants. However, staff note under ordinance the residential use results in a lower number of parking spaces than new commercial uses would at this site. The project reduces the commercial use on the site yet the project fits in with the character of the existing mixed use neighborhood. In light of these facts staff finds that with the conditions presented under "staff recommendations" this proposal satisfies these objectives.

#18-22 Special Permit

In considering the application for Special Permit for parking reduction, the Board must take into account the characteristics of the site and of the proposal in relation to that site, in addition to any specific factors that may be set forth under Section 5300 of the zoning ordinance.

- **Social, economic, or community needs which are served by the proposal.**

The vision of the City includes the creation of dynamic neighborhoods. This proposal reactivates a currently inactive vacant space.
- **Traffic flow and safety, including parking and loading.**

The proposal does not provide adequate parking for the uses proposed nor the existing uses on site. However, it is not unlike other properties in the area without adequate parking. Additionally, the site is serviced by public transit.
- **Adequacy of utilities and other public services.**

There are existing utilities on site adequate for the proposed conversion. Impacts to other public services are not expected as a result of the proposed residential conversion.
- **Neighborhood character and social structures.**

This neighborhood is a mix of commercial uses and multi-family dwellings, located along a highly traveled corridor in the city. The change in use on this site is in line with the character of the surrounding neighborhood.
- **Impacts on the natural environment**

No changes are made to the existing site; therefore no new negative impacts to the natural environment are anticipated as a result of granting the special permit.
- **Potential fiscal impact, including impact on City services, tax base, and employment**

Allowing the conversion to residential units, without the addition of on-site parking, will likely increase on-street parking in the neighborhood versus the units remaining vacant. Staff notes any change in use at this site would require more parking than can be accommodated in the current site configuration. Any attempt to provide more parking on-site would require demolition of portions of the building or the acquisition of abutting property.

Staff Recommendations



Site Plan Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval for the project:

- ☐ That the following specific conditions be applied to this decision:
 - The trash and recycling area be screened and so indicated on the final plan set in a manner to be approved by the City Planner.
 - That a snow removal plan be provided to, and approved by, the City Planner.
 - Adequate lighting to the satisfaction of the City Planner will be provided for all entrances/exit doors.
 - The project shall receive necessary approvals from the Zoning Board of Appeals.
- ☐ That the following general conditions also be applied to this decision:
 - The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
 - The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure received and placed on file and the Planning Board incorporates the DPI memo as part of these conditions.
 - The applicant shall submit final plan revisions to the Planning Division in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
 - The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Planning Division Case file folder.
 - The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for determination as to whether the modified plan must return before this Board for further review.
 - The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.



Special Permit. Having reviewed the submitted materials, the characteristics of the site and the factors outlined in this staff report, staff recommends favorable action on the special permit permitting the provision of two (2) total off-street parking spaces where twelve (12) are required.

Materials Provided by the Applicant are available at: <http://www.newbedford-ma.gov/planning/planning-board/planning-board-agenda-info-2018/>):

804-812 Brock Avenue Map: 14, Lot(s): 232

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.

