



MAYOR
JON MITCHELL

City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · www.newbedford-ma.gov

ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: November 12, 2020

STAFF REPORT: November 6, 2020

Case #4431: SPECIAL PERMIT

Property: 115,117,121 Union Street
127-129 Union Street
7 North Second Street
Map: 53, Lot:
40,41,215,216,146

Zoning: Mixed Use Business (MUB)
& (DBOD)

Owner: 117 Union Street, LLC
128 Union Street, Suite 400
New Bedford, MA 02740

Applicant: 117 Union Street, LLC
128 Union Street, Suite 400
New Bedford, MA 02740



117 Union Street
Looking northwest on Union Street

Overview of Request: Notice is given of a public hearing on the petition of: **117 Union Street, LLC** (128 Union Street, Suite 400, New Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of use regulation-Appendix A, Commercial: #17 live/work), 2400 (nonconforming uses and structures), 2410 (applicability), 2420 (non-conforming uses), 2421 (change or substantial extension of use), 4500-4572 (Downtown Business Overlay District (DBOD) and 5300-5390 (special permit); relative to property located at **115, 117, 121, 127-129 Union Street & 7 North Second Street**, Assessors' map 53 lot 40,41,215,216 & 146 in a Mixed Used Business (MUB) and (DBOD) zoned district. The petitioner proposes to amend special permit #4372 to allow for a total of 43 residential units on the upper level floors along with a combination of retail and three work/live units on the ground level floor per plans filed.

Note: The project also requires a modification of a previously approved Special Permit (Case #19-07) for a parking reduction from the Planning Board. The application will be heard on November 4, 2020 via Zoom. The project is also required to seek a revised approval from the Historical Commission.

Note: On April 25, 2019, The City of New Bedford Zoning Board of Appeals granted the applicant a Special Permit Case #4372 to construct 42 residential dwelling units and 3,000 SF of ground level retail space at the premises.

On September 17, 2020 the applicant was granted a one year extension of Special Permit #4372 by the City of New Bedford Zoning Board of Appeals.

Under the zoning ordinance a **Special Permit** is required from the Zoning Board of Appeals for the following:

- The change or substantial extension to an existing nonconforming use or structure.
- The proposed three work/live units on the ground level.
- Residential uses under the Downtown Business Overlay District [DBOD]. The [DBOD] allows residential uses on the upper floors, variation from dimensional requirements, and increased density by a granted Special Permit.

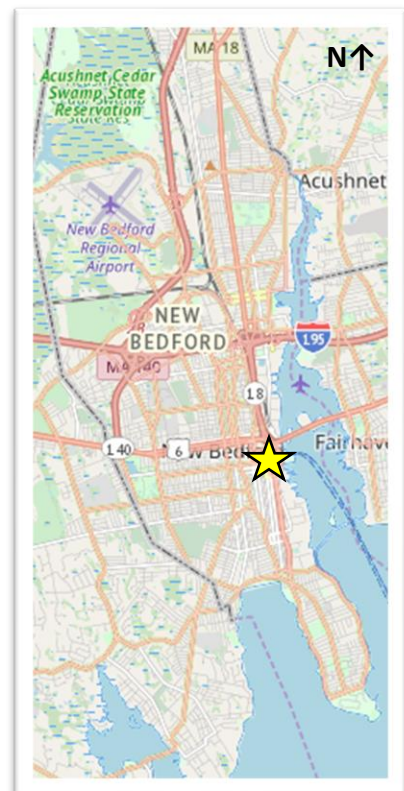
As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

- a) social, economic, or community needs which are served by the proposal;
- b) traffic flow and safety, including parking and loading;
- c) adequacy of utilities and other public services;
- d) neighborhood character and social structures;
- e) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

Existing Conditions: The project site is comprised of five lots with five buildings and a parking lot; all under the same ownership. In total the site is 12,479± SF with frontage on three streets. The site has 105'± of frontage on Union Street, 117'± on N. Second Street, and 106'± on Barkers Lane. The buildings at 117, 115, and 121 Union Street and 7 N Second Street, each are brick, flat roof, single story buildings varying in size from 873 SF-2,074 SF. The brick building at 127-129 Union Street, known as the “Moby Dick Chandler Building” is three stories high, fronting on Union Street, and a single story high, in the rear, fronting on Barkers Lane. The building is 8,652 SF. The lot is predominately impervious with buildings and the parking lot covering the land.

The existing parking lot area, located in the northeast corner of the site, has five (5) parking spaces. Metered on-street parking is available on Union Street and on the west side of N. Second Street. No parking is allowed on Barkers Lane. The board should note N. Second Street is one-way northbound. The entrance to the Elm Street parking garage is directly two blocks north at the terminus of N. Second Street at Elm Street. . A SRTA Route 5 bus stop is located on the same block as the property at the intersection of Union Street & Acushnet Avenue. The SRTA bus terminal is a 4± minute walk from the site.

Located in the heart of the historic downtown, the surrounding neighborhood is a mixture of commercial retail, office, and mixed use buildings with residential units on the



upper floors. Directly abutting the property to the west is the Garden Bar. Also, on the same block on the north side of Union Street are two recently restored mixed use properties. The restored buildings include residential space, a co-working space known as the Co-Creative Center, a juice bar café known as People's Pressed and a hair salon known as Beauty Union. Directly south across Union Street is a professional office building with multiple tenants, known as the DeMello International Building. East across N. Second Street is Coastal New England Federal Credit Union. North across Barkers Lane is Custom House Square park and the historic, still active, United States Custom House. Diagonally southwest across Union Street is the New Bedford YMCA. The site is located within the Bedford-Landing Local Historic District, which is a National Register District as well as a National Historic Landmark District.

Proposed Conditions: The applicant proposes to amend Special Permit Case #4372 to allow for a total of 43 residential units on the upper level floors along with a combination of retail and three work/live units on the ground level floor per plans filed.

The applicant proposes demolition of all buildings except for the three-story portion of the 127-129 Union Street property (known as the Moby Dick Building) in order to develop the site. The proposed development includes the new construction of a 5 story building along with the rehabilitation and conversion of the adjacent 3 story, historically significant building (Moby Dick) into a mixed use commercial and residential development.



Previously, in total the project proposed to create 51 residential units, 2 commercial units, with one on-site handicapped parking space.

The applicant hereby requests to amend the Special Permit Case #4372 to allow for 43 residential units on the upper level along with three work/live units on the ground level floor.

The current project, in total proposes to create 46 residential units, 2 commercial/retail units, office space (for the leasing office) with one on-site handicapped parking space.

In regard to the general criteria necessary to grant the special permit, staff offers the following:

a.) Social, economic or community needs which are served by the proposal. The petitioner states the proposed use would add residential units to the downtown area providing additional housing for the citizenry of the City, which promotes and serves social, economic and community needs. Staff acknowledges that the proposal would offer 46 residential units to the downtown area.

b.) Traffic flow and safety including parking/unloading. The petitioner states Site Plan Review has been approved on this project, the traffic flow and safety, including parking in loading, has already been determined to be adequate by the Planning Board during permitting of the first phase. The application indicates the

applicant is presently seeking to amend the Planning Board Special Permit granted to allow for a reduction in parking and loading spaces. Staff acknowledges the Zoning Enforcement Officer has determined that Site Plan Review is not required; however the changes to the interior have caused the parking calculation requirements as outlined in the ordinance to increase over the previously granted relief for parking by the Planning Board. Additionally, staff acknowledges the applicant has submitted an application to the Planning Board for the modification of previously approved Special Permit (Case #19-07) for a parking reduction. The Planning Board modification will be heard on November 4, 2020 via Zoom.

c.) Adequacy of utilities and other public services. The petitioner states the necessity for gas, electric, water and sewer. Staff notes that there are adequate utility services serving this area.

d.) Neighborhood character. The petitioner states that the proposed use would fit into the character and social structure of the neighborhood as it will complement and enliven the downtown area. Furthermore, the petitioner states that the proposed redevelopment would be harmonious with the structure of the neighborhood by providing needed and desired services. Staff acknowledges the neighborhood is located in a Mixed Use Business (MUB) zone as well as a Downtown Business Overlay District (DBOD) with a mix of commercial retail, office, and mixed use buildings with residential units on the upper floors

e.) Impacts on the natural environment. The petitioner has indicated that there will be minimal impact as a result of this proposal. Staff acknowledges the impacts on the natural environment are neutral as proposed.

f.) Potential fiscal impact, etc. The application indicates the proposal would have minimal impact to city services. The petitioner states the proposal would increase the property value as well as create new jobs and services for the city, specifying employment opportunities for the construction of the new units. Staff acknowledges the proposal would add employment while providing residential uses.

117 Union Street, 7 N Second Street, 115 Union St., 121 Union St., 127-129 Union St. Map: 53 Lots: 40, 41, 215, 216, & 146

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

