



# City of New Bedford

## Department of Planning, Housing & Community Development

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# STAFF COMMENTS

## ZONING BOARD OF APPEALS MEETING February 12, 2016

**Case # 4217: SPECIAL PERMIT**  
20 South Sixth Street  
Map: 46, Lot: 69

**Owner/  
Applicant:** YWCA of Southeastern  
Massachusetts, Inc.  
20 South Sixth Street  
New Bedford, MA 02740

**Overview of Request:** The petitioner has submitted an application requiring multiple waivers from the zoning ordinance from both the Planning Board and Zoning Board of Appeals.

**20 South Sixth Street**  
Looking northeast from School Street



With respect to the request before the ZBA, the applicant seeks a **Special Permit** relative to the property listed above located within both a Mixed Use Business [MUB] zoning district and within the Downtown Business Overlay District [DBOD]. The petitioner proposes to build an addition connected to the existing historic structure via a passageway corridor at the property listed above. The proposed change to an existing non-conforming, non-residential structure, as well as, the project being located in the DBOD requires a Special Permit under the city's zoning ordinance. The DBOD additionally requires the petitioner to request reductions in setbacks, density, green space and parking requirements to allow for the development of residential dwelling units on the upper level floors. As such the petitioner requests the following relief:

	Existing	Required	Proposed
<b>Side yard (south side)</b>	6.72'	10'	6.72'
<b>Side yard (north side)</b>	61.9'	12'	8'
<b>Rear yard</b>	46'	10'	6'
<b>Front yard</b>	14.8'	20'	14.8'
<b>Green Space</b>	~ 82%	35%	23%
<b>Off Street Parking</b>	0	20	0

As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. The board must consider the following criteria: social, economic, or community needs which are served by the proposal; traffic flow and safety, including parking and loading; adequacy of utilities and other public services; neighborhood character and social structures; impacts on the natural environment; and potential fiscal impact, including impact on City services, tax base, and employment.

Additionally, under the DBOD the ZBA must find the proposed project does not cause substantial detriment to the neighborhood after considering the following potential consequences: noise (during construction and operation), pedestrian and vehicular traffic, environmental harm, visual impact caused by the character and scale of the proposed structures. Also, the board must find the applicant has demonstrated that reasonable efforts have been made to comply with parking requirements; and the proposed project protects the City's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or on adjacent properties. Lastly, in cases of existing nonconforming structures, the ZBA must determine that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

Given the complexity and number of approvals necessitated by this request, the following summary is offered to lend some clarity:

- **Section 2430** Non-Conforming Structures, Other than single/two-family structures. Given that the structure is a legal non-conforming building, additional relief in the form of a Special Permit from the ZBA is needed from:
  - **Section 2431.** Reconstructed, extended or structurally changed; and
  - **Section 2432.** Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.
- **Section 4500.** Downtown Business Overlay District; Special Permit from the ZBA is needed for, specifically:
  - **Section 4553** Reductions in parking requirements for commercial use of pre-existing or new structures where the applicant is requesting a Special Permit for reduction in parking to include zero (0) spaces before the ZBA.
  - **Section 4552** Reductions in setbacks, density, green space and parking requirements to allow for the development of residential dwelling units on the upper level floors of new and pre-existing structures where the applicant is requesting a Special Permit from the ZBA.
- **Section 5400:** Site Plan Review from the Planning Board.

**Existing Conditions:** The 11,925 sq. ft. corner lot has 113.75' of frontage on South Sixth Street and 105.41' of depth on School Street. The existing two story brick building, known as the Levi Standish House, is used as administrative offices by the applicant organization. This building has a 1,936 sq. ft. (44'x44') footprint and is located in the southwest corner of the property. Currently the existing building is setback 6.72' from the south side property line, 61.9' from the north property line, 14.8 from the front (west) property line, and 46' from the rear property line. There is no on-site parking. The YWCA did petition the Traffic Commission in years past—and subsequently received--approval for one on-street handicapped parking space on the opposite side of South Sixth Street. The petitioner currently leases 15 parking spaces in an off-site surface lot to the south of the site within the next block of South Sixth Street. Approximately 82% of the property is green space with trees and arborvitaes throughout and along the perimeter. The slope shifts downward and easterly across the property. Wood, iron fencing and stone walls surround the property. A stone paver and gravel driveway is located in the rear of the property.

Located in the south west section of Downtown, the surrounding neighborhood has a mix of office, educational, civic, and residential uses present. The abutter to the north is a mixed use property with commercial office space and residential units. Located directly in the rear of this property is the parking area for Nativity Preparatory School. Across South Sixth Street is an office space; directly across School Street is a residential property with multiple apartments. The applicant reports that currently, this location serves 10 clients per day, has 9 employees and is open Monday-Friday 9am-4pm.

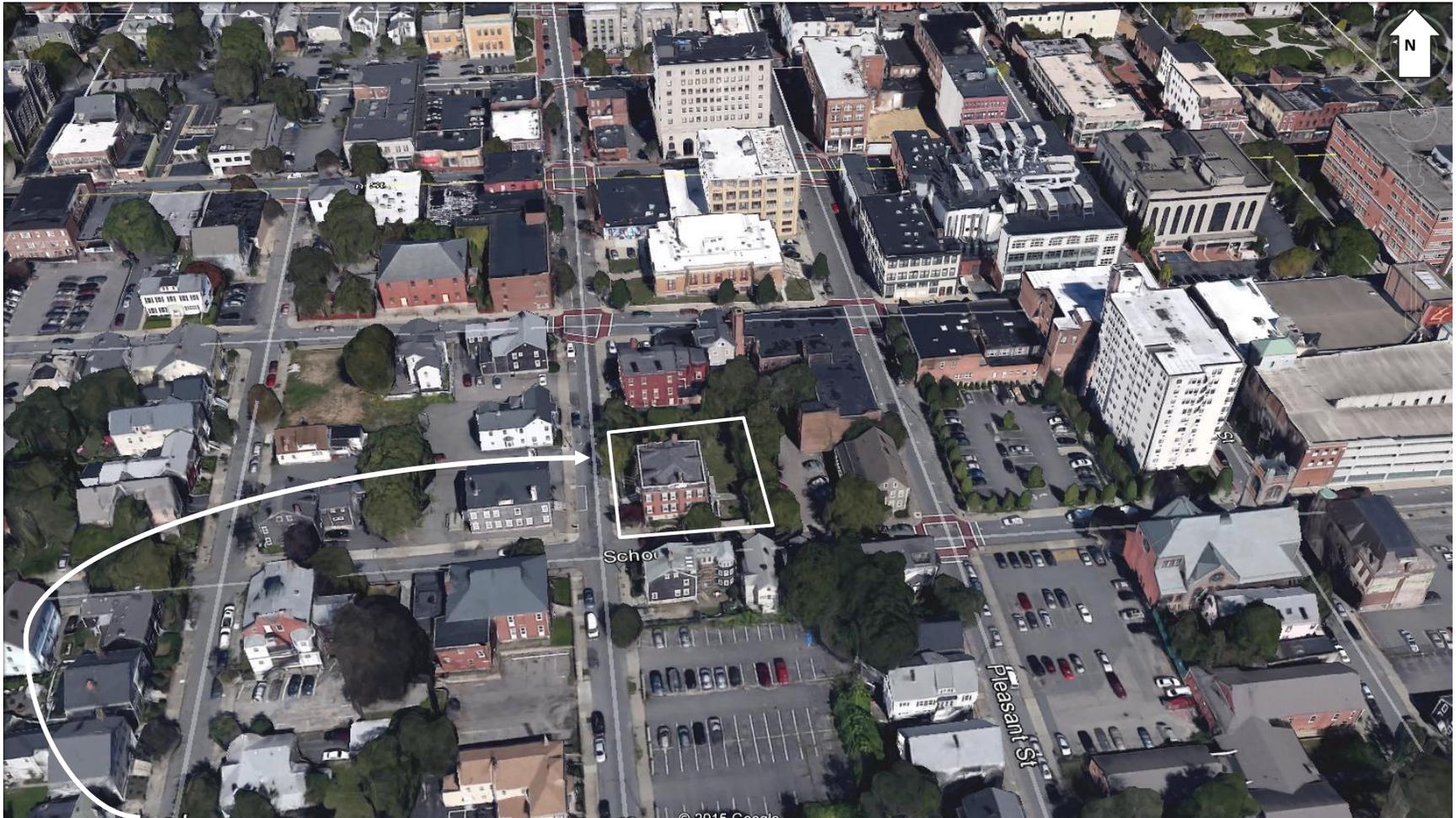
**Proposal:** The proposed addition is a two-story, 3,250 sq. ft. building connected to the existing building via a passageway corridor. The proposed addition will be located in the northern half of the property. The proposed addition requires a change to the north side set back from 61.9' to 8' (where 12' is required). The rear set back would also be reduced under this proposal from 46' to 6' (where 10' is required). The front yard and south side would remain unchanged. New walkways are proposed to be added to the property in the front and rear. A playground is proposed in the location of the current gravel driveway in the rear.

The applicant notes that while the existing building will be used as administrative offices, a classroom, and meeting rooms, under this proposal, the new addition will be used for afterschool daycare with classrooms on the first floor and single resident occupancy units on the second floor. The first floor will have a lobby area, two classrooms, staff kitchen, and separate restrooms for staff, boys, and girls. The second floor single occupancy residential area is designed as having eight individual single occupancy units (rooms with a bed and bureau), a shared unisex bathroom, a shared laundry room, and a shared kitchen/community room. The application indicates that the proposed addition would allow the petitioner to serve 30 clients per day, have 20 employees, and operate Monday-Friday 9am-6pm.

In addition to the one on-street handicapped parking space currently on South Sixth Street, the petitioner plans on petitioning the Traffic Commission for additional handicapped spaces around the property.

**For Board Member Consideration:** This petition was submitted December 18<sup>th</sup>, 2015. The applicant requested a continuance at the January 21<sup>st</sup>, 2016 meeting in order for the project to be reviewed by the Planning Board. The request for continuance was granted at that time and was subsequently heard on February 10, 2016. The ZBA may wish to note that although its own review of this application addresses a larger number of issues than were covered by the Planning Board, the ZBA's consideration of requested relief within the DBOD will necessitate its own review of many of the *same* items and considerations required through the Planning Board's Site Plan Review Process. In light of this, the findings and conditions issued by the Planning Board have relevance to the ZBA during the course of its own deliberation. To this end the ZBA may wish to note the Planning Board approved the site plan for this project with multiple conditions. ***The Board is encouraged to review the Planning Board's Notice of Decision provided as an attachment to these comments which includes the entire conditions list.***

Also, due to a preservation restriction on the property, the project must be reviewed and approved by the Massachusetts Historical Commission [MHC]. The MHC has 30 days to review the project and the applicant provided the plans to MHC on January 18, 2016. If the ZBA were to grant this petition the Board may wish to include the approval of MHC as a condition of approval, considering the use of language similar to the Planning Board's condition regarding same.



## 20 South Sixth Street Map: 4, Lot: 59

*NOTE: Property line is approximate; for discussion purposes, only.*

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41°37'58.53" N 70°55'37.48" W elev 65'ft eye alt 703 ft