

September 18, 2017

To:

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RE: **502 Deering Center – Di Minimis Revisions Memo #1 – 1st Floor Commercial Only**

From: Denis Lachman and Kiya Smith, Applicants

This memo describes di minimis revisions at the 1st floor commercial use only, and associated topics such as parking - for your review. The topics and revisions are presented in the following outline:

1. **Reconfigure Commercial Space to Accommodate 3 Small-scale Tenants** - From (1) tenant to (3) tenants
2. **Subdivision Not Triggered** – Analysis & Conclusions
3. **Zoning Use Descriptions and Definitions** – Analysis & Conclusions
4. **Off Street Parking Not Required** - Analysis & Conclusions
5. **Front Entry Recess Reconfiguration** - To accommodate Tenants 1A & 1B at the front
6. **Side Door Reconfiguration** - To accommodate entry to Tenant 1C at the rear

We look forward to your response. Please do not hesitate to contact us if you have any questions at all.

Sincerely,

Denis Lachman and Kiya Smith

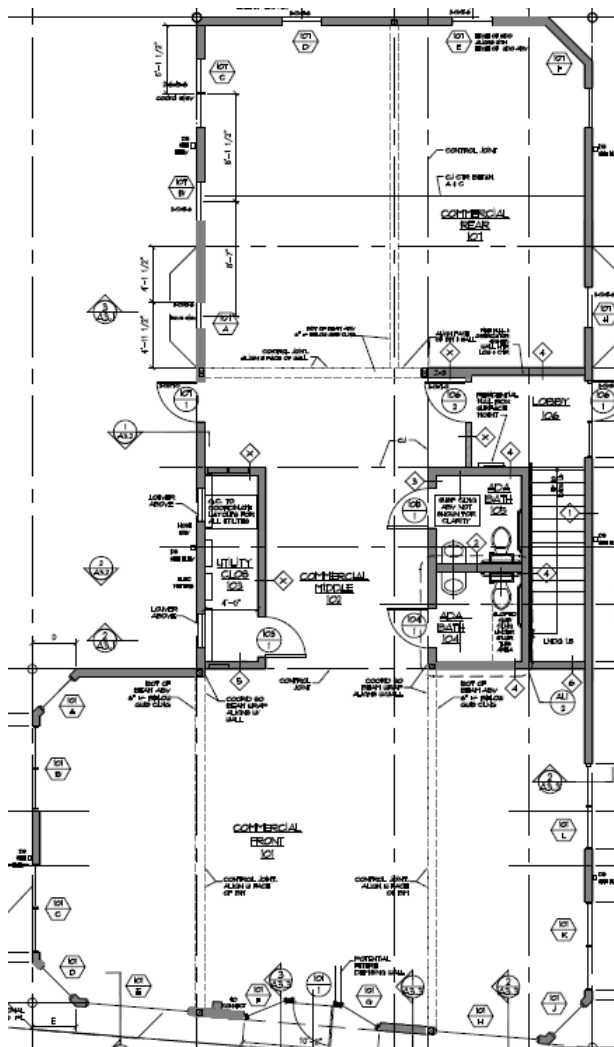
CC: Pat Carroll
Matt Phillips
Patrick Ducas

1. Reconfigure Commercial Space to Accommodate 3 Small-scale Tenants

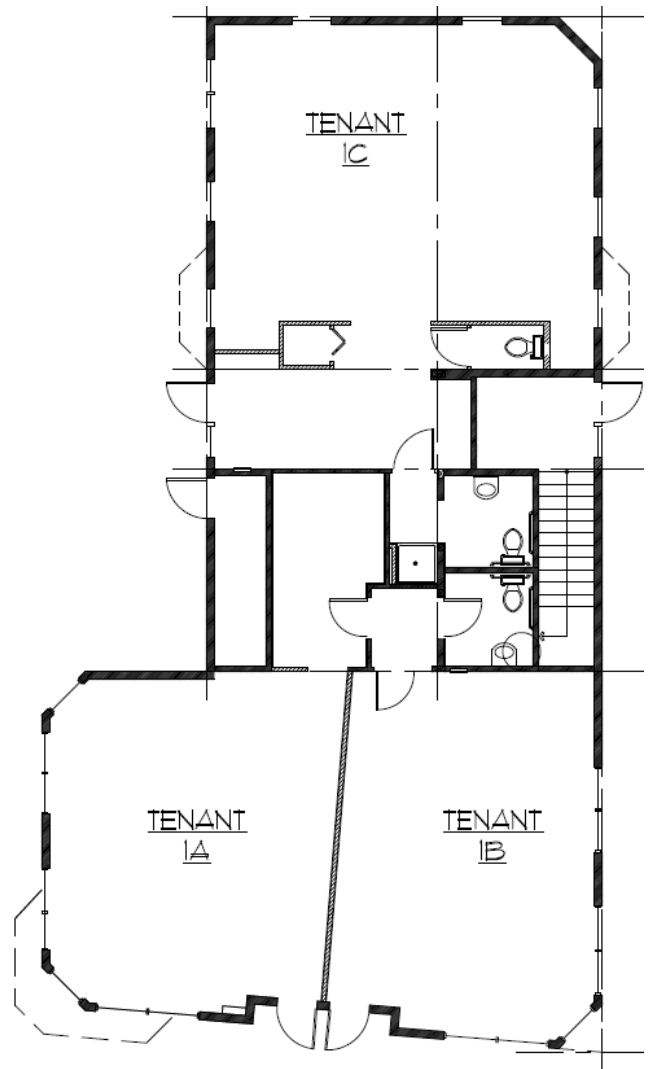
The Planning Board approved the project as a “6-unit residential development plus 1 commercial space”. The approved single commercial space was generic and purposefully designed with a centralized core to ensure maximum flexibility, so that demising walls could be added to create multiple tenant configurations such as “(1) front & (1) back” or “(2) front & (1) back”. We have advanced from Phase 1 (planning, design and construction) to Phase 2 (marketing, leasing, tenant fit-out and occupancy) and have 3 tenants already. Consequently the single commercial space is reconfigured to accommodate 3 tenants. The establishment of smallscale ground floor commercial uses is highly consistent with the purpose of the B-1b Neighborhood Business Zone.

(b) The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of smallscale ground floor commercial uses in existing buildings, servicing a local market, while preserving residential uses and character above the ground floor of structures.

Previously approved – single tenant



Di Minimis Revision – three tenants



2. Subdivision Not Triggered – Analysis & Conclusions

14-493 Definitions, Subdivision - Subdivision shall mean the division of a lot, tract or parcel of land into three (3) or more lots within any five-year period whether accomplished by sale, lease, development, buildings or otherwise The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period

14-493 Definitions, Subdivision - Lot shall mean a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds, for the purpose of sale or lease to another.

Conclusion – The Planning Board approved the project as a “6-unit residential development plus 1 commercial space”. Reconfiguring the commercial space does not involve a *division of a lot, tract or parcel of land into three (3) or more lots*, nor does the reconfiguration create *(3) or more dwelling units*. Our analysis concludes no subdivision is triggered.

	Previously Approved	Di Minimis Revision	Change
Residential Use	6 rental units, no condos	Same	No change
Commercial Use	1 space for a single tenant	3 spaces for smaller tenants	2 tenants
Ownership & Lots	This property is a single ownership of a single lot, defined by metes and bounds.	Commercial leases for 1 to 5 years, no sales or creation of additional lots. No change from single ownership of a single lot.	No change

3. Zoning Use Descriptions and Definitions – Analysis & Conclusions

(b) The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of smallscale ground floor commercial uses in existing buildings, servicing a local market, while preserving residential uses and character above the ground floor of structures

In addition to the tenants being smallscale, these tenants are specifically servicing a local market. Below is a description of their Uses and Zoning Use Definition:

Space 1A Front South (700 sf)

Use Description – Tenant 1A is a Retail Establishment use (see Definitions below). The tenant will offer coffee, sweet and savory baked goods that are made in an existing bakery offsite and only sold at this new storefront. The customer area (including ordering, point of sale and limited seating) is limited (only 200sf) because this tenant’s focus is the retail sale of goods. Included within the customer area is some limited seating (no more than 9 seats) at small café tables so customers can enjoy the baked goods. Food preparation is limited to warm up rather than cooking, so this is not a restaurant. This is an ideal village use (generates people activity) in an ideal location (prime corner storefront with high exposure from the street, the sidewalk and the pocket park).

Zoning Use Definition (14-47. Definitions) - *Retail Establishment: Means (1) any food service establishment with indoor seating capacity for nine (9) or fewer patrons; or (2) any shop or store offering goods or merchandise to the general public for direct consumption and not for resale,*

Tenant 1A perfectly matches this definition because it has less capacity for 9 patrons and offers goods to the general public for direct consumption. Note: The use is not a Restaurant (*Any food service establishment, with indoor seating capacity for ten (10) or more patrons*).

Space 1B Front North (600 sf)

Use Description – Tenant 1B is a Retail use. Tenant 1B provides sales of garments accompanied by custom crafted alterations.

Use Definition (14-47. Definitions) Retail: *Sales to the ultimate consumer for direct consumption and not for resale...*

Tenant 1A perfectly matches this definition because it provides *sales to the ultimate consumer for direct consumption and not for resale*.

Space 1C Rear (980 sf)

Use Description - Tenant 1C is a Neighborhood Center (see Definition below). Tenant 1C will offer yoga, movement and wellness classes for adults and children. The space remains open without partitions for maximum movement area. This studio is also an ideal village use (generates people activity that is quieter and more intimate than high exposure street front) in an ideal location (surrounded by schools and families).

Use Definition (14-47. Definitions) - *Neighborhood Center: A portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, A neighborhood center is 10,000 square feet or less.*

Tenant 1C perfectly matches this definition because the use is *recreational, artistic, social, educational, health, culture* and less than 10,000 sf.

4. Off-street Parking Not Required – Analysis & Conclusions

Sec. 14-332. Uses requiring off-street parking. *for the uses listed below the following minimum off-street parking requirements shall be provided.....*

Off Street Parking for Tenant 1A “Retail Establishment”

(h) Retail stores: One (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage....

Conclusion – Tenant 1A is a Retail Establishment (by Definitions rather than a Retail Store) and the floor area is 700 sf (less than 2,000 sf) - therefore no offsite parking is required.

Off Street Parking for Tenant 1B “Retail”

(h) Retail stores: One (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage....

Conclusion – Tenant 1B is Retail (*sales to the ultimate consumer for direct consumption and not for resale*) and the floor area is 600 sf (less than 2,000 sf) - therefore no offsite parking is required.

Off Street Parking for Tenant 1C “Neighborhood Centers”

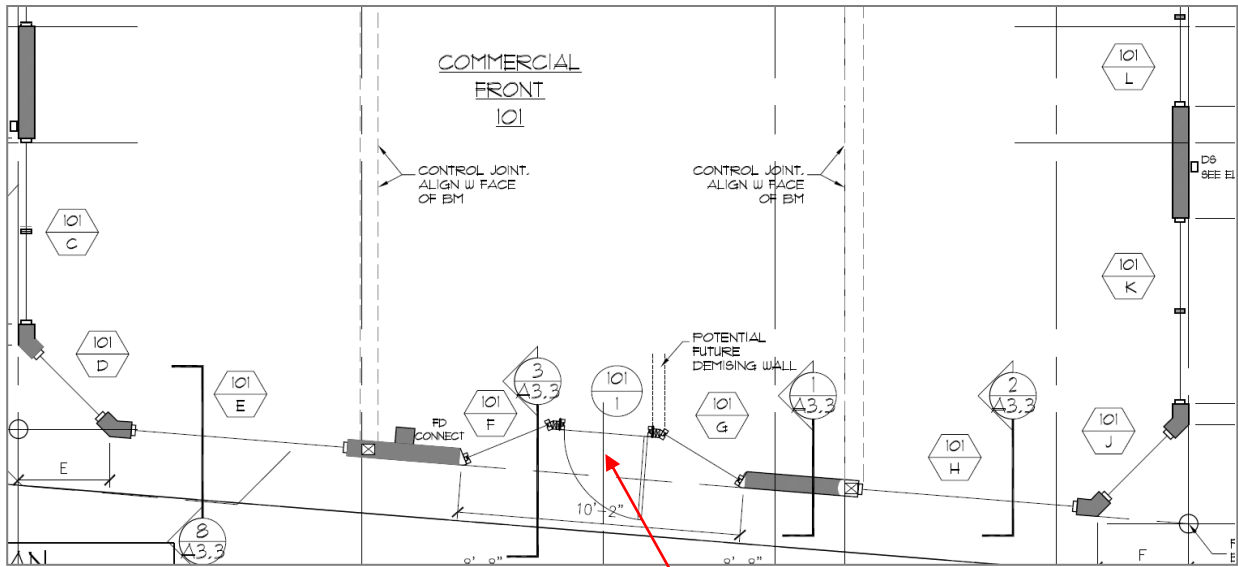
(v) Neighborhood Centers: One (1) parking space for each 150 square feet, or major fraction thereof, of floor area, except for neighborhood centers which serve primarily clientele from the surrounding neighborhood, the parking requirement shall be one (1) parking space per 1,000 square feet, or major fraction thereof, of floor area.

Conclusion - Tenant 1C is a Neighborhood Center (by Definitions). This entire mixed-use project in general and Tenant 1C in particular is purposefully devoted to *servicing primarily clientele from the (highly walkable) surrounding neighborhood*, and the floor area is 980 sf (less than 1000 sf) - therefore no offsite parking is required.

Overall Off-street Parking Conclusion - Based on the Descriptions and Definitions of Use cross referenced to Off Street Parking, our analysis concludes no off-street parking is required.

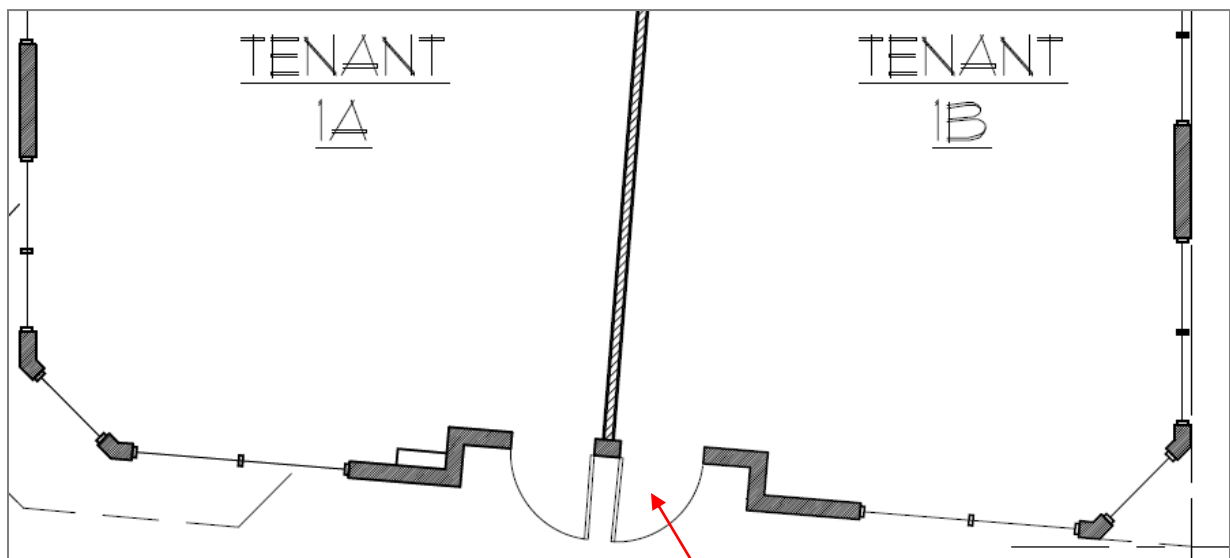
4. Front Entry Recess Reconfiguration

Purpose & Description of Change: The previous approved entry was designed to accommodate a single front tenant. The entry was reconfigured to accommodate direct ADA compliant access to both 1A & 1B. There is no change to the width, depth or height of the entry recess. This re-configuration is completely consistent with and complementary to the design favorably and unanimously approved by the Planning Board.



Previously Approved

Before re-configuration, recess angled & single door

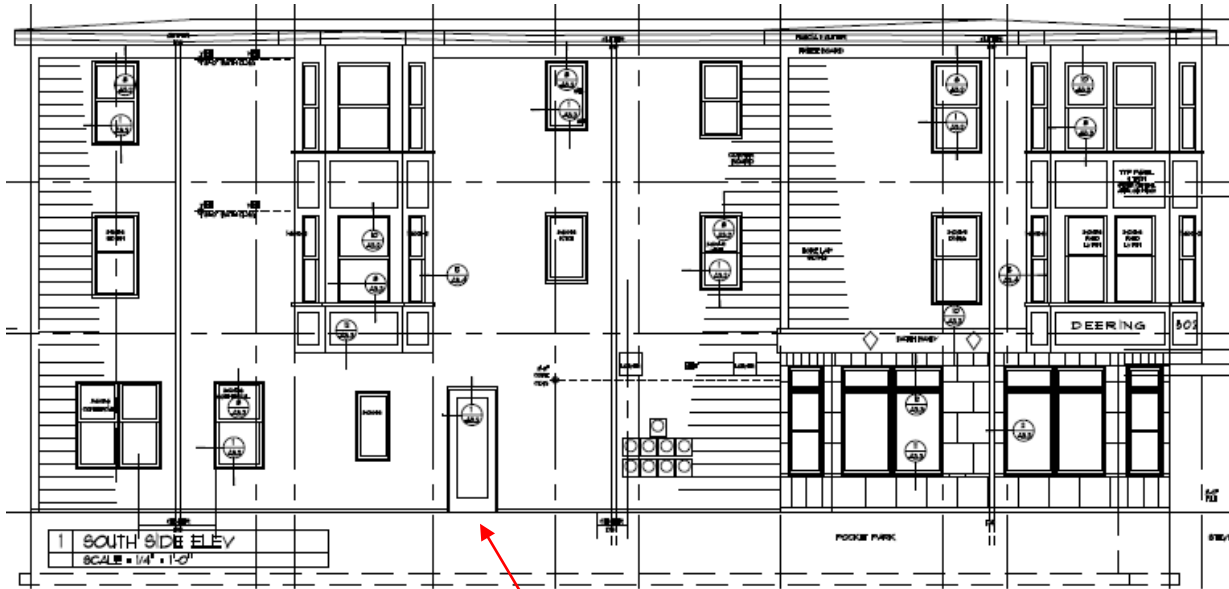


Di Minimis Revision

After re-configuration, recess squared & double door

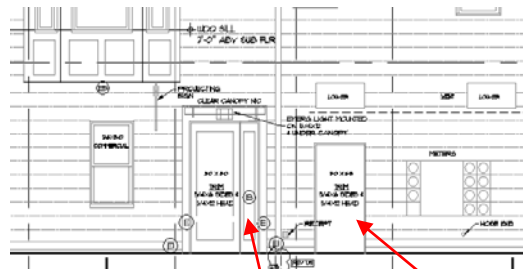
5. South Side Doors Configuration

Purpose & Description of Change: In conjunction with 3 tenants, the side door is now the entry for Tenant 3C, and a sidelite has been added to make this entry facing the Pocket Park more prominent and inviting. To avoid fire department and maintenance access to the Utility Closet (, fire alarm, power, water, sprinkler, data etc) an exterior door to the Utility Closet is added.



Previously Approved

Before revision, single door



Di Minimis Revision

After revision, sidelite added

After revision, utility door added