



Town of Brookline

Massachusetts

BOARD OF APPEALS
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TOWN OF BROOKLINE
BOARD OF APPEALS
880 COMMONWEALTH AVENUE
CASE NO. 2023-00024

Petitioner, RSC Brookline, LLC, applied to the Building Commissioner for permission to convert the existing structure at 880 Commonwealth Avenue into a Health/Fitness club. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the property affected was that shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed June 22, 2023, at 7:00 p.m., virtually as the date, time, and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, to their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board, and to all others required by law. Notice of the hearing was published on June 8, 2023, and June 15, 2023, in the Herald, a newspaper in general circulation in Brookline.

A copy of said notice is as follows:

TOWN OF BROOKLINE – Zoning Board of Appeals

NOTICE OF HEARING

The Brookline Zoning Board of Appeals will hold a public hearing on

Date/Time: Thursday, June 22, 2023

Location: Virtual Hearing

Virtual Registration Link: bit.ly/45MbGfT

Petitioner: Umina Enterprises Corporation

Address: 880 Commonwealth Ave

Subject: Interior conversion for change of use to rock climbing gym

Nature of Action/Relief:

§4.07 – TABLE OF USE REGULATIONS, USE #18

§8.02 - ALTERATION OR EXTENSION

Plans and submissions may be viewed online at

<https://www.brooklinema.gov/DocumentCenter/Index/4266>

Interested persons may provide comments at the public hearing or by submitting written comments by email to manthony@brooklinema.gov.

Assistive Listening Devices are available upon request:

<https://www.brooklinema.gov/560/Americans-With-Disabilities-Act-ADA>

Publish: 6/8/2023 & 6/15/2023

At the time and place specified in the notice, this Board held a public virtual hearing. Present at the hearing was Chairman, Jesse Geller and Board Members Randolph Meiklejohn and Wadner Oge. Attorney Robert Allen, 300 Washington St., Brookline, Massachusetts, presented the case on behalf of the Petitioner. Also in attendance was the project architect Jarrod Saraiva, KITE Architects, Inc, One Central St, Providence, Rhode Island.

Attorney Allen provided a description of 880 Commonwealth Avenue, stating that it is situated in the G-2.0 General Business district near Boston University. He stated that the intended plan is to convert the former auto mechanic shop into a specialized gym focused on rock climbing. He continued that proposed gym would cover an area of 8,782 square feet and would feature climbing walls, an exercise area, changing rooms, and lounge areas.

The project architect, Mr. Saraiva, presented the site plan and architectural drawings to the Board of Appeals describing the property as set back more than 100 feet from Commonwealth Avenue and is conveniently located near the MBTA Amory Street stop. Mr. Saraiva also reviewed the accessibility enhancements being made to the building and provided details about the building's circulation.

Attorney Allen reviewed the requested zoning relief stating that a special permit is sought under Use 18.a to allow for a gym use in the General Business District. He stated that the proposal meets the criteria under **Section 9.05** of the Zoning By-Law since it met the following requirements for that section: 1) Specific site is an appropriate location for such use: The property is located in a G-2.0 Business District and the use is allowed by special permit. The proposed use, as compared with an auto mechanic shop, is anticipated to be more appropriate to the surrounding area that includes Boston University, food establishments, banks and other complementary retail uses; 2) Use will not adversely affect the neighborhood: The conversion will have minimal to no impact on the existing streetscape as there are minimal exterior changes and the building does not front on Commonwealth Avenue. 3) No nuisance or serious hazard to vehicles or pedestrians: The location has no parking spaces, people are expected to walk, bike, and to take public transit to the location. The Amory Street T-stop is across the street from the proposed location; 4) Adequate and appropriate facilities will be provided for the proper operation and proposed use; and 5) Development will not have any effect on the supply on housing available for low and moderate income people.

Chairman Geller asked whether anyone in attendance wished to speak in favor of or against the proposal. No one wished to speak.

Madison Anthony, Planner and Zoning Coordinator, delivered the findings of the Planning Board.

FINDINGS

Section 4.07 -Table of Use Regulations, Use #18a: Private health and fitness clubs, operated for profit and for members only, solely for the purpose of providing physical fitness, exercise, therapy, rehabilitation and healing require a **special permit** in G districts.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

PLANNING STAFF COMMENTS

Ms. Anthony stated that with Boston University located nearby, the new climbing facility will likely be enthusiastically welcomed by the students. She noted that the existing footprint of the building will remain the same, and it complies with dimensional requirements under the By-Law. Ms. Anthony stated that the proposal should not have any negative impacts on the surrounding area, especially compared to the previous auto body use.

PLANNING BOARD COMMENTS

Ms. Anthony stated that the Planning Board is supportive of this proposal to change the current use to a rock-climbing gym. She noted that the Board is pleased to have such kind of facility in the proposed location.

Therefore, Ms. Anthony stated, the Planning Board recommends approval of the architectural plans by KITE ARCHITECTS INC, RA, dated April 3, 2023, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans, stamped and signed by a registered architect to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) floor plans, displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.

The Chairman then called upon Paul Campbell, Deputy Building Commissioner, to deliver the comments of the Building Department. Mr. Campbell stated that the Building

Department had no objection to the requested relief and would work with the Petitioner to ensure compliance with the Board of Appeal's decision and all applicable codes.

In deliberation, Board Member Oge stated that he was supportive of the requested relief and noted that the proposed use would be positive to the Town's commercial business base. Mr. Oge concluded that the use is appropriate to warrant relief under **Section 4.07** and that he would vote to approve the relief as requested. Board Member Meiklejohn concurred and stated that he was in support of the requested relief and appreciated the improvements being made to increase accessibility of the building. He added that this use would be an appropriate adaptive reuse of the former auto body shop. Chair Geller then stated that he believed the proposal met the requirements of **Section 9.05** and that he would also vote in favor of the proposal.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant a special permit and that the petitioner has satisfied the requirements necessary for relief under **Section 4.07, use #18a** and **9.05** of the Zoning By-Law and made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

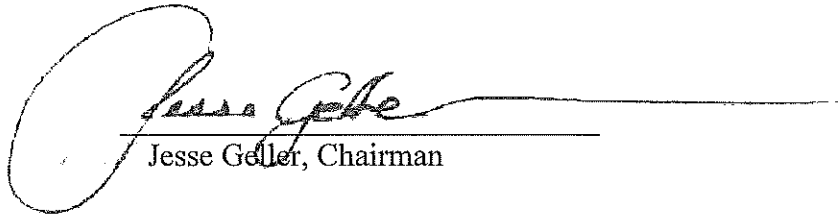
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. Development will not have any effect on the supply of housing available for low- and moderate-income people.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans, stamped and signed by a registered architect to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) floor plans, displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals

Filing Date: 8/1/2023



Jesse Geller, Chairman

A True Copy
ATTEST:



Benjamin Kaufman
Clerk, Board of Appeals