



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-15
Date: March 7, 2018
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 160 Highland Avenue

Applicant / Owner Name: 160 Highland Realty Trust, John P. Murphy Trustee
Applicant / Owner Address: 236 Ash Street, Unit #2, Reading, MA 01867
Alderman: Ben Ewen-Campen

Legal Notice: Applicant and Owner, 160 Highland Realty Trust, John P. Murphy Trustee, seeks a Special Permit under SZO §7.11.1.c to establish a fifth residential unit on the site by converting an existing storage space into a studio apartment and a Special Permit under SZO §9.13 for parking relief. RC Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – March 7, 2018

I. PROJECT DESCRIPTION

- Subject Property: The subject property is a 5,500 square foot parcel with one mixed-use building with one retail space and four residential dwelling units. The ground floor contains a 1,078 square foot retail store and a one-bedroom apartment, the second floor contains a one-bedroom and a studio apartment, and the third floor contains a two-bedroom apartment.
- Proposal: There is an unused room on the ground level of the residential portion of the building. The Applicant/Owner is proposing to convert that space into a studio apartment. In total the site will have the one retail space and five residential units.



3. Green Building Practices: The Application does not list any green building practices.
4. Comments:

Ward Alderman: Alderman Ewen-Campen has been informed of this proposal and as of the publication of this report has yet to receive any comments from his constituents regarding the proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c and §9.13):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

Article 7: Permitted Uses

The SZO §7.11.1.c requires five dwelling units in the RC zoning district to obtain a Special Permit.

Article 9: Off-Street Parking and Loading.

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	1 BR	1.5 spaces	1 BR	1.5 spaces
Unit #2	1 BR	1.5 spaces	1 BR	1.5 spaces
Unit #3	Studio	1 space	Studio	1 space
Unit #4	2 BR	1.5 spaces	2 BR	1.5 spaces
Unit #5	--	--	Studio	1 space
Retail	1,078 s.f	2.5 spaces	1,078 s.f	2.5 spaces
Total	8 spaces		9 spaces	

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently nonconforming with respect to the number of required off-street parking spaces as eight spaces are required and none are provided on the site. The proposal to convert an existing storage space into a studio apartment increases the parking requirement by one space.

Since the locus does not currently have sufficient off-street parking and a residential unit is being added to the property, SZO §9.4.1 requires the Applicant to provide the one required additional space. The owner does not have any additional land to add a parking space and is requesting relief from providing the one required parking space.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. Staff finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic

congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which is, "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The subject property is located on the block of Highland Avenue between Benton Road and Central Street. The subject property is separated by one building from the intersection of Central Street and Highland Avenue. The adjacent building to the east contains multiple and a wide variety of commercial tenants. The group of buildings along Highland Avenue to the east range from two- to four-unit residential dwelling.

Impacts of Proposal (Design and Compatibility): The proposal will not increase the building's footprint. The only exterior modifications will be the creation of a new window opening to the left of the front porch that is required for building code compliance for the new unit. The window will be angled in such a way to create a small window well for privacy of a prospective tenant. The inside of the window well will include wood shingles that will match the color of the existing house.

5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods and preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups.*

III. RECOMMENDATION

Special Permit under §7.11.1.c and §9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the creation of a studio unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 30, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 12, 2017</td> <td>Plans submitted to OSPCD (A1.0, A1.1, A2.0, A2.1, and A1.2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	January 30, 2018	Initial application submitted to the City Clerk's Office	December 12, 2017	Plans submitted to OSPCD (A1.0, A1.1, A2.0, A2.1, and A1.2)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Design										
4	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.							
Site										
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
Miscellaneous										

6	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
10	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OS E	
Final Sign-Off				
11	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

