



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
SARAH LEWIS, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2017-125

Date: February 14, 2018 **March 7, 2018**

Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT

Site: 200 North Street

Applicant / Owner Name: LaCourt Foundation LLC, c/o Mouhab Rizkallah

Applicant / Owner Address: 30 College Avenue, Somerville, MA 02144

Alderman: Katjana Ballantyne

Legal Notice: Applicant / Owner, LaCourt Foundation LLC, c/o Mouhab Rizkallah, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing a second floor addition and reconfiguring the floor plans of the four existing dwelling units as well as a Special Permit under SZO §9.13 for parking relief. RA Zone. Ward 7.

This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been highlighted in yellow.

Dates of Public Hearing: Zoning Board of Appeals – February 14, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of one parcel of 4,914 square feet. A small portion of the parcel, the entrance to the parking area, is located in Medford. The structure is a former commercial building that currently has four one-bedroom residential units on the ground level and an unfinished basement.

2. Proposal: The proposal is to construct an additional story on top of the building and finish a portion of the basement. The proposed building



will remain four units with three three-bedroom units and one two-bedroom unit. The applicant is also proposing upgrades to the façade with new doors and window openings as well as landscaping upgrades.

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

4. Comments:

Ward Alderman: Alderman Ballantyne held an informal neighborhood meeting on December 18, 2017. Neighbors in attendance generally felt that the proposal was an improvement to the existing structure. Although there was some concern about parking impacts, disruption and cleanliness during the construction process, the maintenance of the existing building, and stormwater runoff.

To address those items the Applicant is providing four off-street parking spaces to ensure that each unit has at least one off-street parking space and by installing a permeable driveway apron that will enhance the aesthetics of the opening and provide for stormwater infiltration. Staff is also recommending conditions that reinforce the City's noise ordinance as it relates to construction hours, noise, and cleanliness.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 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 4: Nonconforming Uses and Structures.

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, landscaped area, pervious area, front yard setback, and right side yard setback. The proposal will construct upward extensions of the exterior walls within the nonconforming front and right side yard setbacks by adding one story on top of the existing building. The proposed story will be stepped back slightly from the front and right building edge. The proposal will also alter the fenestration patterns with new window and door openings within the nonconforming front and right side yard setbacks.

The current dimensions for the front yard and the side yard are 7.2 inches and 0.2 feet respectively where the requirement in the RA district is 15 feet and 8 feet.

The amount of landscaped area and pervious area is currently ~~14.9~~ **15.6**% where 25% of landscaped area is required in the RA district. The amount of landscaped area **along the left side yard** will ~~remain the same~~ **will be slightly decreased by the creation of a window well**; however it will be improved with new plantings. The Applicant is proposing to add a 540 square foot permeable paver parking area apron that will increase the amount of **landscaped area** and pervious area to **25.12** ~~25.6~~% where 35% is required in the RA district.

These alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal will enhance the aesthetics of the structure and the livability of the units. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage, floor area ratio (FAR), building height, rear yard setback, left side yard setback, and street frontage will continue to be conforming to the requirements of the SZO.

Article 9: Off-Street Parking and Loading.

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	1 BR	1.5 spaces	3 BRs	2 spaces
Unit #2	1 BR	1.5 spaces	2 BR	1.5 spaces
Unit #3	1 BR	1.5 spaces	3 BRs	2 spaces
Unit #4	1 BR	1.5 spaces	3 BRs	2 spaces
Total		6 spaces		7.5 spaces round up to 8

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 six spaces are required and four are provided in the parking area. The proposal to keep the same number of units but add bedrooms increases the parking requirement by two spaces to a total of eight.

Since the locus does not currently have sufficient off-street parking, SZO §9.4.2 requires the proposal to only provide spaces for only the increase in net floor area. The increase in net floor area increases the locus' parking requirement by two spaces. The owner does not have any additional land to add a parking space and is requesting relief from providing the two parking spaces.

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 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 RA district, which is, “to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” The existing four unit building has existed in the neighborhood for quite some time and will remain as such.

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 surrounding neighborhood is primarily residential. There is a similar building a block away on North Street that underwent a similar renovation.

Impacts of Proposal (Design and Compatibility): The existing building does not look residential in nature. The proposed changes to add full size windows, shutters, cementitious siding, a roof trellis and railings, and residential entrances that will increase the residential nature of the site.

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 §4.4.1 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 construction of a second story. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>November 27, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>August 28, 2017 (January 30, 2018) (February 28, 2018)</td><td>Certified Plot Plan and Landscaping/Parking Plan</td></tr><tr><td>November 12, 2017 (January 30, 2018) (February 28, 2018)</td><td>Modified plans submitted to OSPCD (E-01, A-02, A-01, E-02, A-03, and A-04)</td></tr></table>				Date (Stamp Date)	Submission	November 27, 2017	Initial application submitted to the City Clerk's Office	August 28, 2017 (January 30, 2018) (February 28, 2018)	Certified Plot Plan and Landscaping/Parking Plan	November 12, 2017 (January 30, 2018) (February 28, 2018)	Modified plans submitted to OSPCD (E-01, A-02, A-01, E-02, A-03, and A-04)
	Date (Stamp Date)				Submission							
	November 27, 2017				Initial application submitted to the City Clerk's Office							
	August 28, 2017 (January 30, 2018) (February 28, 2018)				Certified Plot Plan and Landscaping/Parking Plan							
November 12, 2017 (January 30, 2018) (February 28, 2018)	Modified plans submitted to OSPCD (E-01, A-02, A-01, E-02, A-03, and A-04)											
Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	If required by the Engineering Department, the proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. If necessary, the seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.									
3	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction, if necessary. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng									
Construction Impacts												
4	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.									
5	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									
6	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									
7	Construction vehicles shall not block any public way.	During Construction	T&P									
8	Construction debris, equipment, and staging areas shall be kept on the subject property and shall be kept clean.	During Construction	ISD									

Design				
9	Applicant shall provide final material samples for siding, trim, windows, doors, railings, and the trellis to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
Site				
10	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
11	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.			
Miscellaneous				
12	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
13	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
14	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
15	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.	
16	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				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
18	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
19	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.	
Final Sign-Off				

20	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.	
----	---	----------------	-------	--

