



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-92
Date: August 8, 2018
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 23 Rush Street

Applicant / Owner Name: Electra Realty Corp.
Applicant / Owner Address: 215 Washington Street, Somerville, MA 02143
Alderman: Matthew McLaughlin

Legal Notice: Applicant and Owner, Electra Realty Corporation, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to make façade alterations including creating new window and door openings. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – August 8, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of a 3,390 square foot lot on the corner of Brook and Rush Streets with no existing landscaping due to the one-story concrete building that composes 3,358 square feet of the lot. The building is used to manufacture building parts and furniture by the means of wood working tools. The use falls under use category 7.11.14.B.1.a. – General Industrial; which was the same category that a previous machine shop manufacturing auto parts fell under that had been operating since the 1930s. In February 2012, the ZBA approved alterations to each façade but they were never completed.
2. Proposal: The applicant is proposing a new special permit to perform the same alterations that were previously approved in February 2012 (ZBA 2012-03). The alterations that were previously approved are explained below.

The Applicant is proposing to make alterations to multiple façades of the building. Changes to the primary façade along Brook Street would reopen two original window openings that are currently masonry filled and located on either side of the main entry.

The main entry would also be enlarged back to its previous size between the two brick piers. Both the previous door and window openings are clearly visible and the new door and window units would conform to the prior openings. The window openings are 6 feet in width by 6 feet and 8 inches in height.

The masonry filled main entry opening is approximately 12 feet wide and 10 feet high and would be replaced with double doors surrounded by transoms on both sides and



overhead. A secondary entrance, located on the left side of the façade, will be given a replacement door.

Alterations to the northwestern elevation would reopen four existing masonry filled windows located on the left side of the façade. These openings are also clearly visible and the new units would conform to the current openings which are 4 feet in width by 5 feet and 4 inches in height. Alterations to the southeastern elevation (the Rush Street elevation) would reopen two masonry filled openings and create a secondary egress door on the right side of the elevation. The window openings would support windows that conform to the previous openings, 6 feet and 8 inches in both width and height. The secondary egress would be consistent with the width and height of one main entry door on the Brook Street façade and include both a side and overhead transom. The existing overhead door on this façade would also be retained. These changes would allow for more ventilation and provide natural light into the interior of the space. There are no changes proposed for the rear of the structure.

3. Green Building Practices: The Applicant states that there will be an exploration in the use of low emission concrete.

4. Comments:

Ward Alderman: Alderman McLaughlin has been contacted but has yet to provide comments as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, ground coverage, landscaped area, pervious area, front, rear, left, and right yard setbacks. The proposed alterations will be within the required setbacks since the structure occupies practically the entire lot. This 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 proposed would not be substantially more detrimental to the neighborhood than the existing structure. Although these building alterations will be visible on their three respective elevations, the Applicant essentially proposes to restore the structure back to the original fenestration which will grant more character to the building and better complement the surrounding streetscape. These changes would allow more ventilation and natural light into the structure, creating a better work environment for employees. The addition of more windows on both the Brook and Rush street façades will enhance the streetscape by making it more pedestrian friendly and better suited to the surrounding neighborhood.

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 provide adequate light and air; and to preserve and increase the amenities of the municipality.”

The purpose of the RB District (6.1.2. RB – Residence Districts) is, “To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” Although the use of the structure is not consistent with the purpose of an RB District, the building itself and the use are existing nonconformities and the proposed window and door alterations do not appear to be detrimental to the immediate abutters or the surrounding neighborhood.

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."*

The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to reopen masonry filled windows on three façades, enlarge the opening for the main entry and replace the secondary entrance door (both located along Brook Street), and create a new secondary egress door along Rush Street. Although these building alterations will be visible on their three respective elevations, the Applicant essentially proposes to restore the building back to the original fenestration which will grant

more character to the structure and better complement the surrounding streetscape. These changes would allow more ventilation and natural light into the structure, creating a better work environment for employees. The addition of more windows on both the Brook and Rush street façades will enhance the streetscape by making it more pedestrian friendly and better suited to the surrounding neighborhood. The property will remain a single story building with an industrial use and, while the use is not consistent with the surrounding neighborhood, the proposed alterations will help to improve the streetscape.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The building will remain a nonconforming single-story industrial structure continuing the same nonconforming use.

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

7. 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 make Somerville a regional employment center with a mix of diverse and high-quality jobs.

III. RECOMMENDATION

Special Permit under §4.4.1

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
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1	<p>Approval is to alter a nonconforming structure under SZO §4.4.1 to make façade alterations including creating new window and door openings. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="248 386 886 726"> <thead> <tr> <th data-bbox="248 386 565 422">Date (Stamp Date)</th> <th data-bbox="565 386 886 422">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 422 565 522">(January 17, 2012)</td> <td data-bbox="565 422 886 522">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 522 565 623">November 21, 2011 (January 25, 2012)</td> <td data-bbox="565 522 886 623">Plot Plan</td> </tr> <tr> <td data-bbox="248 623 565 726">(January 25, 2012)</td> <td data-bbox="565 623 886 726">ZBA Exterior Opening Modifications (A-1, A-2, and A-3)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(January 17, 2012)	Initial application submitted to the City Clerk's Office	November 21, 2011 (January 25, 2012)	Plot Plan	(January 25, 2012)	ZBA Exterior Opening Modifications (A-1, A-2, and A-3)	BP/CO	ISD/Plng.	
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2	<p>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.</p>	CO	DPW									
3	<p>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.</p>	During Construction	T&P									
4	<p>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.</p>	Final Sign Off	Plng.									

