



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-38
Date: ~~November 28, 2018~~ Feb 20, 2019

Recommendation: Conditional Approval

UPDATED* PLANNING STAFF REPORT

Site: 1252 Broadway

Applicant Name: Eric J. Silva
Applicant Address: 1252 Broadway, Somerville, MA 02144
Owner Name: Eric J. Silva
Owner Address: 1252 Broadway, Somerville, MA 02144
Alderman: Katjana Ballantyne

Legal Notice: Applicant & Owner, Eric J. Silva, sees Special Permits under §4.4.1 of the SZO to alter a non-conforming property by increasing the Gross Floor Area (GFA) by more than 25%, increase the number of dwelling units from three to 5, construct a dormer within the right side yard setback. Parking relief under Article 9 of the SZO. RC zone. Ward 7.

Dates of Public Hearing(s): November 28, 2018 – ZBA



*This staff report has been updated. Information that no longer applies has been ~~struck through~~ and new information is **highlighted in yellow**.

I. PROJECT DESCRIPTION

1. Subject Property: The locus presents a 2 ½-story, three-family residential structure located in the RC zone on a 5,339 square-foot lot. The locus presents a large yard to the left of the residential structure.

2. Proposal: The Applicant proposes to renovate the entire property and re-landscape the site. A **large**, left elevation addition, ~~intended to mimic a free-standing house in style and size~~, is proposed. Specific changes to the property are noted below with modifications requiring special permits noted in parentheses:

- Increase the number of dwelling units from three (3) to five (5)
- Increase the gross floor area (by more than 25%) (footprint) by 1,049 square feet through a left elevation addition (**Special Permit**)
- Increase the floor area ratio from .41 to .92 (the RC zone allows an FAR of 2.0)
- Parking relief for 3.0 spaces (**Special Permit**)
- Construct a dormer within the right side yard setback (**Special Permit**)

Gross Floor Area

The Applicant proposes increasing the Gross Floor Area (GFA) from 1,571 to 2,620, an increase of more than 25%. When the GFA is proposed to increase by more than 25%, a Special Permit is needed.

Right side yard setback

The Applicant proposes a right elevation dormer that falls within the right side yard setback. This requires a special permit. The right façade of the building terminates 2.7 feet from the lot line. The proposed dormer will terminate 5.3 feet from the right property line. Though still non-conforming, the proposal improves the non-conformity.

Parking

Parking relief for three (3) spaces is needed.

In addition, a special permit is needed in order for the Applicant to provide three compact parking spaces in lieu of three standard spaces.

3. Green Building Practices:

The application states that the project will not exceed the stretch code.

4. Comments:

Ward Alderman: Alderman Ballantyne held a neighborhood meeting on the property at 1252 Broadway.

Staff Planner: ~~The staff planner has been informed that the left elevation of the large addition at 1252 Broadway will be moved back further from the left property line, leaving a setback of 10' 1". In addition, the staff planner has been informed that the proposed trellised "window" openings along the first floor of the left elevation will be changed to appear as windows in order to provide a more residential feel to that portion of the addition.~~

Staff Planner: At the November 28, 2018 ZBA hearing the ZBA tasked the applicant with removing the originally-proposed "drive-thru" entry to the project site. The Applicant has made this adjustment along with altering the overall look of the left elevation addition. Further, the Applicant has reduced their request for the number of compact spaces on the property from three (3.0) to one (1.0). Despite this change, the Applicant still proposes a total of five (5.0) parking spaces on the site.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):

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 these findings in detail.

Information Supplied:

Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.4 of the SZO and allows Planning Staff to perform an analysis of the proposal for Special Permitting relief.

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.”*

Regarding §4.4.1 and Article 9 of the 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.”

Gross Floor Area (GFA)

Section 4.4.1 of the SZO requires that an Applicant obtain a special permit in order to increase the GFA of a structure by more than 25%. In the case of 1252 Broadway, the existing GFA is 1571 and the proposed GFA is 2620, an increase of more than 25%. The purpose of the GFA increase is to add two more dwelling units to the property

Right side yard setback

The Applicant proposes a dormer on the right elevation and within the right side yard setback. The right side yard setback is currently 2.7 feet. The dormer would terminate 5.3 feet from the property line. Though this is still non-conforming, it would be an “improvement” of the non-conformity.

Regarding Article 9 of the SZO

There are currently three (3) parking spaces provided under existing conditions. Given the existing bedroom count, the locus should be providing 4.5 spaces on-site. The Applicants seek relief from providing more than 5 on-site parking spaces, ~~three~~ **one** of which would be compact. The bedroom count and required parking numbers appear in the table below, with the formula following.

Dwelling Area	Existing Bdrs.	Parking Req.	Dwelling Area	Proposed Bdrs.	Parking Req.
Unit 1	2	1.5	Unit 1	2	1.5
Unit 2	1	1.5	Unit 2	2	1.5
Unit 3	1	1.5	Unit 3	2	1.5
Unit 4	n/a	n/a	Unit 4	2	1.5
Unit 5	n/a	n/a	Unit 5	2	1.5

Total: 4.5

Total: 7.5

*Parking formula: New Parking Req. – Old Parking Req. = new spaces required**

1252 Broadway: $7.5 - 4.5 = 3.0$

Relief for 3.0 spaces is needed.

**When this result is < 1 or a negative number, no parking relief is required.*

This proposal also requires relief for the parking spaces provided for the site under SZO §9.17.2 (B) which allows the SPGA to consider granting a Special Permit to allow for a greater number of compact parking spaces on a project instead of the standard size space. The Applicant needs relief in order to provide 3 compact parking spaces in lieu of three standard sized spots. Since the November 28, 2018 ZBA hearing, the parking schematic has been re-designed such that four (4) standard-sized parking spaces will be provided and one (1) parking space.

Additional Findings

In addition to the considerations discussed above, Staff does not anticipate that this proposal will increase noises or odors in this neighborhood on an on-going basis. This property directly abuts an active rail bed. Regular construction-related noise can be expected on this site as the project is underway. However, this uptick in noises will be temporary in nature. Staff anticipates that any odors associated with this project will be construction-related and, post-construction, will be in keeping with those typically experienced by residents living in close proximity to each other.

Lastly, impacts on municipal water supply and sewer capacity will be examined by Engineering. Prior to the issuance of any building permit for this project, the Applicant is required to submit full engineering plans to the Engineering Department for their assessment, feedback and approval or denial. This is a condition that has been recommended for any approvals given.

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.”*

Staff finds that the subject property is already non-conforming with regard to the lot size, parking, and right side yard setback. An Applicant may request to maintain, improve, or intensify these existing non-conformities under Special Permit.

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 Applicant’s proposal will retain the original structure on the site while adding a large, left elevation addition that is intended to look like another 2 ½-story residential structure. The proposed “drive thru” under the addition is to provide access to the rear yard and parking while allowing for the construction of residential units above. At the neighborhood meeting, members of the community expressed that they did not want to see a garage style door added to this “drive thru” and preferred that this remain open. The proposal to create this “drive thru” scenario is not prohibited by zoning but is highly unusual and less than ideal manner of accessing the back of a parcel. The Board must determine the appropriateness of this proposal.

At the November 28, 2018 ZBA hearing, the ZBA indicated that they were not in favor of the “drive-thru”-style entrance to the site. The applicant team has re-designed the site such that the “drive-thru” has been eliminated. The enlarged structure has been re-designed such that it reads more like a building with a large addition than a building with a mirror image structure attached to it.

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

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The proposal would add two more residential units to Somerville’s housing stock.

III. RECOMMENDATION

Special Permit under §4.4.1 and Article 9

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 PERMITS**.

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 to increase the GFA by more than 25%; three spaces of parking relief; provide a total of 1 compact parking space and 4 standard spaces; construct a dormer within the right side yard setback.	BP/CO	ISD/PIng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 14, 2018</td> <td>Application submitted to City Clerk’s office.</td> </tr> <tr> <td>March 3, 2018</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>October 19, 2018</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>December 17, 2018</td> <td>Updated proposal submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 14, 2018	Application submitted to City Clerk’s office.	March 3, 2018	Updated plans submitted to OSPCD	October 19, 2018	Updated plans submitted to OSPCD	December 17, 2018	Updated proposal submitted to OSPCD
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<p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>														
Design														

1	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
2	The proposed dormer on the front left elevation must have a minimum pitch of 4/12. Plans shall be updated to reflect this prior to the issuance of a building permit and submitted to ISD.	BP	ISD/Plng	
3	All materials to be used on the exterior of the project shall first be submitted to, reviewed and approved by Planning Staff prior to ordering and installation and, certainly, prior to the issuance of a building permit. No vinyl products shall be considered.			
Construction Impacts				
4	The Applicant shall, at his 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	
5	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/ISD	
6	The name(s) and contact information of all entities working on the site shall be posted in an easily-visible area at the job site.	During Construction	ISD	
7	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.	During Construction	ISD	
8	Prior to the issuance of a building permit, the Applicant shall submit full engineering plans to the Engineering Department for their review and approval.	BP	ISD/Plng/Eng.	
9	The applicant must comply with the “Policy for connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation.” The Applicant shall work with the Engineering Division to meet this condition and provide the required fees/mitigation.	BP	ISD/Eng.	
10	If, due to Engineering Division requirements regarding finishing basements, the Applicant finds that the foundation of the building will be more exposed than currently presented and/or, the height of the building will change from that which is on any ZBA-approved plans, the Applicant MUST come back to the ZBA to request a revision to their zoning approvals PRIOR TO executing changes to the project in-the-field.	Pre- and during construction.	ISD/Eng/Plng	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	

12	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
13	The building shall be sprinkled.	CO	Fire Prevention / ISD	
14	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO	ISD	
15	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. These requirements shall be written into any rental agreements or condo documents. Proof of the inclusion of this language shall be shown to Planning Staff prior to the issuance of a CO.	CO/Perpetua l	ISD/PlngF P	
Site				
16	All plantings and their locations along with all hardscaping materials, design and location for driveways, walkways, fencing, etc., shall first be reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
17	No vents shall exit on the Broadway façade of the structure. All venting, pipes, conduits and the like shall be painted or wrapped the same color as the exterior of the structure from which they protrude.	CO	ISD/Plng	
18	Utility meters shall not be installed on the front façade of the building Broadway façade.	CO	ISD/Plng	
19	All bituminous material shall be removed from the site. The proposal currently contains a plan for a partial asphalt driveway. <u>There shall be no asphalt used on the project. This area shall be covered with permeable pavers instead.</u> An updated landscaping plan shall be submitted to ISD showing this change prior to the issuance of a building permit.	BP & CO	ISD/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.	