



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-75

Date: November 7, 2018 **November 28, 2018**

Recommendation: Conditional Approval

***Updated* PLANNING STAFF REPORT**

Site: 24 Dane Avenue

Applicant Name: 24 Dane Ave LLC
Applicant Address: 334 Washington Street,
Somerville, MA 02143
Owner Name: 24 Dane Ave LLC
Owner Address: 334 Washington Street,
Somerville, MA 02143
Alderman: J.T. Scott



Legal Notice: Applicant and Owner, 24 Dane Ave., LLC, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by extending the non-conforming left and right side yard setbacks, increasing the GFA by more than 25%*. Unit count to increase from one to three. Parking relief under Article 9. RB** zone. Ward 2.

Dates of Public Hearing(s): November 7, 2018 – ZBA

* After this legal ad was published, the plans were altered such that the GFA is not increasing by more than 25%.

** This property is in the RC zone. The zoning analysis in this staff report was performed against RC zone requirements.

This staff report has been updated. Items that no longer apply have been struck through. **New text is highlighted in yellow.**

I. PROJECT DESCRIPTION

1. Subject Property: The locus presents a 2 ½-story, single-family residential structure located in the RC zone on a 3,253 square-foot lot. There are no curb cuts leading to this property. The property is bordered by an active railroad track to the rear, a single-story commercial building to the right and a single-family residential structure to the left.

2. Proposal: The Applicant proposes to renovate the entire property and re-landscape the site. A modern-style rear addition is proposed for the rear of the structure. Specific changes to the property are noted below with modifications requiring special permits noted in parentheses:

- Increase the number of dwelling units from one (1) to three (3)
- Increase the gross floor area (footprint) by 171 square feet through rear addition
- Increase the floor area ratio from .49 to .99 (the RC zone allows an FAR of 2.0)
- Parking relief for 2.5 spaces (**Special Permit**)
- Addition within right side yard setback (**Special Permit**)
- Addition within left side yard setback (**Special Permit**)

Right side yard setback

The Applicant proposes a rear addition that will extend the existing, non-conforming right side yard setback further into the rear yard but without violating the required rear yard setback. The existing right side yard setback is 1'2" from the property line in a zone where a minimum 8-foot setback is required.

Left side yard setback

The proposed rear addition will also extend the non-conforming left side yard setback in a linear fashion down the lot but, again, will not violate the rear yard setback. The existing left side yard setback at this part of the property is 5'6" from the property line in a zone where a minimum 8-foot setback is required.

Parking

2.5 spaces of relief are required. The details are contained later in this staff report.

3. Green Building Practices:

The application states the following: *1. Contain roof runoff with subsurface infiltration; 2. Maximize daylight; 3. Enhanced exterior envelop, air tightness, insulation; 4. Preserve existing structure; 5. Minimal paving and hardscape; 6. Lighter exterior color to reduce heat-island; 7. Energy star windows; 8. Efficient layout of units; 9. LED lighting; and 10. Xeriscaping.*

4. Comments:

Ward Alderman: Alderman J.T. Scott has been involved with this project for several months. A neighborhood meeting was held on July 31, 2018. The Alderman has been in contact with abutters, the Applicant and Planning Staff many times over the ensuing months regarding the proposal and its metamorphosis.

Historic Preservation Commission (HPC): In 2017, the Applicant came before the HPC in order to demolish the existing structure. The HPC determined the structure to be "historically significant" and "preferably preserved," thus instituting the 9-month demolition delay period. The Applicant later withdrew the application to demolish the building, opting to renovate the existing structure in lieu of razing it. The HPC accepted this request to withdraw and the demolition delay

period was revoked.

Staff Planner: Primary concerns at the neighborhood meeting on July 31, 2018, revolved around parking congestion on Dane Avenue and what the addition of two further residential units on the 24 Dane Avenue site would do to the parking situation on the street. Concerns were also raised regarding the size of the initially-proposed addition. It can be said that the increase in parking may be directly tied to the increase in the number of units on the site from one to three.

Planning Staff met with the Applicant on numerous occasions to work through multiple changes to the building/site proposal.

The Applicant has updated his proposal to set the right side yard setback to three (3) feet from the property line based on comments from the ZBA at their November 7, 2018 hearing date.

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.”

Left and right side yard setbacks

The proposed rear addition maintains the existing right side yard setback of 1’2” and the existing left side yard setback of 5’6”. A spiral egress staircase will also be constructed within the right side yard setback.

The proposed rear addition and new left elevation dormer will be directly visible by the left abutter. The Applicant has attempted place window openings on the rear addition such that they don’t directly face the abutting residential unit at 20 Dane Avenue. Where new windows on the proposed rear addition directly face 20 Dane Ave, they are significantly reduced in size from the standard-sized windows on the other facades on the structure.

Regarding Article 9 of the SZO

There are no parking spaces provided under existing conditions; neither the left nor right sides of the property have enough width for a driveway, which requires a minimum of 8 feet. There is also currently no curb cut providing access to the property. Given the dimensions of the parcel, there is no possibility of parking being added to this site in the future.

Under existing conditions, the locus should be providing two (2.0) on-site parking spaces. Due to the conditions on the parcel described above, no parking spaces are currently provided. No parking spaces can be provided on-site due to the proposed conditions.

Dwelling Area	Existing Bdrs.	Parking Req.	Dwelling Area	Proposed Bdrs.	Parking Req.
Unit 1	6	2.0	Unit 1	2	1.5
Unit 2	Not extant	Not extant	Unit 2	2	1.5
Unit 3	Not extant	Not extant	Unit 3	2	1.5
Total: 2.0			Total: 4.5		

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

24 Dane Ave: $4.5 - 2.0 = 2.5$

Relief for 2.5 spaces is needed.

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

It is always possible that the increase in residential units on a site will increase the amount of traffic on a given street. The Applicant has worked to address neighborhood concerns regarding parking by leasing off-site parking for future residents of the locus. To mitigate neighborhood concerns regarding parking congestion on Dane Avenue, the Applicant has secured a lease at 334 Washington Street for parking for up to five cars of future 24 Dane Avenue residents. (confirmation letter attached). Staff has conditioned its recommendation such that the Applicant is to provide proof that the leased, off-site spaces are written into rental and/or condo documents for future residents.

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, left and right side yard setbacks, and parking. 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 maintains the “traditional” appearance of the main body of the house while including a left elevation dormer to provide additional living space on the third floor. Retention of the original building helps to maintain a consistent character to the streetscape along Dane Avenue. The proposed rear addition is much more “modern” in design and departs from the traditional character of the main portion of the structure. That said, the design, form, and massing of the rear addition are such that it will be minimally visible from the public way. It will be most visible from the active rail bed, 20 Dane Avenue, and the next abutting property to its left on Hodgdon Place (see photo).

Dane Avenue is a one-way street that is populated with 1 ½- and 2 ½-story residential structures, the long, two-story concrete length of a commercial/industrial building, triple-deckers and structures that have been converted into condominium buildings that run “shotgun” down the length of their lots.

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 will improve the visual appearance of an existing property and adds two more residential units to the City’s available housing stock.



24 Dane Avenue

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 construct a rear addition, a linear extension of the non-conforming right and left side yard setbacks, special permit for off-site parking, special permit for parking relief,	BP/CO	ISD/PIng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 30, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>September 13, 2018</td> <td>Confirmation letter securing off-site parking submitted to OSPCD</td> </tr> <tr> <td>September 24, 2018</td> <td>Updated plan set submitted to OSPCD</td> </tr> <tr> <td>October 1, 2018</td> <td>Updated zoning data sheet submitted to OSPCD</td> </tr> <tr> <td>November 8, 2018</td> <td>Updated plans and zoning data sheet submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 30, 2018	Application submitted to City Clerk's office.	September 13, 2018	Confirmation letter securing off-site parking submitted to OSPCD	September 24, 2018	Updated plan set submitted to OSPCD	October 1, 2018	Updated zoning data sheet submitted to OSPCD	November 8, 2018	Updated plans and zoning data sheet submitted to OSPCD
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<p style="color: red;">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/PIng													
	<u>Prior to the Applicant picking up their stamped decision and stamped plans (and, prior to the issuance of a building permit), an updated rendering of the proposed project on Sheet A10.5 must be submitted to Planning Staff showing the rear roof deck removed from the proposal.</u>	BP	ISD/PIng													
Construction Impacts																
2	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													

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/ISD	
4	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	
5	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.	During Construction	ISD	
6	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.	
7	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 Engineering to meet this condition and provide the required fees/mitigation.	BP	ISD/Eng.	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
9	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
10	The building shall be sprinkled.	CO	Fire Prevention / ISD	
11	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO		
12	In accordance with City of Somerville ordinances, no grills, barbecues, 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/Perpetual	ISD/PlngFP	
Site				
13	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	
14	No vents shall exit on the Dane Avenue 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	
15	Utility meters shall not be installed on the front façade of the building Dave Avenue façade.	CO	ISD/Plng	
16	All bituminous material shall be removed from the site.	CO	ISD/Plng	
Miscellaneous				

17	The Applicant shall secure leased, off-site parking for future residents of 24 Dane Avenue. The Applicant shall provide written proof to Staff that the location of said off-site parking has been codified in future rental agreements and/or future condo documents.	CO	ISD/Plng	
Final Sign-Off				
18	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.	