



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-57

Date: July 18, 2018

Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 33 Hancock Street

Applicant / Owner Name: Silva Realty 2, LLC
Applicant / Owner Address: 85 East India Row, #14B,
Boston, MA 02110
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Lance Davis



Legal Notice: Applicant and Owner, Silva Realty 2, LLC, seeks a Variance* to increase the FAR such that the FAR moves from conforming to non-conforming. § 5.5 and § 4.4.1 of the SZO. RB zone. Ward 6.

Dates of Public Hearing: Zoning Board of Appeals – July 18, 2018

*Since this legal ad was published, it has since been determined that the proposal does not need a Variance for FAR, but a Special Permit as it is already over the FAR limit for this zoning district.

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a 3-family residential structure built in the triple-decker style with three covered front decks/porches. The building contains 3,741 square feet of living space and rests on a 3,216 square foot lot in the RB zoning district.
2. **Proposal:** The Applicant proposes renovating the building largely within the same configuration as currently exists, and to legalize the partially-finished basement. At an FAR of 1.1, the building is currently over the allowed FAR of 1.0. Due to the renovations, the FAR will increase from 1.1 to 1.3. All changes to the living space will occur within the building itself; no additions are proposed.

3. **Green Building Practices:** The application states that there are no green practices being utilized on the project.
4. **Comments:** Alderman Lance Davis was informed of this project.

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 non-conformity impacted by this proposal is the FAR. The property currently has a non-conforming FAR of 1.1. The allowed FAR in the RB zone is 1.0. With the proposed renovations, the FAR will increase to 1.3.

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

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. The proposal will allow the property owner to legalize the partially-finished basement and renovate the interior of the structure in such a way that a small increase in FAR will occur. The unit count and bedroom count in the building will remain the same. These renovations are confined to the interior of the structure. The structure will continue to be used in the same manner as it has been for several years.

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."*

Staff finds that 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 lessen congestion in the streets; 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.

Staff also finds that the proposal is consistent with the purpose of the RB district, which is, “[t]o 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.”

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: Hancock Street contains two-and three-family structures with several of those three-family structures found in the form of triple-deckers. Using a basement for living space is a common practice within the City. The proposal to continue the use of a partially-finished basement is consistent with other structures throughout the City. As the proposal is for interior renovations only, with the structure containing the same number of units and bedrooms as current, Staff finds that the proposed project will not have an impact on the surrounding neighborhood.

Impacts of Proposal (Design and Compatibility): See Staff comments above.

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

8. **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.

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	Approval is for interior renovations and to increase the non-conforming FAR from .1 to 1.3	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 12, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 14, 2018</td> <td>Updated plans sent to OSPCD (A-021)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 12, 2018	Initial application submitted to the City Clerk's Office	June 14, 2018	Updated plans sent to OSPCD (A-021)
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Any changes to the approved elevations 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							
4	Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD							
Miscellaneous										
5	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.	Perpetual	ISD / Plng.							
Public Safety										
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
7	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD							
8	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										
9	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.							