



**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 2017-78  
**Date:** September 6, 2017

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 13 Lee Street

**Applicant Name:** Elan Sassoon  
**Applicant Address:** PO Box 610312, Newton, MA  
02461

**Owner Name:** 13 Lee Street, LLC  
**Owner Address:** PO Box 610312, Newton, MA 02461

**Alderman:** Maryann Heuston

**Legal Notice:** Applicant, Elan Sassoon, and Owner, 13 Lee St., LLC) see Special Permits under §4.4.1 of the SZO to add a dormer to a non-conforming structure and under Section 9.13 for parking relief\*. RA zone. Ward 4.



**Dates of Public Hearings:**

September 6, 2017 – ZBA

**\*Please see the calculations that follow in this staff report. It has since been determined that no parking relief is needed for this site.**

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is a legally-existing three-family residential structure on a 3049 square foot lot in the RA zone.
2. **Proposal:** The Applicant proposes adding a dormer to the rear portion of the left elevation of the structure. A portion of the basement will be finished. The bedroom count will increase by one.

3. **Green Building Practices:** The application states that this project will limit the amount of demolition material and that they will recycle materials were possible to reduce solid waste disposal. The Applicant states that water-saving plumbing fixtures will be used along with energy-efficient lighting.

## II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §9.13):

*In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in the relevant sections of the SZO. This section of the report goes through those sections in detail.*

### 1. **Information Supplied:**

Staff finds generally that the information provided by the Applicants conforms to the requirements of §4.4.1 and §9.13 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits. Although the additional square footage for the finished portion of the basement was not provided in the submitted documents, Staff was able to calculate the rough square footage of newly-finished space in this area. Staff finds that this increase in finished square footage triggered by the basement work constitutes less than 25% of the GFA, this space can be finished without triggering the need for a special permit.

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."*

#### A. **Under SZO §4.4.1**

*Section 4.4.1 states that "[l]awfully existing non-conforming 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 non-conforming 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."*

The trigger for a special permit for 13 Lee Street is the dormer that is proposed for the rear of the left elevation. Typically, the RA zone requires a minimum side yard of 8 feet for 2 ½ -story structures. The proposed dormer is 7.1 feet from the left side yard property line. However, under Section 8.5, footnote 10 of the SZO, narrow lots (those with less than 50 feet of frontage) are allowed to deduct 2 inches for every foot by which a lot is less than 50 feet wide. In the case of 13 Lee Street, the lot is 40 feet wide, thus allowing the Applicant to deduct 20 inches – or 1.6 feet – from the required side yard setback as long as the setback is a minimum of 5 feet wide. Because of this narrow lot allowance, the Applicant can include the proposed dormer without triggering a special permit for side yard setback.

The item that **does** trigger the need for a special permit is the fact that the proposed dormer constitutes an exterior change to a 3-family structure which is a non-conforming structure in this

zone (the RA zone only allows one-and-two-family structures). This three-family structure is a legally pre-existing, non-conforming structure.

Staff finds that the proposed dormer is not more detrimental to the site or neighborhood than the existing conditions. Staff also finds that the inclusion of this dormer will have no negative impacts on the traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effect or neighborhood character. Staff finds that, ultimately, the proposed project will provide visual improvement to the building and to the immediate neighborhood.

**B. Under SZO §9.13**

*The SPGA may grant a special permit modifying certain parking/loading standards of this [Article 9](#), but only in those specific cases itemized as "a" through "g" below. 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, with finding "b" of said Section 5.1.4 being based upon an analysis that the requested modification of parking/loading standards of this [Article 9](#) complies with the specific, stated standards as may be set forth for the specific relief requested (any of cases "a" through "g" below), and also upon a determination that the relief does not cause detriment to the surrounding neighborhood through any of the following applicable criteria: 1) increase in traffic volumes; 2) increased traffic congestion or queuing of vehicles; 3) change in the type(s) of traffic; 4) change in traffic patterns and access to the site; 5) reduction in on-street parking; 6) unsafe conflict of motor vehicle and pedestrian traffic.*

As the number of residential units in the building is not changing, Staff finds that the proposed plan complies with items 1-6 of Section 9.13 above. The Applicant states that the property currently provides three parking spaces. However, the Applicant’s determination is incorrect. The Applicant is counting three tandem spaces as three individual parking spaces. Under Somerville zoning law, tandem spaces only count as **one** parking space because there is no maneuverability for more than one car in a tandem parking situation. Therefore, Staff has determined that, in fact, the property provides only **one** parking space currently.

The above in mind, the calculation for parking relief appears below:

Unit	Existing Bdr.	Parking Req.	Proposed Bdr.	Parking Req.
Unit 1	2	1.5	3	2.0
Unit 2	3	2.0	3	2.0
Unit 3	2	1.5	2	1.5
<b>TOTALS</b>	<b>7</b>	<b>5</b>	<b>8</b>	<b>5.5</b>

**Formula:**

$$(\text{New parking requirement} - \text{old parking requirement}) \times .5 = \# \text{ new spaces required} *$$

In the case of 13 Lee:  $(5.5 - 5.0) = .5$   
 $.5 \times .5 = .25$  new spaces required

Because less than one additional new space would be needed, no special permit for parking relief for this property is required.

\*When the required parking is less than 1.0 (fractional or a negative number), then no parking relief is needed.

**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, as conditioned, is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; and to encourage the most appropriate use of land throughout the City.

**4. Purpose of District:** *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

Staff finds that the proposed project at 13 Lee Street (given that this is a legally pre-existing 3-family in the RA zone) 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."

**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 the City's affordable housing units.

**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, transform key opportunity areas, 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; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

Staff finds that the proposed project complies with the purposes of SomerVision in that it will visually improve a property in such a way that it will add to the overall visual appearance of the neighborhood in which it is found.

### **III. RECOMMENDATION**

#### **Special Permits 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 to add a dormer to a legally pre-existing but non-conforming 3-family structure in a one-and-two-family zone.	BP/CO	ISD/Plng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 12, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table> <p><b><u>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.</u></b></p>			
Date (Stamp Date)	Submission			
July 12, 2017	Initial application submitted to the City Clerk's Office			
<b>Construction Impacts</b>				
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	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.	
4	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
5	All construction materials and equipment shall 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	
6	<b><u>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.</u></b>	During Construction	ISD	
7	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	
<b>Site</b>				
8	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.	Perpetual	ISD	

9	The Applicant shall present a landscaping proposal for the front yard to Planning Staff for their review and approval. All landscaping materials screening materials and materials used for parking/driveway area shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
10	The Applicant shall provide a materials board to Planning Staff for their review and approval prior to the issuance of a building permit. No vinyl shall be accepted as part of any materials review of this project.	BP	Plng/ISD	
<b>Public Safety</b>				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
11	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.	