



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-50

Date: May 16, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 69 Rush Street

Applicant Name: 69 Rush Street, LLC
Applicant Address: 85 Speen Street, Suite 202,
Framingham, MA 01701
Owner Name: 69 Rush Street, LLC
Owner Address: 85 Speen Street, Suite 202,
Framingham, MA 01701
Alderman: Matthew McLaughlin



Legal Notice: Applicant and Owner, 69 Rush Street, LLC, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure, including, but not limited to constructing a rear addition to add another dwelling unit, and parking relief under §9.13 of the SZO. RB zone. Ward 1.

Dates of Public Hearing: May 16, 2018 – ZBA

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 2 ½-story two-family residential structure located in the RB zoning district on a 4,678 square foot parcel. The subject property presents approximately 2,568 square feet of living space.
2. **Proposal:** The Applicant proposes the following alterations to this property:
 - Increase the number of dwelling units from two to three
 - Construct a rear addition within the right side yard setback (**Special Permit**)
 - Provide two parking spaces (**Special Permit for parking relief**)

- Increase the pervious area
- Increase the landscaping

3. **Green Building Practices:**

The application states that the Stretch Energy Code will be met.

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 §5.1 of the SZO. This section of the report goes through §5.1 in detail.

1. **Information Supplied:**

- Staff finds that the information provided by the Applicant 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.

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

Under Section 4.4.1 of the SZO:

Under the SZO, a property owner/Applicant must petition the Special Permit Granting Authority (SPGA), in this case, the ZBA, to increase existing non-conformities. In the case of 69 Rush Street, a Special Permit is needed to create a rear addition within the right side yard setback.

Currently, the right side yard setback is non-conforming at 2.1 feet. The Applicant proposes constructing a rear addition whose right elevation will rest 7'7" from the right property line. Though this is less than the eight foot required side yard setback, the Applicant's proposal improves the non-conformity.

Under Article 9 of the SZO:

Section 9.13 of the SZO requires an Applicant to apply for parking relief when they are unable to meet the required parking for a project site. Relief may be granted so long as the granting of the relief does not cause the following:

- increase in traffic volumes;
- increased traffic congestion or queuing of vehicles;
- change in the type(s) of traffic;
- change in traffic patterns and access to the site;
- reduction in on-street parking;
- unsafe conflict of motor vehicle and pedestrian traffic

In order to determine if parking relief is needed, the following analysis is used. As seen below, in the case of 69 Rush Street, the Applicant needs relief for two (2) parking spaces:

| Unit | Existing BDR | Existing Pkg. Req. | Proposed BDR | Proposed Pkg. Req. |
|-----------------------|--------------|--------------------|-------------------|--------------------|
| Unit 1 | 2 | 1.5 | 2 | 1.5 |
| Unit 2 | 2 | 1.5 | 2 | 1.5 |
| Unit 3 | n/a | n/a | 3 | 2.0 |
| Total: unknown | | | Total: 5.0 | |

Formula: New parking requirement - Old parking requirement = # new spaces required*

In the case of 69 Rush Street: **5.0 – 3.0 = 2 new spaces required**

* When the result of this calculation is less than 1.0 or a negative number, then no parking relief is required.

Under existing conditions as a two-family structure, this property provides two parking spaces, one per unit. The Applicant proposes retaining those two parking spaces and not adding a space for the new, third unit. It is not uncommon for the ZBA to favorably view a parking proposal that provides one space per dwelling unit. Though the Applicant is proposing less than one per unit for 69 Rush Street, Staff finds that this proposal is in keeping with the ZBA’s position of favoring less parking and more open, landscaped space on a lot. Staff finds that not providing this third parking space is also in keeping with the City’s goals of greening lots and ensuring that more pervious areas are added to residential parcels. This proposal accomplishes both of those goals.

Staff does find, however, that in lieu of some of the pervious pavers proposed in front of the parking space that is located along the left elevation of the main house, the Applicant can convert that area into additional quality landscaping. Further, Staff finds that the parking spaces located along the side of the new addition and directly against the left elevation of the main structure could be covered in pea stone or similar material in order to further increase the quality of the permeably surface provided.

Regarding the specific request for relief from providing two additional parking spaces, Staff finds as follows:

Increase in traffic volumes

With the addition of one more living unit on a parcel, it is reasonable to assume that there will be additional vehicles in the immediate vicinity due to an increase in the number of driving age persons living on-site. That said, just because the number of bedrooms on a property increases, this does not mean that each of those bedrooms will be inhabited by a person of driving age let alone a person of driving age each in possession of their own motor vehicle. Thus, Staff finds that any increase in traffic volumes will be minimal with the addition of one dwelling unit on the property.

During the construction phase of the project, the neighborhood can expect construction-related vehicles to come and go from the property and to park on-site and on the street. Construction periods are limited lengths of time in which any up-tick in traffic volume can be expected. After the construction phase, Staff anticipates that the traffic in the area will return to pre-construction levels.

Increased traffic congestion or queuing of vehicles:

Staff reiterates their comments of directly above. Moreover, even if this site produces one or more additional vehicles, there is no expectation that each of the drivers of those vehicles will

leave and return to the property at the same time. Leave and return times are generally staggered throughout prime commuting times.

Change in the type(s) of traffic

Staff does not anticipate a change in the type of vehicular traffic generated in the area due to the increase in the number of dwelling units nor due to any parking relief granted. During the limited time that construction will take place the neighborhood can anticipate the presence of construction-related vehicles in the area. Staff anticipates this type of traffic will fall off after the construction phase is completed.

Change in traffic patterns and access to the site

The site will continue to be accessed as it is currently and with traffic patterns remaining unchanged.

Reduction in on-street parking

The property will continue to provide two parking spaces as it does currently. When any property turns over for sale – whether the sale is for the purposes of rehabbing a property or whether the sale is from one family to another – it is always possible that new owner(s) of a property will have more or fewer vehicles than the previous owner(s). Therefore, it is always possible that there will be a greater or lesser need for on-street parking based on the vehicular habits of any new owners.

Staff recognizes that it is possible that, due to providing only two parking spaces on-site that there will be a need for on-street parking for one or more of the new owners in this building. Staff finds that this area is very well served by public transportation. There are bus stops nearby and the property is within minutes of the Sullivan Square T station. This proximity to public transportation can help to alleviate the dependence on cars for transportation in this area going forward.

Unsafe conflict of motor vehicle and pedestrian traffic

Staff finds that the continued presence of two on-site parking spaces will not create an unsafe situation between vehicles and pedestrian traffic. Staff finds that any future on-street parking in the area will be a scenario that is consistent with current conditions.

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 I, 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.
- According to Section 6.1.2 of the SZO, the purpose of the RB zoning district 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.” The proposed three-unit dwelling house is consistent with the purposes of an RB district.

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 unbuild surrounding area, including land uses."*

- Staff finds that the surrounding area presents a mix of residential housing forms and density. There are multiple gable-fronted structures of similar vintage as this one. In addition, there is a smattering of Mansards as well as housing forms designed to house multiple units.
- Staff finds that the proposed alterations will result in a significant visual improvement to the property. The entirety of this property will be upgraded – both the structure and the grounds – and one additional living unit will be added.
- Staff acknowledges that the proposed addition is of a more “modern” style that is juxtaposed with the extant building form and design on the property. The proposed addition is set at the rear of the main structure and presents a massing and form that is subservient to it. Staff finds that, taken as a whole with the rest of the work to be performed on this property, the proposed addition will be complimentary to both the property and the surrounding neighborhood.

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

- The proposal does not provide any affordable housing units or payments.

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.*

- The proposal will upgrade an existing property in need of rehabilitation.
- The proposal will add one dwelling unit to the City’s housing stock.

III. RECOMMENDATION

Special Permit under §4.4.1 & Article 9 of the SZO

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 for a rear addition in the right side yard setback and two spaces of parking relief. | BP/CO | ISD/ PIng. | |
| | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 28, 2018</td> <td>Initial application submitted to city clerk's office</td> </tr> </tbody> </table> <p>ANY changes to the approved plans, other than those changes made specifically to conform with the conditions below, must first be submitted to the Planning Division to determine whether or not they are <i>de minimis</i> in nature or whether they require review by the SPGA.</p> | | | |
| Date (Stamp Date) | Submission | | | |
| March 28, 2018 | Initial application submitted to city clerk's office | | | |
| 2 | The Applicant shall be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans <u>must be submitted to the Engineering Department for review and approval before a building permit will be issued.</u> | BP | Eng/ISD | |
| 3 | The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. <u>There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.</u> | BP | Eng/ISD | |
| 4 | The Applicant shall present their electrical plan to lights and lines/wiring for their review and approval prior to the issuance of a Building Permit. | BP | Wiring/ISD | |
| 5 | The Applicant shall provide the Traffic & Parking Division with a plan for construction traffic management for that division's review and approval prior to the issuance of a building permit. This plan will include delivery windows for construction equipment | BP | T&P / ISD | |
| 6 | The Applicant shall present their demolition plan to ISD for their review and approval prior to the issuance of a building permit. | BP | ISD | |
| Construction Impacts | | | | |
| 7 | The Applicant shall post the name and phone number of the general contractor and all sub-contractors at the site entrance <u>where it is easily visible to people passing by.</u> | During Construction | ISD | |
| 8 | For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to <u>7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.</u> | During Construction | ISD | |

| | | | | |
|---------------|--|----------------------------|------------------|--|
| 9 | Deliveries to the construction site shall be limited to 9am to 3pm so as not to interfere with the comings and goings of neighborhood residents during peak commute times. | During Construction | ISD/T&P | |
| 10 | Approval is subject to the Applicant's and/or successor's right, title and interest in the property. | Cont./perpetua l | Plng. | Deed submitted & application formed signed |
| 11 | 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. | CO | DPW/ISD | |
| 12 | 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 Division must be obtained. | During Construction | T&P | |
| Design | | | | |
| 13 | The entire property is being overhauled inside and out, including the grounds. Therefore, the building shall be re-sided in a wood clapboard or cementitious-based material. | CO | ISD/Plng | |
| 14 | The Applicant shall provide material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction and prior to the issuance of a building permit. Planning Staff shall have final determination and approval over all materials used on the exterior the property. Lighting styles, location and design, along with roofing/gutter, façade, samples shall also be provided for Staff approval. | CO | ISD/Plng | |
| 15 | No vinyl material shall be used for exterior trim, siding, railings, or the like. | CO | ISD/Plng | |
| 16 | Any vents or pipes exiting the house shall be either wrapped or painted to match the color of the house portion from which they protrude. <u>Under no circumstances shall any pipes or vents evacuate onto the public way.</u> | CO | ISD/Plng | |
| 17 | All exterior lighting on the site shall be downcast and shall not, in any way, spill onto abutting properties. | Final sign off / Perpetual | Wiring Inspector | |
| Site | | | | |
| 18 | All trash and recycle areas shall be screened with cedar wood lattice, similar screening or year-round plant material. Planning Staff shall approve such screening. No dumpsters shall be permitted on site after the construction period is complete. | CO/Perpetual | ISD/Planning | |
| 19 | All asphalt/bituminous material shall be removed from the site and pervious pavers shall be used in its stead. | CO | ISD/Plng | |

| | | | | |
|-----------------------|--|----------------|-----------|--|
| 20 | All mechanical equipment shall be screened. A/C condensers shall not be located within a setback and shall not be placed in the front yard of the property. Planning staff shall review and approve all screening material. | CO | ISD/PIng | |
| 21 | The area between the parking space (along the left façade of the main structure) and the entry to the rear addition shall be landscaped. | CO | ISD/PIng | |
| 22 | The two on-site parking spaces shall be of pea stone or similar material reviewed and approved by Planning Staff. | CO | ISD/PIng | |
| Public Safety | | | | |
| 23 | The Applicant and/or Owner(s) shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| 24 | Per City of Somerville regulations, no barbecues, grills, chimineas or the like shall be permitted on decks at any time. These requirements shall be clearly stated in any rental agreements or condo documents. | CO | FP/ISD | |
| 25 | All fire/smoke detectors shall be hard-wired. | CO/Perpetual | ISD | |
| 26 | The building shall be sprinkled. | CO | FP | |
| Final Sign-Off | | | | |
| 27 | <u>The Applicant shall contact Planning Staff at least five (5) working days in advance of a request for a final inspection</u> 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 | ISD/PIng. | |