



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-117

Date: November 10, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 14 Tennyson Street

Applicant Name: Ellery Yahia

Applicant Address: 14 Tennyson Street, Somerville, MA 02145

Owner Name: Ellery Yahia

Owner Address: 14 Tennyson Street,
Somerville, MA 02145

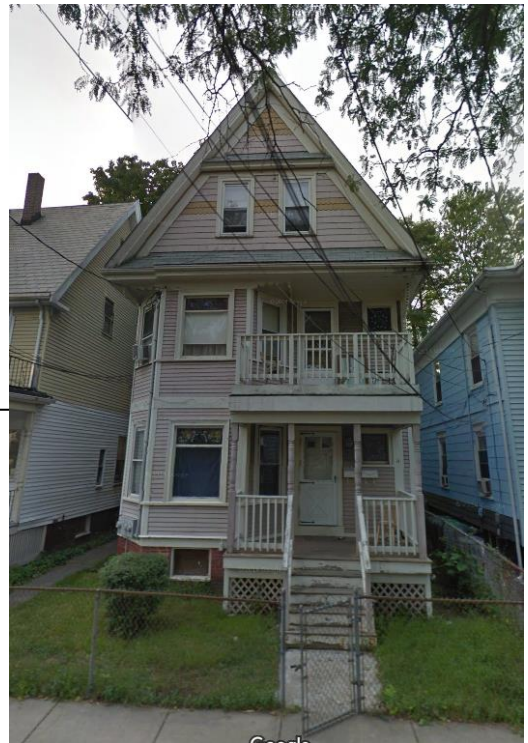
Agent Name: N/A

Agent Address: N/A

Alderman: Mark Niedergang

Legal Notice: Applicant and Owner, Ellery Yahia, seeks a Special Permit per SZO §4.4.1 to finish a basement which increases the FAR. RA zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals –
November 16, 2016



I. PROJECT DESCRIPTION

1. **Subject Property:** The locus consists of an approximately 3,342 square foot parcel that contains a 2.8 story two-family structure with approximately 3,074 square feet of living area located in the RA zone. The first unit is located in the first floor and the second unit is located on the second and third floor. The basement is unfinished.

2. Proposal: The proposal is to finish the basement, which will increase the FAR by 0.22. The amount of living area will increase by 715 square feet, within the 25% increase allowed under special permit. The proposed renovations to the basement will add living area to the first floor unit, which will become a two-bedroom owner-occupied unit. The second and third floors makeup the other dwelling unit and consists of four bedrooms.
3. Green Building Practices: None listed on the application.
4. Comments:

Ward Alderman: Has been contacted but has not yet provided comments.

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."*

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."

In considering a special permit under §4.4.1 of the SZO, Staff finds that the increase in net floor area, as a result of finishing the basement, will not be substantially more detrimental to the neighborhood than the current nonconforming conditions. The property is currently nonconforming with regard to the FAR, which is 0.91 where 0.75 is the maximum allowed. The proposal to finish the basement will result in an FAR of 1.13, which is an increase of 0.22 for the structure.

The proposed renovation of this property will decrease the amount of bedrooms by one. There are currently seven bedrooms in the structure and six are proposed; however, the required number of off-street parking spaces does not change. Currently 3.5, or four, parking spaces are required and as a result of the proposed renovations 3.5, or four, parking spaces will be required. The locus has no off-street parking spaces.

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

Staff finds that the proposal 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.

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.”*

The proposal is to finish the basement area, which will not have any effect on the characteristics of the surrounding area. The property will remain a two-family structure in a neighborhood where there are two-, three-, and multi-family dwellings. Additionally, the proposal will not increase the demand for off-street parking spaces.

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

There will be no impact on the affordable housing stock.

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 areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The project will have no impact on the SomerVision Plan.

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								
1	Approval is to finish the basement. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 22, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>July 27, 2016</td><td>Existing conditions plans submitted to OSPCD (EC-1.1 and EC-1.2)</td></tr><tr><td>September 12, 2016</td><td>Construction plans submitted to OSPCD (A1.1 and A1.2)</td></tr></table>				Date (Stamp Date)	Submission	September 22, 2016	Initial application submitted to the City Clerk’s Office	July 27, 2016	Existing conditions plans submitted to OSPCD (EC-1.1 and EC-1.2)	September 12, 2016	Construction plans submitted to OSPCD (A1.1 and A1.2)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
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	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
5	All smoke detectors shall be hard-wired.	CO	FP / ISD									
6	The area shown as office space in the basement shall never become a bedroom.	Ongoing	Plng.									
7	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.									

