



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*
LORI MASSA, *SENIOR PLANNER*
SARAH WHITE, *PRESERVATION PLANNER*
ETHAN LAY-SLEEPER, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2015-82
Date: ~~November 18, 2015~~ 12/9/2015

Recommendation: Denial

PLANNING STAFF REPORT

Updates to this report are highlighted in yellow and portions that no longer apply are crossed-out.

Site: 88 Dover Street

Applicant Name: Sing Cheung
Applicant Address: 88 Dover Street, Somerville, MA 02144
Owner Name: Mui Sin Chow & Nam Cheung
Owner Address: 88 Dover Street, Somerville, MA 02144
Alderman: Rebekah L. Gewirtz

Legal Notice: Applicant, Sing Cheung, seeks a Special Permit per SZO §4.4.1 to substantially alter an existing, non-conforming 2-family building to construct a 3-family structure. Applicant seeks a Special Permit per SZO §9.13 for relief from parking space dimensions. Ward 6.

Dates of Public Hearing: Zoning Board of Appeals – ~~November 18, 2015~~ December 9, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a c.1874 2-family, 2 ½ -story residence sited on a 6,970 square foot lot in the RB district. The plan is to demolish this structure and construct a 3-story, 3-family in its place.
2. Proposal: The proposal is to construct a 3-family residence with 6 parking spaces, ~~3 of which are compact.~~
3. Green Building Practices: Space to be fully-insulated per code.

4. Comments:

Planning Department: The plans that are attached to this application are the most recent plans submitted by the Applicant/Agent. ~~However, these plans are currently lacking fundamental information that was requested of the Applicant/Agent a few weeks ago and have yet to be provided.~~

Traffic & Parking: Additional information has been requested by this department in order for a determination to be made:

Traffic and Parking has conducted a preliminary review of the plans for 88 Dover St. Traffic and Parking is requesting additional information regarding these plans. There are six parking spaces for this proposed development. Parking spaces #1 thru #3 label the length of the parking spaces but not the width. Parking space widths are required. Parking spaces #4 thru #6 label the width of the parking spaces but not the length. Parking space lengths are required. Also these three parking spaces are listed as compact parking spaces. The Somerville Zoning Ordinance states that there must be a minimum of 20 parking spaces to allow for 20% of the parking spaces to be compact parking spaces. An analysis of why three of the six parking spaces are compact parking spaces needs to be provided to Traffic and Parking for review. In addition parking space #4 is indicated as a "compact HP van". Does the dimensions of the provided parking space meets the HP van accessible parking space dimensions as required by the AAB. It is recommended that the City's ADA Coordinator be contacted regarding this issue. Also what is the slope of the ramp exiting the garage? Can all vehicles maneuver from the garage onto the vehicle passage way to the street. It is requested that the gradient of the parking exit slope to the passageway be provided with data indicating that this slope and height of the garage door will not prevent vehicles from exiting the parking area. Vehicle turning radius from the parking area to the vehicle passageway for the same above stated reasons is also requested.

What is the passageway width form the parking area to the street. Is the width sufficient for two way travel? Vehicles entering from the street to the parking area must not be impeded from entrance along the passageway by vehicles exiting from the parking area to the street. For safety reasons vehicles entering from the street must not be required to back up onto the street or "stand" on the street while vehicles are exiting the parking area. If the width of the passageway is insufficient for two way travel Traffic and Parking requires a system be provided where vehicles exiting the parking area would be notified and required to stop while vehicles entering from the street access the parking area.

Traffic and Parking will have no comment on the plans for 88 Dover St until the above requested information is provided.

Please contact me if you have any questions on the above.

The Applicant has submitted a parking study which is included in this Staff Report. The study, received on late Wednesday afternoon, 12/2/15 and was sent by Planning Staff to Terry Smith at Traffic and Parking for review that same afternoon. Review and feedback from Traffic and Parking is still pending and remains unclear of all of the preliminary questions indicated above have been addressed to their satisfaction.

Historic Preservation Commission (HPC): Per the Somerville Demolition Review ordinance, an Applicant is required to work with the HPC during the 9-month delay period either to work out an alternative to demolition, other forms of preservation or a Memorandum of Agreement (MOA) which governs the design, scale, form, massing, and materials used on the construction of a replacement building. The Applicant did not adhere to this requirement.

The Applicant applied to demolish only the 2-family residence currently extant on the property. There is an accessory structure on the property that is over 50 years of age that has been found to be a harness shop dating to at least 1920. The Applicant must apply to demolish this building with the HPC as well and go through the demolition review process per the Somerville Code of Ordinances. The Planning Director and Planning Staff also agree that this step in the process must be observed; the HPC reviews demolitions on a structure-by-structure basis, not on a parcel-by-parcel basis. The Applicant has yet to apply for this demolition review.

The Applicant still has not submitted an application to the HPC for demolition review of the outbuilding. The Applicant is required to do so.

Ward Alderman: Rebekah Gewirtz has been advised 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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

- Staff finds that the information provided by the Applicant does not conform to the requirements of §4.4.1 of the SZO and does not allow for a comprehensive analysis of the project with respect to the required Special Permits.
 - a. ~~Accurate, complete and updated zoning dimensions, including FAR which is currently calculated incorrectly;~~
 - b. ~~Plans still do not indicate the portion of the existing non-conformity that is to be retained in order to “extend” the non-conformity after demolition of the existing building~~
- Updated plans were submitted on the day before Thanksgiving, 11/25/2015, but some of the information remains incorrect. For example, the lot has suddenly lost 25 square feet. The existing conditions state that the lot contains 7,100 square feet and the proposed plans provide the lot dimensions as 7,075 square feet. Dimensional information still needs to be provided to indicate how far the side stairs for two of the units protrude into the side yard setback. Because of the numerous inconsistencies in dimensions and calculations that have been provided over the iterations of the proposal, Staff is not confident that the dimensional information that has been provided has been accurately calculated/reported.
- Plans received on 11/25/15 were the first to indicate which portion of the existing building would be re-used to “extend an existing non-conformity” in order to build the new structure. However, there are two problems with the area selected. First, it is

not a non-conforming part of the existing structure as it does not lie within any setbacks. Second, even if the selected portion of the existing structure were part of a non-conformity, the Planning Office has been consistent over the years in allowing only an external wall to be re-used to extend the non-conformity. The external wall must remain an external wall in the new build in order for the non-conformity to still exist and be extended. The newest plans show the selected wall being used as an interior wall in the new building. This is not allowable.

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."*

- Staff is unable to determine if the Applicant complies with criteria and standards as the application is incomplete and Department concerns have not been addressed.

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."

- Staff finds that, in its current incomplete state, the proposed alterations to the non-conforming structure are substantially more detrimental to the site and neighborhood.
- Staff has informed the Applicant/Agent numerous times during in-person meetings with the Planning Director and via email communications that it finds the scale, form, massing and overall design of this structure incompatible with the site and neighborhood.
- Staff finds that the latest plans submitted on 11/25/15 do not show any substantive improvements in the scale, massing, form and overall design of the proposed structure from the plans submitted for the November 18, 2015 meeting.
- While some neighborhood members have expressed otherwise, this sentiment has been echoed by several abutters as well as the HPC. It should be noted that, the large, double-sized triple-decker to the right of 88 Dover that is often cited by the Applicant/Agents as precedence for approving such structures, was a by-right project that needed no special relief. While well-constructed, it is out-of-scale for the neighborhood and the Planning Department is not encouraging of such out-of-scale projects; this project needs to be reviewed not just in relation to its individual site, but in relation to the entire residential streetscape on both sides of Dover.

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."*

- As the application remains is incomplete, Staff finds that the application is not consistent with the general purposes of this Ordinance nor is it consistent with the purpose of the 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 unbuilt surrounding area, including land uses."*

- This parcel begins the residential portion of this side of Dover Street. With the exception of the large, new construction immediately to the right, the remainder of the street is, with minimal exception, a mix of 2 to 2 ½-story residences similar in scale to the existing 2-family currently on the subject site.

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

- The proposal will not impact the existing stock of affordable housing.

7. 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 proposal will not contribute to the metrics of SomerVision but allow the property owner to make some modifications to their home.

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 **DENIAL** 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.