



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

TO: Zoning Board of Appeals
FROM: Planning Staff
DATE: March 26, 2015
RE: 200 Highland Avenue – Revised Plans & Neighborhood Questions

Revised plans were submitted to Planning Staff for 200 Highland Avenue. The modification to the plans affects the enclosure of parking on the site. The latest proposal removes the one-story portion of the building. With these plans, two parking spaces will be within the main body of the house and two will be outside of the building. There will be a 10 foot deep deck over the outdoor parking spaces with a support beam that will cover both parking spaces. A garage door is not able to be installed on the building to cover the two parking spaces within the building because there is not sufficient head height for a garage door. The parking area will be a permeable surface.

The neighbors have submitted a statement explaining their concerns with how the proposal meets the existing and proposed Somerville Zoning Ordinance. So that everyone has the same facts regarding the case and can focus on if the proposal meets the Special Permit findings in the Ordinance or not, there is an explanation below addressing the points in the neighbors' testimony. The change to the plan that is required if the proposed zoning ordinance passes is that the parking space closest to Spring Hill Terrace would not be able to house a car to comply with the 10 foot parking setback requirement. There was discussion amongst the staff of if this requirement should apply to private garages for residential lots and the determination is that it should. In order to use this space for a car, the applicant would have to receive a variance from the Zoning Board. The parking space farther from Spring Hill Terrace would comply with the setback requirement.

The updated plans and conditions are attached and referenced in the conditions below.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the alteration of a four-family house. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Dec 18, 2014</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Jul 22, 2014</td><td>Plans submitted to OSPCD (Sheet A-1-A-2 Existing Floor Plans, A-3-A-4 Existing Elevations, A-6 Proposed Floor Plans,)</td></tr><tr><td>Dec 18, 2014 <u>Dec 15, 2015</u></td><td>Revised plans submitted to OSPCD (Sheet A-5 Proposed Floor Plans, A-7-A-8 Proposed Elevations) – as amended by plans stamped 3/26/15</td></tr><tr><td><u>(Mar 26, 2015)</u></td><td>Revised plans submitted to OSPCD (Open Parking Study: 01 – basement plan, 02 – SHT elevation, 03 – Side elevation)</td></tr><tr><td>Aug 6, 2014</td><td>Plans submitted to OSPCD (Certified Plot Plan)</td></tr></table>	Date (Stamp Date)	Submission	Dec 18, 2014	Initial application submitted to the City Clerk's Office	Jul 22, 2014	Plans submitted to OSPCD (Sheet A-1-A-2 Existing Floor Plans, A-3-A-4 Existing Elevations, A-6 Proposed Floor Plans,)	Dec 18, 2014 <u>Dec 15, 2015</u>	Revised plans submitted to OSPCD (Sheet A-5 Proposed Floor Plans, A-7-A-8 Proposed Elevations) – as amended by plans stamped 3/26/15	<u>(Mar 26, 2015)</u>	Revised plans submitted to OSPCD (Open Parking Study: 01 – basement plan, 02 – SHT elevation, 03 – Side elevation)	Aug 6, 2014	Plans submitted to OSPCD (Certified Plot Plan)	BP/CO	ISD/ Plng.	
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.																
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	Siding type and color, roofing, trim, and materials of the structure shall match or be complimentary on the entire structure.	CO	Plng.													
4	Approval is contingent upon approval of the Highway Superintend for the curb cut.	BP	Highway													
5	The driveway shall be a maximum of 12 feet wide (this has been updated and is on the plan). <u>If the proposed zoning code that is under review by the BOA is approved, the parking space closest to Spring Hill Terrace cannot be used for parking unless the Zoning Board issues a variance from the parking setback requirement.</u>	CO	Plng.													

6	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.	
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Response to Spring Hill Terrace Residents Memo

Current Zoning Ordinance

1. False premise for permit request. There was ever a garage or parking on the site.
 - a. The staff report does not make reference to the existing structure being a garage in the past. The report states, “[t]he Applicant obtained the Certified Sanborn Maps to document the use of the structure and right of way in the past. In all of the maps the rear one-story portion was marked as a bake room and the building was divided into three sections for occupants along Spring Hill Terrace. The front portion of the building was listed as a restaurant in 1950, a store in 1934, and commercial in 1989 and 1991.” The legal notice includes “adding a garage door to interior parking” to let people know that the proposal includes adding a garage door to interior parking.
2. The building is non-conforming and never contained a garage or parking. Building a parking lot or garage creates a new non-conforming use, which is prohibited under the current zoning code.
 - a. Parking did not previously exist at the site and therefore the site is nonconforming with respect to the current parking regulations. The proposed parking is associated with the use of the site as it would be used by the 4 residential units onsite. The parking is accessory to the principle residential use and approval of it would make the site more conforming to the parking requirements.
3. The current zoning ordinance prohibits an open parking structure on the Spring Hill Terrace side of the building.
 - a. Section 9.8 states that required off-street parking may be wholly or partly enclosed in a structure. This does not preclude parking from being outside of a building as is proposed for two parking spaces in the latest plan.
4. The developers’ plans violate the dimensional requirements for parking stalls in the current and proposed zoning codes.
 - a. Section 9.11 of the current zoning code and Section 7.7 of the proposed zoning code state dimensional requirements for parking spaces and maneuvering spaces. These standards are for required parking spaces. Since the use of the building is not changing, the proposal is not required to add additional parking onsite and therefore the spaces do not have to conform to the dimensional requirements.
5. The proposed plan does not meet requirements such as “Compliance with Standards” and “Site and Area Compatibility.”
 - a. The applicant is seeking a special permit to alter the nonconforming structure. Staff have found that the proposal meets these special permit findings as is stated in the Staff Report. The Zoning Board of Appeals must make their own determination based on the information that they have on if the proposal meets these findings.
6. The parking garage causes detrimental impact to the neighborhood and abutters.
 - a. The neighbors have included Section 4.5.3 of the Zoning Code in regards to this comment. This section of the zoning ordinance related to expansion of a nonconforming

use. This case does not involve expansion of a nonconforming use. It does involve alteration to a nonconforming structure. A finding to allow for an alteration to a nonconforming structure is that the proposal will not be more detrimental than the existing structure including 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 Zoning Board of Appeals must make this determination in reviewing the proposal.

Proposed Zoning Ordinance

1. The proposal requires vehicles to back out onto Spring Hill Terrace, which is prohibited under the new ordinance.
 - a. The code requires vehicles parked in a parking lot or structure to enter or exit the lot in a forward direction. The proposal does not meet the definition of a parking lot, which is 6 or more spaces or parking structure, which excludes private parking garages.
2. The proposed change in the use from storage to parking would violate the required parking setbacks for the building type (four-plex), creating a new nonconformity.
 - a. If the proposed code passes, the parking space closest to Spring Hill Terrace would not be able to be used for parking due to the 10 foot parking setback requirement.
3. The developer has stated that the new units would sell at reduced prices due to lack of off-street parking.
 - a. The proposed code does not require more than one parking space per unit to encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.
4. The parking stall dimensions violate the dimensional requirements for stalls in both the current and proposed zoning codes.
 - a. See item 4 in section above.