



CITY OF SOMERVILLE

MASSACHUSETTS

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Office of Strategic Planning and Community Development (OSPCD)

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Site: 15 Carlton Street

Case #: ZBA 2019-98

Date: November 6, 2019

Recommendation: Conditional Approval

STAFF REPORT

Applicant Name: Yu Shu

Owner Name: Yu Shu

Agent Name: Adam Dash & Associates

City Councilor: Jefferson Thomas (J.T.) Scott

Legal Notice: Applicant, Yu Shu, seeks Special Permits to alter a non-conforming property under §4.4.1 of the SZO. Number of units to increase from three to four. Upward extension of the non-conforming right and front yard setbacks. Parking relief under Article 9. RC zone. Ward 2.

First Public Hearing: November 6, 2019



Zoning	Use	Surrounding Land Use	Property Metrics
RC	A 2.5 Story, Detached House building type with 3 dwelling units.	All abutting properties are in the RC zoning district and 2-3 unit residential buildings.	3,680 square feet 30% existing ground coverage 32.5% existing landscaped area

Quick Summary: The proposal is to convert an existing Detached House building type with three (3) dwelling units into a Detached Triple Decker building type with four (4) dwelling units.

I. PROJECT DESCRIPTION

1. Subject Property:

The subject property consists of a Detached House principal building type with three (3) dwelling units on a 40' x 92' lot (3,680 square feet), which is nonconforming to the seven thousand five hundred (7,500) square foot minimum lot area required in the RC district. The principal building is set back from the right-side lot line by only 3.3' feet, which is nonconforming to the required side setback, and 2.8' from the front lot line (measured at the projecting front bay), which is nonconforming to the required front setback. The existing structure is setback from the left-side lot line by 11.4' and the rear lot line by 38.8', both of which are conforming to the required side and rear setbacks.

2. Proposal:

The proposal is to convert an existing Detached House building type with a single 1-bedroom dwelling unit and two 2-bedroom dwelling units (a total of 3 existing units) into a Detached Triple Decker building type with four (4) dwelling units, each with 3 bedrooms and identical layouts. The RC district requires eight hundred and seventy-five (875) square feet of lot area per dwelling unit, resulting in 4.33 dwelling units permitted for the 3,680 square foot lot. Article 7 requires a Special Permit for 4-6 dwelling units in the RC District.

The proposal will comply with all dimensional standards except for the existing right side and front setbacks. Modifications to the existing structure will square off the existing approximately 22'x 28' floor plate of the main massing and its offset 16' x 18' rear addition/side wing into a single floor plate of approximately 22'x 65' by adding onto the structure within the buildable area of the lot and finishing the basement. The existing pitched roof will also be modified into a flat roof to provide for a full 3rd story. The right-side wall and front façade, both nonconforming to their respective setbacks, will both be extended upward and the left side wall will be extended in its length. The width of the façade, which is nonconforming to the front setback, will not be increased. The proposed height of the building is only 33' 6" to the roof parapet whereas the maximum height permitted in the RC district is forty (40) feet. Due to the nonconforming lot area, the modification of the gross floor area of the nonconforming building by more than 25% requires a special permit under §4.4.1 of the SZO.

Section 9.5 of the SZO requires two (2) parking spaces per dwelling unit with three (3) or more bedrooms, resulting in a requirement of eight (8) parking spaces for the four (4) proposed dwelling units. The property currently provides one (1) parking space in the existing driveway and the proposal is to provide two tandem spaces in the extended driveway. Tandem spaces are only counted as one parking space for zoning purposes. For properties with a nonconforming number of parking spaces, Section 9.4.2 of the SZO only requires a proposal to provide the number of required spaces for what is being added to the site.

	Existing		Proposed	
15 Carlton Street #1	2BR	1.5 spaces	3BR	2 spaces
15 Carlton Street #2	2BR	1.5 spaces	3BR	2 spaces
15 Carlton Street #3	1BR	1 space	3BR	2 spaces
15 Carlton Street #4	--	--	3BR	2 spaces
Total		4 spaces		8 spaces

The site will be nonconforming with respect to the number of required off-street parking spaces as four (4) additional spaces are required but no additional parking spaces are being provided. SZO §9.13 allows for nonconforming structures or lots to seek relief from the parking requirements of Section 9.5 if the total number of spaces is six (6) or fewer. Relief is being requested from providing the four (4) additional required parking spaces.

3. Green Building Practices:

The application states that there will be a limitation of demolition material, recycling where possible to reduce solid waste disposal, use of water saving plumbing fixtures, use of energy efficient lighting, reduction in non-permeable asphalt paving, and use of non-invasive species landscaping planting.

4. Comments:

City Departments: none at this time.

City Councilor: none at this time.

II. FINDINGS FOR SPECIAL PERMITS (§4.4.1, §7.11.1.c, & Article 9):

In order to grant the necessary Special Permits required by §4.4.1, §7.11.1.c, and §9.13 of the SZO, the SPGA must make certain findings and determinations as outlined in §5.1.4.

The Planning Staff proposes that the Zoning Board of Appeals make the following findings:

1. Information Supplied

The information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for the comprehensive analysis of the project with respect to the required Special Permit.

2. Compliance with Standards: *The application must comply with such criteria or standards as may be set forth in [the SZO] which refer to the granting of the required Special Permits.*

There are no specific criteria or standards for the Special Permit required by §4.4.1 or §7.11.1.c, other than the findings required for all Special Permits of §5.1.2. Section 9.13 allows for the modification of a parking requirement of six (6) or fewer spaces for nonconforming lots or structures consistent with the purpose of Section 9.1 upon the SPGA determining that the relief requested does not cause detriment to the surrounding neighborhood through **increased traffic volumes, increased traffic congestion or queueing of vehicles**, changes in the type of traffic, change in the traffic patterns and access to the site, a reduction in on-street parking, or unsafe conflicts between motor vehicles and pedestrians.

The provision of only one (1) on-site parking space for the proposed four (4) dwelling units may induce future residents to seek on street parking. Due to the current inexpensive cost of Somerville's Residential Parking Permits (\$0.11 cents per day; \$40/year) and the ability to receive a permit for each registered motor vehicle, the future volume of traffic and potential for congestion and queueing on Carlton Street and neighboring streets may be increased as residents seek on-street parking. The proposed development seeks to mitigate this impact by providing ample bicycle parking spaces, however the City's current policy of providing nearly free access to Resident Parking Permits undermines that effort without mitigation.

The Applicant must provide an outdoor bicycle locker with the capacity for two (2) bicycles for each dwelling unit and the future residents of 15 Carlton Street #4 (the new 4th dwelling unit) must be prohibited from acquiring on-street Resident Parking Permits. The proposed 11'x 80' driveway has ample space to accommodate two tandem parked motor vehicles and the space necessary for the four outdoor bicycle lockers (an estimated 36"x 72" for each locker totaling 12'x 6.5' for all four).

Although the proposed landscape plan increases the permeable area of the lot from 31.7% to 32.5%, the landscaped area of the lot will decrease from 32.5% to 28.4% as a result of the proposed development. The length of the proposed 11'5"x 80' driveway is more than what is necessary to accommodate three (3) feet of circulation at the beginning of the driveway, forty (40) feet of space for two (2) tandem parked motor vehicles, six (6) feet of circulation space between parked vehicles and the proposed bicycle parking, and twelve (12) feet of space for the four (4) bicycle lockers. A sixty-five (65) foot driveway comfortably accommodates all of the above features. The remaining 11'5"x 15' of proposed driveway area must instead be landscaped area.

3. Consistency with Purposes: *The application must demonstrate that the proposal is consistent with (1) the general purposes of [the SZO] 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 [in the SZO], such as, but not limited to, those purposes at the beginning of various Articles.*

The proposed development is consistent with the general purposes of the SZO set forth in Section 1.2, which includes, but is not limited to: to provide for and maintain the uniquely integrated structure of uses in the City; to prevent the overcrowding of land; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and, to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

The proposed development is consistent with the purpose of the RC district, which is, "to establish and preserve a district for multi-family residential [...]"

4. Site and Area Compatibility: *The application must demonstrate that the proposed development is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the built and unbuilt surrounding area, including land uses.*

Surrounding Neighborhood: The subject property is located on the western side of Carlton Street, which intersects with the residential in character Lake Street to the south and commercial/mixed-use in character Somerville Avenue to the north. The various lots fronting onto Carlton Street include multiple three-unit buildings, including 9, 10, 15, and 20 Carlton. Two properties at the rear of 15 Carlton, 7 Church Street and 11 Church Street has 3 story rear additions with flat or nearly flat roofs.

Impacts of the Proposal: The proposed four-unit Triple Decker is compatible with the surrounding land use intensity of multiple two- and three-unit principal structures. The additional fourth unit is undetectable from outside of the building. Although the introduction of a flat roofed structure will be new for Carlton Street, a similar proposal is before the ZBA to convert a Detached House building type into a Detached Triple Decker at 15 Carlton Street which is directly across the street. Two existing Triple

Decker's exist at 28 and 30 Lake Street, near the intersection of Carlton Street and Lake Street. Additionally, the Triple Decker is well recognized as part of the typical residential neighborhood fabric common to Somerville and thousands of examples coexisting beside Detached Houses can be found throughout the city.

5. Vehicular and Pedestrian Circulation:

The circulation patterns for motor vehicles and pedestrians resulting from the proposed development will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

6. Housing Impact:

The proposed development will not create adverse impacts on the stock of existing affordable housing.

7. SomerVision Plan:

The proposed development complies with the applicable goals, policies, and actions of the SomerVision plan including, but not limited to, preserve and enhance the character of Somerville's neighborhoods and 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.

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 recommended conditions, the Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMITS**.

This recommendation by the Staff is based upon a technical analysis of the application materials submitted by the applicant and is based only upon information submitted prior to the required public hearing. This report may be revised or updated with new recommendations, findings, or conditions based upon additional information.

#	Condition	Compliance Timeframe	Verification	Notes						
A. Overall										
1	<p>Development must comply with the approved plans and other application materials submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 28, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 25, 2019</td> <td>Revised Plans</td> </tr> </tbody> </table> <p>Any changes to the submitted plans and other materials, as approved and conditioned, that is not determined to be <i>de minimis</i> by the Planning Director are considered a Major Amendment to the approved plans and must be processed as a revision to previously approved plans.</p>	Date (Stamp Date)	Submission	August 28, 2019	Initial application submitted to the City Clerk's Office	October 25, 2019	Revised Plans	Perpetual	ISD/ P&Z	
Date (Stamp Date)	Submission									
August 28, 2019	Initial application submitted to the City Clerk's Office									
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B. Pre-Construction										
1	The proposed finished floor elevation of the basement must be one (1) foot or more above the Seasonal High Ground Water elevation as determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	Perpetual	ENG							
C. Construction										
1	The name and phone number of the General Contractor must be posted at the site entrance in a manner that is visible to pedestrians and neighbors.	Construction	ISD							
2	All construction materials and equipment should be stored on site. If occupancy of Carlton Street is necessary, use of the right of way must comply with the requirements of the Manual on Uniform Traffic Control Devices and must receive prior approval of the City Engineer.	Construction	ENG							

#	Condition	Compliance Timeframe	Verification	Notes
3	Out of respect of abutting residential properties, construction activities may not begin prior to 7:30am and must be complete by 5pm Monday through Friday. No construction activity is permitted one weekends or holidays.	Construction	ISD	
4	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Construction	ISD	
D. Design				
1	Final material samples for siding, trim, windows, and doors must be submitted to Staff for review and approval prior to the issuance of a building permit.	BP	ISD/ P&Z	
2	An exterior light and electrical outlet are required for each front and rear porch.	CO	ISD	
E. Site Features				
1	The driveway may be only sixty (65) feet in length. Additional driveway area indicated on the approved plans must be landscaped.	CO	ISD	
1	Landscaping must be installed and maintained in accordance with the American Nurserymen's Association Standards.	Perpetual	ISD	
2	Outdoor lighting shall comply with the City of Somerville Dark Sky Policy.	CO	ISD	
3	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
4	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	ISD	
H. Use Restrictions				
1	Short term rental uses, such as AirBnB, VRBO, or the like, require separate approval in accordance with the City of Somerville Code of Ordinances.	Perpetual	ISD	
I. Use Restrictions				
1	Dwelling units must be addressed as 15 Carlton Street #1, 15 Carlton Street #2, 15 Carlton Street #3, and 15 Carlton Street #4.	CO	ISD/ENG	
J. Transportation				

#	Condition	Compliance Timeframe	Verification	Notes
1	The Applicant must provide one (1) outdoor bicycle locker with the capacity for two (2) bicycles for each dwelling unit (4 total outdoor bicycle lockers)	CO	ISD	
1	15 Carlton Street #4 is ineligible for Resident Parking Permits (RPP). Any property owner, lessee, renter, or tenant of 15 Carlton Street #4 shall not apply for any Resident Parking Permits from the Somerville Parking Department.	Perpetual	Parking	
2	The Applicant shall inform future buyers, lessees, renters, or tenants that 15 Carlton Street #4 is ineligible for Residential Parking Permits. Notification must be provided using the RPP Restriction Disclosure form.	Perpetual	ISD	
3	The Applicant shall complete and file an RPP Restriction Acknowledgement form as an appendix to a certified copy of this Decision with the Middlesex County Registry of Deeds prior to the issuance of a building permit.	BP	ISD	
4	The Applicant shall provide a list of all addresses associated with the property that are ineligible for Resident Parking Permits to the Traffic Commission prior to the issuance of any Certificate of Occupancy for the building.	CO	ISD	
I. Final Sign Off				
1	The Applicant shall contact Staff at least five working days in advance of a request for a final inspection to ensure the proposal was constructed in accordance with the plans and other information submitted and that the development is compliant with the conditions of this permit approval.	CO	ISD	