



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-195
Date: **December 5, 2019**

Recommendation: Conditional approval

4th UPDATED PLANNING STAFF REPORT

Site: 27 Tufts Street

Applicant / Owner Name: Pulin and Katai Wang
Applicant / Owner Address: 27 Tufts Street, Somerville, MA 02143
Agent Name: Owen Thomas, Bloom Architecture
Agent Address: 784a Tremont Street, Boston, MA 02118
City Councilor: Matthew McLaughlin

*This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been **highlighted in yellow**.*

Legal Notice: Applicants and Owners, Pulin and Katai Wang, seek a special permit under SZO §4.4.1 and §7.11.1.c to alter a nonconforming structure by constructing a large addition to the existing structure that will add three dwelling units making it a five-unit dwelling. Parking relief under Article 9 is also required. RC Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – **December 11, 2019**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is made up of a 5,000 square foot parcel located on the corner of Tufts Street and Glen Street. The site contains a two-family 2.5 story structure that is oriented toward Tufts Street. There is large open lawn area behind the structure. The site currently has two off-street parking spaces that are positioned to the left of the existing structure and are accessed via Tufts Street. The existing structure includes two two-bedroom units.

2. Proposal: The proposal is to construct a large addition in the open area behind the existing structure that will be



oriented toward Glen Street. The addition will contain ~~three~~ **two** additional dwelling units that will result in the site having a total of ~~five~~ **four** dwelling units. One unit will occupy the basement and ground floor, a second unit will occupy the second **and third** floor, ~~and a third unit will occupy the third floor.~~ The addition will be three stories under a gable roof that matches the ridge height of the existing structure. There is no work proposed for the existing structure, it will remain as two two-bedroom dwelling units.

3. Green Building Practices: The application states that the project will include photovoltaic solar panels on the roof, bicycle parking to discourage vehicle dependence, increased housing density near a future Green Line Station, and Energy Star window and appliances.

4. Comments:

City Councilor: Councilor McLaughlin sent an email to the ZBA on August 8, 2019 stating that he doesn't see this proposal as a vital development that will enhance the community. He asks that the ZBA denies the permits unless the neighborhood concerns are addressed. Planning Staff believes that neighborhood concerns that Councilor McLaughlin mentioned are expressed in a letter to the ZBA on August 5, 2019 from the 166-168 Glen Street Condo Association, which is located directly adjacent to the site. The Applicant proposed a revised plan set on August 9, 2019 that attempts to address the concerns by making the following revisions to the plans:

- reduced the projection of the bay in the rear yard from five feet to four feet, which is allowed under the SZO;
- increased the right side yard setback from 2.7 feet to six feet;
- reduced the number of bedrooms in the first floor/basement unit from four (plus a study) to three (plus a study);
- removed the roof deck; and
- added a driveway off of Glen Street.

Please see the memo dated August 9, 2019 from Bloom Architecture that provides a comprehensive list of all the revisions.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §7.11.1.c, and §9.13):

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."*

Article 4: Nonconforming Uses and Structures

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front yard setback, and right side yard setback.

The proposal will only impact the nonconforming dimension of the right side yard setback, which is the right property line if looking from Tufts Street. The current dimension is 2.7 feet and the proposed addition will be set back ten feet from the property line. The requirement in the district is 10 feet for a

three-story structure. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

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 of the SZO, Staff finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal allows for the creation of three new housing units within walking distance of a proposed Green Line Station in a manner that enhances the Glen Street streetscape. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, rear yard setback, and left side yard setback will continue to be conforming to the requirements of the SZO.

Article 7: Permitted Uses

SZO 7.11.1.c requires a Special Permit for the establishment of ~~five~~ **four** residential units in the RC zoning district.

Article 9: Off-street Parking and Loading

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces	2 BR	1.5 spaces
Unit #2	2 BR	1.5 spaces	2 BR	1.5 spaces
Unit #3	-	-	3 BR	2 spaces
Unit #4	-	-	1 2 BR	1.5 spaces
Unit #5	-	-	1 BR	1.5 spaces
Total	3 spaces		7 8 spaces	

The site currently provides only two parking spaces for the two-family dwelling. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces as three are currently required. For sites with a nonconforming number of parking spaces, SZO 9.4.2 only requires a proposal to provide the number of required spaces for what is being added to the site. The proposal is to add ~~three~~ **two**-dwelling units, which will increase the number of required parking spaces to ~~seven~~ **eight**. The proposal will add ~~three~~ **two** additional spaces on the site and provide six bicycle parking spaces. SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. Relief is being requested from providing the additional ~~four~~ **two** required parking spaces.

SZO §9.13.b allows for sites where the design of a parking lot differs from the provisions of the SZO to apply for a special permit. Relief is being requested from providing the required 20-foot aisle.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. Given the proximity to Green Line Station at Washington Street, the Staff finds that granting the requested Special Permit is consistent with the purposes of SZO

§9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which is, "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents 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."*

Surrounding Neighborhood: The parcel is located on the west corner of the intersection of Tufts Street and Glen Street. The site is in very close proximity to the future Green Line Station at Washington Street. The surrounding buildings are predominantly two- and three-family dwellings. The nearby dwellings are predominantly triple-deckers or gable-ended dwellings of 2½ stories. An 11 unit (8 affordable) residential three-story 39 foot tall building is currently under construction across Glen Street.

Impacts of Proposal (Design and Compatibility): The proposed addition is oriented toward Glen Street, which helps better define the streetscape. It represents a similar form to other structures in the area but follows a more contemporary style. The proposed addition is intended to stand on its own regarding the architectural style but its form (height and massing) is intended to be compatible with the neighborhood.

The Applicant proposed another revised plan set dated ~~September 25, 2019~~ December 3, 2019 and a memo dated December 4, 2019 describing the project changes. that adds parking and reduced the building form. The revised plan set includes the following revisions:

- extended the existing driveway off Tufts Street with grass pavers that could accommodate a 3rd car;
- increased the right side yard setback to ten feet;
- reduced the number of bedrooms in the upper units from 2 bed/2 baths to 1bed/1.5 baths;

Please see the memo dated September 17, 2019 from Bloom Architecture that provides a comprehensive list of all the revisions.

The revised November 13, 2019 plan set includes the following changes:

Site:

- ~~–Reduced overall footprint of addition significantly.~~
- ~~–New curb cut off Glen St serving a 3 car driveway. There are no tandem spaces. The driveway is comprised of permeable pavers. This added to the existing two car driveway provides a total of **5 parking spaces** on site, one space per unit.~~
- ~~–Landscaped area is **32%** well over the required **25%** and significantly more than any of the abutting properties.~~
- ~~–With all the new hardscape comprised of pervious pavers the site includes **45%** Pervious, well over the **30%** required.~~
- ~~–This site will maintain an attractive and enjoyable landscaped space that will improve the neighborhood.~~
- ~~–Distance from new green line **T station is 0.2 miles a 4 minute walk.**~~

Building form:

- ~~–The addition meets all zoning dimensional requirements.~~
- ~~–The rear bay and decks have been removed to create true 20’ rear setback across the length of the building.~~
- ~~–Reduced overall building volume and footprint, and unit sizes.~~
- ~~–Pitched gable rooflines to correlate with the existing context.~~
- ~~–The Floor to Area Ratio is **1.2** well under the maximum required **2.0** allowed.~~
- ~~–The building height at the peak of the roof is aligned with the existing ridge, approximately **34’** well below the maximum of **40’** allowed, and also below the ridge lines of both abutting properties.~~

Program:

- ~~–The decreased footprint results in smaller units throughout.~~
- ~~–The upper units are reduced to 1 bed & 1 bath~~
- ~~–The lower duplex is reduced to a 3 bed 2 bath, and has a quite small living space. The challenge with this unit is keeping a bedroom suite at the first floor for accessibility for the ageing owners.~~

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

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.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	5 4

III. RECOMMENDATION

Special Permit under §4.4.1, §7.11.1.c, and §9.13

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 for the construction of a three-unit addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 12, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>November 13, 2019 December 3, 2019</td> <td>Plans submitted to OSPCD (A000, site plan alternative A001, A002, A100, A101, A102, A103, A104, A200, A201, A202, A901, A902)</td> </tr> <tr> <td>December 4, 2019</td> <td>Memo of project description</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 12, 2018	Initial application submitted to the City Clerk’s Office	November 13, 2019 December 3, 2019	Plans submitted to OSPCD (A000, site plan alternative A001, A002, A100, A101, A102, A103, A104, A200, A201, A202, A901, A902)	December 4, 2019	Memo of project description
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December 4, 2019	Memo of project description											
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.									
3	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.									
4	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City’s stormwater policy.	BP	Eng.									
5	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. 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.	BP	Eng.									

6	The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Eng.	
Construction Impacts				
7	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.	
8	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	
9	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	
10	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 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.	During Construction	ISD	
Design				
11	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
Site				
12	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
13	The two-existing parking spaces shall be replaced with a pervious material.	CO	Plng.	
Miscellaneous				
14	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	
15	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	Plng.	

16	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
17	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
18	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
19	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
20	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
21	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
22	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.	
Miscellaneous				
23	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/ BOH	
24	The Applicant must coordinate the opening of the curb on Glen Street with the Engineering Department.	CO	Eng.	
26	The addresses of the three new units are ineligible for Resident Parking Permits (RPP). Any property owner, lessee, renter, or tenant of the addresses of the three new units shall not apply for any Resident Parking Permits from the Somerville Parking Department.	Perpetual	Parking	
27	The Applicant shall inform future buyers, lessees, renters, or tenants that the addresses of the three new units are ineligible for Residential Parking Permits. Notification must be provided using the RPP Restriction Disclosure form.	Perpetual	ISD	
28	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	

29	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	
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