



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-175
Date: ~~May 15, 2019~~ June 19, 2019
Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT

Site: 96 Wheatland Street

Applicant / Owner Name: Xia Li

Applicant / Owner Address: 333 Country Club Road, Newton Center, MA 02459

City Councilor: Jesse Clingan

Legal Notice: Applicant / Owner, Xia Li, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure to construct a rear addition and a special permit under SZO §9.13 for parking relief. RB Zone. Ward 4.

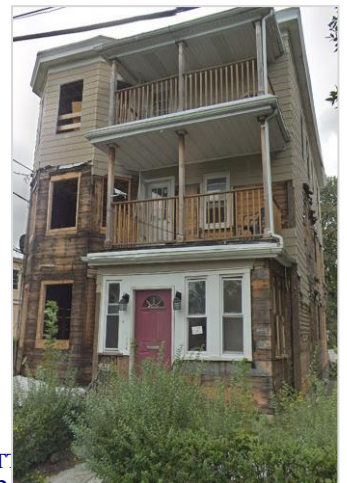
This staff report has been updated. Items which no longer apply have been struck and updated information has been highlighted in yellow.

The Legal Notice was re-advertised for the June 19, 2019 hearing.

Dates of Public Hearing: Zoning Board of Appeals – ~~May 15, 2019~~ June 19, 2019

I. PROJECT DESCRIPTION

- Subject Property: The subject property consists of one 4,000 square foot parcel and contains a three-family dwelling. Each unit in the structure contains two bedrooms. The site contains a one-car driveway.
- Proposal: The proposal is to construct a rear three-story addition that will add one bedroom to each unit, which will result in all three of the units having three bedrooms. The proposal will also reduce the size of demolish the first story of an existing bay on the left elevation, which will allow vehicular access deeper into the driveway to allow one set of two tandem parking spaces to the rear yard for two vehicular parking spaces. The plans also show improved and added landscape areas.



3. Green Building Practices: The application does not list any green building practices.

4. Comments:

City Councilor: Councilor Clingan has been informed of this proposal and has yet to comment as of the publication of this report.

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."*

Article 4: Nonconforming Uses and Structures

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

The proposal will impact the nonconforming dimension of the right side yard setback. The existing structure is 3.5 feet from the right property line and the proposed addition will be 7.75 feet from the right property line. The proposal also includes opening what is currently an enclosed front porch, which will occur within the right side yard but will not change its dimension. The requirement for a three-story structure in the RB district is 10 feet. Opening the front porch will also alter the nonconforming front yard setback. The current front yard dimension is 8.4 feet where 15 feet is required and will not change. These alterations 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 proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will allow for a modest addition and improved landscaping and permeability. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for 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 9: Off-Street Parking and Loading Standards

	Existing		Proposed	
Unit #1	2 BRs	1.5 spaces	3 BRs	2 spaces
Unit #2	2 BRs	1.5 spaces	3 BRs	2 spaces
Unit #3	2 BRs	1.5 spaces	3 BRs	2 spaces
Total	5 spaces (rounded up from 4.5)		6 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. The locus is currently nonconforming with respect to the number of required off-street parking spaces as five spaces are required and only one is provided in the driveway. The proposal increases the parking requirement by one space and will have two spaces in the rear not add any zoning compliant parking spaces. However, demolishing the first story of the bay in the driveway allows a second car deeper into the driveway, which makes it possible to have two cars park in tandem allowing the driveway to accommodate two cars. Since one additional parking space is required and the proposal will not add any new zoning compliant spaces, the proposal requires one space of parking relief adds one new parking space a special permit for parking relief is not required.

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”. The Board 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 provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; 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 RB district, which is, “to establish and preserve medium density neighborhoods of one-, two- and three-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."*

Surrounding Neighborhood: The subject property is located on the northwest side of Wheatland Street on the block between Derby Street and Mystic Avenue. This is a residential street that contains mostly 2.5

and three-story structures. A four-story 17 dwelling unit building has been approved across from the site on the vacant lot at the corner of Mystic Avenue and Wheatland Street.

Impacts of Proposal (Design and Compatibility): The footprint of the addition will be indented behind the existing structure, which helps the addition visually appear smaller and subordinate to the existing structure. The addition will be three stories tall and will be compatible with the existing building and the surrounding neighborhood. The completion of this project will significantly enhance the aesthetics of this site, which has long been neglected.

- 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.

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 for the construction of a rear 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 6, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>April 25, 2019 May 30, 2019</td> <td>Plans submitted to OSPCD (S-1, EX1, EX2, A1-A6, SP-1, and SP-2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
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December 6, 2018	Initial application submitted to the City Clerk’s Office					
April 25, 2019 May 30, 2019	Plans submitted to OSPCD (S-1, EX1, EX2, A1-A6, SP-1, and SP-2)					
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.					
Construction Impacts						
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	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				
5	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.	
Miscellaneous				
6	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				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
8	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.	

