



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-121
Date: November 20, 2019

Recommendations: Special Permit (conditional approval)
Variance: Unable to recommend

PLANNING STAFF REPORT - ZBA

Site: 303 Beacon Street

Applicant Name: Christopher Cassa
Applicant Address: 303 Beacon Street, Somerville,
MA 02143
Owner Name: same as above
Owner Address: same as above

City Councilor: J.T. Scott

Legal Notice: Applicant and Owner, Christopher Cassa, seeks zoning relief including, but perhaps not limited to, a variance in order to reduce the lot area per dwelling unit ratio to 773 in a zone where 875 is the minimum allowed, by creating a third unit in the basement . Parking relief under Article 9. RC zone. Ward 2.



Dates of Public Hearing(s): November 20, 2019 – ZBA

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a two-story, two-family residential structure on a 2,320 square foot lot in the RC zoning district. The property presents no driveway, therefore no on-site parking is provided.

2. Proposal: The property is already undergoing by-right renovations under a regular building permit. The proposal before the ZBA is to create a third residential unit and for parking relief.

Though three residential units are allowed in the RC zone, in order to create this unit, the applicant will be reducing the lot area per dwelling unit (d.u.) count to less than the minimum that is allowed in this zone. The requirement is 875 sf per dwelling unit. The property, with two units, currently presents a lot area per d.u. of 1,160. However, by creating a third unit, the applicant will be further reducing this dimensional to 773 square feet. Therefore, a variance is needed.

The creation of the third unit also triggers the need for parking relief. The addition of two bedrooms in the new unit requires relief for **1.5** parking spaces. As there is no manner of parking anywhere on this parcel, the applicant has no choice but to request parking relief.

4. Green Building Practices:

The application states as follows: *“basement modifications will meet or exceed 2015 IECC standards. All windows will be replaced and will meet or exceed 2015 IECC requirements. New high efficiency mechanical systems will replace the existing low-efficiency steam heating. Any new appliances will be Energy Star. Pervious and planted areas will be maximized including any new walkways or patios. Rain barrels will be installed at rear corner downspouts. Bike rack will be install[ed].”*

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §9.13)

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 conforms to the requirements of §4.4.1 of the SZO.

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."*

Section 4.4.1 of the 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.”

Parking Analysis

The creation of the third unit also triggers the need for parking relief. The addition of two bedrooms in the new unit requires relief for **1.5** parking spaces. As there is no manner of parking anywhere on this parcel,

the applicant has no choice but to request parking relief.

1. Increase in traffic volumes

The addition of one residential unit is not expected to generate an increase in traffic volumes.

2. Increased traffic congestion or queuing of vehicles

The addition of one residential unit is not anticipated to generate additional congestion or queuing of vehicles.

3. Change in the types of traffic

Construction traffic can be expected during the construction phase of the project. Otherwise, traffic will continue to be residential vehicular in nature.

4. Change in traffic patterns and access to the site

The site will continue to be accessed as current.

5. Reduction in on-street parking

The applicant has no ability to provide parking on the project site.

6. Unsafe conflict of motor vehicle and pedestrian traffic

None anticipated.

III. FINDINGS FOR VARIANCE: (§5.5, §8.5):

5.5.3. Authorization and Conditions for Variances. A variance from the requirements of this Ordinance may be authorized by the Board of Appeals only for reasons of practical difficulty and substantial hardship, and only where the Board finds that all of the following conditions apply:

(a) There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing a substantial hardship, financial or otherwise.

Applicant Statement: See attached document

Staff Response: Staff does not consider the slight angle at the rear of the property as creating an unusual lot shape. As the remainder of the houses on this side of the street also are built near an active railroad line, 303 Beacon is not in an unusual circumstance.

(b) The specific variance as may be granted by the Board is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.

Applicant Statement: see attached document

Staff Response: Although this new unit is intended for the use of the applicant's brother, the unit does not fall under the approved "affordable housing" category mentioned in the Applicant's statement. If the unit is not provided under the State-sanctioned affordable housing program or the City's inclusionary housing ordinance, it does not count as "affordable" or "inclusionary" housing.

c. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.

Applicant Statement: see attached document

Staff Response: The proposal appears to add window wells which will extend into already non-conforming side yard setbacks. Though features such as window wells and areaways are largely subterranean and, therefore, setback requirements do not apply to them, the Board may wish to consider the amount of egress space from those wells relative to the property line.

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 protect health; to secure safety from fire, panic and other dangers; 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.

Staff finds that three units is consistent with the purposes of the RC zone which are “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.”*

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

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The proposal will add one market-rate unit to the city’s housing stock.

III. RECOMMENDATION

1. Special Permit under §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.

2. VARIANCE (§5.5 of the SZO)

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND** the requested variance.

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.

As the variance cannot be supported, staff has not added conditions relative to the project at this time. Should the ZBA find otherwise regarding the support of the variances, then conditions may be added at a later date.

APPLICATION
For Planning Board and Zoning Board of Appeals Approval

Electronic version available:
<http://www.somervillema.gov>
Forms Library

Supplemental Questions for:
Variances

11. Variance(s) Supporting Statements
Address each of the following items in order to apply for a variance.
<p>A. Explain any special circumstances affecting the land or structure (related to soil conditions, shape or topography) that are unusual and do not affect other properties AND any hardship that results from these special circumstances.</p> <p>The 303-303A property has an unusual trapezoidal shape as it is adjacent to railroad tracks which do not run parallel to it. While 303-303A and its neighboring buildings are all equally spaced at 10 feet apart and are square to the front lot line, the angles of the side lot lines both disfavor 303-303A and considerably reduce the lot area. This block is the last where an adjacent road was fit parallel to the railroad tracks. To accommodate this shape, the far (Sacramento St.) side of this block is over 30 feet wider than the adjacent Miller St. side of the block. The resulting shape unusually skews the property lines for 303-303A, and results in a smaller lot area, impacting the ability to add a third unit.</p> <p>Additionally, at the start of this project, 303-303A had very limited permeable lot area, with a paved backyard and side yards, resulting in runoff from the property. The proposed landscape design provides dramatically more permeable lot area. The property will manage more of its own water runoff with a new 4'x4'x10' dry well which has already been created in the back right of the lot.</p>
<p>B. Explain if and how the variance is the minimum approval necessary to grant reasonable relief to the owner AND results in a reasonable use of the land or structure.</p> <p>The owner's intended use for the basement unit is to provide a place for his brother to live, who is below the poverty line. The additional unit will allow the owner to provide an apartment for his brother while maintaining ongoing operating costs of the building. The ability to separate an additional unit would grant reasonable relief.</p> <p>This project is a reasonable use of land and structure and is consistent with SomerVision's goals of maintaining affordable housing and providing transit-oriented development. 303-303A Beacon is zoned as Residence C and is on a commercial corridor with other non-conforming, mixed use, and high occupancy properties. Several properties on the same side of the block are already non-conforming in both occupancy to lot area and parking. These include direct abutter 301 Beacon (four family), 285 Beacon (six family) and 299 Beacon (two family), as well as 284 Beacon Street (seven family) across the street. Many other properties are otherwise high occupancy, including direct abutter 308 Beacon, a six family with three stories.</p>
<p>C. Explain if and how the granting of the variance will be in harmony with the Somerville Zoning Ordinance AND will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p> <p>The property is on a block along a main corridor with many mixed use properties with Residence C zoning. Properties directly adjacent to and across the street are all high occupancy, 2- and 3-story buildings. The proposed changes to 303-303A Beacon would be in keeping with the intent of the Residence C zoning of moderately increased density, and will remain very well below the 2.0 FAR (1.13), consistent with many of its neighbors.</p> <p>As the proposed design does not alter the exterior structure of the house, it will maintain all elements of this home's original style. The exterior of the home is already undergoing extensive refinishing to improve its appearance and the mansard-like parapet detail of the existing structure has been maintained to harmonize and match its neighbors at 301 and 299 Beacon. Additionally, the deferred maintenance of the landscaping will be addressed and substantially improved, including unique fauna including an October Glory Maple, new Azalea and Hyacinth bushes and environmentally friendly grasses to promote water management.</p> <p>Consistent with the SomerVision Neighborhoods goals, this project will "promote infill development in transit-oriented areas" and "strengthen and support neighborhood commercial centers that integrate residential uses that contribute to Somerville's unique identity". The property is located within the Porter Square transit area (Transit Areas Atlas, Segment 13) and is adjacent to the new Beacon Street cycle tracks. No current residents own a car and six new bike parking spaces will be added in the rear yard. 303-303A is on a block with several mixed use properties, including Petsi Pies and Pho 'n Rice, and is across the street from other small businesses and restaurants, which will benefit from revitalized space and new occupancy from this project.</p>

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