



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-73/E 8/2016
Date: August 14, 2014
Recommendation: Conditional Approval

Updated* PLANNING STAFF REPORT

Site: 1119-1133 Broadway

Applicant Name: Shree Ganesh Realty Trust

Applicant Address: 1274 Broadway, Unit 2, Somerville, MA 02144

Property Owner Name: Shree Ganesh Realty Trust

Property Owner Address: 1274 Broadway, Unit 2, Somerville, MA 02144

Agent Name: Richard G. Di Girolamo

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owner, Shree Ganesh Realty Trust, seek a Special Permit seek one year extension of Special Permit ZBA 2013-73 to alter a nonconforming structure (SZO §4.4.1) to add a floor to the structure, a one year extension of Special Permit with Site Plan Review (§5.2 & 7.11.1) to add 8 new residential units and Variance** (§5.5) for lot area per dwelling unit (§8.5.B), floor area ratio (§8.5.E), and number of parking spaces (§9.5).* NB Zone / Ward 7

Dates of Public Hearing: July 16, August 20, 2014

**Original ZBA approved Variance expired 2/20/2016 due to lack of AHIP

* The proposal was updated for the August 20 meeting to reduce the proposed new units from 8 to 6 for a total of 14 residential units, make 2 of the units affordable three-bedroom units, and add 2 parking spaces to the 8 Curtis Street proposal so that all of the 6 new units could have the ability to have one off-street parking space. The variances for lot area per dwelling unit and floor area ratio have been withdrawn. Additions are underlined, deletions are ~~struck~~.

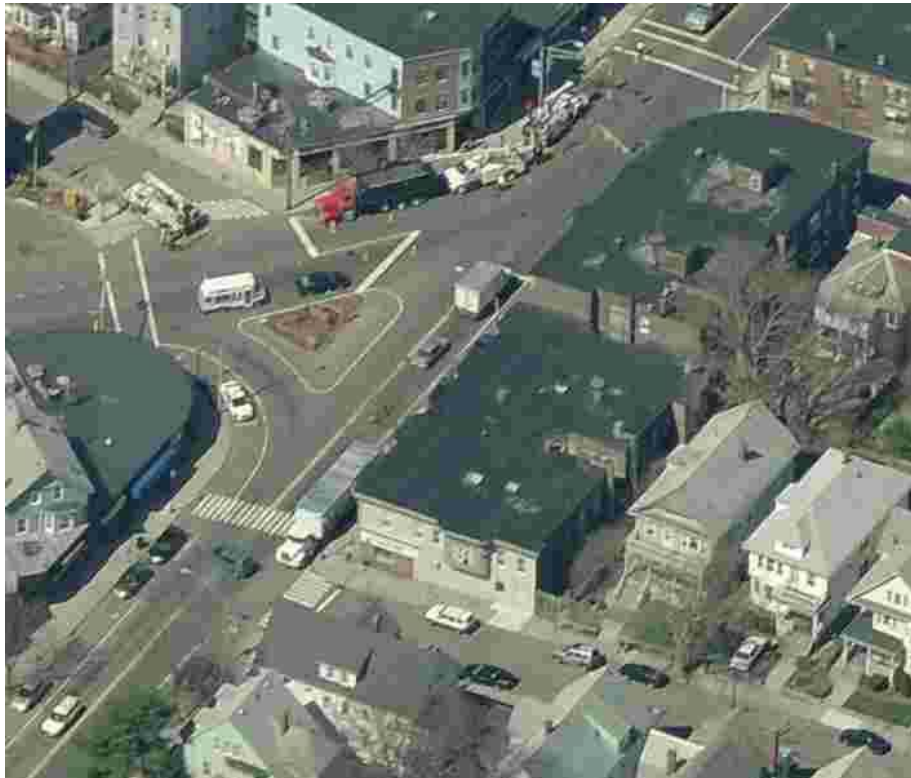
I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a mixed use building in Teele Square. The owner of the property owns two parcels next to each other that each have a building on them that share a common wall. One of the buildings has three-stories and the other has two-stories. Both have retail on the ground floor and the upper floors are residential. There are 16 residential units in the parcel at the corner of Broadway and Curtis Street and 8 units in the building on the subject property. The owner of these two properties also owns 8 Curtis Street, a parcel around the corner that is a parking lot and is also currently under review for a variance to construct a 2-1-family with 6 parking spaces.

**Applicants received a 6 month extension on the original Variance. The ZBA approved Variance extension expired in February 2016. The applicant did not complete all permitting requirements before the expiration date. Applicants are applying for a one year extension on original SP.



1119-1133 Broadway – view from Broadway



View of 1133 Broadway and abutters on Westminster Street

2. Proposal: The current proposal is to add 8 residential units to the two-story building, making it three stories. There will be 8 one-bedrooms, 4 two-bedrooms and 2 three-bedrooms ~~The units will contain two bedrooms and a kitchen, living/dining room and a bathroom.~~ The 3-bedroom units will be

the affordable units. Also, one of these 3-bedroom units will be made accessible by converting the small office and a portion of the storage space on the ground floor ~~will be converted~~ to residential with a LULA to access the rest of the unit on the second floor. The accessible unit will have its own entrance directly off of the sidewalk.

The existing vertical metal siding and shutters on the bays of the building will be removed and replaced with azek panels that match the design of the bays on the three-story building. The same off-white brick located on the second floor will be used for the façade of the third story. The cornice on the building will be similar in style and dimension to the existing three story building.

There will be no parking onsite. The lot at 8 Curtis Street that currently provides parking for the following users will be available for residents of 1119-1133 Broadway. Technically the spaces cannot be counted as required spaces because parking on a separate lot is not allowed in the RA district. SZO, §9.13.d states that, “[i]n any business, commercial or industrial district, required parking spaces may be located on a separate lot, which may be in separate ownership, within a zoning district in which the principal use served by the remote parking is a permitted use.” The mixed use building is not an allowed use in the RA district and therefore a special permit to “park on a separate lot” is not possible. However, the preexisting use as a parking lot for tenants of 1119-1133 Broadway allows for this practice to continue.

Below is a table of the users of the 17 spaces in early 2014.

Owner	3 cars	Due to renovation
Restaurant	2 cars	At will
Out of State plate	4 cars	Temporary Rental
Dentist	2 cars	Parking till 2pm
Liquor	1 car	At will
Laundry	1 car	At will
Convenience Store	1 car	At will
Tenant	3 cars	Lease

The Zoning Board asked for the current usage of the parking lot and the following was provided:

<u>3 Residential Tenants (1 tenant is moving at the end of August /new tenant will not have a car)</u>	<u>3 cars</u>	<u>Lease</u>
<u>Dentist (Hours of Operation: M-W 9am-5pm, Th-Sa 9am-2pm, Sun closed)</u>	<u>3 cars</u>	<u>Lease</u>

3. Green Building Practices: None listed on the application form.
4. Comments:

Fire Prevention: If the project exceeds half of the value of the building, a sprinkler system is required. Also, the fire alarm system needs to be upgraded.

Traffic & Parking: The traffic and parking analysis was prepared jointly for the 8 Curtis Street and 1119-1133 Broadway proposed developments because they are under common ownership, are in close proximity, and the parking on the Curtis Street lot may provide space for the new Broadway residences.

The applicant is proposing to construct a total of 10 additional residential units at 8 Curtis St and 1119 – 1133 Broadway. On the Curtis St parcel which is currently used as a parking area, the applicant will construct 2 residential units. On the Broadway parcel the applicant proposes to add a third floor to a portion of the existing structure and construct 8 additional residential units. The ground floor of 1119 – 1133 Broadway consists of commercial units. These existing commercial units will remain as is during and after construction of the additional eight residential units at this location.

For both parcels combined the Somerville Zoning Ordinance (SZO) requires a total of seventeen off street parking spaces. The developer is providing only 6 off street parking spaces. Obviously eleven off street parking spaces are not being provided. The proposed developments are located at 8 Curtis St and 1119 – 133 Broadway. Both parcels are located directly in Teele Square.

The applicant has hired a professional Transportation Consultant, Design Consultants Inc. to prepare a Parking Memorandum. This Consulting Firm has submitted a well prepared and professional Parking Memorandum. The Parking Memorandum states that there is available on-street parking spaces in the area surrounding 8 Curtis St and 1119 – 1133 Broadway. This Memorandum concludes that this existing parking supply in this area will be able to absorb the eleven parking spaces not being provided as required by the SZO. Based on the submitted Parking Memorandum, Traffic and Parking does not disagree with this assessment. However and notwithstanding the above, it should be noted that vehicles will be circulating through the Teele Sq. area to locate these available parking spaces. The lack of providing all the required off-street parking spaces will result in an increase of vehicle queues and delays and a minor decrease in pedestrian safety in this area. Traffic mitigation to offset this lack of required parking spaces and decrease in pedestrian safety and increase in vehicle congestion and queues via increased parking space turnover at parking meter locations can be provided by the applicant purchasing and delivering to Traffic and Parking eleven single spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville. Provided the above traffic mitigation is incorporated, Traffic and Parking has no objection to the application

The parking study and comments from Traffic and Parking were not altered to reflect the revised plan because there will be a reduced parking requirement and increased number of spaces. The number of units have decreased by 3 for both projects and the number of parking spaces has increased by two spaces.

Wiring Inspection: The Applicant shall provide information about the electrical service for the new units as there is not a space for a transformer on the site.

Design Review Committee: The DRC recommendations on the design include:

- The DRC complimented the Applicant on the contextual and historical character of the design.
- The cornice on the newly added story should be reduced in scale so that it is sized proportionately to the existing adjacent building's cornice.

Ward Alderman: Has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 5.1) TO ALTER A NONCONFORMING STRUCTURE:

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."*

The dimensions of the building are in the table below. A Special Permit is required for minimum lot size and height and a Variance is required for minimum lot area per dwelling unit, floor area ratio, and parking. The Zoning Board asked at the dimensional table only include the parcel information for the half of the site that will undergo construction because the building is technically on a separate lot and the abutting building is a separate building. In doing this and sorting out the dimensions for the different buildings, it was determined that the lot area per dwelling unit and floor area ratio are already nonconforming. Therefore, these dimensions do not need a Variance but a Special Permit to expand upon their nonconforming nature.

Requirements	NB	Existing (Including Only Single Lot)	Proposed (Including Only Single Lot)	Permit Required
Min Lot Size	N/A	6,767 sf	6,767 sf	Special Permit
Min Lot Area/Dwelling Unit	875 sf for <10 units / 1000 sf for 10 or more units	<u>845 sf</u>	423 <u>483</u> sf	Variance <u>Special Permit</u>
Max Ground Coverage	80%	76%	76%	-
Min Landscaped Area % of lot	10%	0%	0%	-
Floor Area Ratio (based on nsf)	2.0	<u>2.44</u>	3.25	Variance <u>Special Permit</u>
Max Height	3 stories / 40 ft	<u>2 stories / 27.6 in</u>	3 stories / 34 ft 5 in	-
Min Front Yard	NA	<u>0</u>	0	-
Min Side Yard	NA	<u>0</u>	0	-
Min Rear Yard Abutting RA	1/3 height – not less than 15 ft	<u>~10 ft</u>	~10 ft	Special Permit
Min Frontage	NA	<u>~101 ft</u>	~101 ft	-
Parking	1.5 per unit, 2 for 3-bedrooms, plus 1 visitor space	<u>Required 13 for residential – Provided none</u>	<u>Required 11 additional spaces – 1 per unit for a total of 6 will be offered at 8 Curtis</u>	Variance

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In considering a special permit under §4.4 of the SZO, Staff find that the alterations to add a second story to the structure proposed, increasing the number of units, and increasing the floor area ratio would not be substantially more detrimental to the neighborhood than the existing structure. The appearance of the building will improve greatly with the proposed renovations to remove façade materials that are not sympathetic to the structure and make the building appear cohesive in massing and style.

The proposal complies with the District Standards for the Neighborhood Business District (§6.1.4).

1. When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods.

The building will be a three-story structure that matches the height and scale of the abutting building.

2. Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.

No parking is provided on the site and none will be added a result of this application and therefore the proposal meets the finding to not locate parking along the street.

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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the Neighborhood Business district, which is, “[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods. The increase in the height of the building will improve the streetscape and experience and vitality of the Teele Square business 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."

The building has been designed to compliment the contextual and historical character of the design of the existing three-story portion of the building. The materials and articulation of the building also are familiar to other buildings within Teele Square.

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

The proposal will add housing to Teele Square and will not create adverse impacts on existing affordable house. The proposal will directly increase the supply of housing by providing a two deed restricted affordable units that will be 3-bedrooms and will indirectly help with affordability by increasing the supply of housing to meet the demand.

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, transform key opportunity areas, 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; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

Teele Square is marked as a Neighborhood Mixed Use area on the Future Land Context Map and as an area to Enhance in the SomerVision Map. The proposal will improve the building and add people to patron the businesses and enhance the vibrancy of the Square.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	8	16 <u>14</u>
<i>Affordable Units:</i>	-	1 <u>2</u>

III. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2 & 7.11.1) for the PROPOSED USE:

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

The establishment of seven or more units requires a Special Permit under SZO section 7.11.1.c.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6”.*

See Section II, number 3, above.

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics*

of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.

See Section II, number 4, above.

The design complies with the Design Guidelines in SZO §5.1.5.

1. The building maintains a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity and yards and setbacks as required by Article 8 are maintained.
2. The building entrances are differentiated from the rest of the primary street elevation by recessing the entry from the plane of the streetwall.
3. The building makes use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site.
4. There are clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment.
5. The roof types and slopes are similar to those of existing buildings in the area.
6. Use materials and colors are consistent with those the architectural style and period of the existing building. Use of brick masonry is encouraged and proposed.
7. There is not parking on the site so a break in the street wall for a driveway or parking lot is not a concern.
8. The mechanical equipment will be located on the roof.
9. See Section II, number 2, above for how the building complies with the guidelines in Article 6 for the base district.

5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The site will continue to function in the way that it does today. The footprint of the building will not change as a result of the proposal.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

The footprint of the building will not change as a result of the proposal and therefore the drainage system will not be impacted. The increase in the number of pedestrians on the streets will be a benefit for the

businesses in the Square. No parking will be provided onsite and an increase in the vehicular traffic as a result of the units will be minimal. The data shows that residential buildings without parking typically attract people that do not have cars. The City's residential parking sticker data that was pulled in early 2014 shows that only one resident with an address from 1119 to 1133 Broadway has a resident parking sticker and two residents had day visitor passes. The Zoning Board asked for an update to these figures. In July of 2014 five residents had resident parking stickers (although the data was pulled in a different way so there may be expired permits in the list), there are 8 visitor parking passes for the building and 3 business parking passes. The owner of the building polled the residential tenants for just the subject building and not the abutting address and found that of the 8 units, 6 units did not have cars and 2 units had 1 car.

7. Environmental Impacts: *"The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception."*

The proposal will not have any adverse impact beyond a typical residential development.

8. Consistency with Purposes: *"Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections."*

See Section II, number 3, above.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that "the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood."*

There are no existing land forms to preserve.

10. Relation of Buildings to Environment: *The Applicant must ensure that "buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings."*

The design is compatible in scale, design and use with the abutting building.

11. Stormwater Drainage: *The Applicant must demonstrate that "special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of*

vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

The footprint of the building will not change and therefore the runoff from the proposal will not change from the current situation.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The building design respects the historic details on the abutting building and the form and character of Teele Square.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

There is no landscaping on the site as it is an urban block in the middle of a Square.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

The storefronts on the ground floor are lit when the businesses are open. The only additional lighting will be residential in nature and be by the front door.

15. Emergency Access: *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

Emergency access is possible from Broadway or Westminster Street.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

There will not be a change to the traffic pattern as a result of the proposal.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

The utility service plans needs to be submitted to Lights and Lines prior to construction.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

There will not be an increase in hard surface ground cover on the site and there will not be negative externalities from machinery emissions. The utilities will be on the roof away from the residential abutters to the north and east. The shadow study shows that the abutting residential building on Westminster will experience some shade in the afternoon of the summer solstice and the afternoon of the fall/spring equinox and partial shade at noon and in the afternoon at the winter solstice. It is important to note that the other 2 ½ story structures shade each other during these timeframes.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

No residential signage will be posted.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

Mechanical equipment will be on the roof and must comply with the setback requirements. The utility information must be supplied to the City and must be screened.

21. Screening of Parking:

There is no parking onsite to screen.

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

See Section II, number 5, above.

8. 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, transform key opportunity areas, 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; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

See Section II, number 6, above.

IV. FINDINGS FOR VARIANCE (SZO §5.5, §8.5 & §9.5) for DIMENSIONS AND PARKING:

The ~~dimensional and~~ parking requirements can be found in Section II, number 2, above.

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *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 substantial hardship, financial or otherwise.”*

~~Lot area per dwelling unit (§8.5.B) and floor area ratio (§8.5.E)~~

~~The site is a key parcel in Teele Square that is arguable the focal point of the Square. The second floor is in need of alterations to improve the appearance of the building and adding a third floor with more net floor area and units will make the project financially feasible.~~

~~Number of parking spaces (§9.5)~~

The site is unique in that there is another parcel owned by the same entity that is available to provide some parking for the new units. There is not an ability to add parking on the subject property because of the shape of the lot and the building that is situated on it.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

~~Lot area per dwelling unit (§8.5.B) and floor area ratio (§8.5.E)~~

~~The proposal creates an aesthetically pleasing building that matches in form, use and density to the abutting property. SomerVision calls for this area to be enhanced and the rezoning effort that is underway to change the zoning to match the Comprehensive Plan will likely allow for a greater density in residential units and building mass in the enhancement areas. Therefore it is a reasonable use to allow this proposal to go through as we plan for the new regulations.~~

~~Number of parking spaces (§9.5)~~

The parking variance will allow for the reasonable use of the land for residences in this urban square over parking. It is typical in the City’s vibrant, walkable Squares that off-street parking is not provided. Considering only one of the existing 24 residents has a car that they park on the street, it is a reasonable use to add more residential units without parking. Many patrons walk, take the bus and for those who drive and park on the street the parking study submitted shows that sufficient on-street parking exists.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

~~Lot area per dwelling unit (§8.5.B) and floor area ratio (§8.5.E)~~

~~As described in the Special Permit and Special Permit with Site Plan Review findings above, the proposal will improve the appearance and massing of this building in the heart of Teele Square and positively impact the neighborhood.~~

Number of parking spaces (§9.5)

With the parking data of the existing units showing little car owner, adding units without parking is not going to be injurious to the neighborhood. In fact, providing no parking will reduce the number of vehicles that come to the Square. The parking study submitted with this application also states that the proposal will not be injurious to neighborhood due to proximity to transit, ride to work data, trip generation and existing availability of on-street parking.

V. RECOMMENDATION

Special Permit, Special Permit with Site Plan Review, and Variances

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, SPECIAL PERMIT with SITE PLAN REVIEW, and 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.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the addition of 8 <u>6</u> units to the site on a newly constructed third floor without providing parking. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/Png.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Oct 7, 2013 (complete July 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 4, 2013</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>May 21, 2013</td> <td>Plans submitted to OSPCD (Shadow Study)</td> </tr> <tr> <td>Mar 28, 2014 <u>July 24, 2014</u></td> <td>Modified plans submitted to OSPCD (Existing Plans EX-100, A-100 Basement and 1st Fl Plan, A-101 2nd & 3rd Fl Plans, A-300 Elevations, A-301 Elevations, A-302 Rendering)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Oct 7, 2013 (complete July 2014)	Initial application submitted to the City Clerk's Office	April 4, 2013	Plans submitted to OSPCD (Plot Plan)	May 21, 2013	Plans submitted to OSPCD (Shadow Study)	Mar 28, 2014 <u>July 24, 2014</u>	Modified plans submitted to OSPCD (Existing Plans EX-100, A-100 Basement and 1 st Fl Plan, A-101 2 nd & 3 rd Fl Plans, A-300 Elevations, A-301 Elevations, A-302 Rendering)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														

Affordable Housing/Linkage				
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. The 4 <u>Two affordable three-bedroom</u> affordable units shall be provided on-site.	BP	Housing	
3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing	
4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
5	Additional requirements for projects with current tenants: A Tenant Relocation Plan should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit.	BP	Housing	
Pre-Construction				
6	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
7	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
8	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	
9	Cornice on the newly added 3 rd floor should be reduced in scale so that it is sized proportionately with the existing adjacent building's cornice.	BP	Planning	
Construction Impacts				
10	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	

11	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	
Site				
12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
13	The electric, telephone, cable TV and other such lines and equipment may be required by the City to be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
Traffic & Parking				
14	Applicant shall purchase and delivering to Traffic and Parking 11 single spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville.	CO	T & P	
15	Applicant shall purchase and install one U-shaped bike rack to the City standards to be installed on the sidewalk near the subject property.	CO	Planning	
Miscellaneous				
16	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	
17	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.	
Public Safety				
18	Applicant shall upgrade the fire alarm system and if the project exceeds half of the value of the building, Applicant shall install a sprinkler system.	CO	FP	
Final Sign-Off				
19	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.	

