



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-124
Date: December 12, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 15 Mossland Street

Applicant Name: Mike Tokatlyan, Manager of 15 Mossland Street, LLC
Applicant Address: 100 Trade Center, Suite G-700, Woburn, MA 02801
Owner Name: Umberto A. Rossetti & Charity A. Rossetti
Owner Address: 15 Mossland Street, Somerville, MA 02144
Alderman: Mark Niedergang



Legal Notice: Applicant, Mike Tokatlyan, Manager of 15 Mossland Street, LLC, and Owners, Umberto A. and Charity A. Rossetti, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property by creating an upward extension of the non-conforming left side yard setback. Parking relief under Article 9 of the SZO. RB zone. Ward 5.

Dates of Public Hearing(s): December 12, 2018 – ZBA

I. PROJECT DESCRIPTION

1. Subject Property: The locus presents a 2-story, single-family residential structure situated on a 4,634 square foot lot in the RB zone. The property is non-conforming in several respects, including lot size and left side yard setback.

2. Proposal: The Applicant proposes increasing the number of units on the site from two to three, with one on-site parking space proposed for each unit. The height of the building will increase from 24'1" to 33'9". In addition to a gut-renovation of the interior, the façade will be re-skinned and re-trimmed with

additional architectural details (such as a right elevation oriel) added. The site will be re-landscaped. The structure will grow wider on the right elevation as an existing single-story addition and the current open space in front of it are absorbed into the renovated structure. Two shed dormers measuring 50% or less of the roof plane to which they are attached will be added to the right and left elevations. A first-story open porch is proposed along the left side of the renovated structure, where the left and rear facades join.

The triggers for these Special Permit requests are as follows:

Left side yard setback

A portion of the left façade of the existing structure terminates 0.8 feet from the property line. The main façade on this elevation sits 3.2 feet from the property line. Since the height of the structure is increasing. This will create an upward extension of the non-conforming left side yard setback.

Parking

The proposal requires one (1.0) parking space of relief.

3. Green Building Practices:

The application states that the project will not exceed the stretch code.

4. Comments:

Alderman Niedergang is aware of this project and has held a neighborhood meeting on the proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and Article 9):

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, generally, the information provided by the Applicant conforms to the requirements of §4.4.1 and 5.1.4 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."*

Regarding §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."

Left side yard setback

Staff acknowledges that the upward extension of the non-conforming left elevation of the structure will bring additional visual massing to this side of the property. The inclusion of a rear porch along the left elevation will provide residents of this unit with outdoor space and a covered access area to enter the unit at the rear. This structure and the left abutting property at 17 Mossland are both non-conforming with regard to their proximity to property lines.

The Board may want to consider reducing the size of the proposed porch such that it results only in enough covered space to provide protection to unit residents as they enter and exit the unit from this location.

Regarding Article 9 of the SZO

Current conditions present one (1) legal parking space on the site. Proposed conditions present three (3) parking spaces on-site. The existing single-family structure presents six (6) bedrooms, equating to a parking requirement of two (2.0) spaces. The parking analysis for existing and proposed conditions, shown in the table and formula below, result in the need for 1.0 space of relief.

Dwelling Area	Existing BDR	Parking Req.	Dwelling Area	Proposed BDR	Parking Req.
Unit 1	6	2.0	Unit 1	3	2.0
Unit 2	n/a	n/a	Unit 2	2	1.5
Unit 3	n/a	n/a	Unit 3	2	1.5
Total: 2.0			Total: 5.0		

Formula:

$$\text{new parking requirement} - \text{old parking requirement} = \# \text{ of new spaces}$$

$$5.0 \text{ spaces} - 2.0 \text{ spaces} = 3.0 \text{ spaces}$$

However, §9.5.2.a of the SZO states the following:

a. Existing 1 and 2 family residences converting to 2 or 3 family residences shall provide one (1) parking space per additional (e.g. newly created) dwelling unit. Also note that the provisions of Section 9.4 as to nonconformity with respect to parking are likely to apply in many instances.

EXAMPLE: A single family home is converting to a 2 family residence. One (1) space is required for each new dwelling unit created in the conversion. If the single-family home is converting to a 3 family residence, then two (2) parking spaces are required for the conversion — one (1) for each new unit.

Note that this is the parking required for the newly converted unit(s) and is additional parking above what is required for the existing site.

In the case of 15 Mossland Street, the existing lot is non-conforming with respect to parking. The lot should be providing two (2.0) legal parking spaces but can only provide one, and is, therefore, deficient by one parking space.

According to §9.5.2.a of the SZO, when a single family converts to a two or three family structure, the Applicant is required to provide only one parking space per additional unit. Three on-site parking spaces would be provided under proposed conditions. There should be a total of four parking spaces due to the requirements of the existing conditions (two spaces needed). There is not sufficient space on the lot for four legal parking spaces. Therefore, relief for one (1.0) parking space is needed.

Additional determinations

In addition to the considerations discussed above, Staff does not anticipate that this proposal will increase noises or odors in this neighborhood. Regular construction-related noise can be expected on this site as the project is underway. However, this uptick in noises will be temporary in nature. Staff has conditioned this recommendation to further restrict the construction hours on the site to accommodate some neighborhood concerns. Lastly, Staff anticipates that any odors associated with this project will be construction-related and, post-construction, will be in keeping with those typically experienced by residents living in close proximity to each other in an urban setting.

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."*

Staff finds that the proposal is consistent with the purposes of the RB zone which are: "... [t]o 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."*

Staff is cognizant of the fact that the height of the building will increase nearly 10 feet from where it is today. That said, this structure is the anomaly in the immediate area. This property is surrounded by 2 ½-foot gable-fronted structures along both sides of Mossland, one two-story Mansard, triple-deckers, a multi-unit, and a 3-story Mansard as the street approaches the intersection with Somerville Avenue. Creating a 2 ½-story gable-fronted structure is consistent with the character of the neighborhood.

In order to create a successful 2 ½-story structure from a 2-story structure, Staff worked with the Applicant team to alter the roof pitch and slope, knee-wall height, fenestration, window and oriel placement so that the proposed structure would be proportionate in appearance.

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 increase the number of available units in the City by two and will bring much-needed visual improvements to both the structure and the parcel.

III. RECOMMENDATION

Special Permit under §4.4.1 and Article 9

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 PERMITS**.

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 to increase the number of units from one to three, create an upward extension of the non-conforming left side yard setback, and parking relief for one space.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 13, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>December 4, 2018</td> <td>Updated information submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 13, 2018	Application submitted to City Clerk's office.	December 4, 2018	Updated information submitted to OSPCD
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<p style="color: red;">Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>										
Design										
1	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng							
Design										
2	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng							
Construction Impacts										
3	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							
4	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/ISD							
5	The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to see.	During Construction	ISD							

6	Prior to the issuance of a building permit, the Applicant shall submit full engineering plans to the Engineering Department for their review and approval.	BP	ISD/Plng/Eng.	
7	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	Engineering/ISD	
8	Construction hours shall be limited to 7:30am – 4:00pm Monday through Friday. No holiday or weekend construction or construction –related work shall occur at the project site.	During construction	Traffic & parking	
9	As a courtesy to the neighborhood, there shall be no idling of vehicles or congregating of project-related personnel at the site prior to or after the hours noted above. There shall be no music played outside on the site out of respect to the neighborhood.			
10	The Applicant shall provide a Construction Traffic Management plan to the Traffic and Parking Department for their review and approval prior to the issuance of a building permit.	BP	Traffic & parking	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
13	The building shall be sprinkled	CO	Fire Prevention/ ISD	
14	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO/perpetual	ISD	
15	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. These requirements shall be written into any rental agreements or condo documents. Proof of the inclusion of this language shall be shown to Planning Staff prior to the issuance of a CO.	CO/Perpetual	ISD/PlngFP	
Site				
16	All bituminous material and cement shall be removed from the site. Pervious material such as permeable pavers, brick, pea stone and the like, shall be installed for all walkways, driving areas and parking areas.	CO	FP	
17	All materials to be used for all hardscaping and landscaping on the site shall first be submitted to Planning Staff for their review and approval prior to ordering and installation.	BP		
Final Sign-Off				
18	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.	

