



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-83
Date: October 24, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 11 Sanborn Avenue

Applicant Name: Tony Dopazo
Applicant Address: P.O. Box 339, Somerville,
MA 02143
Owner Name: Tony Dopazo
Owner Address: P.O. Box 339, Somerville, MA
02143
Alderman: Ben Ewen-Campen



Legal Notice: 11 Sanborn Avenue (ZBA 2018-83): Applicant and Owner, Anthony Dopazo, sees special permits to alter an existing, non-conforming structure including, but not limited to, relief under §4.4.1 of the SZO for non-conforming front and side yard setbacks, Article 9 for parking. RB zone. Ward 3.

Dates of Public Hearing(s): October 24, 2018 – ZBA

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a legally-existing two-family residential structure situated on a 3,641 square-foot lot in the RA zone. The structure has an exaggerated hip roof. Existing usable square feet is 2,307. The locus is non-conforming in terms of lot size, lot area per dwelling unit, left and right side yard setbacks.

2. **Proposal:** The Applicant proposes retaining the two-family use of the building. The existing, exaggerated hip roof will be removed to make way for the construction of a front-facing gable roof with associated cross-gable. Two shed dormers will be added to the rear cross gable. First and second story rear decks will be constructed within the right side yard setback. Regarding the left side yard setback, the setbacks all comply with zoning. There is a right-of-way located between the left property line and the left façade of the house that will not be encroached upon as a result of this project. The Applicant seeks special permit relief for the following:

Right side yard setback

The right façade of the structure terminates 4.4 feet from the property line. The right-most portion of the first- and second-story front porches will be enclosed in order to construct interior stairs. These stairs will lead from a new entry door on the first floor porch to provide access to the unit occupying the second and third floors of the structure.

At the rear of the property, first and second-story decks will be constructed within the setback. The new cross-gable roofline will terminate within this right side yard setback as well. Lastly, emergency egress from the second story to grade will be constructed within this setback. Existing conditions also show a second story emergency egress within the right side yard setback.

Front yard setback

The required front yard setback in this zoning district is 15 feet. However, architectural elements including front porches are allowed to encroach in the front yard setback as long as a minimum setback of 10 feet is maintained. While the porch will remain 10 feet from the front property line, the front steps will be moved from their current location to the right side of the front porch. The new front steps will remain non-conforming.

Parking

There are no parking spaces provided under existing conditions. There is also currently no curb cut at the property. The only possible location for one parking space would be at the left side of the property. However, there is a right-of-way along this portion of the property precluding the possibility of any parking being added here. The total number of spaces of parking relief needed for this project is two (2).

3. **Green Building Practices:**

The application states the following: *“Using very high rating insulation. The reason we had to gut interior is that there was zero insulation.”*

4. **Comments:**

Alderman: Alderman Ben Ewen-Campen is aware of this project.

Staff Planner: The Applicant has met with planning staff on numerous occasions working through several iterations of this proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 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 the information provided by the Applicant with regard to the interior arrangement of the structure and exterior elevations 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."*

Regarding §4.4.1 and §9.13 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."

Staff finds that the proposed alterations this two-unit structure will not be substantially more detrimental to the site or neighborhood than current conditions. Staff finds that the proposed alterations to the structure, along with the proposed landscaping on the parcel will constitute an improvement to the visual appearance of the site and the usability of the building.

Right and front yard setbacks under §4.4.1 of the SZO

By enclosing the right-most portion of the first-and second-story front porches on this structure, additional massing will be added to the right elevation of the house. However, a significant portion of the front first and second-story porches will remain open which is consistent with the goals in SomerVision. Staff finds that, taken together, the enclosure of two small portions of the existing front porches will not constitute a negative impact to the site or to the surrounding neighborhood.

By removing the existing, exaggerated hip roof and creating a gable-fronted structure with corresponding cross-gable, an upward extension of the non-conforming right side yard setback is being created. The existing height of the building is 28.2 feet. The RA zone allows for a 2 ½-story building with a maximum height of 35 feet. The Applicant will maintain the 2 ½-stories on the proposed structure and will have a final height of 34' 10 11/16" inches (essentially, 35 feet) as the average building height off of the average finished grade. The proposal meets the dimensional requirements for the RA zoning district.

The proposed rear first- and second-story decks along the right rear façade of the structure will terminate within the right side yard setback. Staff finds that, given the limited outdoor space available on this parcel available for two households in this building, the narrow right yard setback and the limitations on ground use caused by the right-of-way along the left side of the

property, Staff finds that the inclusion of these rear decks is a reasonable accommodation to made in order to provide the residents of the second-to-third floor unit access to outdoor living space.

A fire escape currently exists within the right side yard setback to provide emergency egress from the second floor to grade. The proposed conditions show this fire escape being maintained in the same location.

Article 8 of the SZO allows for building components such as stairs descending from the first story, to project into the front yard setback as long as a minimum 10' setback is maintained. The existing front stairs on this structure already break this minimum by terminating less than 10 feet from the front property line. The Applicant proposes removing the existing front stairs and building new ones, to the same height and dimensions, but toward the right corner of the front porch. Staff finds that the rightward shift of the front steps, though maintaining the non-conforming front yard setback and encroaching on the already non-conforming right side yard setback, does not greatly exacerbate the non-conformities already extant on the site.

Parking Article 9 of the SZO

There are no curb cuts to this site therefore vehicular access is not possible under existing conditions. Staff noted earlier in this report under the "Proposal" section above that, even if a new curb cut were made to this property, the only possible space to park one vehicle would be within the right-of-way that has been deeded along the left side of the property. Parking is not allowed within rights-of-way.

Based on the differential between existing and current parking requirements, relief is needed for two (2) parking spaces. Given the site circumstances, Staff is supportive of granting relief for these two spaces. Staff finds that the overall proposal will not create undue traffic congestion or necessarily increase traffic volume. The structure is and will remain a two-family residential building. This property is located steps from Broadway and the public bus routes that pass along this main thoroughfare. Future residents of this property also possess the right to obtain resident and visitor parking permits from the parking Division.

In addition to the considerations discussed above, Staff does not anticipate that this proposal will increase noises or odors in this neighborhood on an on-going basis. 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 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.

Lastly, impacts on municipal water supply and sewer capacity will be examined by the Engineering Department. Prior to the issuance of any building permit for this project, the Applicant is required to submit full engineering plans to the Engineering Department for their assessment, feedback and approval or denial.

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 proposed use of and changes to this property are consistent with the purposed of the RA district which is "[t]o establish and preserve quiet neighborhoods of one- and two-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."*

Earlier in this report Staff discussed the proposed alterations to this parcel with respect to their compatibility with the site and neighborhood. Staff concluded that the proposed alterations will result in an improvement to the built environment and to the condition and appearance of the flora on the property.

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 improve the visual appearance of an existing property.

III. RECOMMENDATION

Special Permit under §4.4.1 and §9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends is **TO RECOMMEND CONDITIONAL APPROVAL** of he requested **SPECIAL PERMITS** at this time due to insufficient information.

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
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1	Approval is for removing the existing roof and creating a gable roof with corresponding cross-gable within the right side yard setback, enclosing a portion of the first-and-second-story front porches within the right side yard setback, maintaining a fire escape within the same location within the right side yard setback, constructing a first-and-second-story right rear deck within the right side yard setback, moving and constructing front steps within the front and right yard setbacks. Parking relief for 2 spaces.	BP/CO	ISD/PIng.																			
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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																			
Construction Impacts																						
2	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																			

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/ISD	
4	The name(s) and contact information of all entities working on the site shall be posted in an easily-visible area at the job site.	During Construction	ISD	
5	<u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend/holiday construction or construction-related work shall occur.</u>	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	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
9	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
10	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
11	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/Plng/FP	
Site				
12	All plantings and their locations along with all hardscaping materials, design and location for driveways, walkways, fencing, etc., shall first be reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
13	No vents shall exit on the Sanborn Avenue façade of the structure. All venting, pipes, conduits and the like shall be painted the same color as the exterior of the structure from which they protrude.	CO	ISD/Plng	
14	Utility meters shall not be installed on the front façade of the building (Sanborn Avenue façade)	CO	ISD/Plng	
15	All bituminous material shall be removed from the site.	CO	ISD/Plng	
16	Vinyl siding, trim, fencing, or decking material shall not be used on this site.	CO	ISD/Plng	
17	All mechanicals shall be screened from view from the public way. All screening materials shall be reviewed and approved by Planning Staff prior to installation.	CO	ISD/Plng	

18	The location of mechanicals (such as AC condensers) shall be first reviewed and approved by the Zoning Review Planner prior to their installation.	CO	ISD/Plng	
19	Garbage and recycling shall be stored out-of-view from the public way and shall be screened. Screening material and storage location shall first be reviewed and approved by Planning Staff	CO	ISD	
Final Sign-Off				
20	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.	