



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIRECTOR

Case #: ZBA 2019-114-R1 12/19
Date: June 4, 2020

UPDATED PLANNING STAFF REPORT

Site: 453 Somerville Avenue

Legal Notice: Applicant and Owner, Jack Saade, seeks a Special Permit under SZO §7.11.1.c and parking relief under Article 9 to construct a four story mixed use building with five residential units and ground floor retail space. A Variance under SZO §5.5 and §8.6.12 for relief from the required rear yard setback. BA and RB Zone. Ward 2. Advertising conditional upon court decision/order.

Note: No variances are needed for this proposal.

Applicant / Owner Name: Jack Saade
Applicant / Owner Address: P.O. Box 15303, Boston, MA 02215
City Councilor: J.T Scott

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,912 square foot lot with a former automotive repair building on it near the corner of Somerville Avenue and Granite Street. The 1,300 gross square foot, single story, flat roofed masonry building is situated at the extreme rear of the lot. Between the building and the Somerville Avenue streetscape is a parking area with nine off-street parking spaces. The lot is actually situated in two separate zoning districts with the building being located in an RB zoning district and the parking area located in a BA zoning district.



In September 2012, the ZBA granted, to a different owner and applicant, a permit to change the use of the site into a butcher shop and alterations to the building to accommodate such a use.

2. Proposal: This case was denied by the ZBA in December 2019. The Applicant has appealed the case. The ZBA agreed to hear the case again based on new information, and through a court order, it is

again being heard. The proposal has changed from the December 2019 denial. The proposal is to demolish the single-story masonry building in the rear of the site and construct a four-story mixed use building with ground floor retail space and five residential units. The proposed building will be constructed within the BA portion of the subject property. The project will include 5 parking spaces at grade. Three are under the building and two behind. The building has gotten smaller to negate the need for a rear yard variance. The retail space is 315 square feet.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c and §9):

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 7: Table of Permitted Uses

Section §7.11.1.c of the SZO requires a special permit for a five dwelling unit proposal in the BA district.

Article 9: Off-street Parking and Loading

The applicant is seeking parking relief for the number of spaces and space dimensions. The ground floor is intended to be office or retail uses, which most are currently permitted as-of-right less than 2,500 square feet in the BA zoning district.

	<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces
Unit #2	2 BR	1.5 spaces
Unit #3	2 BR	1.5 spaces
Unit #4	2 BR	1.5 spaces
Unit #5	3 BR	2 spaces
Retail/Office	315 SF	.74 spaces
Total	9 spaces	

The parking requirement is 9 spaces, 5 are proposed. The Applicant is seeking a special permit for relief of 4 parking spaces. The spaces proposed are also compact. They are 8’x18’.

SZO §9.13.b allows for sites where the design of a parking lot differs from the provisions of the SZO to apply for a special permit. Relief is being requested from providing the required 9’x18’ dimensioned spaces.

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 Staff 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 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 BA district, which is, "to establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

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 north side of Somerville Avenue on the block between Granite Street and School Street. This stretch of Somerville Avenue includes a wide range of building heights and styles. Three-story flat roofed buildings are immediately adjacent to the site on Somerville Avenue. The Applicant has made significant improvements to make this building better blend into the surrounding context of the neighborhood.

Impacts of Proposal (Design and Compatibility): The proposed four story building includes a typical storefront glazing system, cast stone base, with a driveway to at grade parking. Floors two and three are clapboard with fenestration patterns that coordinate with the adjacent buildings. The top floor will be stepped back from the front and rear elevations to make decks. Staff finds that the proposed design is compatible with the characteristics of the built and unbuilt surrounding area.

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.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	5
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	315
<i>Estimated Employment:</i>	0	Future tenant TBD

IV. RECOMMENDATION

Special Permit under §7.11.1.c and §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 for the construction of a four-story mixed use building with 5 residential units and ground floor retail. 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>(March 2, 2020)</td> <td>Court Remand</td> </tr> <tr> <td>June 2, 2020</td> <td>Modified plans submitted to OSPCD (T.1, A.1 Arch. Site Plan, A.2 Arch Landscape Plan, A.3 First Floor Plan, A.4 Second Floor Plan, A.5 Third Floor Plan, A.6 Fourth Floor Plan, A.7 Somerville Ave. Elevation, A.8 Context Elevations, A.9 West Side Elevation, A.10 East Side Elevation, A.11 North Elevation, A.12 Roof Plan, Plot Plan, Zoning Analysis)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.						
Pre-Construction						
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.			
3	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.	BP	Eng.			

4	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Demolition Permit	Plng/ISD	
5	<p>The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.</p>	BP	Eng.	
6	<p>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.</p>	BP	Eng	
7	<p>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.</p>	BP	Eng.	
8	<p>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.</p>	Demolition Permitting	ISD	
Construction Impacts				
9	<p>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.</p>	During Construction	Plng.	
10	<p>The Applicant shall at their 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.</p>	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	
Design				
12	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.	
13	All vehicles should exit the building forward facing.	Perpetual	Parking	
14	All signage to be reviewed and approved by planning staff.	CO	Plng.	
15	The storefront shall have a stall riser.	BP	Plng.	
Site				
16	Applicant shall provide a landscape plan by a certified landscape architect for review and approval of Planning Staff.	BP	Plng.	
17	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards	Perpetual	Plng. / ISD	
18	The electric, telephone, cable TV and other such lines and equipment shall 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	
19	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
20	The Applicant shall coordinate with the City Arborist on planting one additional street trees along the project's Somerville Avenue frontage.	CO	City Arborist	
21	If a transformer is required for the site and cannot be located behind the building it shall be vaulted.	BP	Plng	
Miscellaneous				
22	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
23	All mechanical equipment shall be placed on the roof and screened	BP	Plng.	
24	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	

25	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
26	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				
27	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
28	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
29	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/BOH	
30	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.	
Final Sign-Off				
31	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.	

