



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

SARAH LEWIS, *DIRECTOR OF PLANNING*
DANIEL BARTMAN, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
MONIQUE BALDWIN, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2019-38
Date: June 19, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 20 Vernon Street

Owner Name: Avelino Luis
Owner Address: 60 Vernon Street,
Somerville, MA

Applicant Name: Joel Luis
Applicant Address: 14 Glenwood Road,
Somerville, MA
City Councilor: Mark Niedergang

Legal Notice: Applicant, Joel Luis, and Owner, Avelino Luis, seek special permits to alter a non-conforming property by adding an addition within the setbacks for a second living unit. GFA increase of more than 25%. Parking relief under Article 9 of the SZO. RB zone. Ward 5.



Dates of Public Hearing: Zoning Board of Appeals – June 19, 2019

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a single-family residential structure sited on a 4,807 square foot lot in the RB zoning district. The front portion of the property is a 2-story structure with a roughly single-story rear addition. The property abuts the Rogers Foam building parking lot at the rear followed by an active railroad track.
2. **Proposal:** The Applicant proposes increasing the number of units on the property from one to two. This will be accomplished by adding a second story to the rear addition. The triggers for special permitting are as follows:

- Right yard setback (**Special Permit**)
- Parking relief (**Special Permit**)
- Increase in GFA of more than 25% (**Special Permit**)

3. **Green Building Practices:** None listed on application.

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

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."*

Section 4.4.1 states that “[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”

Right side yard setback

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, right yard setback, and number of legal parking spaces. Though the application states that there are four (4) parking spaces on the site, only one is legal.

The proposal will impact the non-conforming dimension of the right side yard setback. The existing right side yard setback is zero (0) feet. The applicant proposes exacerbating this setback at the rear of the property by adding a second story to the existing rear addition.

Increase in GFA

When an Applicant proposes to increase the GFA of a property by more than 25%, a Special Permit is required. The existing GFA has not been provided. It is possible, based on the proposal, that the GFA will increase by more than 25%.

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure overall and minimally impactful from the public way. However, the proposal will directly impact the right-abutting property. This additional massing will be readily visible from the neighboring property.

Article 9 of the SZO.

As-proposed, the project requires two (2.0) parking spaces of relief. The analysis of this relief appears immediately below:

Dwelling Unit	Existing Bdrs.	Parking Req.	Dwelling Unit	Proposed Bdrs.	Parking Req.
Unit 1	4	2.0	Unit 1	2	1.5
Unit 2	n/a	n/a	Unit 2	3	2.0

Total: 2.0

Total: 4.0 (rounded from 3.5)

Formula:

$$\text{new parking requirement} - \text{old parking requirement} = \# \text{ of spaces of relief needed}^*$$

$$4.0 \text{ spaces} - 2.0 \text{ spaces} = 2.0 \text{ spaces of relief}$$

In order to grant the parking relief, the following criteria must be assessed:

1. *Increase in traffic volumes*
 While there may be some up-tick in construction traffic to and from the site during the construction phase of the project, Staff finds that such increase in traffic would diminish once the project is completed.
2. *Increased traffic congestion or queueing of vehicles*
 See item #1 above.
3. *Change in the types of traffic*
 There will be more construction-type traffic during the construction phase of the project. Post-construction, the traffic to-and-from the site will be residential in nature.
4. *Change in traffic patterns and access to the site*
 The traffic pattern in the area will not change. The site will be accessed from the same location as current.
5. *Reduction in on-street parking*
 It is possible that granting relief for 2.0 parking spaces could create an increase in on-street parking in the area.
6. *Unsafe conflict of motor vehicle and pedestrian traffic*
 As the location for vehicular entry/exit to the site will be the same as current, using the same curb cut, there is no anticipation of additional conflicts between vehicular and pedestrian traffic at this location.

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 purpose of the RB district, which is, “[to] 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.”

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

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 neighborhood is replete with structures much taller than that located at 60 Vernon Street. Most of the buildings along the street that are single or two- and three-family residential structures are at least 2 ½-stories in height. Larger residential structures on the Street closer to Lowell Street are three stories in height. Increasing the height of the rear portion of the structure to two stories is not incompatible with the overall height of buildings on the rest of the street. The Applicant has submitted a proposal that ensures that the new raised roofline of the addition remains subservient to the roofline of the main portion of the house.

Impacts of Proposal (Design and Compatibility): The impacts of this proposal will predominantly be felt by the abutting neighbor to the right given that the right elevation of 60 Vernon Street rests on the property line.

5. **Housing Impact:** Will not add to the stock of 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. The proposal adds one additional housing unit to the City’s housing stock.

III. RECOMMENDATION

Special Permit under §4.4.1

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
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1	Approval is for the upward extension of the non-conforming right side yard setback, increasing the GFA by more than 25%, and parking relief.	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 9, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 21, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>June 3, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	April 9, 2019	Initial application submitted to the City Clerk's Office	May 21, 2019	Updated plans submitted to OSPCD	June 3, 2019	Updated plans submitted to OSPCD
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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.												
Construction Impacts												
2	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.	During Construction	Plng.									
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									
4	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD									
Design												
5	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.									
6	Due to their proximity to the property line (3 feet or less), new windows proposed for the right elevation must be fire-rated, inoperable or glass block, in compliance with building/fire code.	CO/Perpetual	Plng/ISD									
Site												
7	The driveway shall include a ten-foot strip of permeable pavers across the front of the driveway starting at its abutment with the sidewalk.	CO	Plng.									
Miscellaneous												
8	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.									
9	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												

10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
12	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				
13	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.	