



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-10

Date: June 14, 2012

Recommendation: Conditional Approval

UPDATED: PLANNING STAFF REPORT¹

Site: 16 Chester Street

Applicant Name: Michael Dull and Emily Dull
Applicant Address: 26 Summit Ave, Somerville, MA 02143
Property Owner Name: Michael Dull
Property Owner Address: 26 Summit Ave, Somerville, MA 02143
Agent Name: none
Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Michael Dull and Emily Dull, and Owner, Michael Dull, seek a special permit for alteration to a nonconforming structure under SZO §4.4.1 to modify a window to add living space in the basement and a special permit to modify parking requirements under §9.13.a to waive the requirement for one additional parking space.

Zoning District/Ward: RB zone / Ward 6

Zoning Approval Sought: Special Permit under SZO §4.4.1 and §9.13.a

Date of Application: January 30, 2012

Dates of Public Hearing: Zoning Board of Appeals – February 29, 2012

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a six-family dwelling on a 7,285 square foot lot. There are 4 studio, 1 one-bedroom, and 1 two-bedroom apartments in the building and 8 tenants. There is a 23

¹ This Staff Report was updated to include the additional plans that were provided by the Applicant since the last Staff Report that was issued on March 8, 2012. Changes to the Staff Report are underlined.



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foot driveway next to the house that leads to a garage that is used for storage. There are bay projections on both sides of the house. A small portion of the site and the garage are located in Cambridge.

The Zoning Board of Appeals issued a Special Permit in 1996 (case # 1996-55) to allow for the expansion of a one-bedroom unit on the 3rd to add 170 square feet.



16 Chester St: (l) front, (r) driveway and bay showing the location of the proposed window well



2. Proposal: The proposal is to add approximately 873 square feet of living area into the basement in order to convert the first floor studio apartment into a one-bedroom apartment. The basement was previously used as an illegal apartment but with this approval the square footage of this unit will be connected to a unit on the first floor. The total number of units at the site will be six. The conversion of the basement requires the installation of a window well for emergency egress from the basement bedroom. The window well will be located in the bay on the right side of the house.

3. Nature of Application:

Alteration to the Structure

Under SZO §4.4.1, lawfully 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. The structure is currently nonconforming in terms of the lot area per dwelling unit, lot area, side yard setback, and number of parking spaces. Due to its nonconforming status, a Special Permit is required to install a window on the side of the building. The additional living space will not increase the FAR beyond that which is allowed in an RB district.

Parking

The parking requirement for the 4 studio, 1 one-bedroom, and 1 two-bedroom apartments is seven spaces plus one visitor's space for a total of 8. Despite the large driveway there are only two legally conforming parking spaces on the site because tandem spaces do not count as additional parking spaces. The conversion of one of the studios to a one-bedroom raises the requirement to 8.5, which rounds to 9 parking spaces.

The Applicant is requesting a Special Permit under SZO §9.13 to reduce the number of off-street parking spaces required. Under §9.13, the SPGA may grant a Special Permit modifying certain parking standards of Article 9, "where the total number of parking spaces required by the Ordinance is six (6) or fewer, the requirements for lots or sites that are nonconforming with respect to parking as specified in Section 9.4 may be modified."

4. Surrounding Neighborhood: The surrounding area is comprised of one-, two-, three- and multi-family homes that are within close proximity to the Davis Square business district.

5. Impacts of Proposal: The addition of a window well on the side of the property will only be slightly visible from the street and it will not negatively impact the appearance of the house. A condition will be recommended that there are no more than 6 units are in the building to ensure that it is clear that this is not approval for another unit. Another condition is that the office space in the basement is not used as a bedroom, which would require another window well. Due to the site's close proximity to Davis Square and the size of the driveway, the inability to add an additional parking space onsite is not anticipated to negatively impact the neighborhood.

6. Green Building Practices: None.

7. Comments:

Fire Prevention: Has been contact but has not yet provided comments.

Ward Alderman: Alderman Gewirtz did not have concerns regarding the proposal.

Traffic & Parking: The application to add an additional bedroom to one of the six dwelling units in the building will have minimal impact on the surrounding neighborhood parking supply; however, due to the increase in activity to the site, traffic mitigation measures should be provided in the form of \$600.00 to the City for pavement marking and traffic and parking signs in the Chester Street area. Provided the above is incorporated, Traffic and Parking has no objections to this application.

II. FINDINGS FOR SPECIAL PERMITS (SZO §4.4.1 and §9.13.a):

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."

In considering a Special Permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The addition of a window well on the side of the property will be only slightly visible from the street and it will not negatively impact the appearance of the house. A condition will be recommended that there are no more than 6 units are in the building to ensure that it is clear that this is not approval for another unit.

In considering a Special Permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested Special Permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

There will be minimal impact on the neighborhood regarding the above criteria. Due to the site's close proximity to Davis Square and the size of the driveway, the inability to add an additional parking space onsite is not anticipated to negatively impact the neighborhood. Traffic and Parking may recommend a traffic mitigation measure to improve pedestrian or vehicular safety in the area due to the increase in activity at the site. The time of mitigation would be determined before the hearing.

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 adequate light and air to the basement and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, in allowing for a change to a residential structure.

Also, the proposal meets the intent of §9.1, the purpose of the Off-street Parking and Loading Article. Relief from providing one parking spaces will not create a situation that would be a nuisance or hazard to pedestrians and adjacent properties, nor would it decrease the traffic carrying capacity of the adjacent streets or significantly compromise the on-street parking available in Davis Square.

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."

Adding living space to the basement will not impact the design of the house beyond the addition of a window well that will only have a small impact on the appearance of the house. Most of the window will be below grade and not visible from the street.

III. RECOMMENDATION

Special Permits under §4.4.1 and §9.13.a

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 installation of a window well on the right side of the house and the increase from a studio to a one-bedroom unit without providing one parking space. 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>(January 30, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 28, 2011 (June 11, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>May 24, 2012 (June 11, 2012)</td> <td><u>Existing Floor Plans (Basement, First Floor, Second Floor, and Third Floor)</u></td> </tr> <tr> <td>November 16, 2011 (June 11, 2012)</td> <td>A000 Cover Sheet, A001 Code Symbols, and A601 Partition Types, Sections & Details</td> </tr> <tr> <td>March 1, 2012 (June 11, 2012)</td> <td><u>D101 Demolition Floor Plans, A101 Partition Floor Plans, and A121 Reflected Ceiling and Power Plans</u></td> </tr> <tr> <td>February 14, 2012 (June 11, 2012)</td> <td>Elevations submitted to OSPCD (CSK-5 and CSK-6)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(January 30, 2012)	Initial application submitted to the City Clerk's Office	October 28, 2011 (June 11, 2012)	Plot Plan	May 24, 2012 (June 11, 2012)	<u>Existing Floor Plans (Basement, First Floor, Second Floor, and Third Floor)</u>	November 16, 2011 (June 11, 2012)	A000 Cover Sheet, A001 Code Symbols, and A601 Partition Types, Sections & Details	March 1, 2012 (June 11, 2012)	<u>D101 Demolition Floor Plans, A101 Partition Floor Plans, and A121 Reflected Ceiling and Power Plans</u>	February 14, 2012 (June 11, 2012)	Elevations submitted to OSPCD (CSK-5 and CSK-6)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.																		
2	There shall be no more than 6 residential units at the property.	Continual	ISD															
3	There shall only be one bedroom located in the basement.	Continual	ISD															
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	Final Sign Off	FP															

5	<u>If the proposed alteration to the property would include the addition of a bedroom, a code compliant fire alarm system and a code compliant fire suppression system with a central monitoring station would be required.</u>	<u>Final Sign Off</u>	<u>FP</u>	
6	The Applicant shall provide a contribution to the City of \$600.00 for pavement marking and traffic and parking signs in the Chester Street area.	Final Sign Off	T&P	
7	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.	

