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OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-34
Date: July 26, 2012
Recommendation:
Special Permits – Conditional Approval
Variance – Unable to Recommend

UPDATED PLANNING STAFF REPORT¹

Site: 92-100 Properzi Way

Applicant Name: Safdie Architects
Applicant Address: 100 Properzi Way, Somerville, MA 02143
Property Owner Name: Moshe Safdie and Michal Ronnen Safdie
Property Owner Address: 100 Properzi Way, Somerville, MA 02143
Alderman: Maryann Heuston

Legal Notice: Applicant Safdie Architects and Owners Moshe Safdie and Michal Ronnen Safdie, seek a Variance under SZO §5.5 for relief from the minimum side yard setback under SZO §8.5.H and relief from the minimum rear yard setback under SZO §8.5.I for the land at 92 Properzi Way. The Applicant and Owners are also seeking Special Permits under SZO §4.4.1 to alter a nonconforming structure to construct a two story rear addition to add an additional dwelling unit and under SZO §9.13.a for relief from three additional off-street parking spaces. The Applicant seeks to establish a three-family residence at 92 Properzi Way and use a portion of the structure for activity accessory to the use at 100 Properzi Way per Section 7.4 of the SZO. 92 Properzi is in the RB zone and 100 Properzi Way is in the NB zone. Ward 2.

Zoning District/Ward: NB & RB zone / Ward 2

Zoning Approval Sought: Variances under SZO §8.5.H, §8.5.I, and §5.5 and Special Permits under SZO §4.4.1 and §9.13.a

Date of Application: April 17, 2012

Dates of Public Hearing: Zoning Board of Appeals – **May 16, 2012**

¹ Updated through July 26, 2012 to reflect the changes to the proposed plans since the last Staff Report that was issued on May 10, 2012. Additions made to the Staff Report are highlighted by being underlined and text that was removed is crossed out.



I. PROJECT DESCRIPTION

1. Subject Property: The subject property, 92 Properzi Way, is a 7,591 square foot lot with a two-family residence situated on it near the intersection of Properzi Way and Beacon Street. The 1½ story structure, not including the basement level, has 1,694 square feet of habitable space with a gable roof. The adjacent two-story Safdie Architects building at 100 Properzi Way sits on a 21,807 square foot lot and contains 16,540 square feet of habitable space. The Applicant owns both 92 and 100 Properzi Way.

92 Properzi Way has not received any prior zoning relief, but 100 Properzi Way has been awarded zoning relief in the past from the Zoning Board of Appeals. In November of 2003, the Applicant and Owner of 100 Properzi Way, Moshe Safdie, received Site Plan Approval from the Planning Board to subdivide 154 square feet from 100 Properzi Way to 92 Properzi Way to make the lot at 92 Properzi conforming with the minimum lot size requirement of the RB district. Then, in December of 2003, 100 Properzi Way was awarded a Special Permit to alter the nonconforming structure and a Special Permit to expand the nonconforming use, an office building, to construct a three-story addition on the existing building. Then in January of 2008, 100 Properzi Way was awarded another Special Permit to expand a nonconforming use to build a two-story front addition that extended 14 feet 1 inch into the required setback and also to construct a two-story rear addition with a basement and mezzanine. Lastly, in April of 2008, 100 Properzi Way was awarded a revision to the Special Permit to alter the exterior cladding in parts of the building, modify doors and windows at the front portion of the building, raise the height of the rear stair shaft, and to add a roof deck.

2. Proposal: The proposed project includes the repair and restoration of the existing one-story front gable structure at 92 Properzi Way, the removal of the rear one-story structure, and the construction of a new two-story rear addition. A full basement is proposed below the entire structure (existing and proposed addition) to provide storage space for the adjacent Safdie Architects building ~~and a roof deck is also proposed on top of the rear addition to provide a more private outdoor space. This roof deck area would be screened by a substantial planter and a wood screening wall that would surround two of the mechanical units that would be located on the roof.~~ The use of the proposed project will remain as a residential use group, housing a 397 square foot studio apartment in the restored front gable structure and two approximately 1,200 square foot, one-bedroom residences on each of the two floors of the rear addition. Each of the one-bedroom units would have access to a small amount of private outdoor space at the rear of the property via a grade level patio and an approximately 19 foot by 7 foot balcony on the second floor. The three-family use is permitted as of right in the RB zoning district. There ~~are two is also~~ a proposed connection to the adjacent property at 100 Properzi Way, which is also owned by Moshe Safdie, ~~via a subterranean link at the basement level and 2) a bridge link at the roof deck level. Both of these~~ This proposed link would be temporary and they would be removed when the properties are sold to different owners.

3. Nature of Application:

Alterations to the Structure

The existing structure is currently nonconforming with respect to its left side yard setback as the existing structure is just one foot from the left side property line. Alterations to nonconforming single- and two-family dwellings that affect the nonconforming aspect of the structure require a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 before the alterations can occur. Additionally, although the structure is currently conforming with regard to its right side yard setback with 20 feet of distance between the structure and the property, the proposed subterranean ~~and roof deck~~ connection to the adjacent 100 Properzi Way structure would then make this aspect of the structure nonconforming because ~~they~~ it would make the right side yard setback distance zero. When a dimensional aspect of a structure is

conforming in a proposed project and the resulting proposal would make that aspect nonconforming upon completion, this triggers the need for a Variance under SZO §5.5 before this alteration can occur. The same is true of the of rear yard setback at the property. The existing rear yard setback is just over 44 feet which is more than double the minimum required 20 feet in an RB district. The proposed project would reduce this conforming dimension to a much smaller nonconforming dimension of 3 feet 8 inches.

Parking

The subject property, 92 Properzi Way, is a residential property within an RB district. The structure itself is nonconforming with regard to the left side yard setback as the existing structure is only one foot from the left property line and also with regard to the front yard setback as the concrete deck is located within the required minimum 10 foot setback for front yard projections. The property is also nonconforming with regard to the required number of off-street parking spaces as specified in §9.5 of the Somerville Zoning Ordinance (SZO). The existing two-family residential use with one, studio unit and one, two-bedroom unit requires three (3) off-street parking spaces. The subject property has no off-street parking spaces. In proposing to convert the existing structure from a two-family dwelling to a three-family dwelling, §9.5 of the SZO calls for the total number of parking spaces on-site to increase from three (3) to four (4). This requires that the Applicant provide one (1) on-site parking space or seek zoning relief from the required additional space. Under SZO §9.13.a, projects that are nonconforming with regard to parking where the total number of required parking spaces is six (6) or fewer can seek relief via a Special Permit from the requirements of §9.5 of the SZO.

4. Surrounding Neighborhood: The project site spans two zoning districts with 92 Properzi Way being located in an RB zone and 100 Properzi Way located in an NB zone. The surrounding neighborhood is predominantly residential consisting of a mixture of single-, two-, three-, and multi-family dwellings. For the most part, all of the structures in the area are between 2½ and 3 stories in height, but there are two larger multi-family structures at the intersection of Properzi Way and Beacon Street that are four and five stories in height. Across Beacon Street from Properzi Way is the City of Cambridge boundary.

5. Impacts of Proposal: The largest impact the proposed project will have is the size of the proposed new addition at the rear of the existing structure. The existing rear portion of the building is a single-story wood framed structure. The proposed addition would be two stories in height ~~plus a roof deck,~~ and would be a brick masonry building. While this proposed new addition does not relate to the architectural style of the historic structure, it does relate to the Safdie Architects building to which it is connected. Further, the new construction will be separated from the historic structure by a stairway and glass enclosure to clearly separate the old and new construction.

It should also be noted here that the above ground portion of the proposed new addition would be extending 24 feet deeper in the lot, to the rear setback line. The storage basement of the proposed addition would actually extend even deeper into the lot, which is the component that is necessitating the rear yard setback Variance. However, this portion of the building would not be seen as it is entirely underground and would only be accessible via the stairwell that separates the historic structure from the proposed addition or from the Safdie Architects building. ~~While the subterranean passageway would not be very visually impactful, the proposed roof deck bridge would have more of a visual impact as it connects the roof deck and the Safdie Architects building at the second story.~~

Even though the proposed addition is a full story higher than the existing rear portion of the building, according to the Sunlight Study the Applicant has submitted, only during the time around the winter solstice from high noon into the afternoon would the proposed rear addition cast a new shadow onto the northern neighbor's home or back yard. It appears that by pulling back the rear addition away from the

neighbor's property line to the conforming side yard setback line, almost all of the neighbor's existing sunlight exposure throughout the course of the year was preserved. Had the Applicant proposed to add a second story onto the rear portion of the building using the existing footprint, the sunlight impacts on the neighboring property would have been much greater.

The requested relief from one (1) off-street parking space will not be detrimental to the abutters or the surrounding neighborhood. As part of this project, the Applicant retained Fort Hill Infrastructure Services, LLC to prepare a Parking Memorandum that analyzed the on-street parking situation in the surrounding neighborhood. Fort Hill's data collection indicated that on an average weeknight 32% (131.5 spaces) of the area's on-street parking supply is available and even during the busiest time period, a Saturday evening, 24% (100 spaces) of the on-street public parking supply is still available. These figures clearly indicated that the public parking supply in the surrounding neighborhood has an excess. The memorandum continues on to cite other factors as to why the one (1) parking space of relief would have a negligible impact on the parking supply in the surrounding neighborhood. Somerville's typical vehicle ownership per household rate being 74%, the property's reasonable proximity to existing MBTA Red Line Stations (approximately $\frac{3}{4}$ of a mile), and the fact that over half of Somerville's resident's travel to work in something other than a single occupancy vehicle all clearly indicate the impact of one (1) parking space of relief would be minimal to the neighborhood's public parking supply. Additionally, due to the subject property's relationship with the Safdie Architects building (which owns the subject property), the future occupants of the proposed three-family dwelling would most likely be frequenting the Safdie Architects building. This would greatly reduce the need for having a vehicle for those occupying the three-family structure if their place of business is literally next door.

6. Green Building Practices: The Applicant has indicated that lighting sensor controls, passive day lighting, and flow efficiency fixtures will be used. Consideration will be given to use reclaimed wood post and beam structure. Irrigated landscape. There will be a minimal impact on natural environment by positioning the new addition in approximately the same location as the proposed demolition of the existing one-story structure. Natural shade from existing mature trees to remain. Utilizing connections to local infrastructure (sewer, water, electricity) already present. Latex/water-based paints, donated appliances are scheduled to be removed to greengoat.org. The Applicant will pursue companies involved in wood-framed building deconstruction for salvaged wood in the demolition of the rear wood framed one-story structure. Use flyash in the concrete foundation mix. Local brick will be used for exterior veneer.

7. Comments:

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

Ward Alderman: Alderman Heuston has been contacted but has not yet provided comments.

Historic Preservation: Has been contacted but has not yet provided comments.

Traffic and Parking: Indicated in an email to Planning Staff on Thursday, May 3, 2012, "The applicant seeks to alter a nonconforming structure in order to construct a two story rear addition so as to add an additional dwelling unit. The required Somerville Zoning Ordinance of three off-street parking spaces for this development is not being provided.

The applicant has hired a professional transportation firm, Fort Hill Infrastructure Services LLC to provide a parking assessment to determine the impact of not providing the three off street parking spaces on the parking supply in the immediate neighborhood.

Fort Hill has submitted a thorough and well prepared Parking Memorandum. The Parking memorandum concludes that the proposed development will have a negligible impact on the surrounding neighborhood's public parking supply. Traffic and Parking does not fully support this assertion.

Traffic and Parking notes that due to the lack of fulfilling the three required off street parking spaces there will be a minor increase in the traffic congestion and vehicle delay in this neighborhood (Properzi Way, Beacon St, Park St). There will also be a slight decrease in pedestrian and bicycle safety. To alleviate these conditions and to promote a safe neighborhood, traffic mitigation is required.

It is recommended that the applicant purchase and deliver to the City four Pedestrian Impact Recovery Systems. These traffic control devices would be installed on streets within/surrounding the impacted neighborhood."

Provided the above is incorporated, Traffic and Parking has no objections to this application."

Engineering: Has been contacted but has not yet provided comments.

Wiring Inspector: Has been contacted but has not yet provided comments.

Design Review Committee: The Design Review Committee reviewed the proposal at their Thursday, April 26, 2012 meeting and provided the following comments:

April 26, 2012:

The overall design is very thoughtful and it is a nice intervention into the surrounding area. While it is not completely contextual to the worker cottage vernacular, it is not all that important because the design also addresses the adjacent existing brick structure. The fact that the design also renovates and maintains the front of the existing historic structure is also appreciated.

On the residential neighbor side, where the obscured glass is proposed for the stairwell, this portion of the façade could perhaps be solid brick, or even a metal could be worked into this area. This might make for a better separation and perhaps this portion of the façade could be planted all the way up, or not.



Existing Conditions: 92 Properzi Way



Existing Conditions: 100 Properzi Way

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §4.4.1, §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 §4.4.1 of the SZO, Staff finds that the modifications to the existing structure would not be substantially more detrimental to the neighborhood than the existing structure. Even though the proposed addition is a full story higher than the existing rear portion of the building, according to the Sunlight Study the Applicant has submitted, only during the time around the winter solstice from high noon into the afternoon would the proposed rear addition cast a new shadow onto the northern neighbor's home or back yard. It appears that by pulling back the rear addition away from the neighbor's property line to the conforming side yard setback line, almost all of the neighbor's existing sunlight exposure throughout the course of the year was preserved. While this proposed new addition does not relate to the architectural style of the historic structure, it does relate to the Safdie Architects building to which it is connected. Additionally, the new construction will be separated from the historic structure by a stairway and glass enclosure to clearly separate the old and new construction. Finally, even though the Applicant is requesting right side and rear yard setback Variances to construct the project, they will have a minimal impact to the immediate abutters. The rear yard setback nonconformity of the project is triggered by the extension of the storage basement deep into the lot. The side yard setback Variance is only trigger by the subterranean ~~and roof deck bridge~~ connection to the adjacent Safdie Architects building. The Applicant has indicated that ~~both~~ of the proposed link would be temporary and would be removed when the properties are sold to different owners.

In considering a Special Permit under §9.13.a of the SZO, Staff finds that the modifications to the parking standards by requesting the one (1) off-street parking space of relief would not be substantially more detrimental to the neighborhood than the existing parking situation. The Applicant retained Fort Hill Infrastructure Services, LLC to prepare a Parking Memorandum that analyzed the on-street parking situation in the surrounding neighborhood. Fort Hill's data collection indicated that on an average weeknight 32% (131.5 spaces) of the area's on-street parking supply is available and even during the busiest time period, a Saturday evening, 24% (100 spaces) of the on-street public parking supply is still available. These figures clearly indicated that the public parking supply in the surrounding neighborhood has a reserve supply. The memorandum continues on to cite other factors as to why the one (1) parking space of relief would have a negligible impact on the parking supply in the surrounding neighborhood. Somerville's typical vehicle ownership per household rate being 74%, the property's reasonable proximity to existing MBTA Red Line Stations (approximately $\frac{3}{4}$ of a mile), and the fact that over half of Somerville's resident's travel to work in something other than a single occupancy vehicle all clearly indicate that the impact of one (1) parking space of relief would be minimal to the neighborhood's parking supply.

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 promoting “the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; 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 RB district (6.1.2. RB - Residence Districts), 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 also consistent with the purpose of the NB district (6.1.4. NB - Neighborhood Business Districts), which is, “To establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.”

In considering a Special Permit under §9.13.a of the SZO, the SPGA may grant such a Special Permit only when consistent with the purposes set forth in §9.1 which establishes standards ensuring the availability and safe use of parking areas within the City. The proposal is also consistent with those purposes which are:

“To establish standards ensuring the availability and safe use of parking areas within the City of Somerville. It is intended that any use of land involving the arrival, departure, or storage of motor vehicles, and all structures and uses requiring the delivery or shipment of goods as part of their function, be designed and operated to:

- a. promote traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street;
- b. increase the traffic-carrying capacity of streets and highways in the City and obtain a more efficient utilization of on-street curbside parking;
- c. reduce hazards to pedestrians;
- d. protect adjoining lots and the general public from nuisances and hazards such as:
 - 1) noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles,
 - 2) glare and heat from parking lots,
 - 3) lack of visual relief from expanses of paving,
 - 4) accelerated run-off of surface water from land covered by impervious materials; and
- e. increase the number of locations bicycles can be safely secured in order to:

- 1) promote bicycle use throughout the City as a means to reduce motor vehicle traffic congestion, and
- 2) encourage more active lifestyles as a means to improve public health and welfare, and
- 3) prevent theft and vandalism of bicycles.”

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.”

The project is compatible with the characteristics of the surrounding residential neighborhood. The proposed two-story addition at the rear of the historic structure will be pulled back away from the neighbor’s property line to be even with the required left side yard setback. Most of the structures in the area are between 2½ and 3 stories in height and at 29 feet the proposed addition is still well below the 40 foot height limit in the RB district. The proposed glass link between the historic structure and the rear addition helps to separate the historic portion of the structure from the modern portion. Additionally, by placing the new addition entirely behind the historic structure on the streetscape and limiting the addition’s height to two stories, the proposed addition helps to maintain the character of the worker’s cottage. Furthermore, the design of the new addition addresses the adjacent brick building which helps to create a transitional area between the residential neighborhood and the office use at 100 Properzi Way.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The traffic flow and parking situation for the project are not anticipated to negatively impact the neighborhood. The circulation patterns for motor vehicles and pedestrians would not change as a result of this proposal to provide one (1) space of off-street parking relief at the property. Additionally, the proposal will not likely result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area. The relationship of the existing two-family dwelling and the proposed three-family dwelling with the office building at 100 Properzi Way reduces the need for an off-street parking space at the property.

III. FINDINGS FOR VARIANCE (SZO §5.5, §8.5.H, §8.5.I)

In order to grant a Variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The Applicant indicated the following response to this question in their application:

“Subterranean South Side Yard Temporary and Conditional Variance: The circumstance of the structure at 92 Properzi Way of potentially providing subterranean storage space for architectural archival materials would be eased if a particular accessibility difficulty of a subterranean connection was temporarily permitted to exist between 92 and 100 Properzi Way. The connection infringes upon the side yard setback, but would be below ground and would be conditional, to be removed when either of the two properties sold to a different owner.

~~South Side Yard Temporary and Conditional Variance: The same side yard where temporary relief is sought for the subterranean tunnel is also being considered for a bridge connecting the roof decks of 92 and 100 Properzi Way. The bridge would infringe upon the side yard setback between these two properties, however, the connection is proposed as temporary, to be removed when either of the two properties is sold to a different owner. The purpose of the bridge is to ease access, enabling employees and guests to enjoy an outdoor lunch in the good weather. The bridge would also provide for an outdoor space adequate to accommodate a larger gathering during infrequent office wide events.~~

Subterranean Rear East Yard Temporary and Conditional Variance: The proposed projection of the basement into the rear yard setback, between 92 and 100 Properzi Way, would be entirely below grade. Achieved by extending the subterranean structure one additional structural bay to the east, an additional 400 sf of crucial storage space is gained. This variance is sought as temporary and conditional to be removed when either of the two properties is sold to a different owner.

All sought after conditional variances occur between 92 and 100 Properzi Way. Both these properties are owned by Moshe Safdie. When either property is no longer owned by the same owner, the ~~two~~ side yard infringement and the ~~one~~ rear yard infringement would be removed and these ~~three~~ dimensional conditions would be brought into compliance with the current Somerville Zoning Ordinance.”

The Applicant’s proposed project is triggering the need for rear and side yard setback Variances because the existing structure on the property at 92 Properzi Way meets the minimum setback requirements, but the proposed construction would not. However, upon further examination of the situation, the nature of how these Variances are triggered and who they are impacting is very interesting. The existing rear yard setback at the property is 44 feet 1 inch. The proposed project would technically reduce this setback to 3 feet 8 inches. However, this is only because the basement of the proposed structure is where the rear yard setback is being calculated from. In looking at the proposed addition, all of the above ground portion of the structure stops at the required 20 foot rear yard setback line and therefore, to the naked eye, it would appear that the proposed addition is actually conforming to the rear yard setback distance, when in fact it is not. This is similarly true of the triggered side yard setback Variance. The ~~two~~ connection between the buildings would be subterranean ~~and via a roof deck bridge~~. Again, the underground connection of the two buildings would not be identifiable to someone who did not know it was there. ~~While the roof deck bridge clearly violates the side yard setback because it connects the two building to one another, the only parties that are impacted by this roof deck bridge are the ones who wish to~~

~~create the connection. The roof deck bridge is not readily visible from the street as it is blocked by the vegetation between the two buildings and by the Safdie Architects building itself. Therefore, Planning Staff finds that there are special circumstances affecting the property that are causing a substantial hardship.~~

2. The variance requested is the “minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

The Applicant indicated the following response to this question in their application:

“The ~~three (3)~~ two (2) proposed conditional variances are the minimum approval necessary to grant reasonable relief to the owner since they ~~all~~ both occur along internal property lines between two properties under the same ownership. The variances are proposed as temporary and conditional and would be removed when the two properties are no longer under the same ownership. The variances allow for the reasonable use of the land and structure as follows:

Subterranean South Side Yard Tunnel:

Allows for direct access to the basement level storage space of the proposed structure from the adjacent basement of 100 Properzi Way. This link allows for sensitive archive materials to be accessed directly from the interior without needing to negotiate level changes or exterior weather conditions. The link also allows for the use of the elevator at 100 Properzi Way as a means of moving stored materials about.

~~Bridge South Side Yard:~~

~~Allowing a connection of the existing roof deck at 100 Properzi Way to the proposed roof deck at 92 Properzi Way provides a simple means of connecting the outdoor rooftop spaces. Additionally, since the bridge is not an enclosed structure, it reinforces its nature as a temporary structure. This bridge is viewed as reasonable since it allows for the employees and visiting guest to share in the use of the roof top outdoor spaces in the good weather. The deck at 100 Properzi Way is used for employee lunches and the deck at 92 Properzi would be an extension of this use. The temporary link just makes the two spaces more accessible to one another.~~

Subterranean East Rear Yard Storage:

Extending the basement one more structural bay, in a manner that is entirely below grade, expands the storage capacity of the proposed basement at 92 Properzi Way. We currently rent in excess of 2,000 sf of storage space from private owners and institutions. We hope to consolidate our storage to the basement of 92 Properzi. Without the extension into the rear yard we fall short of our needs, which is satisfied with the proposed temporary extension. Since the extension is entirely below grade and temporary – it seems to satisfy the minimal reasonable relief criteria while simultaneously satisfying reasonable use of the land and structure.”

The Applicant currently owns both the residential building at 92 Properzi Way and the office building at 100 Properzi Way. The two buildings have been functioning together for many years with the house being used as a place for visiting consultants to stay for brief periods ranging from weeks to months, depending upon the purpose of their visit. It provides free lodging for these consultants which makes it easy for Safdie Architects to supply lodging for their visitors and the residence’s proximity to the firms building is evidently convenient. The Applicant’s proposed project would expand the functionality of this use from simply a lodging space to also a storage ~~and private social gathering~~ space. Having lodging in such close proximity to the firm’s studio is clearly advantageous, and so would be having additional storage space for plans and materials.

~~along with enjoyable private outdoor space for small social gatherings by the firm~~ However, it is unclear if this latter ~~two~~ aspect, which would be implemented via the construction of the proposed addition, ~~is are~~ necessary for the reasonable use of the property by the Applicant. Therefore, Planning Staff is unable to determine that the request for the side and rear yard setback Variances are the minimum amount of relief necessary to make reasonable use of the property.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The Applicant indicated the following response to this question in their application:

“Since the ~~three (3)~~ two (2) proposed dimensional variances would be temporary and are all located on internal property lines 92 and 100 Properzi Way, property under the same ownership, the granting of the conditional variances would not be injurious to the neighborhood or detrimental to the public welfare. As previously stated the variances would be removed and the ~~three (3)~~ two (2) dimensional conditions would be brought into compliance with the current Somerville Zoning Ordinance, when either property is no longer owned by the same owner.”

Each of the proposed Variances are in harmony with the intent of the Ordinance and they do not appear that they would be injurious to the surrounding neighborhood. Even though the Applicant is requesting right side and rear yard setback Variances to construct the project, they will only have a minimal impact to the immediate abutters. The rear yard setback nonconformity of the project is trigger by the extension of the storage basement deep into the lot. This portion of the new addition cannot be seen because it is underground. The side yard setback Variance is only trigger by the subterranean ~~and roof deck bridge~~ connection to the adjacent Safdie Architects building. These two buildings are both owned by the same entity and these are the two structures that would be the most impacted by the proposal. The Applicant has indicated that ~~both of~~ the proposed link would be temporary and would be removed when the properties are sold to different owners. Therefore, Planning Staff finds that approving the Variances will facilitate a development that meets or exceeds the expectations of the SZO and that these requested Variances would not be injurious to the neighborhood or detrimental to the public welfare.

IV. RECOMMENDATION

Special Permits under §5.1, §4.4.1, & §9.13.a and Variances under §5.5, §8.5.H, & §8.5.I

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMITS**.

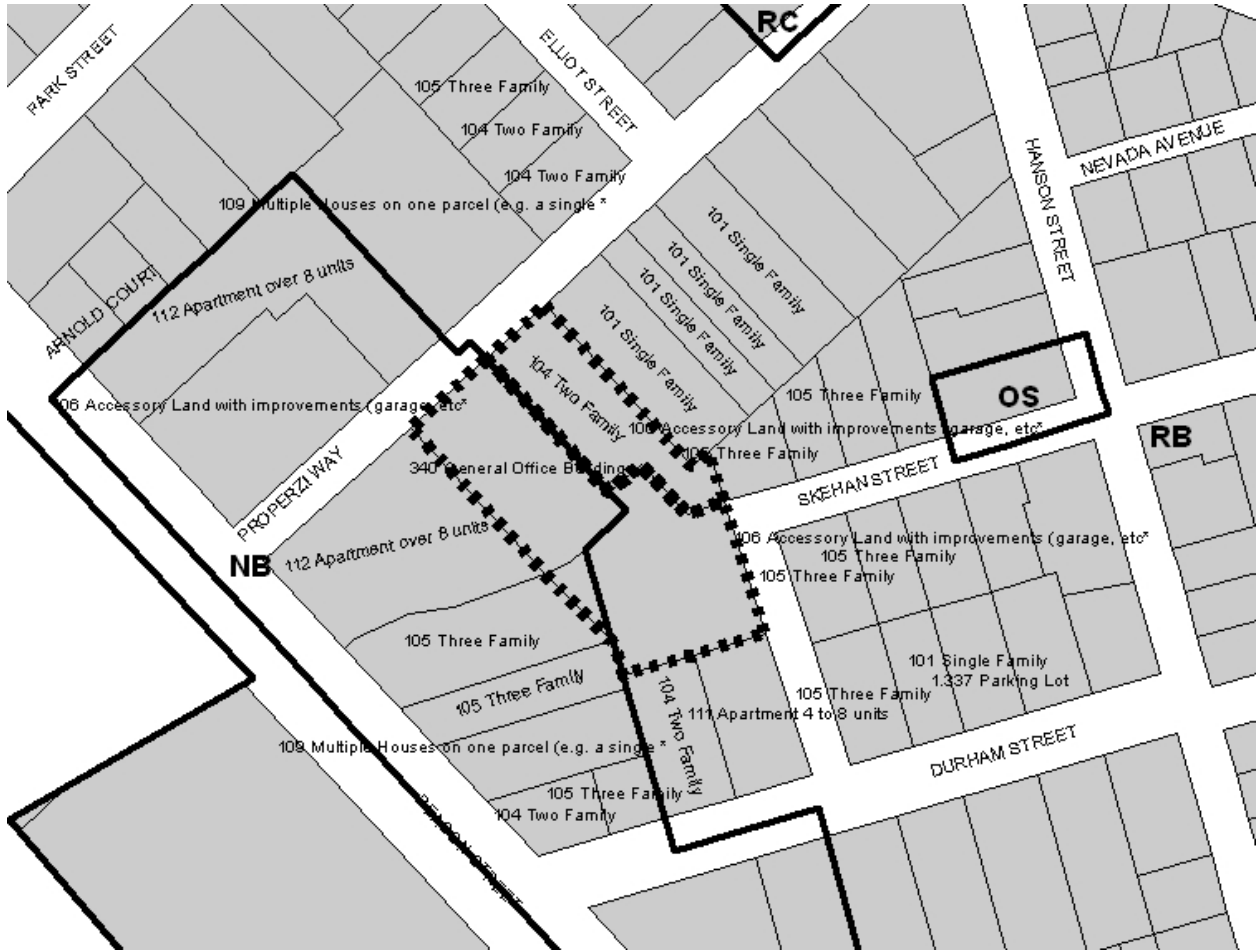
Based on the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND APPROVAL** of the requested **VARIANCES**.

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	<p>Approval is to alter a nonconforming structure under SZO §4.4.1 to construct a two story rear addition to add an additional dwelling unit, for relief from one (1) additional off-street parking space under SZO §9.13.a, and for relief from the minimum side and rear yard setbacks under SZO §8.5.H and §8.5.I. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 17, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 12, 2004 (July 18, 2012)</td> <td>Plan of Land (Sheet No. 1 of 1)</td> </tr> <tr> <td><u>July 12, 2012</u> (July 18, 2012)</td> <td>92 Properzi Way Renovation Plan Set (Cover Sheet, Site Plans, Floor Plans, Roof Plan, Elevations, Sections, Street Views, and Sunlight Studies)</td> </tr> <tr> <td>January 26, 2009 (April 27, 2012)</td> <td>Roof Screen Details (A8.1)</td> </tr> </tbody> </table> <p>Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(April 17, 2012)	Initial application submitted to the City Clerk's Office	January 12, 2004 (July 18, 2012)	Plan of Land (Sheet No. 1 of 1)	<u>July 12, 2012</u> (July 18, 2012)	92 Properzi Way Renovation Plan Set (Cover Sheet, Site Plans, Floor Plans, Roof Plan, Elevations, Sections, Street Views, and Sunlight Studies)	January 26, 2009 (April 27, 2012)	Roof Screen Details (A8.1)	BP/CO	ISD/PIng.	
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2	<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											
3	<p>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.</p>	During Construction	T&P											

4	The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
5	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	
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
7	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	
8	The Applicant shall purchase and deliver to the City four (4) Pedestrian Impact Recovery Systems.	CO	T&P	
9	Any transformers should be located as not to impact the landscaped area and shall be fully screened.	CO	Plng.	
10	The Owner shall remove both the subterranean link at the basement level and the bridge link at the roof deck level if the properties are ever sold to different owners.	Perpetual	ISD	
11	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.	Perpetual	ISD	
12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
13	If dumpsters, trash, or recycling bins are kept outside they shall be screened by fencing or vegetation that blocks any view of them.	Perpetual	Plng.	
14	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.	Perpetual	ISD	
15	<u>No vehicles shall be permitted to park on the sidewalk in front of the buildings at both 92 and 100 Properzi Way.</u>	<u>Perpetual</u>	<u>T&P</u>	

45 16	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.	
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92-100 Properzi Way