



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-90
Date: March 27, 2014
Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT*

Site: 50-52 Whitman Street

Applicant & Owner Name: Deborah Flaschen
Applicant & Owner Address: 180 Clyde Street Brookline, MA 02467
Architect Name: Richard Nilsson
Architect Address: 411A Highland Ave Somerville, MA 02144
Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owner, Deborah Flaschen, seek a Special Permit per SZO §4.4.1 to expand a nonconforming FAR by finishing the basement. RA Zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – January 22, 2014

*This report has been updated from the report dated January 16, 2014. Deletions are ~~struck~~, additions are underlined.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,614 square foot lot with a 1,375 gross square foot group residence home. The use is by-right and is a federally protected use. The existing structure is 2 ½ stories. There has been no prior zoning relief.
2. Proposal: The proposal is to expand the living area/net square footage of the home by finishing the basement. The basement will have 3 bedrooms, a bathroom, and laundry area. There have been by-right renovations already completed at the property.

3. Green Building Practices: All renovations will be in compliance with the stretch energy code including new insulation and new high-efficiency gas boilers. The bathroom fixtures will be low-flow. Interior finish selections include rapidly renewable bamboo and cork flooring.

4. Comments:

Fire Prevention: Has been contacted but has no comments at this time.

Engineering: Has been contacted but has no comments at this time.

Ward Alderman: Has been contacted but has no comments at this time.

Community Meetings: Alderman Sullivan held two community meetings regarding this proposal. The abutters were interested in the work already taking place at the property, the use and potential impacts, and traffic and parking. At the meeting on February 25, Planning Staff explained that there is an opportunity to add conditions to a special permit if they could address specific issues of the neighborhood. The case has been continued to allow time for neighborhood input.

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."

The Applicant is seeking a Special Permit under SZO §4.4.1 to expand the living area in the basement. The existing net floor area is 3,598 square feet which makes the Floor Area Ratio 1.0. An FAR of .75 is the maximum in the district. To make the basement livable space will increase the net floor area to 4,530 square feet and increase the FAR to 1.25, essentially expanding the nonconformity.

In the last two years, there have been 8 applications to expand a nonconforming FAR by finishing the basement. Of those applications 4 have included bedrooms in the basement. The use of finished basement space is subject to the needs of the occupant. As the needs change, the uses can change and would only be reviewed if there was increase in parking requirement. Generally, the ZBA has allowed residents to expand living area of the basement since it maintains the original form of the house.

There is no parking relief associated with this application. Per SZO §9.4 when the previous and new use require the same number of parking spaces, then no additional parking spaces are required.

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.

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 encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

The proposal is consistent with the purpose of the district, which is, “to 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.”

Residents have questioned the chosen location for a group home since it is a residential neighborhood. There are 17 group homes established in Somerville. All are within residential districts. This is a by-right use in all residential districts in Somerville and is federally protected use

Group Homes in Somerville		
	Occupant Load	Zoning District
Ward 1	10	RC
	8	RC
	10	RB
Ward 2	8	RB
Ward 3	21	RA
	20	RA
	9	RC
	35	RA
	8	RB
	19	RC
	8	RC
Ward 4	5	RB
	not available	RC
	12	RA
Ward 5	-	-
Ward 6	8	RB
Ward 7	12	RA
	6	RA
Average	12	-

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.”

Whitman Street runs parallel with Broadway and Powderhouse Boulevard. The area is a mix of one-, two-, and three-family dwellings of similar style. The area is just south of Tufts University and is a mix of rental properties and owner-occupied homes/condos.

There are little to no impacts associated with the proposal. The expansion of square footage is kept within the existing footprint.

5. 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.

Due to neighborhood concerns, the Applicant supplied a parking study with the application. Throughout the study periods, there was an average of 77-89 permit parking spaces available within 500 feet of the site. To address neighborhood concerns, condition have been added to this report. If approved, the Applicant will provide monthly LinkPass passes to all residents as well as to 4 resident staff members.

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 PERMIT**.

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 a Special Permit per SZO §4.4.1 to expand a nonconforming FAR by finishing the basement. 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>December 12, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 10, 2014</td> <td>Modified plans submitted to OSPCD (AG002-Project Information, AF101-Code Review, AG102-Code Review, AE100-Basement Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 12, 2013	Initial application submitted to the City Clerk's Office	January 10, 2014	Modified plans submitted to OSPCD (AG002-Project Information, AF101-Code Review, AG102-Code Review, AE100-Basement Plan)
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Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.										
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							
Miscellaneous										
4	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							
5	<u>The Applicant will have an offsite learning center secured by the time 50-52 Whitman has 7 residents.</u>	<u>Cont.</u>	<u>Plng.</u>							
6	<u>The structure shall have no more than 12 residents.</u>	<u>Cont.</u>	<u>Plng.</u>							
7	<u>The structure cannot be subdivided into more than the existing 2 units.</u>	<u>Cont.</u>	<u>Plng.</u>							
Traffic & Parking										
8	<u>The Applicant will provide MBTA Monthly LinkPass passes to all residents.</u>	<u>Cont.</u>	<u>Plng.</u>							
9	<u>The Applicant will provide four (4) MBTA Monthly LinkPass passes to staff working at the residence.</u>	<u>Cont.</u>	<u>Plng.</u>							
Public Safety										
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							

Final Sign-Off				
<u>11</u>	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	Ping.	

