



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-90

Date: May 29, 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 May 15, 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.~~ A hardwired fire alarm system will be required.

Traffic & Parking: The applicant is proposing modifications to an existing residential building and a conversion of the building to a group home. A Parking Study has been requested by the City's Planning Staff to determine the availability of on street parking on Whitman St and the surrounding neighborhood streets to Whitman St.

The applicant has hired a professional Transportation Consultant, Design Consultants Inc. to prepare a Parking Study. This Consulting Firm has submitted a well prepared and professional Parking Study.

Based on empirical data of available and occupied parking spaces during three distinct time periods on three days, the Parking Study states that there is available on-street parking spaces on Whitman St and also on the surrounding streets to Whitman St. The Parking Study was conducted within a reasonable walking distance of the proposed project. The area which was surveyed for the availability of the on street parking spaces was a reasonable area to conduct a survey.

This Parking Study concludes that there is available on street parking spaces in the vicinity of 50 – 52 Whitman St. Based on the submitted Parking Memorandum, Traffic and Parking does not disagree with this assessment.

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.

A group of concerned abutters hired an attorney to help negotiate conditions of Special Permit approval. On April 9, 2014 they requested the following conditions:

1. The basement may be finished, but no bedroom or sleeping areas may be placed in the basement;
2. The Life College site must be secured when occupancy of 50-52 Whitman Street achieves seven residents, or 12 months from when the first resident occupies the building, whichever comes first;
3. No more than two medical permits would be allowed on the street, as they were associated with 3L, at any given time. 3L would also agree to only use four visitor parking passes along with the two driveway spots currently being planned for use;
4. Should 3L terminate their use of 50-52 Whitman Street, they would be responsible to return the property to its previous status and number of bedrooms.

On April 14, 2014, 3L placed responded agreeing to conditions 2 & 3 and condition 4 as written below:

4. The property would revert to its status as a two-family residence should 3LPlace terminate the use of the property as a group home.

At this time, there is no agreement on condition 1, 3L Place's application for relief is to finish the basement to use as bedrooms. The agreed upon conditions have been added to the report (Conditions 5, 12, & 13).

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.

From 2011 to present, there have been 8 13 applications to expand a nonconforming FAR by finishing the basement. Of those applications 4 7 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.

Eleven of the 13 cases were approved. The ZBA has denied 2 cases to expand living area in the basement in which neither was expanding a nonconforming FAR. The Chester Street application was for alterations to a nonconforming structure by adding living area in the basement that warranted structural changes for egress and 1 space of parking relief. Prior to the application, this address had an illegal basement unit that had a fire. The Applicant proposed to absorb the illegal unit into the first floor unit's living area. The expansion of 1 bedroom required parking relief. In the end, the appeal was denied. The Board could not make the findings for parking relief.

The other case that was denied was 22 Franklin Street. The applicant was seeking modification of a nonconforming structure to make an as-of-right unit addition in the basement. The case the denied based on the design and that the entrance door and stairs to the basement unit were substantially more detrimental to the neighborhood than the existing structure and streetscape.

The following is a summary list of applications to increase a nonconforming FAR by increasing living area in the basement.

Previous ZBA Cases									
Ward	Zoning District	Address	Increase in Finished Area	Original FAR	Proposed FAR	Additional Bedrooms	# of Hearings	Date Approved	Note - Approved Unless Otherwise Noted
2	RB	19-21 Calvin Street	400	1.5	1.9	2	1	1/8/2014	2 Bedrooms & Bathroom
2	RB	23-25 Calvin Street	502	1.37	1.83	2	1	11/20/2013	2 Bedrooms & Bathroom
5	RB	140 Central Street	1296	1.31	1.56	2	2	3/16/2011	Legalize - Rec & Family Rm, Bedrooms, 2 Bathrooms
7	RA	21 Chetwynd Road	966	0.89	1.26	0	1	11/2/2011	Rabbi's office, admin office, workspace, open sitting area, & bathroom
6	RB	16 Chester Street	873	0.52	0.64	1	4	6/20/2012	Denied - The Board found that the parking relief would create a substantial impact on the surrounding neighborhood.
1	RB	22 Franklin Street	1500	0.6	0.84	1	2	8/1/2012	Denied - The Board found that the alterations to the structure were substantially more detrimental to the neighborhood than the existing structure.
6	RA	109 Hancock Street	151	0.92	0.98	0	1	4/18/2012	Family Room
6	RA	58 Liberty Ave	608	0.87	0.99	1	1	2/16/2011	Game Room, Bedroom, & Bathroom
1	RB	91 Perkins Street	2465	1.24	1.56	0	1	3/6/2013	Family Room & Home Office
7	RA	201 Powder House Blvd	630	0.76	0.95	0	1	5/4/2011	Family Room
5	RB	271 Summer Street	829	1.066	1.282	2	1	6/6/2012	2 Bedrooms, 2 Bathrooms, Rec Room
7	RA	46 Whitman	397	0.76	0.87	0	3	1/5/2011	Legalize - Family Room & Bathroom
6	RA	221 Willow Ave	188	0.98	0.99	0	1	10/17/2012	Exercise Room
7	RA	50-52 Whitman	932	1.00	1.25	3	-	-	3 Bedrooms, Bathroom, & Laundry

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. Information has been added to the chart below, neighbors requested addresses of group homes to evaluate parking and neighborhood context. Only the addresses of homes advertised on operator's websites were included in this chart below. The parking analysis is an estimate of parking available from google satellite and streetview. Whitman Street would be considered 'drive only' meaning that there is only a driveway on the property.

Group Homes in Somerville						
	Occupant Load	Zoning District	Address	Operator	Treatment	Parking (via Google Satellite)
Ward 1	10	RC				4 at end of drive
	8	RC				4
	10	RB				Drive Only
Ward 2	8	RB				Drive Only
	21	RA				Drive Only
Ward 3	20	RA	242 Highland Ave	Caspar	Drug & Alcohol Pre & Post Natal Treatment	2
	9	RC				Drive Only
	35	RA	3 Summit Ave/48 Walnut	Caspar	Drug & Alcohol Men's Resi	8 spaces
	8	RB				4 spaces
	19	RC	16 Highland Ave	Caspar	Drug & Alcohol Men's Resi	Drive Only
	8	RC				5 at end of drive
Ward 4	5	RB	27 Jackson Road	Walnut St Center	Developmental & Cognitive Disabilities	2 at end of drive
	not available	RC				Drive Only
	12	RA				2
Ward 5	-	-				-
Ward 6	8	RB				Drive Only
Ward 7	12	RA	118 North Street	Wayside	ShortStop Transitional Housing	1 1/2 car garage
	6	RA	252 Powderhouse Blvd	Vinfen	Psychiatric, Developmental, and Behavioral disabilities	Drive Only
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, conditions 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/ PIng.							
	<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)
	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)									
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	The Applicant will have an offsite learning center secured by the time 50-52 Whitman has 7 residents or 12 months from when the first resident occupies the building, whichever comes first.	Cont.	PIng.							
6	The structure shall have no more than 12 residents.	Cont.	PIng.							
7	The structure cannot be subdivided into more than the existing 2 units.	Cont.	PIng.							
Traffic & Parking										
8	The Applicant will provide MBTA Monthly LinkPass passes to all residents.	Cont.	PIng.							
9	The Applicant will provide four (4) MBTA Monthly LinkPass passes to staff working at the residence.	Cont.	PIng.							
Public Safety										

10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
11	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.	
12	No more than 2 medical permits (associated with 3L Place) are allowed to park on the street at any given time. 3L Place shall only use 4 visitor parking passes as well as the 2 driveway spots currently being planned for use.	<u>Cont.</u>	<u>Plng.</u>	
13	If 3L place terminates the use of 50-52 Whitman Street as a group home, they shall return it to its previous status as a 2-family home.	<u>Cont.</u>	<u>Plng.</u>	

