



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-78
Date: September 25, 2014
Recommendation: Denial

PLANNING STAFF REPORT

Site: 1108 Broadway

Applicant & Owner Name: JSS Realty Corporation

Applicant & Owner Address: 4 Arline Drive, North Reading, MA 01864

Agent: Richard G. Di Girolamo

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Katajana Ballantyne

Legal Notice: Applicant and Owner, JSS Realty Corp., seeks a Special Permit under SZO §9.13.c for an access easement to be able to provide on-site parking at an existing two-family dwelling. Ward 7. BA zone.

Dates of Public Hearing: Zoning Board of Appeals - October 1, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is 2,673 square feet and is composed of a two-family dwelling with 3,433 square feet of habitable space. There is no landscaping due to the rear lot being entirely paved. There is currently no parking located on-site though there is a small curb cut. Prior to the construction starting at 1108 Broadway, the space in front of the curbcut was signed as a handicap parking space (see google streetview). This parcel is located in Teele Square, in a Business A district, and is surrounded by a mix of uses including residential, retail, and restaurants. Directly adjacent is a residential entrance to 1112 Broadway and the storefronts of West District Somerville Police Department and Magnificent Muffins & Bagels.

There has been no prior zoning relief.

2. Proposal: The Applicant is seeking an access easement to park 2 cars on-site at the rear of the lot due to a by-right additional dwelling unit. To access the rear lot, vehicles would require access onto the adjacent property, which has a residential entrance facing onto the location of the easement. This entrance opens onto the requested area for an access easement.



3. Green Building Practices: There are none indicated on the application.

4. Comments:

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

Traffic & Parking: Has been contacted and does not support the request due to pedestrian conflicts with residential abuttes and due to the high volume of pedestrians in the square. In addition, the vehicles will be existing the site rear facing in an existing business district which will limit visibility, will cause conflicts in the roadway, and conflicts on the sidewalk.

Ward Alderman: Has been contacted but has not yet submitted comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13.c):

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."*

Under SZO §9.13, the SPGA may grant a special permit to modify certain parking standards. An access easement requires Special Permit approval under §9.13.c.

In considering a special permit under §9.13 of the SZO the Applicant has not demonstrated 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.

The approval of such access would create entrance/exit traffic where currently there is none. This could lead to queuing along Broadway and has already eliminated a handicapped parking space in the square. The location of this access easement also creates an unsafe conflict between vehicles and pedestrians due to the entrance location that opens onto the requested access area. This is a heavily trafficked area due to nearby businesses such as Magnificent Muffins and Bagels. In addition, the overhang of the existing building at 1112 Broadway is not tall enough for vehicle clearance. Simply put, this creates an unsafe condition.

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 not consistent with the general purposes of the Ordinance as set forth under §1.2, due to not promoting "the health, safety, and welfare of the inhabitants of the City of Somerville and not lessening congestion in the streets."

The proposal is not consistent with the purpose of the Business A district, §6.1.6, which is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1.

The approval of such access would create entrance/exit traffic where currently there is none. This could lead to queuing along Broadway, unsafe maneuvering since vehicles will exit the site rear facing, and has already eliminated a handicapped parking space. The location of this access easement also creates an unsafe conflict between vehicles and pedestrians due to the entrance location that opens onto the requested access area.

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 parcel is located in Teele Square. The surrounding neighborhood is composed of a mix of uses which includes retail and commercial uses within the square and predominantly residential uses surrounding the square.

The impact of the proposal would be a decrease in pedestrian safety, loss of one on-street parking space, which was previously an ADA parking space, and could result in queuing along Broadway.

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.*

The circulation patterns for vehicles and pedestrians will result in traffic congestion such as queuing along Broadway, a decrease in pedestrian safety due to the location of the pedestrian entrance at the corner and amount of activity on the sidewalk, and has the potential to cause traffic accidents on-site or along Broadway.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

This proposal will not affect affordable housing.

8. 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The proposal does not comply with SomerVision due to the increase in traffic where currently there is none, decrease in pedestrian safety and loss of on-street parking.

III. RECOMMENDATION

Special Permit under §9.13.c

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **DENIAL** 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.