



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2012-04

Date: March 29, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 280 Broadway

Applicant Name: Amos G. Winter

Applicant Address: 49 Roseland Street, Apt. 6, Cambridge, MA 02139

Property Owner Name: Fred Camerato

Property Owner Address: 342B River Street, Newton, MA 02465

Alderman: Tony Lafuente

Legal Notice: Applicant Amos G. Winter and Owner Fred Camerato, seek a Special Permit under SZO §7.13. Use Cluster E to establish a single dwelling unit in the rear building and a Special Permit under SZO §6.1.22.D.5.a to alter the façade of the rear building to install a second egress. CCD 55 zone. Ward 4.

Zoning District/Ward: CCD 55 zone / Ward 4

Zoning Approval Sought: Special Permits under SZO §7.13. Use Cluster E and SZO §6.1.22.D.5.a

Date of Application: March 6, 2012

Dates of Public Hearing: Planning Board – **April 5, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 12,944 square foot lot with two principal structures located near the intersection of Broadway and Sargent Avenue. The structure at the front of the lot is a three story, six unit residential building with 4,070 square feet of living space. The structure at the rear of the lot is a two story, two unit commercial condominium building with 2,092 square feet of usable square feet with two garage parking spaces on the first floor.

2. Proposal: The Applicant is proposing to renovate the existing rear, two unit commercial condominium building into one residential dwelling unit which he would occupy. The first



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floor of the structure would remain as is with two garaged parking spaces and the living space would all be located on the second floor. The new residential dwelling unit would have two bedrooms, a living room, a dining room, a kitchen, an office, two bathrooms, and a laundry area. The exterior of the structure would remain the same with the exception of a new egress door proposed from the second floor on the left side of the structure. This door would open out to a steel stairway that would descend down along the left side of the building and wrap around to the back of the structure where it would meet the ground. The stairs would be four feet wide which would still leave three feet of space for access around the left side of the building. The Applicant is not proposing any other changes to the exterior of the structure, nor any changes to the existing six unit residential building at the front of the lot.

3. Nature of Application: The property is located in the Corridor Commercial District 55 (CCD 55). The 'use clusters' listed under Section 7.13 of the SZO apply in the CCD 55 district. A residential use is listed in under Use Cluster E. Residential. Any time an Applicant wishes to establish a residential unit in either of the Corridor Commercial Districts, CCD 55 or CCD 45, it requires Special Permit approval. The Special Permit Granting Authority (SPGA) in the CCD 55 district is the Planning Board. It should also be pointed out that per the regulations of the CCD 55 district, any change in use or establishment of a use that does not add additional floor area to the existing structure does not trigger any additional parking requirements.

Additionally, alterations to an existing or approved façade other than a one-for-one replacement require a Special Permit under SZO §6.1.22.D.5.a with findings giving consideration to the Design Guidelines of SZO §6.1.22.H. The creation of the new second floor egress door on the left side of the structure would fall under this particular Special Permit requirement. However, to implement the actual stairway on the left side of building would require a Variance because the rear building is nonconforming with regard to the side and rear yard setbacks. Any construction that increases these existing nonconforming side and rear yard setbacks would require a Variance. Variances in the CCD 55 district need Zoning Board of Appeals approval. The Applicant will be pursuing a Variance to construct these stairs at the Wednesday, April 18, 2012 Zoning Board of Appeals hearing.

4. Surrounding Neighborhood: The property is located in a CCD 55 district on Broadway in an area which consists of a mix of residential and commercial uses. Behind the property and on its sides is an RB district which contains two-, three-, and multi-family dwellings. At the front of the property on the Broadway streetscape, the property abuts small retail uses on either side. Commercial, restaurant, and retail uses are located in the area across Broadway and for blocks on either side of the property. Most of the structures in the area are between 2½ and 3 stories in height.

5. Impacts of Proposal: The proposed change of use for the rear building from a two unit commercial condominium building to a single unit residential dwelling will not be detrimental to the direct abutters or the surrounding neighborhood. The residential use is consistent with the surrounding area, which is residential in nature on three sides of the subject property containing two-, three-, and multi-family dwellings. The exterior of the structure would remain the same with the exception of a new egress door proposed from the second floor on the left side of the structure. This door would open out to a stairway that would descend down along the left side of the building and wrap around to the back of the structure where it would meet the ground. This proposed new egress door and stairway for egress purposes would also not be detrimental to the abutters or the surrounding neighborhood. The Applicant is not proposing any other changes to the exterior of the structure, nor any changes to the existing six unit residential building at the front of the lot. The rear building will remain a two-story structure with garage spaces on the first floor and therefore, there are no anticipated negative impacts from the proposal. Planning Staff does have concerns about the existing parking spaces shown on the Amended Site Plan and are proposing a condition to ensure that all of the spaces on the lot are of a conforming nature.

6. Green Building Practices: None indicated.

7. Comments:

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

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

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

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



Existing Two Unit Commercial Building at the Rear of the Property



Existing View of Rear Structure from the Broadway Streetscape

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §6.1.22.D.5, §7.13. Use Cluster E):

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 §6.1.22.D.5.a of the SZO, the Staff finds that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing structure. The proposed exterior changes to the rear building would be a new egress door on the left side of the structure and a new steel stairway to provide a second means of egress from the proposed dwelling unit. The stairway would descend down the left side of the structure and then wrap around to the rear of the building where it will meet the ground. The building will remain a two-story structure and its conversion from two commercial condominiums to one residential unit is consistent with the existing property and the surrounding neighborhood, especially those properties that abut the subject property to the rear.

In considering a Special Permit under §7.13. Use Cluster E of the SZO, Staff finds that the proposed use would not be substantially more detrimental to the neighborhood than the existing use. The proposal

would take two commercial condominiums that are entirely surrounded by residential uses and convert them into a single residential unit at the rear of the subject property. All changes to the structure would be interior with the exception of a new door and rear egress stairway that would be located on the left side of the structure. The stairway would descend down the left side of the structure and then wrap around to the rear of the building where it will meet the ground. This proposed single residential dwelling unit would fit well with the characteristics of the existing neighborhood as the subject property already contains six existing dwellings units in the principal structure at the front of the lot. Additionally, having a single unit residential use at the rear of the property is consistent with the properties that abut the subject property in the rear. The abutting properties contain two-, three-, and multi-family dwelling units. The building will remain a two-story structure and its conversion from two commercial condominiums to one residential unit is consistent with the existing property and the surrounding neighborhood, especially those properties that abut the subject property to the rear. Therefore, there are no anticipated negative impacts from the proposal.

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 secure safety from fire, panic and other dangers; to prevent the overcrowding of land; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is also consistent with the purpose of the CCD district (6.1.22. Corridor Commercial Districts (CCDs)), which is, to "promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity."

The proposal is consistent with the purpose of the district and encourages an active mid-rise residential use in the district as well.

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 proposal is designed to be compatible with the characteristics of the surrounding area and is consistent with the design guidelines in the CCD as laid out in SZO §6.1.22.H. as follows:

1. The proposed façade alterations to the rear building on the lot will not alter the existing streetwall situation along Broadway in any way. The rear building is over 140 feet from the Broadway right-of-way and will not impact the existing six unit residential structure at the front of the lot that sits right up on the Broadway streetscape.
2. The massing and height of the both the structures on the subject property will not change as part of this proposal.
3. The proposal will not change the existing height of either of the buildings on the lot in any manner. The changes to the rear structure at the back of the lot only involve adding a new egress door on the second floor and an egress stairway made of steel on the left side of the building.
4. The Applicant will be maintaining all facades on the building located at the front of the subject property along Broadway as part of this proposal. The changes to the rear structure only involve adding a new door and egress stairway on the left side of the building. This rear building is over 140 feet from the Broadway right-of-way.
5. The Applicant is not proposing any changes to the exterior façade of the rear building with the exception of the new secondary egress door on the left side of the second floor and the steel stairway that leads down from the new door and wraps around to the back.
6. The rear building has no side or rear facades that are visible and the front façade of the building is not being altered in any way. The only change to the façade of the rear building will be the addition of an egress door on the left side of the second floor and the implementation of a steel stairway that will descend down the left side of the building and wrap around to the rear. Additionally, the rear building is over 140 feet from the Broadway right-of-way, making it almost an after thought of the Broadway streetscape.
7. There is no signage being proposed as part of this project. The project will take the two existing commercial condominium units at the rear of the property and convert them into a single dwelling unit making all the structures at the property residential in nature.
8. The Applicant is not proposing to make any changes to the ground floor of the rear building at the property. Currently there are two garage doors on either side of the main entrance to the building at the rear of the lot. The Applicant is not proposing to change this in any way, nor alter the façade or uses on the ground floor of the principal structure at the front of the lot.
9. Artist Live/Work Spaces do not relate to this proposal.
10. The proposed new residential dwelling unit on the site would contain two bedrooms and have approximately 2,000 square feet of living space, which is well over the recommended dwelling unit size of 1,000 square feet in the CCD district.
11. The Applicant is not proposing to change the width of the sidewalk as part of this proposal as the front building location and depth of the façade from the sidewalk is not changing. The sidewalk width along the Broadway frontage for this property will remain the same.

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 proposed new use. 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. The rear building will remain a two-story structure and its conversion from two commercial condominiums to one residential dwelling unit is consistent with the existing property and the surrounding neighborhood, especially those properties that abut the subject property to the rear.

III. RECOMMENDATION

Special Permits under §5.1, 6.1.22.D.5, §7.13. Use Cluster E

Based on 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	<p>Approval is to establish a single dwelling unit in the rear building under SZO §7.13. Use Cluster E and to alter the façade of the building under SZO §6.1.22.D.5.a. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="246 541 886 1535"> <thead> <tr> <th data-bbox="253 550 565 579">Date (Stamp Date)</th> <th data-bbox="565 550 880 579">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="253 579 565 680">(March 6, 2012)</td> <td data-bbox="565 579 880 680">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="253 680 565 781">June 23, 2010 (March 27, 2012)</td> <td data-bbox="565 680 880 781">Amended Site Plan</td> </tr> <tr> <td data-bbox="253 781 565 882">April 20, 2010 (March 27, 2012)</td> <td data-bbox="565 781 880 882">Units Plan (Units 1, 2, 3, 4, 5, 6, 7, & 8)</td> </tr> <tr> <td data-bbox="253 882 565 982">May 11, 2011 (March 27, 2012)</td> <td data-bbox="565 882 880 982">Units Plan (Units 7 & Unit 8)</td> </tr> <tr> <td data-bbox="253 982 565 1083">(March 27, 2012)</td> <td data-bbox="565 982 880 1083">First Floor Plan</td> </tr> <tr> <td data-bbox="253 1083 565 1184">(March 27, 2012)</td> <td data-bbox="565 1083 880 1184">Second Floor Plan (Demo Plan)</td> </tr> <tr> <td data-bbox="253 1184 565 1285">(March 27, 2012)</td> <td data-bbox="565 1184 880 1285">Second Floor Plan (New Floor Plan)</td> </tr> <tr> <td data-bbox="253 1285 565 1386">(March 27, 2012)</td> <td data-bbox="565 1285 880 1386">Egress Plan</td> </tr> <tr> <td data-bbox="253 1386 565 1528">March 15, 2012 (March 27, 2012)</td> <td data-bbox="565 1386 880 1528">Left Side Elevation, Rear Elevation, and Isometric View (Sheets 1, 2, and 3)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(March 6, 2012)	Initial application submitted to the City Clerk's Office	June 23, 2010 (March 27, 2012)	Amended Site Plan	April 20, 2010 (March 27, 2012)	Units Plan (Units 1, 2, 3, 4, 5, 6, 7, & 8)	May 11, 2011 (March 27, 2012)	Units Plan (Units 7 & Unit 8)	(March 27, 2012)	First Floor Plan	(March 27, 2012)	Second Floor Plan (Demo Plan)	(March 27, 2012)	Second Floor Plan (New Floor Plan)	(March 27, 2012)	Egress Plan	March 15, 2012 (March 27, 2012)	Left Side Elevation, Rear Elevation, and Isometric View (Sheets 1, 2, and 3)	BP/CO	ISD/Plng.	
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2	The Elevations and Isometric View (Sheets 1, 2, and 3) listed in Condition #1 for the second means of egress from the second floor shall only be permitted to be constructed if the Applicant receives the required Variance from the Zoning Board of Appeals.	BP	Plng.																					
3	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP																					

4	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 or the night sky.	CO	PIng.	
5	The Applicant or Owner shall remove the pavement markings for the parking spaces numbered 10, 11, 14, 15, and 16 as shown on the Amended Site Plan.	CO	PIng.	
6	The Applicant or Owner shall ensure that the areas on the left side, right side, and rear of the structure that will contain the new dwelling unit will all meet the definition of "Landscaping" under Section 2.2.81 of the Somerville Zoning Ordinance.	CO	PIng.	
7	No vehicles shall be parked outside of the designated parking spaces on the lot or in the garages.	Perpetual	ISD	
8	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.	

