



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY
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Case #: ZBA 2012-59
Date: September 13, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 70 Concord Avenue

Applicants and Property Owners Names: Antonio and Erma Miranda
Applicants and Property Owners Address: 70 Concord Avenue, Somerville, MA 02143
Architect's Name: Paul Mochi
Architect's Address: 14 Western Avenue, Wakefield, MA 01880
Alderman: Maryann Heuston

Legal Notice: Applicants and Owners Antonio and Erma Miranda, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to alter the structure's third floor to create additional living space, including new window openings, and a Special Permit under SZO §9.13.a for relief from one parking space at an existing two-family residence. RB zone. Ward 2.

Zoning District/Ward: RB Zone / Ward 2

Zoning Approval Sought: Special Permits under SZO §4.4.1 and SZO §9.13.a

Date of Application: June 25, 2012

Dates of Public Hearing: Zoning Board of Appeals – **September 19, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 3,905 square foot lot located on Concord Avenue just west of the intersection of Webster Avenue and Prospect Street. The 2½ story gable roofed structure has 3,672 gross square feet and 2,048 square feet of living space. There is a one bedroom unit on the first floor and a two bedroom unit that occupies the second and third floors. The lot has two legal parking spaces as there is a two car parking garage at the rear of the property. The property is located in an RB zoning district.



2. Proposal: The Applicant/Owner would like to expand the amount of usable space on the third floor of the existing two-family dwelling. The first floor of the building is a one bedroom unit and the second and third floors of the building make up the second unit, a two bedroom. The second floor of the structure contains the living room, dining room, kitchen, and a full bathroom for the upstairs dwelling unit. The third floor contains two bedrooms for the upstairs dwelling unit, but the centralized internal stairway from the second to the third floor makes the existing layout of the third floor very awkward. The internal stairway brings one directly into the master bedroom (Bedroom #2) on the third floor. The Applicant/Owner would like to relocate the centralized internal stairway to allow for there to be more livable area on the third floor to add one additional bedroom and one additional full bathroom. Currently, the only bathroom for the upstairs dwelling unit is on the second floor of the building. In order to increase the living area on the third floor the Applicant/Owner is proposing to alter the existing roof style from a gable roof to a mansard roof. The stairs to the third floor would be relocated from the center of the dwelling unit to the right front. The three bedrooms would be laid out from front to back with the master bedroom being located at the back of the structure. The new full bathroom with a stand up shower would be centrally located at the top of the stairs between Bedroom # 1 and Bedroom # 2. On the exterior of the structure the third floor window on the front façade would be replaced with two windows, side by side. The right side of the third floor would have its shed dormer replaced by one full size window and on the left side of the structure two new windows would be added to the third floor. The height of the building to its ridgeline would increase from approximately 30 feet 4 inches to 34 feet 8 inches.

3. Nature of Application: The property is currently nonconforming with regard to minimum lot size at 3,905 square feet and frontage at 40.88 feet, as 7,500 square feet and 50 feet respectively are required in the RB district. The structure itself is currently nonconforming with respect to the front and right side yard setbacks. The proposed alterations to the third floor and roof of the structure along the right side of the building would be occurring within the required right side yard setback. Under Somerville Zoning Ordinance (SZO) §4.4.1, alterations to nonconforming structures that affect the nonconforming aspect of a two-family dwelling may only occur via Special Permit approval from the Special Permit Granting Authority.

Additionally, according to SZO §9.5, the property is also nonconforming with regard to the required number off-street parking spaces at the site, as there are only two legal parking spaces at the property and three off-street parking spaces should be provided for the two-family dwelling use. Since the Applicant/Owner is proposing to increase the number of bedrooms in the upstairs dwelling unit from two to three, the Applicant/Owner is required to provide one additional off-street parking space at the property. This additional off-street parking space cannot be provided for at the site and therefore the Applicant/Owner is also requesting relief from the parking requirements of SZO §9.5 via a Special Permit under SZO §9.13.a. A Parking Memorandum that discusses the parking impacts of this requested relief on the parking situation in the surrounding neighborhood has been requested by the Somerville Traffic and Parking Department; however, the Applicant/Owner has chosen to move forward with the application without providing the requested Parking Memorandum.

4. Surrounding Neighborhood: The subject property is located in an RB zone just south of Union Square. The surrounding neighborhood is predominantly residential comprised of single-, two-, and three-family dwellings. Most of the structures in this area are between 2½ and 3 stories in height with gable, mansard, or flat roof styles.

5. Impacts of Proposal: The proposed modifications to the third floor would not appear to be detrimental to the structure or the surrounding neighborhood. The alteration of the design of the roof style from a gable roof to a mansard roof will still be in keeping with roof styles of other structures in the

surrounding neighborhood. The mansard roof and dormered windows help to give the building the appearance that it is still a 2½ story structure from the outside. While the proposed changes will alter the appearance of the structure from a gable roofed structure to a mansard roofed structure, the view and experience along the Concord Avenue streetscape will not be greatly impacted. Although the proposed changes to the structure will increase the height of the building to its ridgeline by 4 feet 4 inches, Planning Staff is proposing a condition that the Applicant/Owner submit new elevations to Planning Staff prior to the issuance of a Building Permit that lower the proposed ridgeline of the mansard roof and create a shallower roof pitch than what is currently being proposed (4:12 slope). If included, this proposed condition would help to virtually eliminate any impacts on views or sunlight the new mansard style roof may have on surrounding properties. Additionally, the alterations to the roof style and the third floor window openings will stay within the current footprint of the building and therefore only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete. The structure will remain a two-family dwelling used for residential purposes which is consistent with the surrounding area.

The requested relief from the one additional required off-street space for this proposal should only have a minimal impact to abutters and the surrounding neighborhood. While the property currently only has two legal off-street parking spaces according to the Somerville Zoning Ordinance, the existing driveway and garage at the site can accommodate for up to six cars when parked in a tandem fashion. Six off-street parking spaces would exceed the requirements for the proposal when completed and Planning Staff is therefore anticipating minimal, if any, impacts to the on-street parking situation in the surrounding neighborhood as a result of this proposal.

6. Green Building Practices: None indicated.

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.

Traffic & Parking: Indicated the following in an email to Planning Staff on Thursday, September 13, 2012: “The Traffic & Parking Department has concerns about the on-street parking situation that would be created in the Concord Avenue neighborhood should relief be provided to the Applicant for this project. Traffic & Parking is requesting a Parking Memorandum that discusses the parking impacts of providing the one off-street parking space of relief for this proposal on the surrounding neighborhood’s parking situation. At this time, the Applicant has not provided this Parking Memorandum. Until Traffic & Parking has this memorandum, our office will not comment on this proposal and we remained concerned about the possible on-street parking situation in the neighborhood that would result from the Applicant receiving this relief.”

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



Existing Conditions: Exterior (Above)



Internal Stairway Leading Up to the Third Floor



Internal Stairway, Observed from the Third Floor

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §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 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. Although the proposed changes to the structure will increase the height of the building to its ridgeline by 4 feet 4 inches, Planning Staff is proposing a condition that the Applicant/Owner submit new elevations to Planning Staff prior to the issuance of a Building Permit that lower the proposed ridgeline of the mansard roof and create a shallower roof pitch than what is currently being proposed (4:12 slope). If included, this proposed condition would help to virtually eliminate any impacts on views or sunlight the new mansard style roof may have on surrounding properties. Additionally, the requested parking relief from one required off-street parking space for this proposal should only have a minimal impact to abutters and the surrounding neighborhood. While the property currently only has two legal off-street parking spaces according to the Somerville Zoning Ordinance, the existing driveway and garage at the site can accommodate for up to six cars when parked in a tandem fashion. Six off-street parking spaces would exceed the requirements for the proposal when completed and Planning Staff is therefore anticipating minimal, if any, impacts to the on-street parking situation in the surrounding neighborhood as a result of 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 provide adequate light and air; 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 district in which the residential building is located, (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."

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 Section 9.1 which establishes standards ensuring the availability and safe use of parking areas within the City and this proposal is also consistent with these purposes.

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 alterations to the roof style and the interior third floor plan have been designed to be compatible with the built and unbuilt surrounding area. The alteration of the design of the roof style from a gable roof to a mansard roof will still be in keeping with roof styles of other structures in the surrounding neighborhood. The mansard roof and dormered windows help to give the building the appearance that it is still a 2½ story structure from the outside. While the proposed changes will alter the appearance of the structure from a gable roofed structure to a mansard roofed structure, the view and experience along the Concord Avenue streetscape will not be greatly impacted. The structure will remain a two-family dwelling used for residential purposes which is consistent with the surrounding area.

5. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from relief of one parking space for the subject property does not suggest a change in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The requested relief from the one additional required off-street parking space for this proposal should only have a minimal impact to abutters and the surrounding neighborhood. While the property currently only has two legal off-street parking spaces according to the Somerville Zoning Ordinance, the existing driveway and garage at the site can accommodate for up to six cars when parked in a tandem fashion. Six parking spaces would exceed the requirements for the proposal when completed and Planning Staff is therefore anticipating minimal, if any, impacts to the on-street parking situation in the surrounding neighborhood because of this proposal. A Parking Memorandum that discusses the parking impacts of providing one off-street parking space of relief for this proposal on the surrounding neighborhood parking situation has been requested by the Somerville Traffic and Parking Department. The Applicant/Owner has chosen to move forward with the application without providing the requested Parking Memorandum.

Traffic and Parking is still requesting this memorandum from the Applicant/Owner and has therefore not commented on the project at this time.

III. RECOMMENDATION

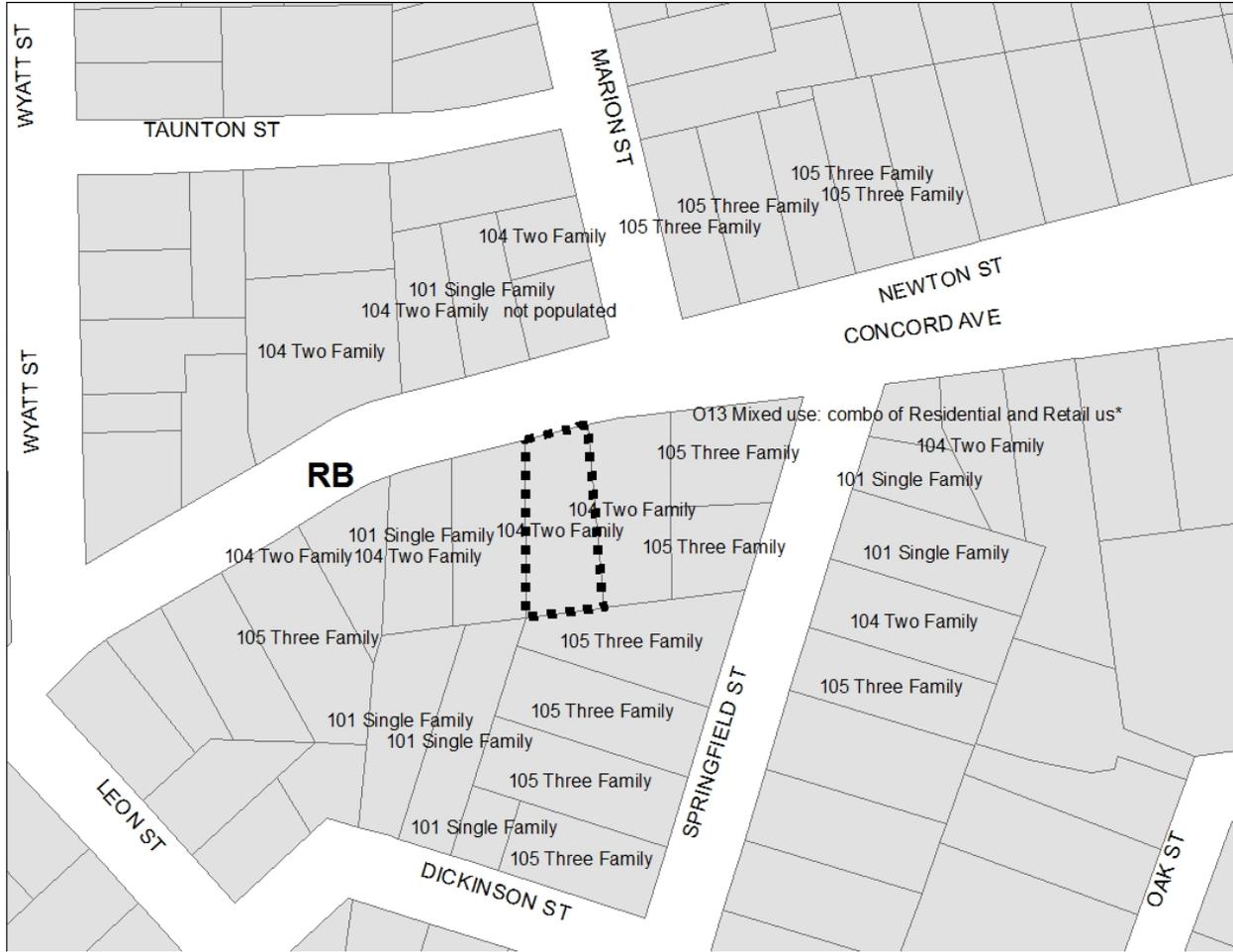
Special Permits under §4.4.1 and §9.13.a

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 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 | Approval is to alter the nonconforming structure’s third floor to create additional living space, including new window openings, under SZO §4.4.1 and for relief from one off-street parking space under SZO §9.13.a at an existing two-family residence. 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>(June 25, 2012)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>September 23, 2011 (September 12, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>September 10, 2012 (September 12, 2012)</td> <td>Attic Plans and Elevation Drawings (REV A – 1.1, REV A – 1.2, and REV A – 1.3)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | (June 25, 2012) | Initial application submitted to the City Clerk’s Office | September 23, 2011 (September 12, 2012) | Plot Plan | September 10, 2012 (September 12, 2012) | Attic Plans and Elevation Drawings (REV A – 1.1, REV A – 1.2, and REV A – 1.3) |
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| September 10, 2012 (September 12, 2012) | Attic Plans and Elevation Drawings (REV A – 1.1, REV A – 1.2, and REV A – 1.3) | | | | | | | | | | | |
| Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | |
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| 2 | Prior to the issuance of a Building Permit, the Applicant/Owner shall submit updated elevations to Planning Staff showing a lower ridgeline and a shallower roof pitch than 4:12 for the proposed new mansard roof. | BP | PIng. | | | | | | | | | |
| 3 | The Applicant/Owner shall meet the Fire Prevention Bureau’s requirements. | CO | FP | | | | | | | | | |
| 4 | The Applicant/Owner shall install a code compliant fire alarm system. | CO | FP | | | | | | | | | |

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|---|--|---------------------|-------|--|
| 5 | The Applicant/Owner 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 | |
| 6 | All construction materials and equipment, including dumpsters, 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 | |
| 7 | New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure. | CO | Plng. | |
| 8 | The Applicant/Owner 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. | |



70 Concord Avenue