



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 2014-73
Date: August 28, 2014
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 171-175 Walnut Street

Applicant & Owner Name: Seckel Street Realty Trust
Applicant & Owner Address: 138 Harvard Ave. Allston, MA 02134
Agent: Joshua Krefetz
Agent Address: 244 Brighton Ave. Suite 105 Allston, MA 02134
Alderman:

Legal Notice: Applicant and Owner, Seckel Street Realty Trust, seek a Special Permit §4.4.1 to add a second story addition on a nonconforming sideyard and a Special Permit per SZO §4.5.3 to expand a nonconforming use by adding living area to an existing unit. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – September 3, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an 8,537 square foot lot in an RB zone. There are two structures on the lot, an existing 3-story 6 unit building and a converted storefront that has an additional residential unit. In 1997, there was a variance granted to establish the residential unit in the commercial storefront. It was approved with four conditions including submission of plans to Staff for design review including all proposed changes to be made in order to reflect its new residential status such as window flower boxes and replacement of existing light fixtures. The conversion to a residential unit was completed shortly after the approval with minor changes to the building envelope. In March of 2013, there was a fire that substantially destroyed the interior.
2. Proposal: The proposal is to renovate the interior of the building and add a second story addition to the structure. The building will have living area on the first floor and bedrooms on the second floor.



The exterior of the building will be modified to be more typical to other converted storefronts in the city. The original windows, that are currently blocked in, will be either opened with windows or infill panels. The second story will be modern in form and fit on the existing footprint on the unit. There will be a rear deck with access to the ground. The current parking spaces both in the garage and on the lot will be maintained.

3. Green Building Practices: The building will be brought up to compliance with the applicable energy codes.

4. Comments:

Fire Prevention: Fire Prevention has been contacted and has not provided comments at this time.

Ward Alderman: Alderman McLaughlin has been contacted but has not provided comments at this time.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §4.5.3):

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."*

According to SZO §4.4.1 lawfully existing nonconforming structures may be enlarged, extended, renovated or altered only by Special Permit. In addition, expansion, alteration, enlargement or extension of a lawfully existing nonconforming use shall be permitted only by Special Permit. The second floor addition and window alterations require a Special Permit. Although the site is an established 7 unit parcel, the expansion of living area for a nonconforming unit count also requires review.

In considering a special permit under §4.4 and 4.5 of the SZO, Staff find that the alterations and use proposed would not be substantially more detrimental to the neighborhood than the existing structure and use.

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 secure safety from fire, panic and other dangers; and to provide adequate light and air.

The proposal is achieving more consistency with the purpose of the district, 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.” The form of the building after renovations will be more in context with the residential character of the neighborhood. The initial condition of the Board from the 1997 decision is more reflected in this proposal. However, a condition of the report is that the Applicant supply a landscape plan from a licensed landscape architect to maximize the landscaping on the site.

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 surrounding neighborhood is a mix of uses. The subject property serves as a transition from the Broadway Commercial Corridor to the residential fabric of Walnut Street. The immediate abutter is the Sunoco gas station on Broadway. The addition increases the FAR of the site to .99. A condition of this report is that the net square footage of the site remains the same and that the basement of the unit cannot be finished nor the rear deck enclosed.

There are little to no impacts of the proposal. The design will make the structure more residential in form and will provide a transition from Broadway to Walnut Street.

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

The proposal will substantially renovate 1 unit that, most likely, was in poor condition. At the time of the fire, there was an illegal bedroom in the basement. It can be assumed it was more affordable than the proposed unit. A renovated unit has benefits including that it will comply with building code.

6. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	7	7
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	10	10

<i>Publicly Accessible Open Space:</i>	0	0
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III. RECOMMENDATION

Special Permit under §4.4.1 & §4.5.3

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 the a Special Permit §4.4.1 to add a second story addition on a nonconforming sideyard and a Special Permit per SZO §4.5.3 to expand a nonconforming use by adding living area to an existing unit. 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>July 31, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 30, 2014</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>August 11, 2014</td> <td>Modified plans submitted to OSPCD (Site Plan, Basement, Ground Floor, Second Floor, Roof Plan, West Elevation, North Elevation, East Elevation, South Elevation, Massing Studies Sheets 1-4)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 31, 2014	Initial application submitted to the City Clerk’s Office	July 30, 2014	Modified plans submitted to OSPCD (Plot Plan)	August 11, 2014	Modified plans submitted to OSPCD (Site Plan, Basement, Ground Floor, Second Floor, Roof Plan, West Elevation, North Elevation, East Elevation, South Elevation, Massing Studies Sheets 1-4)
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Any changes to the approved plans/elevations and use 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	
Design				
4	There shall be no increase in net floor area of the site beyond the proposal including but not limited to finishing the basement or enclosing the rear deck.	BP	Plng.	
Site				
5	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
6	The Applicant shall supply a landscaping plan by a certified landscape architect maximizing the landscaping on the site to Planning Staff for review and approval.	BP	Plng.	
7	Applicant will supply 5 bicycle parking spaces, which can be satisfied with a U-Shaped bicycle rack.	CO	Plng.	
Miscellaneous				
8	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	
Public Safety				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
10	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.	

