



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: 2008-68

Date: February 5, 2009

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 7-9 Bowers Avenue

Applicant Name: Christina Yanhui Li

Applicant Address: 9 Bowers Ave, Somerville MA 02144

Property Owner Name: 7-9 Bowers Avenue Realty Trust

Alderman: Gewirtz

Legal Notice: The Applicant is requesting a Special Permit to establish three rooms to rent without kitchen facilities as a tourist home (SZO §7.11.4.a), in an owner occupied dwelling.

Zoning District/Ward: Residence B / 6

Zoning Approval Sought: Special Permit SZO §7.11.4.a

Date of Application: November 21, 2008

Date(s) of Public Meeting / Hearing: PB: December 18, 2008 / ZBA: January 7, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on February 5, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 2475 square foot rectangular lot containing a two-family dwelling. The house has 2 ½ stories and approximately 3851 net square feet. One unit, 9 Bowers Avenue, is currently on three floors: the basement, first floor, and one bedroom on the 2nd floor (typical of

a Philadelphia style house). The second unit, 7 Bowers Avenue, takes up the remainder of the second floor and the half story. There is a driveway with two tandem parking spaces.

2. Proposal: The proposal is to establish three tourist rooms to rent in one of the dwelling units, 9 Bowers Avenue, which would be owner occupied. There are no proposed changes to the exterior of the structure or site.

The Inspectional Services Division (ISD) has provided the history of the living space in the basement and established that it is legal. A permit was issued in 2004 to renovate an existing bathroom in the basement and assessor's database shows 818 square feet of basement is finished. ISD stated that any building code issues would be determined when a certificate of occupancy is issued for the change of use.

In addition the site would be subject to regulations governing inn holders in the State Sanitary Code and in Somerville Licensing Commission's Rules and Regulations.

3. Nature of Application: The use of 3 rooms to rent (SZO §7.11.4.a) in a Residence B zoning district requires a special permit. Two rooms may be dedicated to this use without requiring zoning approval.

The present use is nonconforming in terms of parking. Each dwelling unit requires two parking spaces, for a total of four parking spaces; however, there is only one legal parking space in the driveway (although two cars can park in tandem). The change in use of one of the units would not require additional parking. The three tourist rooms require one parking space and the additional efficiency living space for the owner would require one parking space. Since the total parking for the two units would remain at four spaces, no parking relief is required.

Required if New	Existing	Required for Change	Relief
4	1	4	none

4. Surrounding Neighborhood: The property is adjacent to the Davis Square central business district comprised of retail, businesses services, and offices. The neighborhood to the west is mostly one-, two- or three-family homes.

5. Impacts of Proposal:
The new use could generate additional people coming and going from the property depending on the success of the business. This may be more impactful for neighbors in the area and beneficial to local businesses in Davis Square. Additional parking demand may be another impact on the neighborhood. Impacts should be mitigated by the several transportation and parking options in the area including a subway station, bus service, municipal parking lots, and



the use of Bowers Avenue, which is a private street. Many visitors to bed and breakfasts arrive via public transportation.

6. Green Building Practices: None.

7. Comments:

Fire Prevention: This department in conjunction with Inspectional Services Division determined that this use, providing sleeping accommodations for transient visitors, will require a fire suppression system.

Ward Alderman: Alderman Gewirtz is in support of the proposed use. She heard from the Applicant that the neighbors do not have a problem with the proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.4.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 Board 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 proposal conforms to the standards of the Zoning Ordinance to establish rooms for rent. The dwelling would be owner occupied and the rooms would be without kitchen facilities in them.

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 providing for and maintaining uniquely integrated structure of uses in the City. The use is also compatible with the Residence B district – the three rooms for rent would be within a typical 2 ½ story house and perform a function similar to housing. The use would also support the purpose of the business district adjacent to it.

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 2 ½ story dwelling would not change and would continue to be compatible with the residential neighborhood to the west.

III. RECOMMENDATION

Special Permit under §7.11.4.a

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to establish three rooms to rent without kitchen facilities as a tourist home (SZO §7.11.4.a), in an owner occupied dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Nov 21, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(January 12, 2009)</td><td>Plot Plan, & 2nd, 1st, garden level floor plans</td></tr></table>				Date (Stamp Date)	Submission	Nov 21, 2008	Initial application submitted to the City Clerk’s Office	(January 12, 2009)	Plot Plan, & 2 nd , 1 st , garden level floor plans
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Any changes to the approved use that are not <i>de minimis</i> must receive ZBA approval.										
2	The dwelling shall be owner occupied.	Perpetual as a tourist home	ISD							
3	The Applicant shall obtain a Certificate of Compliance from Fire Prevention.	CO	FP							

Sincerely,



Kevin Prior
Chairman

Cc: Applicant/Owner: Christina Yanhui Li

