

DRAFT

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November 29, 2007

~~Zoning Board of Appeals~~
~~City Hall, 93 Highland Avenue~~
~~Somerville, MA 02143~~

100 Properzi Way: (Applicant: Moshe Safdie & Associates; Owner: Moshe Safdie; Agent: Paul Gross). The Applicant seeks Special Permit approval under SZO §4.5.3 for the expansion of a non-conforming use to build a two-story front addition and a two-story rear addition with basement and mezzanine. The Applicant seeks Special Permit approval under SZO §4.4.1 for the expansion of a nonconforming structure for the proposed front addition that extends 14'1" into the required side yard. Neighborhood Business (NB) and Residence B (RB) zone. Ward 2

~~Dear ZBA Members:~~

~~At its regular meeting on November 29, 2007, the Planning Board heard the above referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted xx, to recommend xxxxxxxxxxxx of the requested **Special Permit**.~~

In conducting its analysis, the Planning Staff found:

100 Properzi Way

1) **Subject Property:** The subject property is an approximately 22,009 s.f. lot, which is split between a Neighborhood Business (NB) zone and a Residence B (RB) zone. The existing structure, which is situated in the NB zone, is a 11,946 g.s.f. two-story with basement, brick building. The 1930's building is constructed of exterior masonry walls with large factory-sized windows and exposed heavy timber structure. The property is an abnormally



shaped through lot, which fronts on Properzi Way and backs on Skehan Street. Access to the site is only available via Properzi Way. The site has seventeen (17) existing parking spaces, most of which are situated in the RB zone behind the building, and are accessible from Properzi Street.

2) Proposal: The Applicant seeks Special Permit approval under SZO §4.5.3 for the expansion of a non-conforming use to build a two-story front addition and a two-story rear addition with basement and mezzanine. The two-story front addition is 942 g.s.f. and will extend 9'6" from the front of the building. The two-story, plus basement and mezzanine rear addition will contain 5806 g.s.f and extend 31' from the rear of the building at a height of 39'. The existing building contains 9,557 n.s.f. and the proposed building with the addition contains 14,955 n.s.f..

The Applicant seeks Special Permit approval under SZO §4.4.1 for the front addition that extends 14'1" into the required side yard. The existing structure currently has the same side yard nonconformity as the proposed front addition.

3) Nature of Application: The Applicant seeks Special Permit approval under SZO §4.5.3 for the expansion of a non-conforming use to build a two-story front addition and a two-story rear addition with basement and mezzanine. Under §4.5.3 "Expansion, alteration, enlargement or extension of a lawfully existing nonconforming use shall be permitted only by the granting of a special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing degree of nonconformity."

The Applicant seeks Special Permit approval under SZO §4.4.1 for the front addition that extends 14'1" into the required side yard. Under §4.4.1 "Lawfully existing nonconforming structures other than one- and two- family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building."

Because the structure is over 50 years old, the Applicant is advised that Historic Preservation Commission approval may be required in order to alter the structure.

4) Parking: The Existing Site Plan documents the existing seventeen (17) parking spaces on the property. The additional 5,398 n.s.f. in the proposed addition will require nine (9) new parking spaces (1 space per 575 n.s.f.). The proposed Site Plan shows twenty-six (26) parking spaces, which would satisfy the zoning requirement for the building addition.

The proposed Site Plan shows five (5) new compact parking spaces in the rear parking lot and four (4) new parallel parking spaces along the existing narrow driveway (in addition to three existing spaces along this driveway). The dimensions of these parallel spaces meet the standards of the SZO; the driveway would remain 12'-0", which is the existing width.

5) Surrounding Neighborhood: The immediate neighborhood is predominantly residential with a mix of single, two-, and three-family, wood homes to the rear and north of the structure. Abutting the property to the south and across the street are large, four-story brick apartment buildings that are well maintained. These buildings have brick walls, which enclose landscaping and have been built up to the street wall. The street layout in the area is an irregular pattern which creates a quiet and relatively traffic free neighborhood. Properzi Way is a quiet, tree lined street.



Applicant parking lot and abutting residential homes



Applicant's driveway and abutting apartment building

6) Impacts on Abutting Properties: This proposal is not expected to negatively impact abutting properties. The front addition will not be as close to the street wall as the abutting apartment building and will serve as a bridge between the larger structures to the south and the low density residential to the north. The building currently blends into its natural surroundings due to a heavy ivy growth on the structure. The owner wishes to maintain this low profile to the largest extent possible. The rear addition and mezzanine will be higher than the existing building but remain well below the height and scale of the apartment buildings nearby. The residential structure which directly abuts to the north is owned by the applicant.

7) Comments from Traffic and Parking: Terence Smith reviewed the site plans and has concerns regarding the parking layout. The main concern is that the four (4) new spaces proposed along the south side of the building would need to back out of the driveway onto Properzi Way. In addition, the 12 foot width of the driveway would not enable cars to pass each other.

8) Comments from Fire Prevention Bureau: Fire Prevention reviewed the plans and would like to conduct an on-site inspection of both 100 and 92 Properzi Way, which are currently under the same ownership.

9) Comments from Aldermen: Ward Alderman Heuston has been contacted but has not provided comments.

FINDINGS AND DETERMINATIONS FOR SPECIAL PERMITS UNDER SZO §4.4.1

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."

The Applicant requires a special permit under §4.5.3 to expand the nonconforming use. Under §4.5.3 "Expansion, alteration, enlargement or extension of a lawfully existing nonconforming use shall be permitted only by the granting of a special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing degree of nonconformity. In judging detriment, the

SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character.”

The Staff finds that, as proposed, the expansion **would not be substantially more detrimental** to the surrounding neighborhood than the existing nonconforming use, as required under §4.5.3 of the SZO. The proposal is not substantially more detrimental in all relevant categories, including traffic volumes, traffic congestion and neighborhood character. Enabling the architectural firm to centralize their operations in Somerville is a benefit to the community and the operation appears to be compatible with its quiet surroundings. The proposal includes the addition of nine off-street parking spaces, and the Applicant has described several transportation demand management approaches that the firm has taken to encourage alternative means of commuting to work, including providing bicycle racks and showers to encourage walking and cycling, and subsidizing transit passes.

The Applicant requires a special permit under SZO §4.4.1 to expand the nonconforming use. Under §4.4.1 “Lawfully existing nonconforming structures other than one- and two- family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

The Staff finds that the Applicant’s proposal **would not be substantially more detrimental** to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The proposal is not substantially more detrimental in all relevant categories, including visual effects and neighborhood character. This enlargement is in character with the existing building and will not further reduce the depth of the side yard.

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 Staff finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance; and, to the extent possible for a lawful pre-existing nonconforming structure, with those purposes established for the Neighborhood Business (NB) and Residential B (RB) zoning districts in which the property is located, namely “(t)o 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 the RB zones and “(t)o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods” in the NB zones.

The Staff finds that the proposal **is consistent** with the purposes set forth in Article 7 of the Zoning Ordinance regarding lots in two zoning districts. Under §7.4 the SZO “Land in a more restrictive zoning district may supply space for a use permitted in a less restricted zoning district if the use of the land in the more restrictive district satisfies space and passive use requirements (such as setbacks, landscaping or parking) that are not prohibited in the more restrictive district.

- 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 Staff finds that the proposal **is compatible** with the site and area. The proposed enlargement on the first two stories is designed to maintain the architectural style of the existing structure. The mezzanine will feature a more modern design that will complement the appearance of the structure, which was itself originally a "modern" industrial design.

- 5) Parking: Planning Staff finds the proposal compatible with the parking requirements under SZO §9.5. However Traffic & Parking has expressed concern that the addition of more parallel-parked vehicles along the narrow driveway will encourage vehicles to back into Properzi Way and create safety issues..

Regarding the parking in the rear, this proposal will formalize an existing informal parking arrangement without creating any new non-conformity. Staff has worked closely with the applicant to develop a proposal that would address the concerns of Traffic and Parking. The most recent parking layout features an extra wide parking lot in the rear that would provide enough space for a three-point turn so no vehicles on the property would need to back into Properzi Way.

Given that the narrow driveway will not be further reduced and that it is possible for vehicles to pull into the rear of the lot to turn around, and given the minor level of traffic along Properzi Way, the parking layout does not seem to Planning Staff to be a great impediment to development.

Nevertheless, should the Planning Board have concerns about the present proposal; an alternative may be for the Applicant to seek a special permit under 9.13.f in order to gain relief from providing the four additional parallel spaces. Traffic & Parking has indicated that they may be able to support such a plan if a traffic consultant were to develop mitigation measures to encourage more of the employees to walk, bike or take public transportation. Some mitigation measures could include the installation of additional bike racks, increased subsidies for using public transportation, dedicated parking spaces for employees that carpool and/or improvements to access corridors.

RECOMMENDATION

Special Permit under §4.5.3 and §4.4.1

The Staff finds that this application complies with the requirements for granting a special permit as set forth under §4.5.3 and §4.4.1 and that the proposed enlargement would not be substantially more detrimental to the neighborhood than the existing structure.

Based on the information submitted, the above findings, and Planning Staff site visits and recommendations, the Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**. This approval is based on the following conditions:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the applicant to expand a non-conforming use to build a two-story front addition that extends into the required side yard, and a two-story rear addition with basement and mezzanine. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its	BP/ CO	ISD/ Plng.	

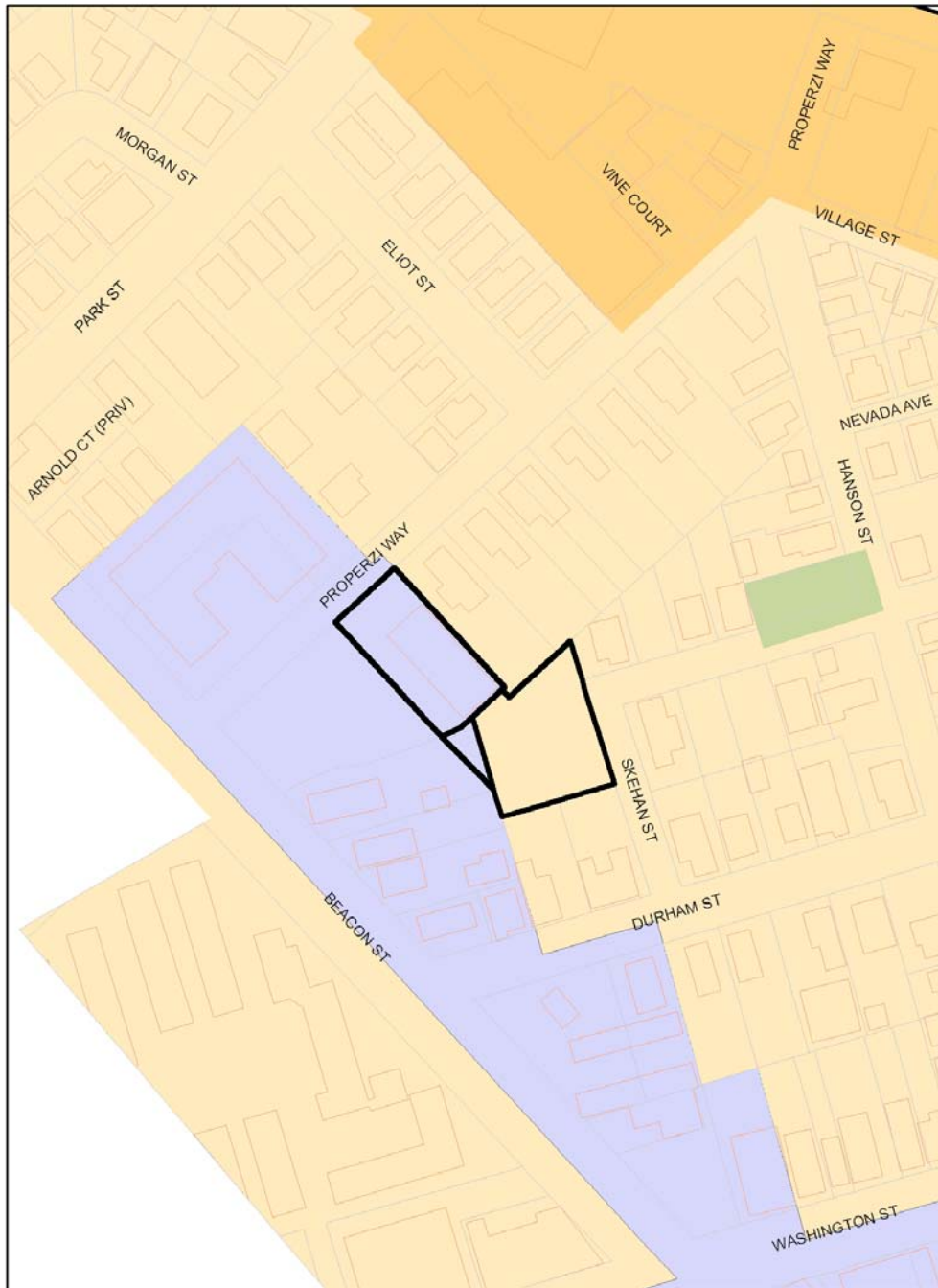
	contractor: <table><tr><th>Date</th><th>Submission</th></tr><tr><td>November 15, 2007</td><td>Initial application and plans submitted to the City Clerk’s Office</td></tr></table> Any changes to the approved site plan or elevations must receive ZBA approval.	Date	Submission	November 15, 2007	Initial application and plans submitted to the City Clerk’s Office			
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November 15, 2007	Initial application and plans submitted to the City Clerk’s Office							
2	The applicant shall place appropriate signage on the driveway to alert drivers to potential oncoming vehicles.	CO	Plng.					
3	The facade materials should match as closely to the existing facade as possible. The ivy on the façade, the magnolia tree in the front yard and the bushes along the base of the façade will be moved or replaced	CO	Plng.					
4	The new parking lot shall be screened from Skehan Street and surrounding residential with new landscaping and fencing (chain link fence should be removed and replaced if possible) pursuant to §10.5 screening requirements. Landscaping shall be installed to National Nurserymen’s standards.	CO	Plng.					
5	Fire Prevention shall conduct an on-site inspection of both 100 and 92 Properzi Way	CO	FP					
5	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.		Plng.					

Sincerely,



~~Kevin Prior~~
Chair

Cc: Applicants: Anthony Pasquale; Owner: Allen Street Realty Trust; Agent: Richard DiGirolamo Esq.



100 Properzi Way