



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-69
Date: September 7, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 14 Bond Street

Applicant Name: Jose Sousa
Applicant Address: 14 Bond Street, Somerville, MA 02145
Owner Name: Jose Sousa
Owner Address: 14 Bond Street, Somerville, MA 02145
Alderman: Tony Lafuente



Legal Notice: Applicant and Owner, Jose Sousa, seeks a Special Permit under SZO §4.4.1 to extend the basement living area within the setback. RC Zone. Ward 4.

Dates of Public Hearings: September 7, 2016

I. PROJECT DESCRIPTION

- 1. Subject Property:** The subject property is a legal four-unit, 2,958 square foot residential structure in the RC district residing on a 4,792 square foot lot.
- 2. Proposal:** The Applicant proposes to increase the living area of the basement unit by extending the footprint of the basement underneath the existing rear deck. The basement foundation runs along the side yard at a distance of 2'5" from the property line. The trigger for the Special Permit is the extension of this foundation/living area within the right yard setback.
- 3. Green Building Practices:** None listed on application.
- 4. Comments:**

Ward Alderman: Katjana Ballantyne has been advised of this project.



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

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

Section 4.4.1 states that "[l]awfully 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, 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."

- In considering a Special Permit under §4.4.1 of the SZO, Staff finds that the extension of the living space in the basement unit will have a negligible effect on the neighborhood. The alterations to the property will be largely underground, with only the new foundation, egress window, associated window well and new stairs visible on the right rear of the property.

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."*

Staff finds that the to extend the basement unit in order to add more living space is consistent with the purpose of the RC district which is, according to §6.1.3 of the SZO "...to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the 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."*

Based on the findings noted in item 2 ("Compliance with Standards") above, in considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the conditions currently extant on the existing structure.

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

The proposal will not add to the existing stock of affordable housing.

8. **SomerVision:**

There is no impact on SomerVision with this proposal.

III. RECOMMENDATION**Special Permit under §4.4.1**

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 | | | | | | | | |
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| 1 | Approval is to extend the basement in order to create more living space for this unit. | BP/CO | ISD/Plng. | | | | | | | | | |
| | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 22, 2016</td><td>Application submitted to City Clerk’s Office</td></tr><tr><td>August 16, 2016</td><td>Updated zoning dated sheet submitted to OSPCD</td></tr><tr><td>August 29, 2016</td><td>Certified plot plan submitted to OSPCD</td></tr></table> | | | | Date (Stamp Date) | Submission | June 22, 2016 | Application submitted to City Clerk’s Office | August 16, 2016 | Updated zoning dated sheet submitted to OSPCD | August 29, 2016 | Certified plot plan submitted to OSPCD |
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| August 29, 2016 | Certified plot plan submitted to OSPCD | | | | | | | | | | | |
| Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office. | | | | | | | | | | | | |
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| Construction Impacts | | | | | | | | | | | | |
| 2 | The Applicant shall, at their 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 | The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by. | During Construction | ISD/Plng. | | | | | | | | | |

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| 4 | 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. Construction equipment shall NOT be stored on City property. | During Construction | T&P/ ISD | |
| Design | | | | |
| 5 | The new basement window shall meet all code standards for emergency egress and shall contain a window well. | CO | ISD/Planning Staff | |
| Site | | | | |
| 6 | The Applicant/Owner shall screen the new foundation with appropriate evergreen plantings, but shall not allow those plantings to block the egress window or any associated window well. | CO/Perpetual | ISD/Planning | |
| Public Safety | | | | |
| 7 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO/Perpetual | FP | |
| 8 | All smoke detectors shall be hard-wired. | CO | Fire Prevention / ISD | |
| Final Sign-Off | | | | |
| 9 | 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. | |