



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-84

Date: January 30, 2014

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 31-33 Clyde Street

Applicant & Owner Name: 31-33 Clyde Street, LLC

Applicant & Owner Address: 30 Mooney Street Cambridge, MA 02138

Agent Name: Richard G. DiGirolamo

Agent Address: 424 Broadway Somerville, MA 02145

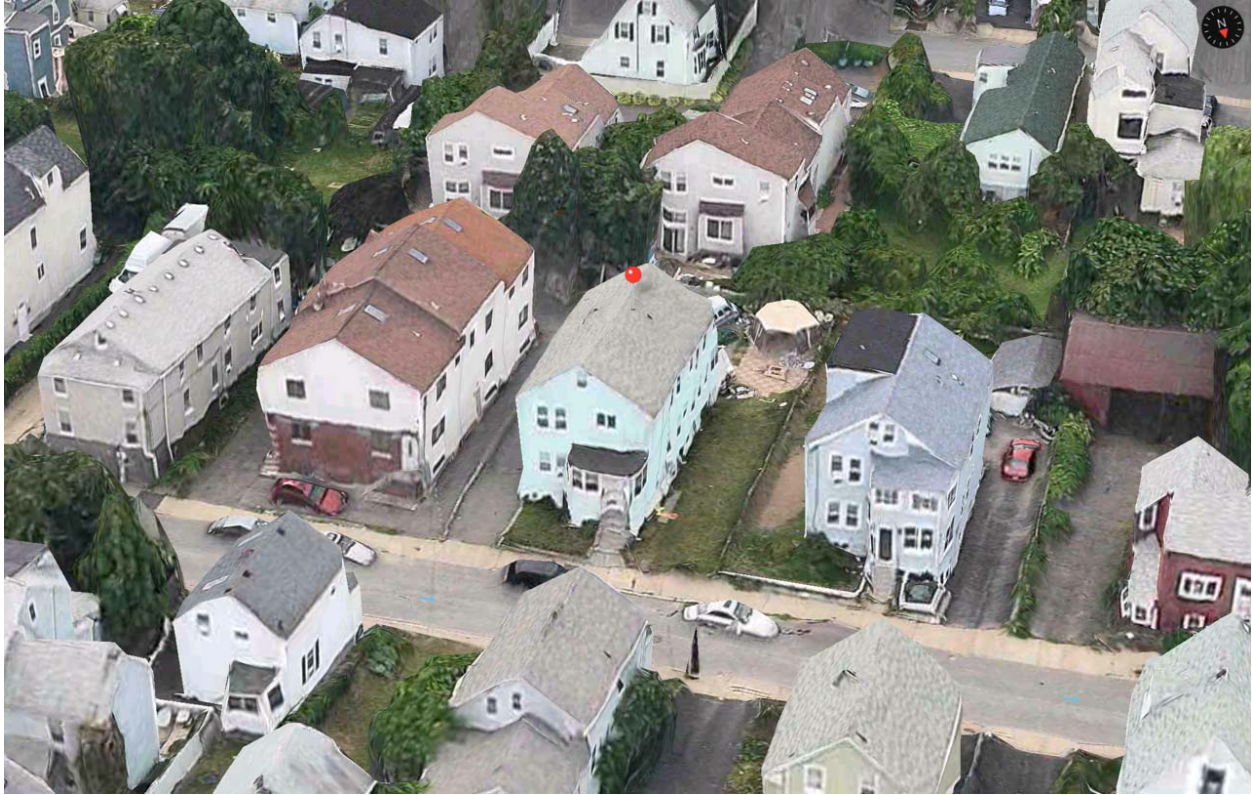
Alderman: Mark Niedergang

Legal Notice: Applicant and Owner, 31-33 Clyde Street, LLC seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure by reconstructing the front porch while making other by-right changes including dormers. The Applicant also seeks a Variance of 1 parking space. RB Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – January 22, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2-family home on a 5,000 square foot lot. The home is a 2.5 story structure and is 2, 278 net square feet (FAR of .45). The lot has generous sideyards, conforming on both sides.



2. Proposal: The proposal is to substantially renovate the property to accommodate a 3-unit building. The enclosed front porch will be rebuilt to an open design with 2 front doors. The home will have new windows and siding. There will be dormers added to each side of the roof for additional ceiling height and living area for the 3rd floor unit. The rear porches are currently enclosed, they will be rebuilt with a peaked roof and Juliet balconies for the 1st and 2nd floor.

There will be driveway leading to 3 parking spaces in the rear of the building, one for each unit. The site will be landscaped with a variety of annuals including several trees. There will also be a concrete 'bluestone' paver patio.

3. Green Building Practices: None listed on the application.

4. Comments:

Fire Prevention: A sprinkler system and a code compliant fire alarm will be required.

Traffic & Parking: The applicant for 31-33 Clyde Street is proposing modifications to the residential structure at 31-33 Clyde Street. The proposed modifications would provide for three units from the current two units. Per the Somerville Zoning Ordinance (SZO) this development requires four on-site parking spaces. The applicant will be providing three on-site parking spaces and thus obviously will be one on-site parking space short of the SZO requirements.

The applicant has hired a professional Transportation Consultant Firm, Design Consultants, Inc. to conduct a Parking Utilization Study of the immediate area (500 linear ft.) around 31-33 Clyde Street.

The Parking Utilization Study indicated that there were sixty-seven permit parking spaces within the above surveyed area. Survey data indicated that anywhere from 23 to 44 resident permit parking spaces were available during each day of the survey period. Traffic and Parking has no objections to the conclusions of this Parking Utilization Study.

The surrounding resident permit parking area of 31-33 Clyde Street can accommodate the one on-site parking space not being provided by the developer. Traffic and Parking has no objection to the application.

Ward Alderman: The Alderman has been contacted and has no comments at this time.

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 §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 seeks a Special Permit under SZO §4.4.1 to alter an existing nonconforming structure by altering the front porch within an existing nonconforming front yard setback. The dormers and alterations to the rear of the building are by-right.

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

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 and to provide for and maintain the uniquely integrated structure of uses in the City. Check for purpose of specific Article.

The proposal is consistent 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."

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 single, two, and three-family homes in an eclectic mix of building types including triple deckers, front and side gable homes, and townhomes. The property is near Maxwell's Green, the Community Path Extension, and a short walk to Davis Square.

There are little to no impacts to this proposal. The building will have an open front porch and an improved yard for the residents to enjoy.

III. FINDINGS FOR VARIANCE (SZO §9.5.2):

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The building is providing three parking spaces at the rear of the building, 4 are required. The building is not expanding in footprint and can only accommodate 3 spaces without significantly altering the existing structure.

2. The Variance requested is the “minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

The Applicant is providing one space per unit. The site can accommodate 4 compact spaces; however, compact spaces are only allowed in parking lots with 6 or more spaces. Due to this requirement, one parking space is the minimum relief necessary for reasonable use of the site.

3. “The granting of the Variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

In accordance with the submitted Parking Memorandum, the request for a Variance would not be injurious to the neighborhood or otherwise detrimental given the low impact that the development would have on the primarily residential neighborhood since the traffic study showed that there were 23 to 44 on-street spaces available in the neighborhood.

The project is located approximately one mile from Porter and Davis Square T-stations and has good access to 5 MBTA bus routes that run along Broadway and Highland Avenue. Additionally, the Green Line extension will provide one station within 2,500 feet. In addition the Community Path currently runs from Cedar Street to Davis Square and will, this summer, be open from Cedar Street to Lowell Street. While proximity to transit is one of many factors that contribute to a reduced number of necessary parking spaces, other factors could include density and proximity to a variety of neighborhood services.

IV. RECOMMENDATION

Special Permit under §4.4.1 and Variance under §9.5.2

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 and VARIANCE**.

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 a Special Permit per SZO §4.4.1 to alter a nonconforming structure by reconstructing the front porch while making other by-right changes including dormers. The Applicant also seeks a Variance of 1 parking space per SZO §9.5.2. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>November 7, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>December 16, 2013</td><td>Modified plans submitted to OSPCD (A-010 Zoning Site Plan, EX-100 Existing Floor Plans, EX-300 Existing Elevations, A-100 Floor Plans, A-101 Floor Plans, A-300 Elevations, A-301 Elevations)</td></tr><tr><td>January 23, 2014</td><td>Modified plans submitted to OSPCD (L-00 Landscape Plan)</td></tr></table>				Date (Stamp Date)	Submission	November 7, 2013	Initial application submitted to the City Clerk's Office	December 16, 2013	Modified plans submitted to OSPCD (A-010 Zoning Site Plan, EX-100 Existing Floor Plans, EX-300 Existing Elevations, A-100 Floor Plans, A-101 Floor Plans, A-300 Elevations, A-301 Elevations)	January 23, 2014	Modified plans submitted to OSPCD (L-00 Landscape Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.									
Construction Impacts												
3	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									

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.	During Construction	T&P	
Design				
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
Site				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
7	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				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
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.	

