



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2014-106

**Date:** October 30, 2014

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 30-32 College Avenue

**Applicant & Owner Name:** Mouhab Rizkallah

**Applicant & Owner Address:** 30 College Avenue Somerville, MA 02144

**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant and Owner, Mouhab Rizkallah, seeks a Special Permit per SZO §4.4.1 to increase the floor area on the existing third floor. CBD Zone. Ward 6.

Dates of Public Hearing: Zoning Board of Appeals – November 5, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 16,552 square foot lot that encompasses two addresses, 30 and 32 College Avenue. The 2 story house on the corner of Park and College Avenue is connected to the three story orthodontics building with frontage on College Avenue and parking/secondary entrance on Winter Street. There have been several prior cases for zoning relief mostly concerning additions to the property.

2. Proposal: The proposal is for a third story addition to accommodate two exam rooms. The addition will be visible from Winter Street. This area of the building is already a focal point with a large arched window. The addition will increase the height at the entrance, the arched window will be moved up to the third floor and a small window will be installed on the second floor.

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

4. Comments:



*Fire Prevention:* Has been contacted and has no comments at this time.

*Ward 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."***

Structural changes to a nonconforming structure other than one- and two-family dwelling units require a special permit. The property is nonconforming to several setbacks since it is on a flag shaped lot with several frontages.

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. Planning Staff have received calls from concerned abutters. Of major concern is the location of the existing dumpster and construction times of the proposed addition. Planning Staff is proposing two conditions as part of this report, the first being that the dumpster is relocated to one of the existing parking spaces (the project will still comply with the parking requirement) and be screened with fencing. The second is that work will comply with City regulations and can only take place between 7 am and 7 pm Monday through Saturday.

The district standards and guidelines for CBD districts do not apply since this proposal does not require a special permit with design review or special permit with site plan review.

### **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 encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the CBD district, which is, "To preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses."

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 site is surrounded by a mix of different uses including two- and multi-family dwellings, offices, restaurants, and the retail establishments of Davis Square. The lot lines of the subject property and those adjoining it are rarely at right angles, resulting in peculiar relationships between structures and lot lines.

There are little to no impacts to the proposal. The addition will only be seen from Winter Street and the subject parking lot.

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

The property will not affect existing affordable housing.

8. 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.*

This project complies with the SomerVision plan by allowing an increase in commercial development in a business district.

### 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						
1	Approval is for a Special Permit per SZO §4.4.1 to increase the floor area on the existing third floor. 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>October 2, 2014</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>September 25, 2014</td><td>Modified plans submitted to OSPCD (Elevations Proposed, Floor Plans Proposed)</td></tr></table>				Date (Stamp Date)	Submission	October 2, 2014	Initial application submitted to the City Clerk's Office	September 25, 2014	Modified plans submitted to OSPCD (Elevations Proposed, Floor Plans Proposed)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	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	Plng.							
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	The addition shall match the existing materials and color of the building.	CO	Plng.							
6	The proposed cornice at the top of the addition shall match the existing cornices in material and color.	CO	Plng.							
7	The dumpster will be relocated to an existing parking space along the lot line shared between Winter Street and Park Avenue and be fully screened.	BP	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							
9	Construction can only take place between 7 am and 7 pm Monday through Saturday.	Perp	ISD							
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.	
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