



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-114
Date: November 16, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 105 Cross Street

Applicant Name: Ayaz Hameed
Applicant Address: 105 Cross Street, Somerville, MA
02143
Owner Name: Ayaz Hameed
Owner Address: 105 Cross Street, Somerville, MA
02143
Alderman: Matthew McLaughlin



Legal Notice: Applicant and Owner, Ayaz Hameed, seeks a Special Permit under §4.4.1 of the SZO to substantially alter an existing non-conforming structure, including increasing the Floor Area Ratio, § 9.4.2 to increase the net floor area, and §9.5 and §9.13 for parking relief. Zone RB. Ward 1.

Dates of Public Hearings: November 16, 2016

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a two-family, 2 ½-story structure on a 4,500 square foot lot in the RB zone.
2. **Proposal:** The Applicant proposes to convert the property from a two-family to a three-family and increase the net floor area. The property is currently a rental and the three new units would be converted to condos. An existing shed at the rear of the property will be removed. The property is currently mostly covered by asphalt. The Applicant proposes to remove the asphalt and cover the majority of the property with concrete pavers. The Applicant proposes four parking spaces: two for his unit and one each for the two market-rate condos. The front façade of the structure in

particular will undergo major changes: the partially-enclosed front porch is to be removed and the roof pitch changed to a gambrel. A gambrel-topped bay will be added

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

4. **Comments:**

Ward Alderman: Matthew McLaughlin has been provided a copy of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, § 9.4.2, §9.5, §9.13):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1, and § 9.4.2, §9.5, §9.13 of the SZO. This portion of the report goes through each of these sections in detail.

1. **Information Supplied:**

Regarding §4.4.1, § 9.4.2, §9.5, §9.13

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1, § 9.4.2, §9.5, §9.13 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."*

Regarding §4.4.1

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, 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."

In considering a special permit under §4.4.1 of the SZO, Staff finds that the substantial alterations proposed for 105 Cross Street would not be substantially more detrimental to the neighborhood than the existing conditions. Staff finds that the proposed alterations to the structure constitute an improvement to both the property and the surrounding neighborhood.

Regarding § 9.4.2, §9.5, §9.13

§ 9.4.2 of the SZO triggers the need for parking relief when the net floor area of a dwelling is being expanded either through an addition or interior reconstruction. In the case of 105 Cross Street, the net floor area is being increased and the FAR is increasing from .81 to .99, maxing out the FAR for this property.

In considering a special permit under §9.13 of the SZO, the following considerations must be taken into account:

1. Increase in traffic volumes;
2. Increased traffic congestion or queuing of vehicles;
3. Change in the type(s) of traffic;
4. Change in traffic patterns and access to the site;
5. Reduction in on-street parking;
6. Unsafe conflict of motor vehicle and pedestrian traffic.

Staff finds that the addition of one more residential unit on this site will not significantly contribute to an increase in traffic volume, congestion or queuing of vehicles. With the use of the property continuing to be residential in nature, the type of traffic along Cross Street will not change because of this project. The traffic pattern will continue as currently existing as will access to and from the site. The site will be able to provide 3 parking spaces, one for each unit (one space is currently provided for the single residential unit) with changes to the site not creating unsafe or undo conflict between motor vehicle and pedestrian traffic.

This application also triggers the need for parking relief under § 9.5. The Applicant needs relief for 1 parking space. The calculation for parking relief is as follows:

$$(\text{new parking requirement} - \text{old parking requirement}) \times .5$$

In the case of 105 Cross Street, the new project requires 4.5 parking spaces. The existing conditions required 4 parking spaces. The parking relief formula is thus as follows:

$$(4.5 - 4) \times .5 = 1 \text{ parking space of relief*}$$

*The Applicant proposes placing four parking spaces at the rear of the lot: two for one of the units and one each for the other two units. While it is a step in the right direction that the pervious material coverage of the lot is being lessened with the asphalt being removed from the back yard and driveway, Staff finds that by covering the majority of the property with pavers, the Applicant and the City miss the opportunity to add more green space to this lot. Nearly the entire rear of the property will be taken up by parking, and this is not supported by Staff.

Staff finds and recommends that only three parking spaces should be provided on-site – one for each unit. In lieu of pavers or other hardscape material, Staff finds that the area that would have been the fourth parking space on the site should instead be converted to landscaping. This will help increase the green space percentages on the lot, visually improve the property, allow for better percolation of storm water, reduce the heat island effect, provide residents of the condos with a measure of outdoor recreation space, and provide residents with a view of something other than motor vehicles on 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."*

Regarding §4.4.1

In considering a special permit under §4.4.1 of the SZO (which allows for up to 3 dwelling units on a parcel in the RB zone), Staff finds that the proposal to create such a 3-family complies with the standards of the RB zone 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.”

Regarding §9.1

The proposal for 105 Cross Street is designed in such a way that Staff finds that it adheres to the general purpose purposes of this portion of the SZO including:

- providing visual relief from expanses of paving and reducing the glare and heat from parking lots through the inclusion of more landscaping on the site; (**if the number of parking spaces are reduced on the site from 4 to 3**)
- ensuring that some off-street storage of motor vehicles whose orderly entry and exit from the site will be provided.

III. 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.”*

Staff finds that the substantial alterations proposed for 105 Cross Street will allow the property owner to significantly improve the site which will benefit the surrounding neighborhood. Since the neighborhood is an eclectic mix of (mostly residential) structures, the continued residential use is in keeping with the surrounding environment.

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

The proposal will not add to the stock of affordable housing but will contribute to SomerVision metrics by adding one more residential unit to the City’s housing inventory

III. RECOMMENDATION**Special Permits under §4.4.1, § 9.4.2, §9.5, §9.13**

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 PERMITS.

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 to convert an existing 2-family residence into three condos with three on-site parking spaces.	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 15, 2016</td><td>Application and supporting documents submitted to City Clerk's office.</td></tr><tr><td>October 4, 2016</td><td>Updated documents submitted to OSPCD</td></tr><tr><td>November 16, 2016</td><td>Updated documents submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	September 15, 2016	Application and supporting documents submitted to City Clerk's office.	October 4, 2016	Updated documents submitted to OSPCD	November 16, 2016	Updated documents submitted to OSPCD
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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.												
Before Permitting/Pre-Construction												
2	All sign-offs must be received from all departments including, but not limited to: Engineering, Traffic & Parking, Lights & Lines, prior to the issuance of a building permit.	BP	ISD/Electrical									
3	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's storm water policy.	BP	Eng.									
4	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. <u>There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.</u>	BP	Eng									
5	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD									
Construction Impacts												
6	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.									
7	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed								

8	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	
9	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				
10	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to installation	BP	Plng.	
11	Trim material shall be wood or composite material. Vinyl shall not be used.	CO	Planning Staff / ISD	
12	The window placement shall be exactly as approved by the by the ZBA. "In-the field" changes to window placement are not allowed. Any such changes require review and approval of Planning Staff.	CO	Planning Staff / ISD	
13	Windows shall be two-over-one with a dark spacer between the glass. Window grids shall be applied to the exterior of the glass; no between-glass grids shall be permitted. The window glass shall not be tinted in any way nor shall it have a reflective coating.			
14	The building shall be clad in wood or in a cementitious siding material. Vinyl siding shall not be used.	CO	Planning Staff / ISD	
15	The building shall be clad in wood or in a cementitious siding material. Vinyl siding shall not be used.	CO	Planning Staff / ISD	
Site				
16	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
17	Pervious pavers shall be used for the driveway and parking areas	CO	ISD/Planning	
18	The dwelling has reached its maximum FAR and no further expansion of the building shall be permitted.	Perpetual	ISD/Planning	
19	No more than three (3) parking spaces shall be provided on-site	Perpetual	ISD/Planning	
20	All trash and recycling shall be screened from abutting properties and from the street.			
Public Safety				
21	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
22	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.	

23	Windows 3 feet or less from the property line – such as those proposed for the right elevation of the property which were originally measured at 3.06 feet from the property line- must be inoperable, fire-rated windows.	CO	ISD	
Miscellaneous				
24	A new Certificate of Occupancy must be applied for.	CO	ISD	
25	Prior to the issuance of a Certificate of Occupancy, the building must be converted from rental to condos through the Somerville Condo Review Board.	CO	ISD/Planning	
Final Sign-Off				
26	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.	