



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
ADAM DUCHESNEAU, *PLANNER*
AMIE SCHAEFFER, *PLANNING INTERN*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2012-31
Date: May 10, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 210 Highland Avenue

Applicant and Property Owner Name: Linda Kanouse
Applicant and Property Owner Address: 210 Highland Avenue, #2, Somerville, MA 02143
Alderman: Thomas Taylor

Legal Notice: Applicant and Owner Linda Kanouse, seeks a Special Permit under SZO §9.13.a for relief from one (1) additional off-street parking space to convert a two-family dwelling to a three-family dwelling. RC zone. Ward 3.

Zoning District/Ward: RC zone / Ward 3

Zoning Approval Sought: Special Permit under SZO §9.13.a

Date of Application: April 11, 2012

Dates of Public Hearing: Zoning Board of Appeals – **May 16, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,842 square foot lot with a two-family residence situated on it at the corner of Highland Avenue and Belmont Street. The property is one block west of the Armory building on Highland Avenue and two blocks east of the Somerville Hospital. The structure currently has 5,148 gross square feet and 3,329 square feet of habitable space. The structure is 2½ stories high, not including the basement level, with a gable roof. The property originally only had two (2) off-street parking spaces but just last summer in 2011, the Applicant added a third off-street space to the property. These spaces are all accessed via a curb cut on Belmont Street.

Until 1993 the subject property was actually a vacant lot. Then, in 1993, the two-family dwelling that was located at 10 Powder House Boulevard was relocated to this address and the property came under the control of the City of Somerville. In 1994, the Somerville Community Corporation applied



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



for and received Variances from the minimum lot size, front yard setback, and parking requirements from the Zoning Board of Appeals (ZBA 1994-24) to construct a foundation for the building. After the Variances were awarded and the foundation was constructed, the structure was renovated and sold to the current property owner in 1996. Since the Applicant purchased the property in 1996 there has been no additional zoning relief awarded or applied for at the property.

2. Proposal: The existing 2½ story, two-family dwelling has a first floor unit with one bedroom, one bathroom, a living room, dining room and a kitchen. The unit that occupies the second and third floors has five bedrooms, two bathrooms (one on each floor), a living room, dining room, a study, and a kitchen. The Applicant would like to convert the existing two-family residence into a three-family dwelling by making the third floor a separate dwelling unit by adding a kitchen, a dining room, and a living room where three of the bedrooms on the third floor are currently located. These renovations would ultimately result in a structure that has a one-bedroom unit on the first floor, a one-bedroom unit on the second floor, and a one-bedroom unit on the third floor.

3. Nature of Application: This is a residential property within an RC district. The property at 4,482 square feet is currently nonconforming with regard to the minimum lot size for the district which is 7,500 square feet. The structure itself is nonconforming with regard to the front yard setback as the front porch is located within the required minimum 10 foot setback for front yard projections. The property is also nonconforming with regard to the required number of off-street parking spaces as specified in §9.5 of the Somerville Zoning Ordinance (SZO). The existing two-family residential use with one, one-bedroom unit and one, five-bedroom unit requires four (4) off-street parking spaces. The subject property only contains three (3) off-street parking spaces. In proposing to convert the existing structure from a two-family dwelling to a three-family dwelling, §9.5 of the SZO calls for the total number of parking spaces on-site to increase from four (4) to five (5). This requires that the Applicant provide an additional on-site parking space or seek zoning relief from the required additional space. Under SZO §9.13.a, projects that are nonconforming with regard to parking where the total number of required parking spaces is six (6) or fewer can seek relief via a Special Permit from the requirements of §9.5 of the SZO.

A Parking Memorandum that discusses the on-street parking impacts of providing this one (1) parking space of relief on the parking situation in the surrounding neighborhood has been requested by the Somerville Traffic & Parking Department. Traffic & Parking has concerns about the proposal related to the subject property's close proximity to the Armory and the existing local on-street neighborhood parking situation. However, the Applicant has chosen to move forward with the application without providing the requested Parking Memorandum. It should be noted here that had the Applicant not added the third parking space to the property in 2011, but instead added the third space as part of this proposal, the conversion of the structure from a two-family dwelling to a three-family dwelling could have been performed as-of-right.

4. Surrounding Neighborhood: The subject property is located in an RC zone on Highland Avenue, a block west of the Armory building and two blocks east of the Somerville Hospital. The surrounding neighborhood consists primarily of two-, three-, and multi-family dwellings between 2 and 2½ stories in height, however there are commercial storefronts across the street and at the intersection of Highland Avenue and Lowell Street. There is also a six story nursing home building is just half a block to the east.

5. Impacts of Proposal: The requested relief from one (1) off-street parking space will not be detrimental to the abutters or the surrounding neighborhood. As was noted above, had the Applicant not added the third parking space at the property in 2011, but instead added the third space as part of this proposal, the Applicant could convert the structure from a two-family dwelling to a three-family dwelling as-of-right. In both circumstances the Applicant would still be providing one (1) off-street parking space

per unit at the property. The subject property's location at the corner of Belmont Street and Highland Avenue greatly reduces residents needs for a vehicle in this location due to the numerous amenities that are found along Highland Avenue and the property's close proximity to an MBTA bus stop which provides access to the MBTA mass transit lines, the City's various squares, and even to downtown Boston. This access to the surrounding amenities and the various other transportation options greatly reduces the need for multiple, or perhaps even any, private vehicles for residents of the property. The Applicant will also be providing four bicycle parking spaces at the property in the near future, which should encourage residents to maintain and use bicycles as an alternative mode of transportation. Further, the three (3) off-street parking spaces that will be provided, one (1) for each dwelling unit, as part of the proposal is more parking than many of the properties in the surrounding area contain. Therefore, the requested parking relief of one (1) required off-street parking space will only have a minimal impact, if any, to abutters and the surrounding neighborhood.

6. Green Building Practices: The Applicant has indicated that there are three bathrooms with low-flush toilets.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman Taylor indicated in an email to Planning Staff on Wednesday, May 2, 2012, that he is in support of this application.

Traffic & Parking: Has been contacted and has requested a Parking Memorandum that discusses the impact the one (1) parking space of relief at this site will have to the on-street parking situation in the surrounding neighborhood. Traffic & Parking has concerns about the proposal related to the subject property's close proximity to the Armory and the existing local on-street neighborhood parking situation.



Existing Conditions

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13.a)

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 Permit.

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."

In considering a Special Permit under §9.13.a of the SZO, Staff finds that the requested relief from one (1) off-street parking space will not be detrimental to the abutters or the surrounding neighborhood. The subject property's location at the corner of Belmont Street and Highland Avenue greatly reduces residents' needs for a vehicle in this location due to the numerous amenities that are found along Highland Avenue and the property's close proximity to an MBTA bus stop which provides access to the MBTA mass transit lines, the City's various squares, and even to downtown Boston. This access to the surrounding amenities and the various other transportation options greatly reduced the need for multiple, or perhaps even any, private vehicles for residents of the property. The Applicant has also indicated they will be providing at least four bicycle parking spaces at the property in the near future, which should encourage residents to

maintain and use bicycles as an alternative mode of transportation. Additionally, the three (3) off-street parking spaces that will be provided, one (1) for each dwelling unit, as part of the proposal is more off-street parking than many of the properties in the surrounding area contain. Therefore, the requested parking relief of one (1) required off-street parking space will only have a minimal impact, if any, to abutters and the surrounding neighborhood.

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 "lessening congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to encourage the most appropriate use of land throughout the City."

The proposal is also consistent with the purpose of the district (6.1.3. RC – Residence Districts), which is, "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.

In considering a Special Permit under §9.13.a of the SZO, the SPGA may grant such a Special Permit only when consistent with the purposes set forth in §9.1 which establishes standards ensuring the availability and safe use of parking areas within the City. The proposal is also consistent with those purposes which are:

"To establish standards ensuring the availability and safe use of parking areas within the City of Somerville. It is intended that any use of land involving the arrival, departure, or storage of motor vehicles, and all structures and uses requiring the delivery or shipment of goods as part of their function, be designed and operated to:

- a. promote traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street;
- b. increase the traffic-carrying capacity of streets and highways in the City and obtain a more efficient utilization of on-street curbside parking;
- c. reduce hazards to pedestrians;
- d. protect adjoining lots and the general public from nuisances and hazards such as:
 - 1) noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles,
 - 2) glare and heat from parking lots,
 - 3) lack of visual relief from expanses of paving,
 - 4) accelerated run-off of surface water from land covered by impervious materials; and
- e. increase the number of locations bicycles can be safely secured in order to:

- 1) promote bicycle use throughout the City as a means to reduce motor vehicle traffic congestion, and
- 2) encourage more active lifestyles as a means to improve public health and welfare, and
- 3) prevent theft and vandalism of bicycles.”

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 Applicant is not proposing any exterior alterations to the existing structure and therefore the building will remain designed to be compatible with the built and unbuilt surrounding area. The structure will be converted from a two-family to a three-family dwelling and will still be used for residential purposes, which is consistent with the surrounding area. Additionally, should this relief be provided, the existing parking situation and site layout at the property will not change either.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated as part of this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The relief from the one (1) additional off-street parking space and the building's change from a two-family dwelling to a three-family dwelling will still be consistent with the context of the surrounding residential neighborhood. The property's location to amenities on Highland Avenue, its ease of access to public transportation, and the future bicycle parking that will be provided will all help to encourage residents of the structure to not use their vehicles as frequently, or to even have one, which will help to reduce pollution being released into the environment. Furthermore, providing an additional parking space at the property would reduce the amount of landscaping at the site, potentially bringing the lot out of compliance with the landscaping requirements of the RC district.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The circulation patterns for motor vehicles and pedestrians would not change as a result of this proposal to provide one (1) space of off-street parking relief. Additionally, the proposal will not likely result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area. The subject property's location at the corner of Belmont Street and Highland Avenue greatly reduces the residents needs for a vehicle due to the numerous amenities that are found along Highland Avenue and the property's close proximity to an MBTA bus stop which provides access to the MBTA mass transit lines, the City's various squares, and even to downtown Boston. This access to the surrounding amenities and the various transportation options greatly reduces the need for multiple, or perhaps even any, private vehicles for residents of the property. Additionally, the three (3) off-street parking spaces that will be provided, one (1) for each dwelling unit, as part of the proposal is more off-street parking than many of the properties in the surrounding area.

A Parking Memorandum that discusses the parking impacts of providing one (1) parking space of relief for this proposal on the surrounding neighborhood has been requested by the Somerville Traffic & Parking Department. Traffic & Parking has concerns about the proposal related to the subject property's close proximity to the Armory and the existing local on-street neighborhood parking situation. The Applicant has chosen to move forward with the application without providing the requested Parking Memorandum. Traffic & Parking is still requesting this memorandum from the Applicant and has therefore provided no other comments on the project at this time.

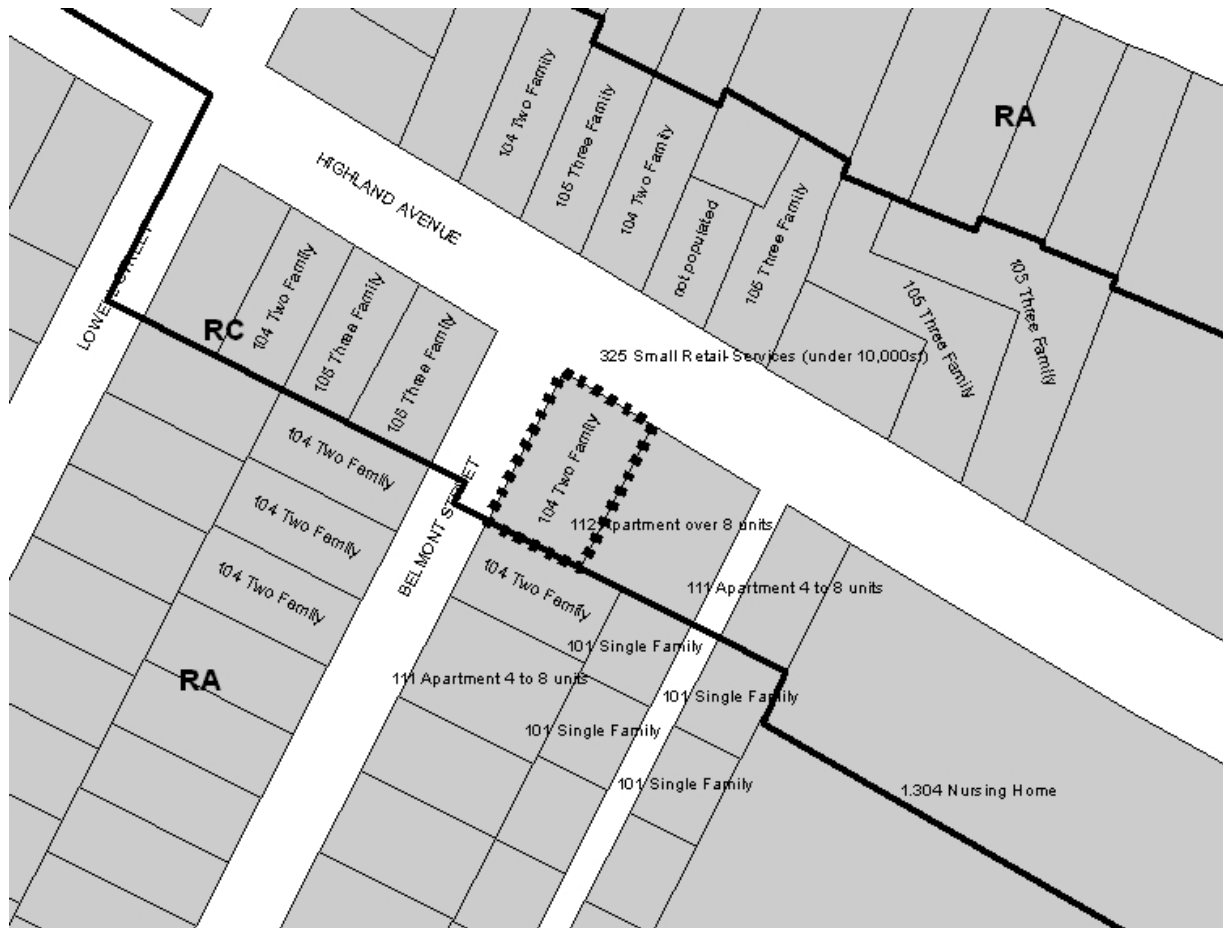
III. RECOMMENDATION

Special Permit under §9.13.a

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 relief from one (1) additional off-street parking space under SZO §9.13.a to convert a two-family dwelling to a three-family dwelling. 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>(April 11, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 10, 1994 (April 27, 2012)</td><td>Site Plan of Land (Sheet 1 of 1)</td></tr><tr><td>May 10, 1994 (April 27, 2012)</td><td>Elevations and Floor Plans (A-4, A-1, A-2, and A-2 (Proposed))</td></tr></table>				Date (Stamp Date)	Submission	(April 11, 2012)	Initial application submitted to the City Clerk’s Office	May 10, 1994 (April 27, 2012)	Site Plan of Land (Sheet 1 of 1)	May 10, 1994 (April 27, 2012)	Elevations and Floor Plans (A-4, A-1, A-2, and A-2 (Proposed))
	Date (Stamp Date)				Submission							
	(April 11, 2012)				Initial application submitted to the City Clerk’s Office							
	May 10, 1994 (April 27, 2012)				Site Plan of Land (Sheet 1 of 1)							
	May 10, 1994 (April 27, 2012)				Elevations and Floor Plans (A-4, A-1, A-2, and A-2 (Proposed))							
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
3	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.									



210 Highland Avenue