



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
ETHAN LAY-SLEEPER, *PLANNER*
SARAH WHITE, *PRESERVATION PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2016-36

Date: April 14, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 5-15 Holland Street

Applicant Name: JTD Realty Trust

Applicant Address: 22 Hillside Ave, Winchester, MA 01890

Owner Name: JTD Realty Trust

Owner Address: 22 Hillside Ave, Winchester, MA 01890

Agent Name: Adam Dash, Esq.

Agent Address: 48 Grove St, Suite 304, Somerville, MA 02144

Alderman: Lance Davis

Legal Notice: Applicant & Owner, JTD Realty Trust, seek a Special Permit under SZO §5.1 & 4.4.1 to alter a mixed-use building to increase the lot area per dwelling unit nonconforming. This approval would allow for a minor site plan approval to subdivide a parcel for future development of the adjacent lot. CBD Zone. Ward 6.

Dates of Public Hearing: April 20, 2016

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 2,993 square foot lot on which sits a mixed-use building with two retail spaces on the ground floor and four residential units above. A small portion of the one-story commercial building that was previously occupied by Johnny D's is also on the lot.
2. Proposal: In a separate application the Applicant has applied for a subdivision of land for future development of the adjacent lot. The parcel line currently crosses the one-story commercial building where Johnny D's was located. The proposal will move the line so that the one-story building is entirely on its own lot and the abutting mixed-used building would also be on its own lot. The subdivision is a



minor site plan approval and if the Special Permit request is granted, the Planning Director will sign off on the division of land because the lots otherwise meet the required dimensions of the ordinance. The dimension that needs Special Permit approval is to increase the lot area per dwelling unit nonconformity of the mixed-use building. In moving the parcel lines, the mixed-use building's parcel decreases, which decreases lot area per dwelling unit for the existing building.



3. Green Building Practices: None.

4. Comments:

Ward Alderman: Alderman Davis has been informed of the application.

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 structure is currently nonconforming with respect to the following dimensional requirements: lot area per dwelling unit, ground coverage, landscaped area, and rear yard setback.

The subdivision will impact the nonconforming lot area per dwelling unit. The current dimension is 748.25, the subdivision will bring the number to 570.75 and the requirement in the district is 875. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

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 of the SZO, Staff find that the decrease in lot area per dwelling unit proposed would not be substantially more detrimental to the neighborhood than the existing condition. The built form and use of the site will not change. The special permit approval will allow for more density on the abutting lot; however, without the approval and subdivision, the redevelopment of the abutting lot will be unduly complicated by the current configuration of the lot line.

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 providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the CBD district, which is, "[t]o 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 building and use will not change as a result of this application.

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

The proposal will not impact the existing housing on the site.

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.*

The property is in an area that is to be enhanced in the SomerVision Plan. The special permit approval will facilitate the subdivision and future redevelopment of the adjacent site which will further the goal of enhancing the area.

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 **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.

