



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-70

Date: November 30, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 16 Linden Ave

Applicant Name: 16 Linden Avenue, LLC

Applicant Address: 65 Park St, Arlington MA 02474

Property Owner Name: 16 Linden Avenue, LLC

Property Owner Address: 65 Park St, Arlington MA 02474

Agent Name: Richard G. Di Girolamo, Esq.

Agent Address: 424 Broadway, Somerville MA

Alderman: Sean O'Donovan

Legal Notice: Applicant & Owner 16 Linden Avenue, LLC seeks Special Permit with Site Plan Review (SPSR, SZO §5.2) approval under §7.2 to construct a principal structure for 5 dwelling units on a lot with an existing principal structure with 3 dwelling units. The Applicant seeks SPSR approval under §7.3 to have 8 residential units on the lot, one of which would be an affordable unit as defined in §13. The Applicant seeks a variance to provide 10 of the 13 required parking spaces (§5.5 & 9.5). Additionally, the Applicant seeks a Special Permit to alter the existing nonconforming 3 family structure under §4.4.1 to alter window openings, construct a 2-story deck in the rear yard and alter the front entrance canopy.

Zoning District/Ward: RB / 5

Zoning Approval Sought: Special Permit with Site Plan Review SZO §7.2 & 7.3

Date of Application: Aug 19, 2011

Dates of Public Hearing: Zoning Board of Appeals Sept 21, 2011



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I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 12,320 sf lot on which sits an approximately 4,551 sf triple-decker house with three residential units. There is a large yard with several large trees along the side property lines. The front of the lot is paved and there is a curb cut spanning the length of the parking area that fit approximately 5 cars.

The Zoning Board of Appeals issued a special permit in 1994 to legalize the enclosure of a 9 by 15 foot second story porch. The rear porch on the original structure appears to have had been partially closed and partially open as it currently exists on the third story.

2. Proposal: The proposal is to construct a 5-unit residential building on the site. The structure will be 2 ½ stories with a gable roof and dormers. The units will be similar to townhouses but will not meet the definition of townhouse in the SZO. The entrances face the proposed driveway between the buildings and small backyard patios are proposed on the other side of the building in the left side yard.

The conceptual floor plan for each of the new unit includes a living room, dining room, kitchen, two bedrooms, a study, and 2.5 bathrooms. There is also an unfinished basement for storage and mechanical equipment.

The existing 3-unit structure will be maintained but will be completely renovated on the interior and alterations to the exterior are proposed. The alterations include: restoring the front entryway, removing, relocating and adding new windows on the west/left façade, adding a porch to the second and third floors and adding doors and windows on the north/back façade.

The conceptual floor plan for each of the existing units includes a living room, dining room, kitchen, two bedrooms, a study and two bathrooms.

One of the units onsite will be affordable as defined by SZO §2.2.4 and §13.

There will be three parking spaces located behind the proposed structure and seven parking spaces located behind the existing structure.



One of the parking spaces will be located beneath the proposed second and third story deck. The parking area will be made of crushed stone. The driveway will be between the structures and constructed of permeable pavers. There is currently a fire hydrant in front of the parking area that will need to be relocated to provide space for the curb cut. There is a stormwater recharge system proposed to be located under the driveway and parking area at the back of the site.

There will be a common patio proposed behind the existing structure. There will be a 4 by 13 foot trash and recycling enclosure next to the patio. The landscaped area along the side yards behind the buildings provides a space for snow storage. The trees along the western property lines will be retained. A dense evergreen screen will be planted along the eastern property line along with the installation of the good neighbor fence.

3. Nature of Application:

Dimensions

The existing 3-family structure at the property is currently nonconforming with respect to the front and side yard setbacks. These existing setback nonconformities require the Applicant to obtain a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure. The front yard setback will not change as a result of the proposal. It is currently 9 feet and the requirement is for 10 feet with the reduction allowed when the average front yard setbacks of existing buildings on the block is less than the required setback. The right side yard setback is 2.9 feet and the requirement is 10 feet for a three story structure. The proposed deck will be in the required setback as it will be 5 feet from the side property line.

The new structure will conform to the required setbacks. The front yard setback will be 10 feet which is permissible with the reduction allowed when the average front yard setbacks of existing buildings on the block is less than the required setback. The side yard setback will be 8 feet with bays that project 2 feet. The bays cannot encumber more than 1/3 of the length of the side of the structure. The rear yard setback will be 82.9 feet.

The building envelopes are also conforming to the RB District as the combined floor area ratio (FAR) is 0.89 and the maximum allowed is 1.0, the height of the structures is 36 feet for the existing structure, 29.3 feet for the new structure and the maximum allowed is 40 feet.

The 8 unit development complies with the lot area per dwelling unit as it will be 1,540 sf and the minimum required is 1,500 sf. The ground coverage will be 32.2% and the maximum allowed in the district is 50%. Landscaping at the site will be 28.4%, just above the minimum requirement of 25% in RB districts.

Use/Number of Structures

The project requires a Special Permit with Site Plan Review (§5.2) under §7.2 to allow more than one principal structure on a lot in an RB district and also under §7.3 to allow more than three dwellings on a lot in the RB district which is permitted when 12.5% but no less than one affordable unit is provided for on-site as defined by §2.2.4 and §13.

Parking

The proposal also requires a variance (§5.5) from the required number of parking spaces (§9.5). The Applicant is proposing to provide 10 off-street parking spaces at the site and the requirement is for 13 parking spaces. The requirement is for 1.5 parking spaces for a 2-bedroom unit and one visitor space.

4. Surrounding Neighborhood: The surrounding neighborhood is mostly comprised of two-, three-, and multi-family homes. The forms of the surrounding buildings are typically 2 ½ and 3 story buildings. The Kennedy Elementary School is located close to the site as well as Porter Square. The site is a third of a mile to the Porter Square MBTA Red Line Station.

5. Impacts of Proposal: The lot sizes in the area are smaller than the subject site that creates a close-knit pattern of buildings. The proposed structure will fill a gap in the streetscape that is currently a small parking lot. The negative impact of the proposal is the loss of a large amount of green space that the neighborhood admires. The current zoning regulations would not allow the site to be subdivided into two lots to build a conforming three-family with no on-site parking which is the typical building form in the area. The zoning ordinance requires that parking be onsite which causes much of the site to be devoted to the driveway and parking spaces. Another requirement of the zoning ordinance is that one of the units will be an affordable unit, which increases the City's supply of affordable housing units in the City.

The Applicants have redesigned the site by widening the driveway to 18 feet from the originally proposed 14 feet to meet the Fire Department and Traffic and Parking regulations. In doing so, the number of parking spaces decreased to allow for space to meet the landscape requirement. The redesigned site plan increases the amount of usable open space on the site and reduces the negative impact that a parking lot has in the back yard. The proposal includes a pervious paver driveway and crushed stone parking areas to reduce the visual impact of the parking lot and the environmental impact of the heat island effect and rainwater runoff issues that asphalt would introduce to the site.

The Applicants submitted a parking study showing the availability of on-street parking spaces within a block of the subject property. There were approximately 82 on-street parking spaces available on a typical weekday night, which is a sufficient number to accommodate visitors or additional residential parking needed for the development. The supplemental data related to car ownership figures and transportation to work figures in the City support the reduced parking figure. Providing 10 parking spaces instead of 13 is not anticipated to negatively impact the public parking supply. Also, one additional space will be added to the street as a result of the proposal.

The proposed window and door alterations to the existing structure will not negatively impact the structure. The windows will match those on the existing structure and will align with windows above and below. The new wood railings and wood post on the front entryway will improve its appearance while keeping the traditional look of a front entryway. The new deck is the only alteration that will impact the nonconforming nature of the structure as it will be 5 feet from the side property line. The structure on the adjacent property is approximately 7 feet away from the subject property line. The proposed deck will therefore be approximately 12 feet from the neighboring structure. Although it is fairly typical to have a rear deck that is this close to a neighboring structure, the abutters have voiced concern about having the deck close to their bedroom windows.

6. Green Building Practices: The new building will meet Energy Star standards.

7. Comments:

Fire Prevention: The 18' width for the fire lane is sufficient, but the 14' curb cut would not be enough for the entrance for fire apparatus. Signs would need to be installed along the fire lane. The hydrant and parking on both sides of the entrance will have to be assessed.

Engineering: Engineering has found the plans to be acceptable. The new structure will require a new address. The five unit building shall have an address of 14 Linden Ave, Units 1-5 and the three unit building shall have an address of 16 Linden Ave, Units 1-3.

Traffic & Parking: The applicant for 16 Linden Ave proposes to renovate one structure and build a 2nd structure on a parcel at 16 Linden Ave. The Somerville Zoning Ordinance (SZO) requires 13 off street parking spaces. The developer is only providing 10 off street parking spaces.

The applicant has hired a professional Transportation Firm, Fort Hill Infrastructure to provide a Parking Memorandum. A section of this parking memorandum consists of a parking utilization study within 1 block of the proposed development. This parking memorandum determined that inside this 1 block area there were 254 on street parking spaces. Based on the survey conducted by Fort Hill Infrastructure that on three week day evenings there were 82 available parking spaces. These available parking spaces would accommodate the 3 parking spaces not being provided on site by the applicant.

Traffic and Parking does not disagree with the results and conclusions of this parking utilization survey. Traffic and Parking has no objections to this application.

Highway: Has received the plans but has not yet provided comments.

Wire Inspection: The utilities for the building shall be placed underground from the source or connection.

Design Review Committee: The Design Review Committee reviewed the project at their September 29, 2011 meeting. The Committee reviewed plans dated September 29, 2011, which have since changed to account for the DRC's comments as well as other comments from City Staff. The DRC was generally supportive of the form of the proposed building with entrances onto the driveway which forms a small street and provides an interesting view down the driveway. The following are the questions and comments discussed at the meeting.

- Can cars pull in and out of their parking spaces with this driveway width? – (r) Yes, the parking area meets the dimensional requirements of the zoning ordinance. There will be a flush concrete curb along the townhouses to also help meet the dimensional requirements.
- Would the three-family structure be resided? – (r) Yes, the three-family dwelling currently has vinyl siding but we would pull that off and give it a fiber-cement panel most likely.
- How would a resident get to the trash/recycling area? How would someone get the barrels out of that area? – (r) You would have to go in between the parked cars, go around the cars, access the area through an unused parking space, or move your own car.
- How do you demark parking spots on a graded, crushed stone lot? – (r) There would some type of demarcation at the front end of each parking space to denote each spot.
- Is it possible to move the proposed structure closer to the street? – (r) The project is as close as we could get to the street without the need for a dimensional variance.
- What was the decision process behind locating the two bay windows on the Linden Avenue side of the proposed structure? – (r) There is no entry on this side of the proposed structure and I was trying to get some articulation on this side of the building that brought that unit out to the front yard.

- Is there a patio space at the rear of the first floor unit of the three-family dwelling or is that just a rear entrance for all three of the units? – (r) Underneath the decks there is a parking space and then a rear entrance/exit to the stairway that provides access to all three of the units. There is no private outdoor space being proposed for the first floor unit in the three-family dwelling.
- Would the yards in the back of each of the townhouse units be fenced in? – (r) There would be a railing at the back edge of each of the patios, but there would be no fence dividing the space between each of the units.
- How wide are the brick pads by the doors? Is there room for a street tree or greenspace there? – (r) It is 3'6" and we would have to investigate the grading there but we can take a look at that to possibly incorporate some type of vegetative element there.
- The HVAC compressors that are on center between the patios could be offset to one side to create a more contiguous greenspace behind each of the townhouse units.
- The trash/recycling area could be rotated or broken it into two smaller banks to make the greenspace area where it is located more usable to the residents.
- In the middle portion of the townhouse elevation the paneling seems a bit strange and a bit too foreign to the design of the building. A modern material that does not trend towards the Queen Anne look would work better here.
- A unified single bay window along Linden Avenue would probably work better than trying to have two smaller bay windows in that spot on the proposed new structure.
- It would help the view down the driveway between the two structures to incorporate some type of greenspace or vegetative elements.

Ward Alderman: Alderman O'Donovan has inquired about the proposal but has not submitted comments for the report.

Comments from Neighbors: Three people have submitted letters to planning staff and one neighbor has called regarding this project. The letters are attached. Some of the concerns include the number of units in the new structure, the loss of green space to parking, hours of construction, and the impact that the proposed deck on the rear of the existing structure would have on blocking views.

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2, 7.2 and 7.3):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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 with site plan review."

SZO §7.3 states that in RB districts, where developments include a minimum of 12.5% affordable housing units on-site, the maximum dwelling units per lot can be waived through SPSR application. In all

cases minimum lot size, minimum lot area per dwelling unit and other dimensional and parking requirements of Article 8 and Article 9 shall be met.

An affordable unit will be provided onsite through an Affordable Housing Implementation Plan (AHIP). The project complies with the lot area and lot area per dwelling unit requirements for 8 units. The Applicant is seeking a special permit for an alteration to a nonconforming existing structure due to the nonconforming front and side yard; however, all other dimensions are conforming. The bays that are projecting from the new structure will be conditioned to not encumber more than 1/3 of the length of the side of the structure to ensure that the right side yard requirement is met. The Applicant is also seeking a parking variance to provide 1.25 parking spaces per unit or 10 spaces when the 13 are required.

3. Purpose of District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".

The proposal is consistent with the purpose of the RB District in creating a three-family and a five-family dwelling on a lot that is large enough to comply with the lot area per dwelling unit for the district.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".

Having a second structure on the lot in the proposed location along the street is compatible with the pattern of buildings in the area. The building fills a gap in the fabric of the neighborhood that is currently occupied by a small parking lot. The current zoning regulations would not allow the site to be subdivided into two lots to build a conforming three-family with no on-site parking which is the typical building form in the area. The building has a contemporary design but incorporates elements of traditional buildings in the area. The building has individual entrances for each unit with stoops and small porches with substantial columns that match the scale of those that are proposed on the existing structure. There are bay windows, a gable roof and small shed dormers that start below the ridge of the roof, are setback from the main wall of the house and have windows that provide a significant amount of glazing.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

The site meets the accepted standards for a functional design. The curb cut, driveway and parking area will be acceptable as conditioned. A curb will be installed where one does not currently exist in front of the parking area. An additional on-street parking space will be created when the curb is installed. A fire hydrant that is currently precariously located in the middle of the parking area will be relocated to a safer place. The initial review of the curb cut proposal is acceptable to the Traffic and Parking Department and Engineering Department. The Fire Prevention is satisfied if it is widened to 18 feet. The DPW will need to conduct the final signoff on the curb cut but has given the initial approval. The 18 foot wide driveway as proposed is acceptable for emergency vehicle access and two-way traffic. The pavers proposed for the driveway will provide an attractive alternative to asphalt and provide a pervious surface for rainwater. The parking area has sufficient area for vehicles to maneuver and exit the site in a forward direction. The concrete curb at the head of the parking spaces should be marked to delineate the parking spaces since the crushed stone will not be marked.

6. Impact on Public Systems: The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the

public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

The Engineering Department has reviewed the utility, grading and drainage plan and does not have concerns. Adding a curb along the street will improve the sidewalk experience for pedestrians. There will be less of a distance where pedestrians will have to be aware of vehicles crossing the sidewalk and vehicles will be entering and exiting the driveway in the forward direction making for a safer pedestrian path. The installation of a curb will also create an additional on-street parking space. There will be a slight increase in the utilization of the street and sidewalk system in the area due to the increase in the number of residential units.

7. 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.”

The proposed residential use will not adversely impact the environment. 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 proposal.

8. Consistency with Purposes: “Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

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; conserving the value of land and buildings; encouraging the most appropriate use of land throughout the City; and encouraging housing for persons of all income levels.” The affordable unit will add to the City’s supply of affordable housing units in the City

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

Much of the landscaping on the site will be taken up by the proposed building and parking spaces. Ideally a larger portion of the landscaping onsite would be maintained; however, the proposal is meeting the landscaping requirement and the mature trees along the property lines will be maintained. Landscaping is proposed for the front yards of the two structures, which will be highly visible from the street. The asphalt parking area along with street will be replaced with landscaping in front of the proposed building.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3)

effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The proposed use of the building will be a multi-family residential structure, which is a compatible use with the surrounding residential neighborhood. The building has a contemporary design and a townhouse form that is not prevalent in the area. The building does; however, incorporate elements of traditional buildings in the neighborhood. There will be individual entrances for each unit with stoops and small porches with substantial columns that match the scale of those that are proposed on the existing structure. There are bay windows, a gable roof and small shed dormers that start below the ridge of the roof, are setback from the main wall of the house and have windows that provide a significant amount of glazing.

The building is located as close to the street as is allowed by zoning, which is consistent with the other houses on the street. The townhouse entrances would be oriented to the driveway between the buildings creating a small streetscape.

11. Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

The proposal includes installing a pervious paver driveway, crushed stone parking area, and stormwater recharge system to address runoff from the site. The grading and drainage, utility, and erosion and sediment control plans as well as soil information has been reviewed by the City Engineer.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

The proposal does not include historically designated properties. The existing structure on the site contributes to the architectural form of the neighborhood. The building will be altered by the addition and removal of windows but largely the appearance of the building will not change. 11 Linden Ave is a local historic district that is located diagonally across the street from the subject property. The historic property is a 2 ½ story structure with a gable roof and front porch. The proposed new building will have a contemporary design but will also be 2 ½ story structure with a gable roof and front porches at each entry.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non

residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The proposed structure will replace the small parking area that currently exists along the street and will fit in with the rhythm of the other houses on the street. The parking required at the site will take up a large portion of the vegetation on the site. The existing trees at the edge of the site will function as a screening in the months when the trees have leaves. A good neighbor fence and dense evergreen plants are proposed around the backyard to screen the site from abutters.

14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

The lighting will be residential in nature and conditioned to not interfere with neighboring properties.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

The driveway will be 18 feet wide, which provides sufficient access for emergency vehicles. The Fire Department is requiring that the curb cut be 18 feet wide and that signs would need to be installed along the driveway to prevent people from parking along it. The hydrant and parking on both sides of the entrance will have to be assessed to ensure a sufficient turning radius for fire apparatus.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”

The curb will be extended to close the curb cut to 18 feet, which will reduce the chance of conflict with the traffic on Linden Avenue from the current situation. Vehicles will be entering and exiting the street in a forward direction. The curb cut passed the initial review by DPW.

17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

The Applicant is proposing to tie into the existing City services for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development;”

Minimal negative impacts are anticipated as a result of the proposed residential use. The new hard surface on the site will be pervious for the driveway and parking areas to reduce stormwater runoff.

There will not be machinery that emits heat, vapor, light or fumes beyond those of a typical residential use.

19. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

Due to the residential nature of the building, signage is not anticipated on the site. Any signage in the future would have to conform to the sign standards for residential districts.

20. Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

The trash and recycling barrels will be enclosed in a shed near the common patio area and effectively screened from direct visibility. There will be one small HVAC compressor for each residential unit that will be spread out on the site for the new units. The compressors for the existing unit will be located in a row next to the building, behind the bay. The location of the compressors is not anticipated to negatively impact the site. If transformers are to be located on the site a condition has been proposed which requires that transformers be fully screened and located as to not impact the landscaped areas.

21. Screening of Parking: The parking for the site will be located in the back of the buildings so that it will be not visible from the public right of way. A fence and dense evergreen plants are proposed around the backyard to screen the parking from abutters to the rear of the property.

III. FINDINGS FOR SPECIAL PERMIT (SZO §5.1 and §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."

In considering a special permit under §4.4 of the SZO for the alterations to the existing nonconforming structure, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The new deck is the only alteration that will impact the nonconforming nature of the structure as it is proposed to be 5 feet from the side property line. The structure on the adjacent property is approximately 7 feet away from the subject property line. The proposed deck would therefore be approximately 12 feet from the neighboring structure. Although it is fairly typical to have a rear deck that is this close to a neighboring structure, the abutters have voiced concern about having the deck close to their bedroom windows. A proposed condition will be that the deck is located 10 feet from the side property line, which is the required setback for a three-story structure, to provide for more space between the proposed deck and the neighboring bedroom windows.

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."

Please see items 3 and 8 in Section II for the consistency with purposes finding which meet the finding for this item in the Special Permit.

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 proposed window and door alterations to the existing structure will not negatively impact the structure. The windows will match those on the existing structure and will align with windows above and below. The new wood railings and wood post on the front entryway will improve its appearance while keeping the traditional look of a front entryway. The proposed porch will appear as a typical rear porch except that the ground level will be a parking space. The design is not ideal but provides for a required parking space while allowing two of the units to have private outdoor space. Also the porch will have a decorative detail of a pergola for the third story roof. The dimensions of the deck should be altered as explained in finding two to account for surrounding land uses.

IV. FINDINGS FOR VARIANCE (SZO §5.5 & 9.5):

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."

Situating buildings, parking, and access points on the site becomes difficult with the current parking requirements and driveway dimension requirements for a fire lane and two-way traffic. If the number of parking spaces is increased, the landscaping requirement will not be met. The Applicant is arguing that a redevelopment plan with fewer units and is not financially viable due to the requirement to provide one affordable unit onsite and the expectations of quality design set out by the required findings for development in the SZO.

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."

Eight residential units is a reasonable use for this site where the lot area per dwelling unit requirement will be met and an affordable unit will be located on the site. The parking space to unit ratio will be 1.25 which is a reasonable number of parking spaces for this type of development in this area of the City which is close to rapid transit, the Porter Square retail area and bus routes. The parking memo states that more than 58% of owner occupied houses/condos in Somerville have only one vehicle or less available to them. In an area that is close to rapid transit, the average number of owners without a car is likely less.

The site is 1,000 feet as the crow flies to the Porter Square MBTA station or a third of a mile by foot. The SZO allows for a 20% reduction in parking requirements for nonresidential uses within 1,000 feet of rapid transit. The reduction does not apply in this case; however, if it did, the parking requirement would be met.

If visitors require on-street parking, the parking study submitted showed that approximately 32% of the on-street parking spaces or 82 spaces within one block of the project were available on an average weeknight. This number is more than adequate to accommodate any additional demand generated by the five residential units. Detailed findings can be found in the parking report. Also, one additional on-street space will be created by filling in a curb along the front of the site. This space can be more effectively used because it will be available to the neighborhood as opposed to the onsite spaces that may be left vacant if a unit owner does not have a car or takes the car offsite for much of the day.

The car ownership and parking information submitted supports that finding that the variance is reasonable relief for the proposed use. Any less of a variance in this area would require significant destruction of the landscape areas that serve as a benefit to this project and its neighbors.

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.”

Staff find that the proposal is in harmony with the intent of the Ordinance and it would not be injurious to the neighborhood. The proposal provides 1.25 parking spaces per unit, which will likely be sufficient for the residents that move to this area that is pedestrian, transit and bike-friendly. Also, sufficient parking spaces have been shown to exist within a block of the area if the tenants or their visitors needed additional parking spaces.

Providing additional off-street parking encourages buyers with extra vehicles, and encourages owners to buy and keep extra vehicles. In an area with adequate pedestrian and transit access, the parking being provided is adequate and reasonable. A similar project in nearby Cambridge would require only 8 parking spaces, and the applicant is providing 10.

The parking is hidden from the public view and will be screened by a fence and vegetation from the abutters. Approving the variance will facilitate a redevelopment that meets the landscape requirement and the anticipated parking demand for a new development that is close to the amenities of Porter Square and public transportation.

V. NEXT STEPS

The staff recommendation is forthcoming. Following the initial public meeting on December 6, 2011, staff will continue to conduct a technical review of the proposal and review feedback from the community. A supplementary report will be provided at the next meeting of the Zoning Board and will include the following information:

- Additional comments from the Zoning Board meeting;
- Information on if the Affordable Housing Implementation Plan (AHIP) is signed;
- Supplements or updates needed to the staff report; and
- Recommendation for Board vote, including recommended conditions

