



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-26
Date: August 11, 2016
Recommendation: Denial

PLANNING STAFF REPORT

Site: 483 Medford Street

Applicant Name: Mouhab Rizkallah, Owner & Manager
Applicant Address: 30 College Avenue, Somerville MA 02144
Owner Name: 62 College Avenue Trust, LLC
Owner Address: 30 College Avenue, Somerville MA 02144
Alderman: Mark Niedergang

Legal Notice: Applicant, Mouhab Rizkallah and owner 62 Collage Ave Trust, LLC, seek a Special Permit under Somerville Zoning Ordinance §4.4.1 to add more residential floor area and add porches and decks to a non-conforming mixed-use structure with three residential units and one commercial space. RC zone. Ward 5.

Dates of Public Hearing: August 17, 2016

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,267 square foot lot on which sits a 4,667 square foot mixed use building. There is commercial space on the ground floor, which was previously occupied by Piro Printing, and three residential units in the upper stories. There is no parking onsite.
2. Proposal: The proposal is to add an addition to the residential portion of the building over the single-story commercial portion of the building. Also, a residential unit on the first floor would be extended into the ground floor space that was previously commercial space. Unit 1 has four rooms labeled as bedrooms. Unit 2 has two rooms labeled as bedrooms; however, another room that is labeled a study contains a closet and could be easily closed off to function as a bedroom. Finally, unit 3 has two rooms labeled as bedrooms.



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

4. Comments:

Ward Alderman: Alderman Niedergang is opposed to the application. He will be submitting written comments to the Board.

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 does not conform to the requirements of §5.1.2 of the SZO and does not allow for a comprehensive analysis of the project with respect to the required Special Permits.

Planning Staff have requested the following required special permit application materials and the Applicant failed to supply them.

- a. Existing elevations
- b. Existing floor plans
- c. Proposed floor plans that accurately show the number of proposed bedrooms as defined in the Zoning Ordinance
- d. Existing and proposed site plan
- e. Information on what is intended with the grid design on the porch and other windows. This could imply that the porch will be enclosed and should therefore be counted in the FAR calculation. The grid on the commercial space could imply that the storefront window is not transparent.
- f. Actual net floor area with the usable square footage called out on the plans. The Building Commissioner does not accept the calculation of taking 80% of the gross floor area to get net floor area for small building such as this. The Applicant submitted floor plans and should submit the actual net square footage from them.

This application has a City Clerk's office stamp date of February 22, 2016. The Applicant has not submitted the addition information since then and has informing Planning Staff that he is putting the Special Permit application on hold until he receives a by-right building permit to do interior work. The City has received several building permit applications for this property since the Special Permit application submission date. The building permit request include installing a fire alarm system, rewiring the units, asphalt shingle and window replacement, installing four boilers and gas stoves, remodeling kitchens and bathrooms, reframing and renovating the ground floor (the permit description specifies two kitchens, two bathrooms, new flooring, wall, and ceilings, spray foam outside walls). The City has issued a violation letter for the property that states that the Owner exceeded the building permit to renovate kitchens, bathrooms and refinish floors. A kitchen was installed in the basement and the floor layouts of the units changed.

The Applicant is unwilling to withdraw the application and reapply if or when he is ready to actively work on the case. The interior work that he is pursuing is directly related to the Special Permit request in terms of establishing the existing conditions related to the number of bedrooms, which relates to parking requirements, square footage of each use, and ground floor uses. With the existing conditions in flux and without the additional information listed above, Staff cannot evaluate this Special Permit application.

The purpose of the continuance requests for cases is to provide time to resolve issues that arise during the review process or public hearing. The Applicant is not working on the missing application materials and is in fact changing the property that directly limits his ability to produce these materials. It is not in the best of interest of Staff, the neighborhood or the Zoning Board of Appeals to have a pending case that is incomplete with no clear path to obtaining the information to move the case forward.

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 **DENIAL** 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.

