



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-41

Date: May 31, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 271 Summer Street

Applicant and Property Owner Name: Gastón and Eileen de los Reyes

Applicant and Property Owner Address: 271 Summer Street, Apt. 1, Somerville, MA 02143

Alderman: Sean O'Donovan

Legal Notice: Applicants and Owners Gastón and Eileen de los Reyes, seek a Special Permit under SZO §4.4.1 for relief from the provisions of SZO §8.5.E. to finish a portion of the basement and to alter a nonconforming structure to install egress windows on an existing two-family residence. RB zone. Ward 5.

Zoning District/Ward: RB Zone / Ward 5

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: May 8, 2012

Dates of Public Hearing: Zoning Board of Appeals – **June 6, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,828 square foot lot with a two-family residence situated on it near the intersection of Summer Street and Cedar Street. The structure is 3 stories tall, not including the basement level, with a flat roof and currently has 4,349 square feet of habitable space. There is also one off-street parking space at the property.

2. Proposal: This triple-decker structure was renovated into a two-family dwelling in 2009. The owner occupies the second and third floors and the first floor is a rental unit. The basement is currently used for storage and utility space for mechanical and electrical systems. The Applicant is proposing to renovate approximately 80% (829 square feet) of the basement into living space that would be incorporated into the first floor unit. The new living space in the basement would include



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two bedrooms, two full bathrooms, and a recreational/living area with a wet bar. On the exterior of the building the only changes would be the increased size of three basement level windows, one on each side of the building and one in the front. The proposed enlarged windows on each side of the building would need window wells as they would provide emergency access from the two proposed bedrooms in the basement.

3. Nature of Application: This is a residential property within an RB district. The lot is nonconforming with regard to minimum lot size and minimum frontage. The minimum lot size in the RB district is 7,500 square feet, well above the property's 3,838 square feet, and the parcel's 36 feet of frontage is under the district minimum of 50 feet. The structure on the property is nonconforming with respect to its Floor Area Ratio (FAR) and its front, right, and left side yard setbacks. The property is also nonconforming with regard to parking as there is only one (1) on-site parking space while four (4) are required under the SZO (Somerville Zoning Ordinance). Since the proposed additional living space would be increasing the already nonconforming FAR and the proposed expansion of the basement level windows on the front, left, and right sides of the structure all impact the nonconforming dimensional aspects of the structure, the Applicant is required to obtain a Special Permit under SZO §4.4.1 to alter the nonconforming structure to finish a portion of the basement and enlarge the basement windows on the existing two-family residence.

4. Surrounding Neighborhood: This is a residential property located in an RB district. The surrounding area is predominantly residential comprised of single-, two-, and three-family homes between 2½ and 3 stories in height.

5. Impacts of Proposal: There will be minimal, if any, impacts to the surrounding neighborhood as the construction process will take place in the basement level of the structure. With construction impacts limited to the interior of the building, no significant disruption to the neighborhood is anticipated. All solid waste disposal for the project will be taken care of by the building contractor who will use a professional waste disposal company. The only changes to the exterior of the structure will be the enlarged basement level windows on the sides and front of the building. The enlarged windows on the sides of the structure are required as part of adding new bedrooms in the basement and the enlarged window in the front will only increase the vibrancy of the streetscape. The proposed additional bedrooms and living space in the basement would not appear to be detrimental to the immediate abutters or the surrounding area, and therefore, there are no anticipated negative impacts from the proposal. The property will remain a 3 story, two-family residential use which is consistent with the surrounding neighborhood.

6. Green Building Practices: The Applicant stated in the application that the "basement walls will be insulated with high density foam. Additionally, all mechanical systems will meet or exceed Energy Star ratings: (a) high efficiency (96+%) furnace; (b) high efficiency inline tankless heaters [and] water heaters; (c) high efficiency central A/C; (d) high efficiency windows; [and] (e) low water consumption toilets and shower heads."

7. Comments:

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

Ward Alderman: Alderman O'Donovan has been notified but has not yet provided comments.



Existing Conditions

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."

In considering a Special Permit under §4.4 of the SZO, Staff does not find that the alterations proposed would be substantially more detrimental to the neighborhood than the existing structure. Construction impacts will be limited to the interior of the building and therefore no significant disruption to the neighborhood is anticipated. All solid waste disposal for the project will be taken care of by the building contractor who will use a professional waste disposal company. The only changes to the exterior of the structure will be the enlarged basement level windows on the sides and front of the building. The enlarged windows on the sides of the structure are required as part of adding new bedrooms in the basement and the enlarged window in the front will only increase the vibrancy of the streetscape. The proposed

additional bedrooms and living space in the basement would not appear to be detrimental to the immediate abutters or the surrounding area and therefore, there are no anticipated negative impacts from the proposal. The property will remain a 3 story, two-family residential use which is consistent with 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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The existing structure is a pre-existing nonconforming structure that is consistent with the purpose of the RB district (6.1.2. RB - Residence Districts), 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." While the structure does not meet the FAR or the front, left side, and right side dimensional setback requirements of the district, the structure is typical of many other buildings in the RB district. Furthermore, the renovations to the existing basement will only require minimal changes to the existing exterior of the structure.

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."

Minimal, if any, impacts are anticipated from the finishing of the existing basement to create two bedrooms, two bathrooms, and a recreational space. Minimal, if any, impacts are anticipated from the enlargement of the basement level windows on the sides and front of the building. The enlarged windows on the sides of the structure are required as part of adding new bedrooms in the basement and the enlarged window in the front will only increase the vibrancy of the streetscape. The proposed additional bedrooms and living space in the basement would not appear to be detrimental to the immediate abutters or the surrounding neighborhood.

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 from this project. 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. The enlarged windows on the sides of the structure are required as part of adding new bedrooms in the basement and the enlarged window in the front will only increase the vibrancy of the streetscape. The property will remain a 3 story, two-family residential use which is consistent with the surrounding neighborhood.

III. RECOMMENDATION**Special Permit under §4.4.1**

Based on 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 the provision of SZO §8.5.E. (FAR) to finish a portion of the basement and to alter a nonconforming structure under SZO §4.4.1 to install egress windows on an existing two-family residence. 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>(May 8, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 15, 2008 (May 23, 2012)</td><td>Plot Plan</td></tr><tr><td>(May 23, 2012)</td><td>Floor Plans (A-1 and A-2)</td></tr><tr><td>(May 24, 2012)</td><td>Existing and Proposed Elevations (A-3 and A-4)</td></tr></table>				Date (Stamp Date)	Submission	(May 8, 2012)	Initial application submitted to the City Clerk’s Office	August 15, 2008 (May 23, 2012)	Plot Plan	(May 23, 2012)	Floor Plans (A-1 and A-2)	(May 24, 2012)	Existing and Proposed Elevations (A-3 and A-4)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The structure shall remain a two-family building and no additional dwelling units shall be added	Cont.	ISD											
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.											



271 Summer Street