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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 10, 2016
Land Use Action Date: July 26, 2016
City Council Action Date: August 1, 2016
90-Day Expiration Date: August 8, 2016

DATE: May 6, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #128-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to create a 970 sq. ft. accessory apartment in the basement level of the unit at **11 Bridge Street**, Ward 1, Newton, on land known as SBL 14 02 29, containing approximately 10,633 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 6.7.1.D of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



9-11 Bridge Street

EXECUTIVE SUMMARY

The property at 9-11 Bridge Street, located in a Multi-Residence 1 (MR1) zoning district in Nonantum, consists of a 10,633 square foot lot at the intersection of Bridge and California streets. It is improved with a one-story, two-family dwelling built in 1963 with parking in the basement level. The applicants, who own the two-family dwelling, are seeking a special permit to allow for the creation of a 970 square foot accessory apartment in the basement level of the unit at 11 Bridge Street. Pursuant to Section 6.7.1.D, a special permit is required to create an accessory apartment in a two-family dwelling.

The Planning Department is not concerned with the creation of an accessory apartment on this property. The proposed accessory apartment would be located in existing basement level space and therefore does not expand the footprint or bulk of the structure, and will further diversify Newton's housing stock.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for an accessory apartment within a two-family dwelling in a MR-1 district. (§7.3.3.C.1)
- The accessory apartment will not adversely affect the neighborhood. (§7.3.3.C.2)
- The accessory apartment will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved.

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located at the intersection of Bridge and California Streets in Nonantum. The site is developed with a two-family dwelling consistent in scale with the one- and two- family homes in the adjacent area to the south of California Street; to the north and northeast across California Street are a large office building (3 Bridge Street) and a small retail store (355 California Street). (**Attachment A**).

The site and surrounding area south of California Street are zoned MR-1; directly across California Street to the north is a Manufacturing (M) zoning district and a Business 2 (BU-2) to the northeast. (**Attachment B**).

B. Site

The property consists of a 10,633 square foot lot, and is improved with a one-story,

two-family dwelling built in 1963. The front yard is raised approximately two and a half feet above the sidewalk level and slopes slightly downward from the south to the north toward California Street. It is mostly lawn with some mature trees near the north end of the front elevation and some additional plantings distributed around the front south side yard; the rear yard is fenced. The property has a through-lot asphalt driveway on the north side of the property with access on both Bridge and California streets.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a two-family residence and, if approved, an accessory apartment will be in the basement level of the existing dwelling.

B. Building and Site Design

The petitioners are proposing to create a 970 square foot, two bedroom accessory apartment in the basement level the existing two-family dwelling. The proposed work includes the installation of a new access stair to the basement level, new light wells and the lowering of two basement window openings to 44 inches above the finish floor. No other site changes are proposed to accommodate the proposed accessory apartment.

The proposed accessory use meets all of the controls for accessory apartments in a two-family dwelling as stipulated under §6.7.1.F of the NZO.

C. Parking, Circulation and Landscaping

Parking area is currently provided in a large driveway area at the north end of the property accessed by approx. 25 foot wide existing curb cuts on both Bridge and California streets.

The petitioners' plans show five vehicle spaces can be accommodated in the existing driveway area, with two accessible via Bridge Street and three via California Street. These are in addition to the two-car garage located in the basement level of the dwelling. As such, two more spaces than the five required for a two family dwelling with an accessory unit under §5.1.4 of the NZO are proposed for the site.

As the parking is existing, the Planning Department is not concerned with the addition of one additional vehicle on site. However, the Planning Department also notes that portions of existing driveway area are in poor condition and served by very wide curb cuts on either side of a corner. The Department recommends that the driveway be resurfaced and that the existing landscaped area at the northern "prow" of the property be enhanced (consistent with traffic safety) with additional plantings. This should create a more orderly appearance for this prominent site and more orderly vehicular access to and from the property.

III. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special permit per §7.3.3 to allow the creation of an accessory apartment in a two-family dwelling in the MR1 district (§6.7.1.D).

B. Fire Department Review

The Fire Department provided comments regarding requirements pertaining to heat and smoke detectors.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.







ATTACHMENTS:

- | | |
|----------------------|--------------------------|
| Attachment A: | Land Use Map |
| Attachment B: | Zoning Map |
| Attachment C: | Zoning Review Memorandum |
| Attachment D: | Draft Board Order |

Zoning Map 9-11 Bridge St.

City of Newton,
Massachusetts

Legend

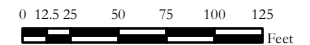
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 2
-  Manufacturing
-  Public Use
-  Surface Water

Attachment A

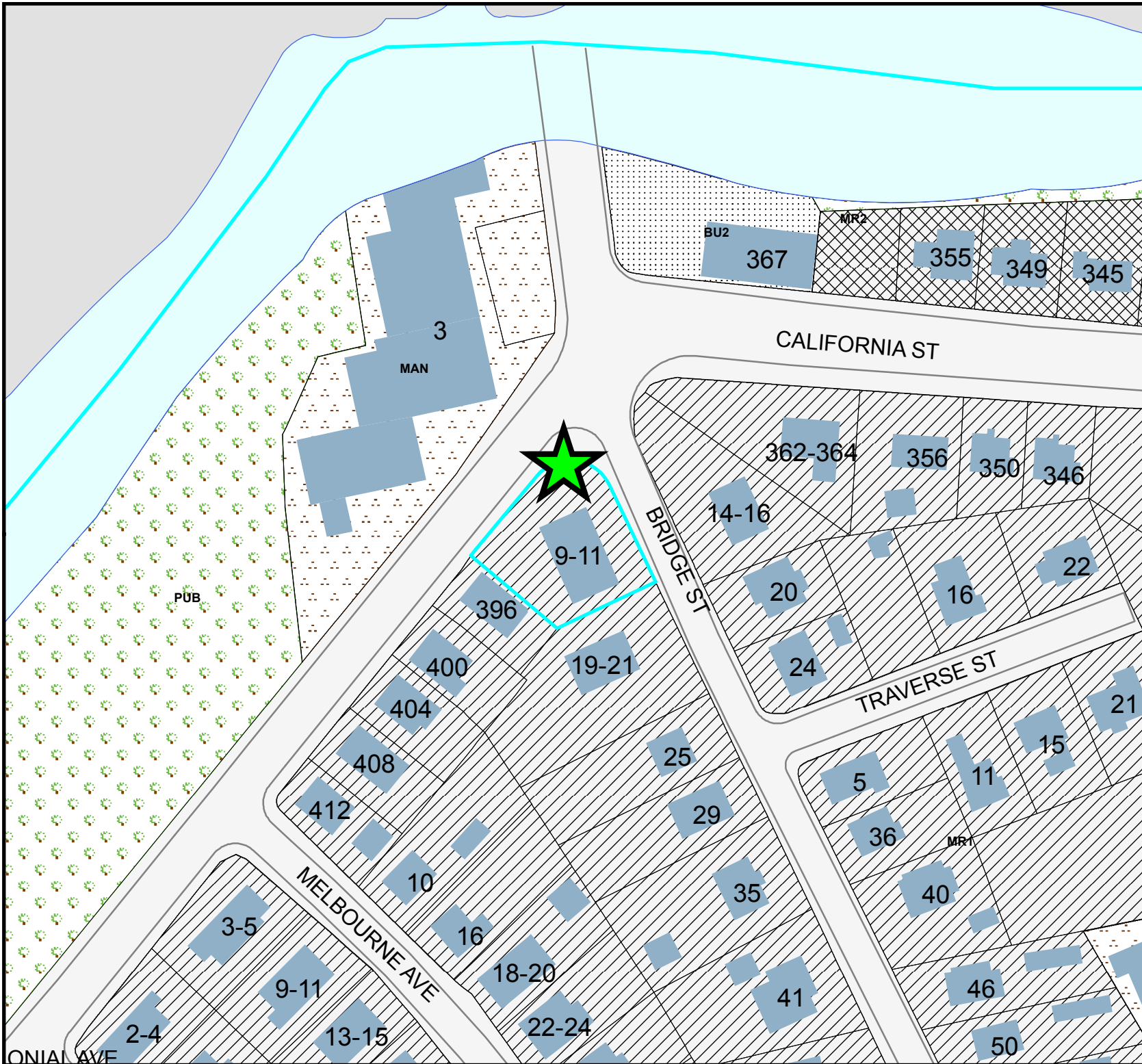


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: May 05, 2016









Land Use Map 9-11 Bridge St.

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

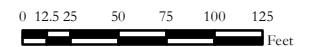
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Vacant Land
-  Surface Water

Attachment B

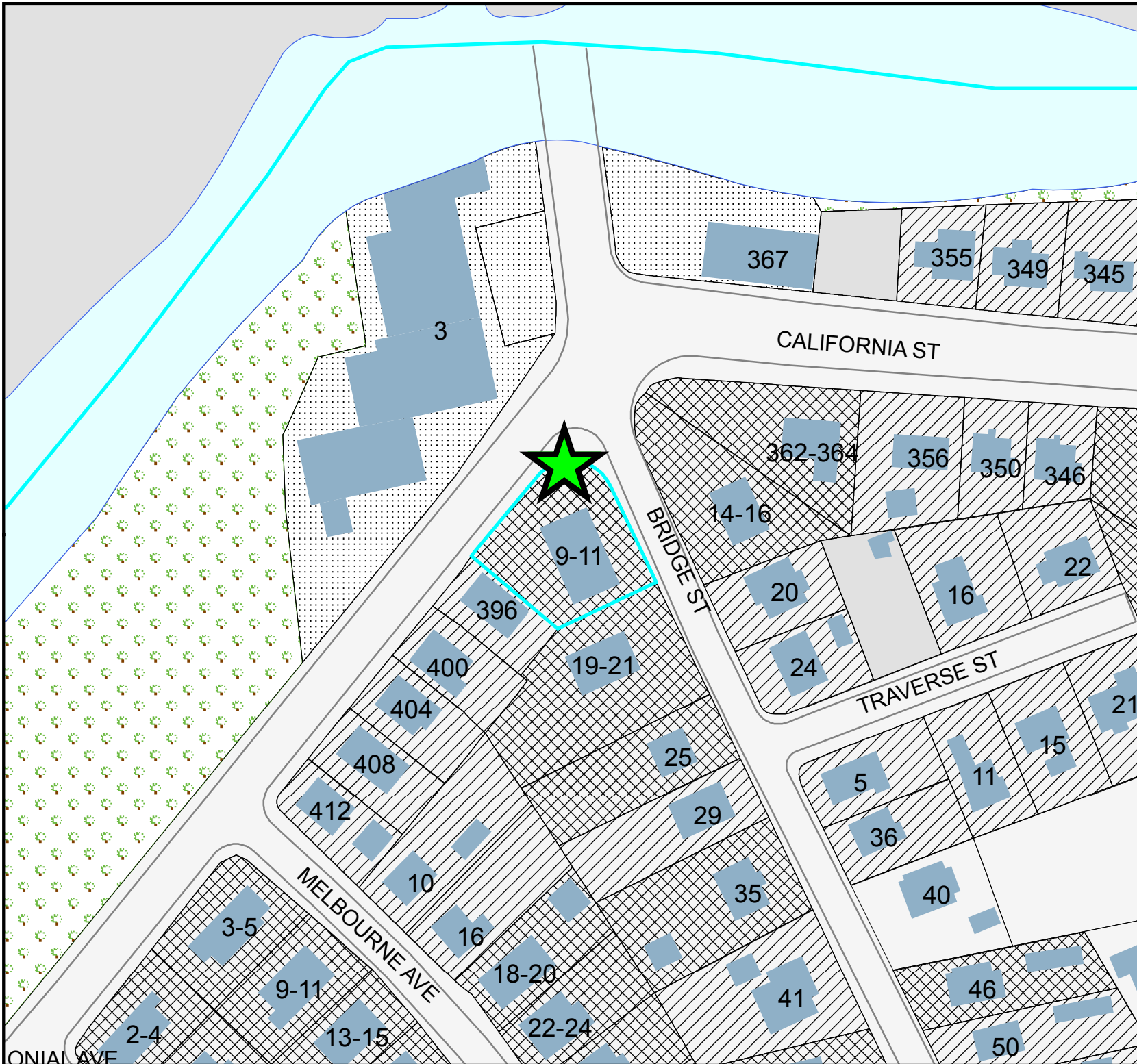


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: May 05, 2016





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Mayor

ATTACHMENT C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: April 4, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Iulia Pirvu, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in an existing two-family dwelling

Applicant: Iulia Pirvu	
Site: 9-11 Bridge Street	SBL: 14002 0029
Zoning: MR1	Lot Area: 10,633 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with accessory apartment

BACKGROUND:

The property at 9-11 Bridge Street is located in the MR1 district. The two-family structure was built in 1963 at the intersection of Bridge and California streets. The structure is a one-story duplex with parking underneath in the basement level. The applicant is seeking a special permit to allow for the creation of a 970 square foot accessory apartment in the basement level of the unit at 11 Bridge Street. Pursuant to Section 6.7.1.D, a special permit is required to create an accessory apartment in a two-family dwelling.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Iulia Pirvu, applicant, dated 2/26/2016
- Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 1/28/2016
- Architectural Plan, undated

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family structure is located in the MR1 district. Per Sections 6.7.1.D a special permit is required to create an accessory apartment in two-family structure.
2. Section 6.7.1.F requires a lot have at least 8,000 square feet for an accessory apartment by special permit. The applicant's lot has 10,633 square feet.
3. Section 6.7.1.F requires that a dwelling has at least 2,600 square feet to allow an accessory apartment by special permit. The structure has an approximate building size of 3,000 square feet.
4. Section 6.7.1.D.1.b requires that an accessory apartment in the MR1 district be no larger than 1,200 square feet. The proposed apartment is 970 square feet.
5. Section 6.7.1.B.1 requires that an accessory apartment within a two-family dwelling must have one of the units occupied by the owner of the property. The owner of the property must maintain residency in the main dwelling or the proposed apartment.
6. Section 6.7.1.B.2 requires a two-family dwelling to have been constructed at least ten years prior to the date of application for the permit for the accessory apartment. The dwelling was built in 1963 and thus meets the requirement.
7. Section 6.7.1.D.1.c states that any alterations required to meet the applicable Building, Fire or Health codes are permitted provided they maintain the residential character of the neighborhood.
8. Section 5.1.4.A requires two parking stalls for each dwelling unit, and one stall for the accessory unit. The existing two-family dwelling contains an attached two-car garage, as well as five stalls located outside in front of the garage stalls, for a total of seven stalls on site, satisfying the parking requirement.

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	8,000 square feet	10,633 square feet	No change
Frontage	70 feet	110 feet	No change
Lot size required for an accessory apartment	8,000 square feet	10,633 square feet	No change
Unit size required for an accessory apartment	2,600 square feet	3,000 square feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Bridge St) • Front (California St) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	27.1 feet 26.3 feet 12.3 feet 15.6 feet	No change No change No change No change
Stories	1.5	1.5	No change
Max Lot Coverage	30%	21%	No change
Min Open Space	50%	61%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.D	Creation of an accessory apartment in a two-family dwelling in the MR1 district	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

May 16, 2016

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL for an internal accessory apartment in the basement of a two-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The site is an appropriate location for an accessory apartment within a two-family dwelling in a Multi-Residence 1 (MR-1) district as the existing dwelling, which is consistent in scale with adjacent residential properties, can accommodate the accessory apartment without any increase to the footprint. (§6.7.1.D.1 and §7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be constructed in existing space within a two-family dwelling on a property that has sufficient interior and exterior capacity to accommodate the required additional parking stall. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as the property has a large driveway area with ample curb cuts located on two public ways, California Street and Bridge Street, that allow for adequate site lines for drivers and pedestrians passing, entering or leaving the property. (§7.3.3.C.3)
4. Access to the site is appropriate for the number of vehicles related to the residential use of the site as it is served by a driveway with access to both California Street and Bridge Street, dispersing any impacts on two public ways. (§7.3.3.C.4)
5. The creation of an accessory apartment will help to diversify Newton's housing stock consistent with Newton's *Comprehensive Plan*.

PETITION NUMBER: #128-16

PETITIONER: Iulia Pirvu and Mark Zielinski

LOCATION: 9-11 Bridge Street, on land known as Section 14, Block 2, Lot 29, containing approximately 10,633 square feet of land

OWNER: Iulia Pirvu and Mark Zielinski

ADDRESS OF OWNER: 9-11 Bridge Street
Newton, MA 02458

TO BE USED FOR: Internal Accessory Apartment in Two-Family Dwelling

CONSTRUCTION: Brick veneer

EXPLANATORY NOTES: §6.7.1.D.1- Accessory Apartments Allowed by Special Permit

ZONING: Multi Residence 1 (MR-1) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. A plan titled "Plan of Land in Newton, MA, 9-11 Bridge Street- Existing Conditions", dated January 28, 2016, prepared, stamped, and signed by Bruce Bradford, Professional Land Surveyor on January 28, 2016.
 - b. A proposed site plan prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - c. A plan entitled "1 Lower Level Plan" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - d. A plan entitled "1 Wall Section and Window" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - e. A plan entitled "2 Wall Section and Window" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - f. A plan entitled "3 Wall Section and Window" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
2. The accessory apartment may not be held in separate ownership from the two-family dwelling in which it is located.
3. The owner of the two-family dwelling shall occupy either one of the main dwelling units or the accessory apartment, and the owner shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. When ownership of the property changes the new owner shall notify the Commissioner of

the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.

5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Submitted a final Landscape Plan to the Director of Planning and Development for review and approval.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered land surveyor or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, and parking areas, as well as an acknowledgement that the driveway has been resurfaced subsequent to the date of this Order.
7. Notwithstanding the provisions of Condition #5 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping and parking areas provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping and parking areas.