



# Land Use Committee Report

## City of Newton

### In City Council

**Tuesday, March 2, 2021**

**Present:** Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman, Laredo and one vacancy; also Present: Councilor Wright

**City Staff Present:** Chief Planner Neil Cronin, Senior Planner Katie Whewell, Senior Planner Michael Gleba, CPA Program Manager Lara Kritzer, Director of Planning Barney

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>. Presentations for each project can be found at the end of this report.

### Referred to Land Use and Finance Committees

**#51-21**      **Approval of \$4.2 million in CPA funding for the Coleman House**  
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of four million two-hundred and fourteen thousand six hundred and twenty-two dollars (\$4,214,622) in CPA Community Housing funds to 2Life Communities for the Coleman House Senior Affordable Housing Preservation project.

**Action:**      **Land Use Approved 7-0**

**Note:**      CPC Program Manager Lara Kritzer presented details of the request for \$4.2 million dollars in CPA funding for the renovation of units at Coleman House. A copy of Ms. Kritzer's presentation can be found at the end of this report. The Coleman House is a Senior Affordable Housing project composed of two buildings located at 677 Winchester Street. Coleman House has 146 units of affordable housing and serves residents with an AMI of \$12,000/year. 2Life Communities owns and operates the facility and provides a variety of services that include social, cultural, educational and wellness programs. The request for \$4.2 million dollars in funding is for the renovation of facilities that are reaching the end of their usable life (new building wide systems, a new roof, windows, masonry and the conversion to adaptable units. Ms. Kritzer noted that the new systems will meet enterprise green community standards and complies with the Council on Aging's design standards.

In reviewing the project budget, Ms. Kritzer noted that the project has received funding from other sources. The majority of the funds for the project budget come from 2Life communities as a result of refinancing. The CPA funding request represents approximately 14% of the overall project costs. Ms. Kritzer explained that CPA funding may not be used for the rehabilitation of existing units and will be used exclusively for the construction and preservation of the affordable housing resource. Construction is anticipated to be completed by Winter 2023.

The Committee questioned whether there is a maintenance budget to plan for repairs and renovations. Ms. Heyer stated that there is an operations plan that includes annual repairs for typical repairs and maintenance. Because the project is 100% affordable, the reserves are typically used for projects in between capital improvements. Capital projects are generally funded through refinancing. Ms. Heyer noted that the project includes a sustainability scope with the intent to reduce energy costs.

The Committee questioned where the residents will live while the building is being rehabbed. Ms. Heyer explained that they have slowly been holding units empty so that relocation can happen internally. The residents will be moved into "relocation units" to allow staging of construction. Once the renovations are complete, residents will return to their units.

Ms. Heyer noted that 2Life is working on a separate, middle market project to provide housing opportunities for individuals not eligible for housing at Coleman house, but at an AMI lower than market rate. This project will require zoning relief at a point in the future. The Committee emphasized their support for the project and for the use of the CPA funds to support the residents at the lower AMI levels. Councilor Laredo moved approval of the funds which carried 7-0.

**#55-21      Petition to extend nonconforming FAR at 12 Cochituate Road**

ALAN TAYLOR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming FAR by constructing a second story addition within the existing footprint at 12 Cochituate Road, Ward 6, Newton Highlands, on land known as Section 54 Block 31 Lot 02, containing approximately 7,650 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 7-0; Public Hearing Closed 03/02/2021**

**Note:**      The petitioner Alan Taylor presented the request for a special permit petition to extend the nonconforming FAR at 12 Cochituate Road. The proposed project includes an attic level dormer and a second-story addition on an existing single-story sunroom. No increase to the footprint of the house is proposed and the architectural features match the design of the existing house.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, proposed plans and photos of the site as shown on the attached presentation. The Public Hearing was Opened. No member of the public wished to speak.

Responding to a question from the Committee, Mr. Taylor confirmed that the roof above the proposed addition is slate. Councilors were supportive of the project and acknowledged the petitioner's efforts to maintain the existing architecture. The Committee noted that the Planning Department has a list of native plant materials as a resource as landscape plans are designed.

Councilor Bowman motioned to close the public hearing which carried 7-0. Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 7-0 in favor of approval.

**#56-21      Petition to extend nonconformities and amend variances at 266 Highland Avenue**  
BENJAMIN MOLL/266 HIGHLAND AVENUE NOMINEE TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct additions to the side and rear of the dwelling, to allow an oversized dormer, extension of the nonconforming setback, to exceed the allowable FAR and to amend Variances #38-57 and #139-98 which allowed extend maximum lot coverage at 266 Highland Avenue, Ward 2, on land known as Section 32, Block 2, Lot 11, containing approximately 11,879 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 3.4.3.A.1 and 1.5.4.G.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 7-0; Public Hearing Closed 03/02/2021**

**Note:**      Attorney Terry Morris, with law offices at 57 Elm Road, represented the petitioner Benjamin Moll/266 Highland Avenue Nominee Trust. Atty. Morris presented the request to extend nonconformities at 266 Highland Avenue. He explained that after the house's construction, the property was subject to a variance that reallocated some land to the abutting property. An amendment to the variance was granted in 1977 and the proposed special permit is subject to another amendment to the variance. Mr. Moll explained that the rear roofline is made up of 7-8 varied rooflines from different additions. The proposed oversized dormer along the length of the back of the house will create one consistent roofline and will create usable space within the structure. Additionally, two additions are proposed; the first to create family space on the side of the house and the second to allow the relocation of the staircases to create more functional interior space. The proposed two-car garage will replace a 1.5 car garage and will be slightly larger in size.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, proposed plans and photos of the site as shown on the attached presentation. The Public Hearing was Opened. No member of the public wished to speak.

The Committee observed that the various additions depict how the house has evolved over time. Committee members expressed no concerns relative to the project and commented on the creative and thoughtful solution. Mr. Moll confirmed he has communicated the proposed plans to neighbors, who have raised no concerns. Chief Planner Neil Cronin confirmed the proposed permit will be approved prior to the effective date of the City's amended garage ordinance.

With that, Councilor Laredo motioned to close the public hearing which carried 7-0. Councilor Laredo motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

**#130-17(3)      Petition to extend nonconforming building height and amend Order #130-17 at 164 Highland Avenue**  
ROBERT AND CINDY LAUGHREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow changes to grading, driveway design, and new landscape elements, to allow the further extension of the nonconforming building height and to amend Special Permit Order #130-17 at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 26,154 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 7-0; Public Hearing Closed 03/02/2021**

**Note:** The petitioner Mr. Robert Laughrea and Architect Alan Mayer presented the request for a special permit petition to extend the nonconforming building height and amend order #130-17 at 164 Highland Avenue. Mr. Mayer explained that after granting of the special permit in 2017, the petitioner secured a new surveyor who identified a miscalculation in the building heights shown on the plans. As the addition approved in 2017 is at the back of the site and the site slopes down, the average height of the building increases. No changes are proposed to the building. Mr. Mayer noted that the proposed landscape plan has been further developed to accommodate the ability to park and access vehicles, more robust plantings and possibly a pool. The petitioner has acquired a small parcel at the rear of the site, and FAR relief is no longer needed. Mr. Laughrea confirmed that the proposed plans were communicated to neighbors.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell confirmed that the ridge line is not increasing and the 1' increase to the height of the structure is technical. She stated that as a result of adding the second lot, the lot area is now compliant.

The Public Hearing was Opened. No member of the public wished to speak. The Committee expressed their support of the proposed plan and design. Committee members questioned what material will be for the increase in paved area. It was noted that the additional paved material has not been determined yet but it will include a combination of materials both decorative and standards. The Committee encouraged the petitioner to use permeable materials. In response to questions from the Committee, Ms. Whewell confirmed that the proposed retaining walls are less than 4'.

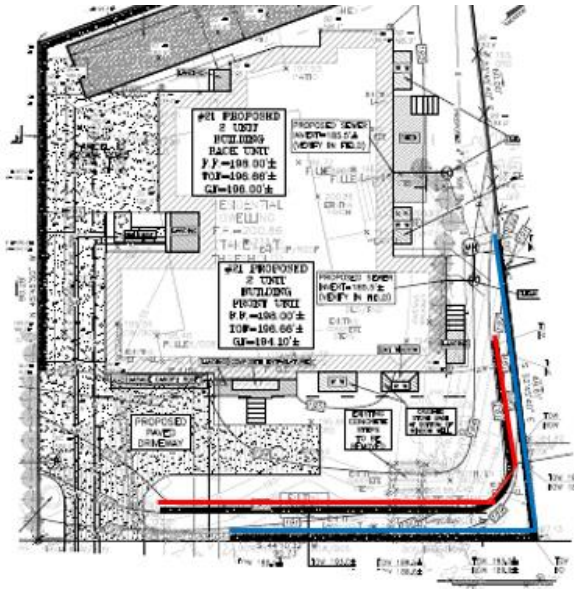
Councilor Laredo motioned to close the public hearing which carried 7-0. Councilor Kelley moved approval of the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

**#57-21**      **Petition to allow series of retaining walls greater than 4' in the setback at 21 Louise Road**  
ANDREW GOLDBERG/HG CHESTNUT HILL LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a tiered retaining wall system, exceeding four feet in height within the front and side setbacks at 21 Louise Road, Ward 8, Chestnut Hill, on land known as Section 82 Block 04 Lot 85 containing approximately 10,298 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 5-1-1 (Councilor Kelley opposed, Councilor Greenberg abstaining)**  
**Public Hearing Closed 03/02/2021**

**Note:** Andrew Goldberg and Architect Mark Sangiolo presented the request to construct a series of retaining walls at 21 Louise Road in the front and side setbacks. Senior Planner Katie Whewell presented the requested relief, criteria, land use, zoning and proposed plans as shown on the attached presentation. A two-family dwelling is located on the 10,298 sq. ft. and is served by one curb cut providing access to the driveway along the southern property line. There is a grade change from the front to the rear of the site approximately 10'. From the southern property line to the northern property line, there is a grade change of approximately 8'. A system of retaining walls is proposed along the property line as shown in the below images. At the northeast corner of the site, there is the front wall (in blue) that

measures 3.9' and the second wall (in red) that reaches a maximum of 4'. Because the combined heights of the proposed wall exceed 4', a special permit it needed.



The public hearing was opened. No member of the public wished to speak. The Committee expressed some concern relative to information flagged by the Engineering Department as incomplete. The Engineering Department's analysis stated that there was insufficient information relative to construction details, drainage and the planting plan. Councilors suggested that this information could be important prior to approval of the special permit. In response to concerns from Committee members, Mr. Sangiolo explained that the current site drains into the abutting yard and the project will result in improvements to drainage at the site. He confirmed that the grade was not changed to create the sloped condition. The Chair explained that the Engineering Department's memorandum was issued to detail concerns that must be addressed prior to issuance of a building permit. Councilors expressed support for further analysis by the Engineering Department as a condition of approval. Some Committee members remained concerned about the drainage conditions.

Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown on the attached presentation. The Committee asked that the Planning Department and Law Department draft a condition that the Engineering Department shall review the proposed project and ensure that it complies so that water runoff remains on site. With that the Committee voted 5-1-1 (Councilor Kelley opposed, Councilor Greenberg abstaining).

The Committee adjourned at 8:50 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# Coleman House Senior Housing Preservation Funding Recommendation

Community Preservation Committee  
Presentation to Land Use Committee  
March 2, 2021

# Project Overview

- ▶ Entirely affordable housing serving extremely and very low-income seniors (below 50% AMI)
- ▶ Median Age of Residents: 82
- ▶ Median Income: \$12,000/year
- ▶ Residents provided with supportive services including social, cultural, educational and wellness programs
- ▶ 2 Life Communities owns and operates building



# Current Funding Request

- ▶ 2Life Communities requests CPA funding to preserve the affordable housing by funding:
  - ❖ New building wide systems (electrical, plumbing, HVAC, fire prevention),
  - ❖ Installation of New Roof
  - ❖ Installation of New Windows
  - ❖ Repair of Exterior Masonry, including new waterproofing and insulation
- ▶ Project will also rehabilitate all 146 of the existing units to be fully adaptable
- ▶ New systems and features will meet Enterprise Green Community Standards
- ▶ Project meets High Priority needs of FY16-20 Consolidated plan and complies with Newton COA design standards



# Development Funding Sources

Funding Source	Status	Amount
Coleman House I Sponsor Loan	Confirmed	\$24,830,000
West Metro HOME Consortium FY20 Funds	Confirmed	\$418,519
Newton CDBG Funding	Confirmed	\$411,898
Newton HOME Funding	Confirmed	\$118,102
<b>Newton CPA Funding Request</b>	<b>Requested</b>	<b>\$4,214,622</b>
West Metro HOME Consortium FY21 Funds	Anticipated	\$292,365
MassSaves Utility Rebates	Anticipated	\$100,000
<b>TOTAL SOURCES</b>		<b>\$30,385,506</b>

CPA Funds represents 14% of project costs

# Development Budget - Uses

Funding Uses	Amount
Construction	\$25,136,677
Architect/Engineer, Clerk, Permits, Legal, Low Voltage	\$2,805,249
Relocation	\$955,541
Contingency (5%)	\$188,039
Developer Overhead	\$1,300,000
<b>Total Uses</b>	<b>\$30,385,506</b>

CPA Funding to be used specifically for Construction expenses associated with the preservation of the affordable housing resource (systems and exterior elements previously noted)

# Timeline

- ▶ **Winter 2021:** Complete Construction Documents and Competitive Subcontractor Bidding
- ▶ **Spring 2021:** Closing and Anticipated Start of Construction
- ▶ **Winter 2023:** Anticipated Completion of Construction

# CPA Funded Housing Projects FY18-FY21

Project	Total Funding Received	Anticipated Spending Timeframe			
		FY21	FY22	FY23	FY24
Haywood House/NHA	\$3,077,900	\$3,077,900 (Anticipated Timing)			
Golda Meir House/2Life Communities	\$4,494,857	\$4,494,857 (Anticipated Timing)			
NHA -CANDO Housing Acquisition	\$1,105,000	\$1,105,000 (Actual)			
Covid-19 Emergency Housing Assistance	\$3,200,000	\$2,500,000 - \$3,000,000 (Estimated)	\$200,000 - \$700,000 (Estimated)		
Coleman House/ 2Life Communities	\$4,214,622	\$4,214,622 (Anticipated Timing)			

# CPA Available Funds as of March 2, 2021

Total Unrestricted Funding	\$10,805,419
Current Housing Reserve Fund	\$0
<hr/>	
<b>Total Funding Available for Housing Projects</b>	<b>\$10,805,419</b>
Coleman House Senior Housing Project Funding	\$4,214,622
<hr/>	
<b>Total Remaining Funding Available</b>	<b>\$6,590,797</b>

# Questions & Discussion

▶ Thank you!

# Department of Planning and Development



**PETITION #55-21**

**12 COCHITUATE RD.**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO FURTHER  
EXTEND THE NONCONFORMING  
FAR BY CONSTRUCTING A  
SECOND STORY ADDITION  
WITHIN THE EXISTING  
FOOTPRINT

*MARCH 2, 2021*



# Requested Relief



Special permit per §7.3.3 to:

- to further extend nonconforming floor area ratio (FAR) (§3.1.3, §3.1.9, §7.8.2.2)



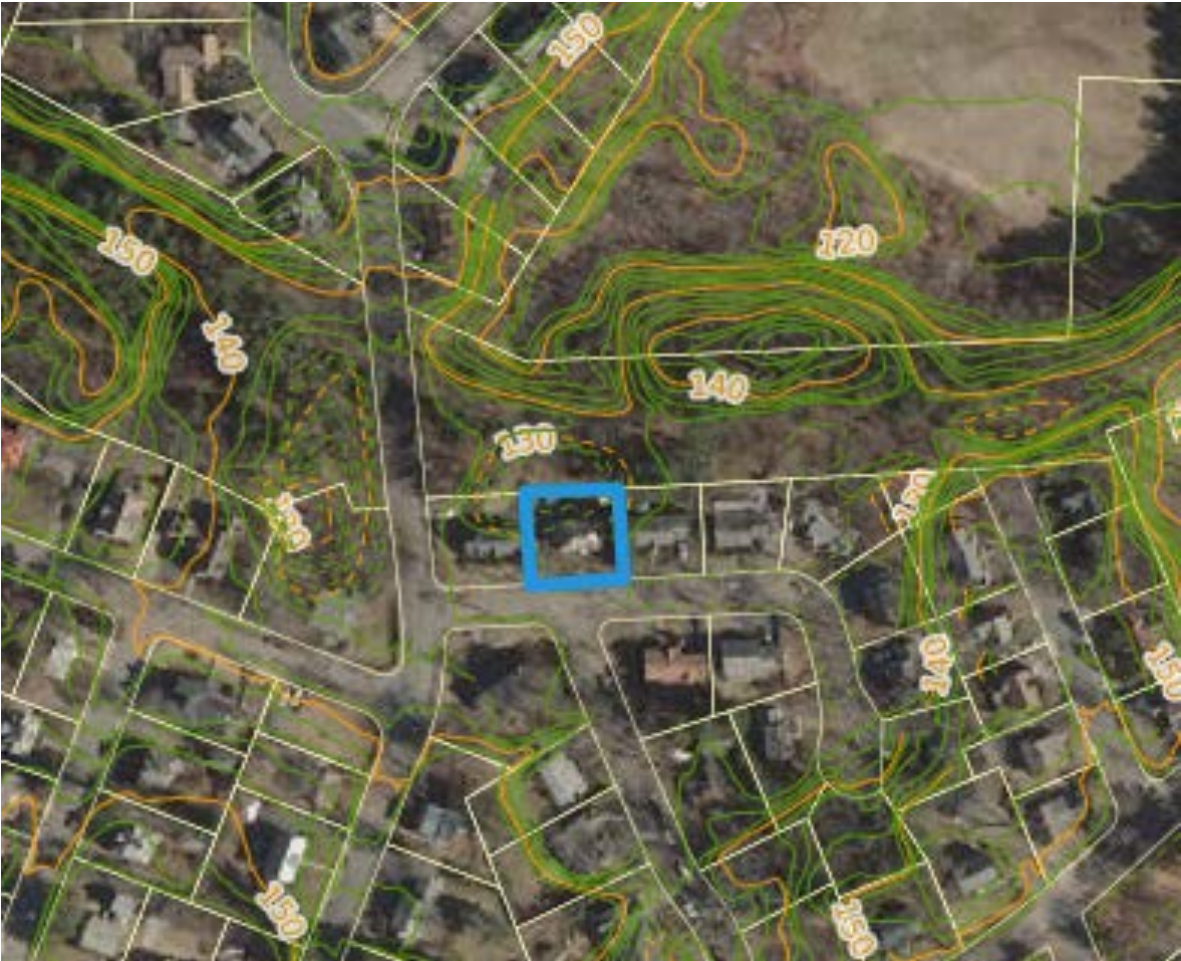
# Criteria to Consider



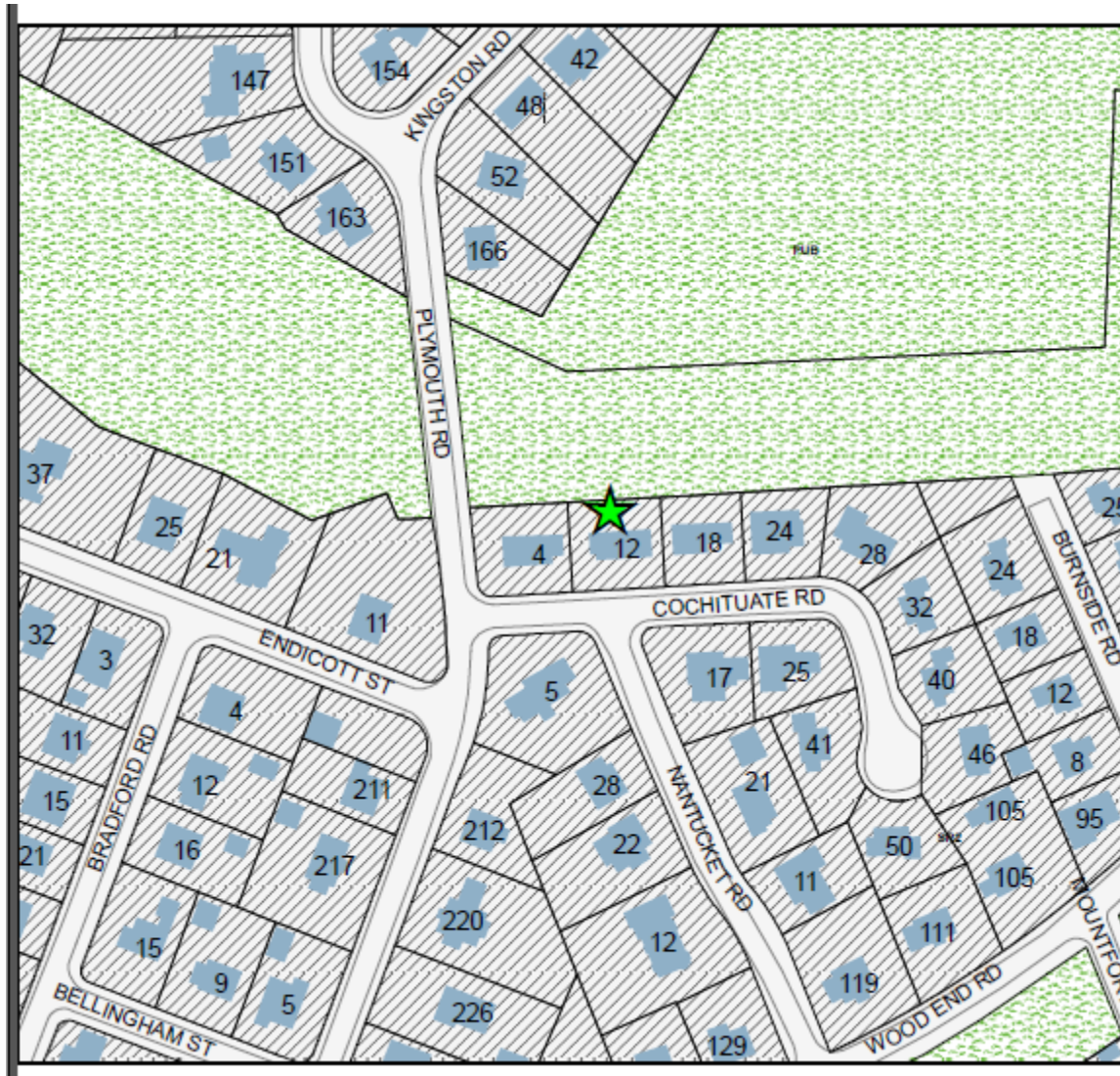
When reviewing the requested special permit the Council should consider whether:

- The proposed structure with a floor area ratio of 0.52 where 0.48 exists and 0.42 is the maximum allowed would be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9)
- The extension of the dwelling's nonconforming floor area ratio from 0.48 to 0.52 where 0.42 is the maximum allowed by right would be substantially more detrimental than the existing nonconforming floor area ratio to the neighborhood (§7.8.2.C.2)

# AERIAL/GIS MAP



# Zoning





## ATTACHMENT B

### Zoning

12 Cochituate Rd.

*City of Newton,  
Massachusetts*

### Legend

-  Single Residence 2
-  Public Use



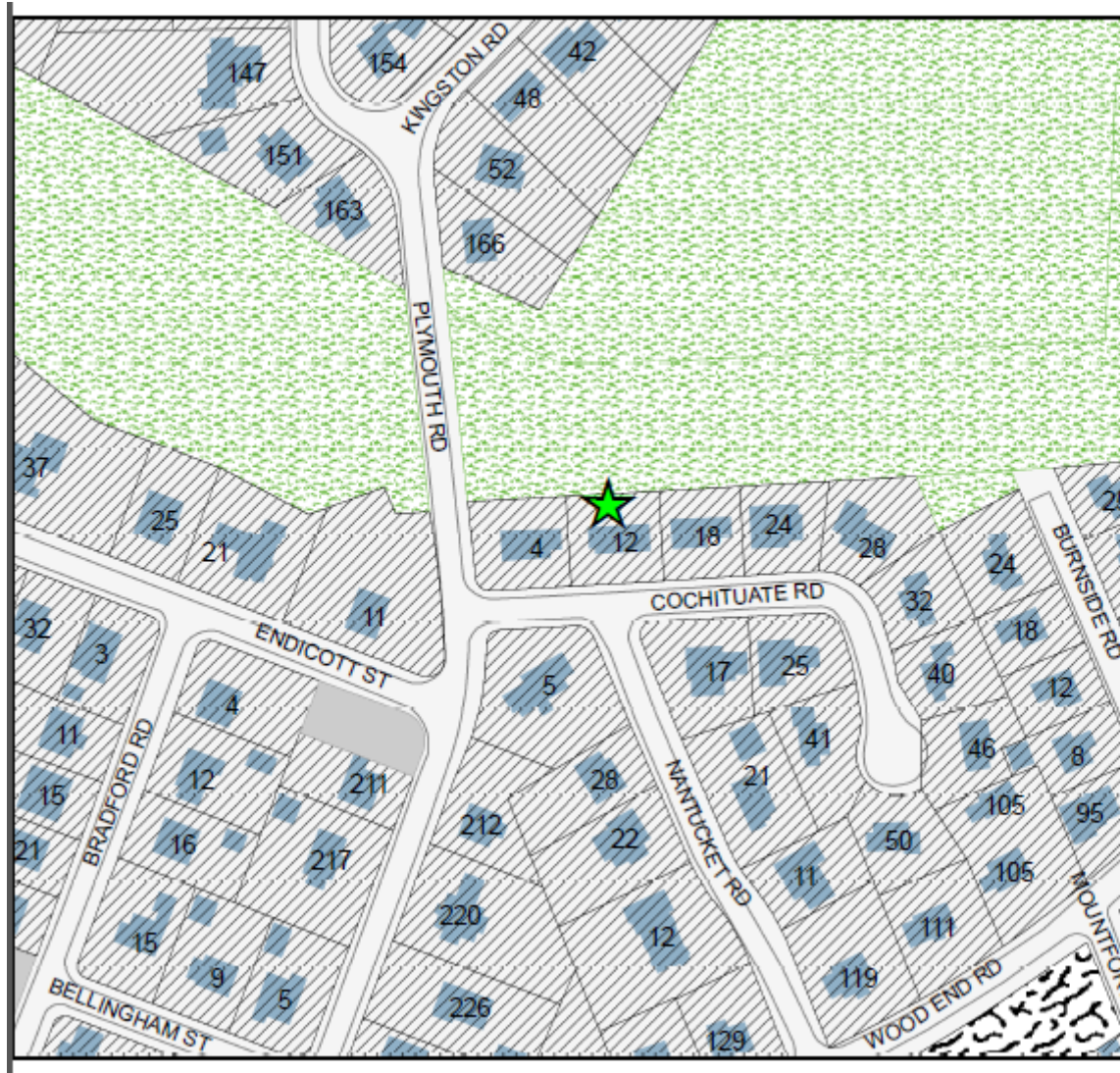
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175  
Feet

Map Date: February 19, 2021

# Land Use



## ATTACHMENT A

### Land Use

12 Cochituate Rd.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

- Single Family Residential
- Open Space
- Nonprofit Organizations
- Vacant Land



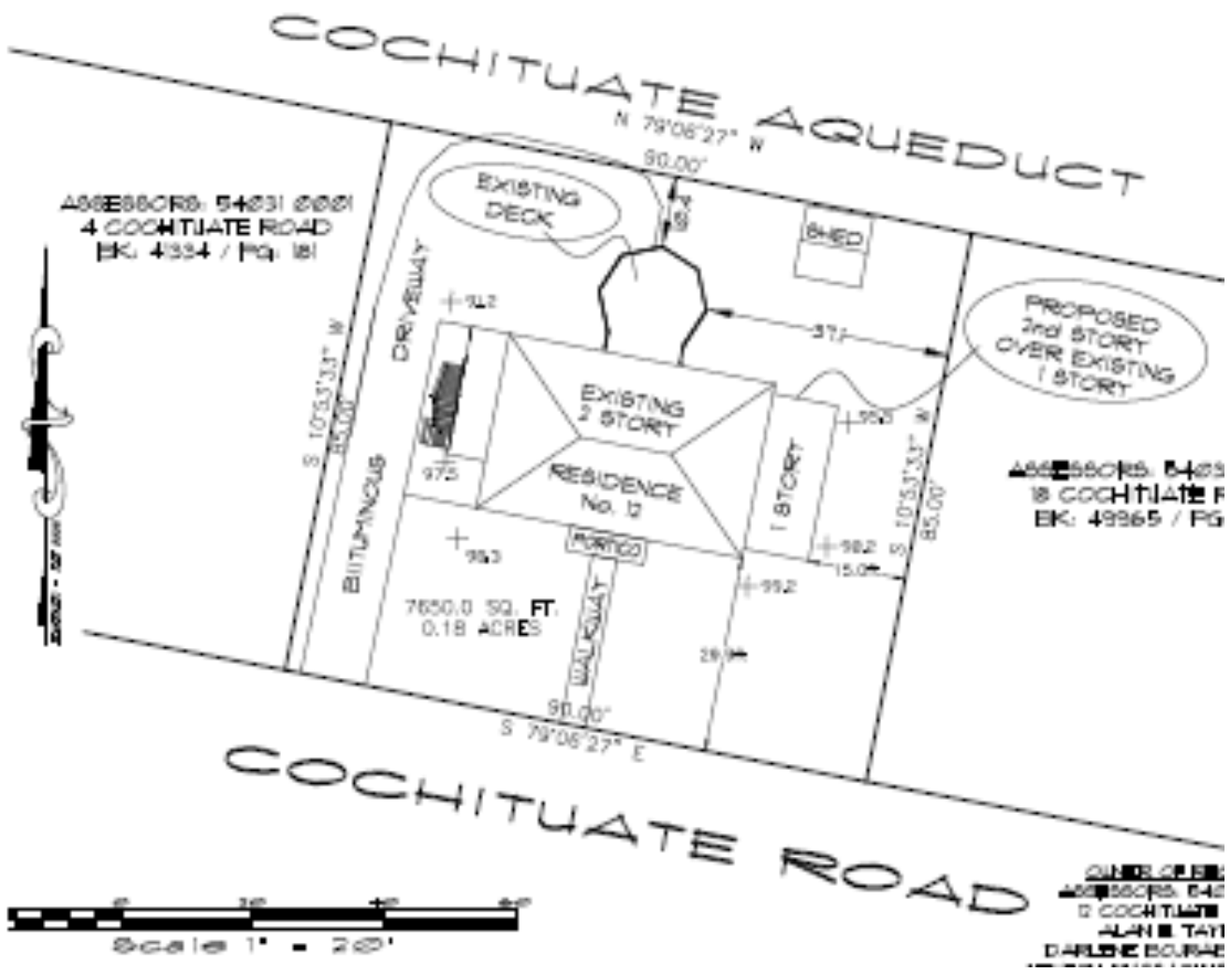
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Rathanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175  
Feet

Map Date: February 19, 2021

# Site Plan



# Elevations- Existing & Proposed: Front & Right



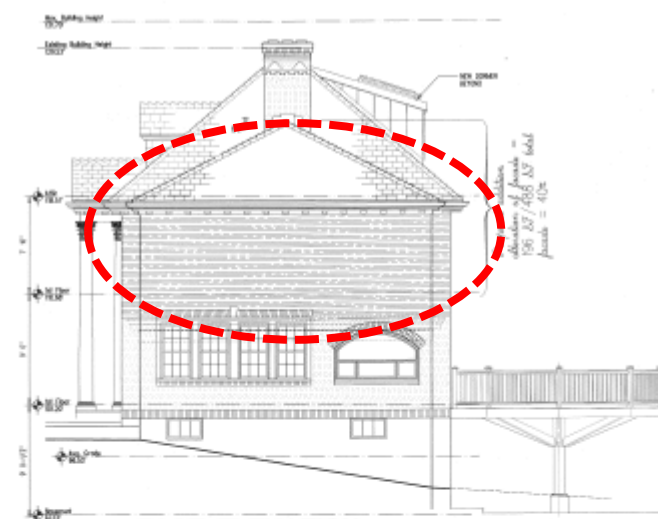
**SOUTH ELEVATION PROPOSED**

SCALE 1/4" = 1' 0"



**SOUTH ELEVATION EXISTING**

SCALE 1/4" = 1' 0"



**EAST ELEVATION PROPOSED**

SCALE 1/4" = 1' 0"



**EAST ELEVATION EXISTING**

SCALE 1/4" = 1' 0"

11 NOVEMBER 2022

REVIEW

# Elevations- Proposed & Existing: Rear & Left



**WEST ELEVATION PROPOSED**

SCALE 1/4" = 1'0" 1 2 3 4



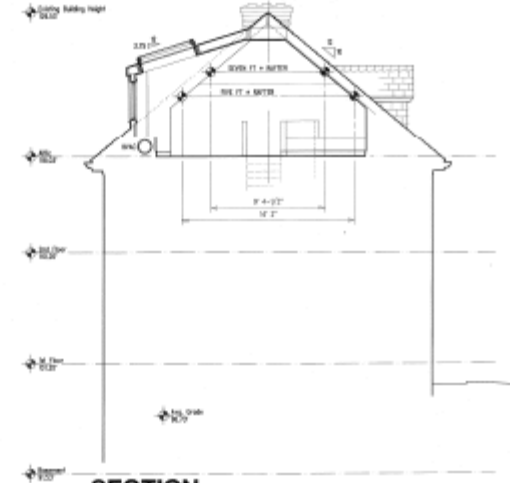
**WEST ELEVATION**

SCALE 1/4" = 1'0" 1 2 3 4



**NORTH ELEVATION EXISTING**

SCALE 1/4" = 1'0" 1 2 3 4



**SECTION**

SCALE 1/4" = 1'0" 1 2 3 4

11 NOVEMBER 2020

PREVIEW ONLY

# Photos





# Photos



# Photos



# Photos



# Proposed Findings



1. The proposed *expanded* structure with a floor area ratio of 0.52 where 0.48 exists and 0.42 is the maximum allowed would be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood given the locations of the additional floor area above existing living space and on the rear of the attic level and because the height of the dwelling would not be increased (§3.1.9)
2. The extension of the dwelling's nonconforming floor area ratio of from 0.48 to 0.52 where 0.42 is the maximum allowed by right would not be substantially more detrimental than the existing nonconforming floor area ratio to the neighborhood given the locations of the additional floor area above existing living space and on the rear of the attic level (§7.8.2.C.2)

# Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

# Department of Planning and Development



**PETITION #56-21**

**266 HIGHLAND AVENUE**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO RAZE AN EXISTING  
DETACHED GARAGE AND CONSTRUCT  
ADDITIONS TO THE SIDE AND REAR  
OF THE DWELLING, TO ALLOW AN  
OVERSIZED DORMER, EXTENSION OF  
THE NONCONFORMING SETBACK, TO  
EXCEED THE ALLOWABLE FAR AND  
TO AMEND VARIANCES #38-57 AND  
#139-98 WHICH ALLOWED EXTEND  
MAXIMUM LOT COVERAGE

*MARCH 2, 2021*



# Requested Relief



Special permit per §7.3.3 to:

- further decrease nonconforming open space (§3.1.3, §7.8.2.C.2)
- exceed floor area ratio (FAR) (§3.1.3, §3.1.9)
- further extend a nonconforming side setback in an accessory structure (§3.4.3.A.1, §7.8.2.C.2)
- allow a dormer exceeding 50% of the wall plane next below (§1.5.4.G.2.b)
- allow a dormer within three feet of an end wall (§1.5.4.G.2.c)

# Criteria to Consider



When reviewing the requested special permit the Council should consider whether:

- The site in the Single Residence 1 (SR1) district is an appropriate location for the proposed attic level dormer on the rear of the dwelling wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer (§7.3.3.C.1)
- The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer, will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer will 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 (§7.3.3.C.4)



# Criteria to Consider (cont.)



- The proposed structures with a floor area ratio of 0.37 where 0.31 exists and 0.32 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9)
- The further decrease of the property's nonconforming open space would be substantially more detrimental than the existing nonconforming open space to the neighborhood (§7.8.2.C.2)
- The extension of the accessory structure's nonconforming side setback would be substantially more detrimental than the existing nonconforming side setback to the neighborhood (§7.8.2.C.2)

# AERIAL/GIS MAP



# Zoning






## ATTACHMENT B

### Zoning

266 Highland Ave.

*City of Newton,  
Massachusetts*

### Legend

-  Single Residence 1
-  Single Residence 2
-  Public Use



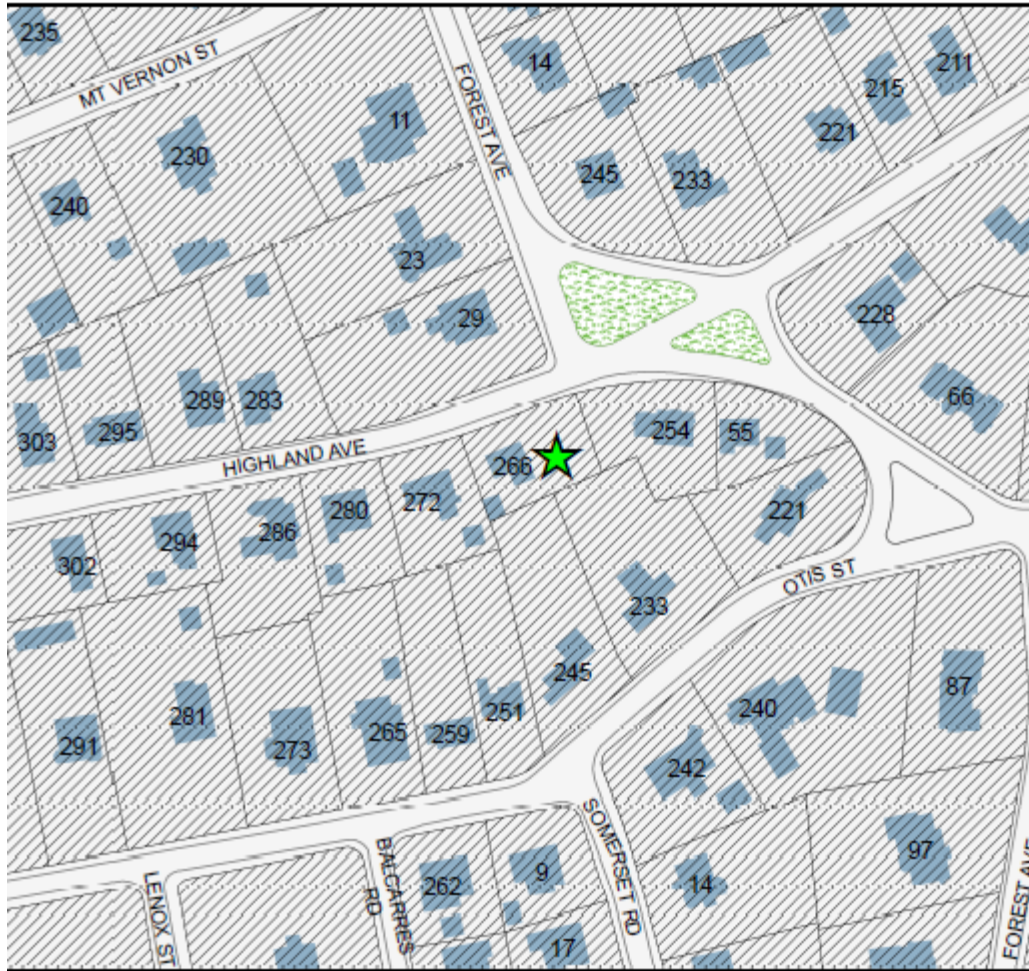
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: February 18, 2004

# Land Use



## ATTACHMENT A




### Land Use

266 Highland Ave.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

-  Single Family Residential
-  Open Space
-  Vacant Land



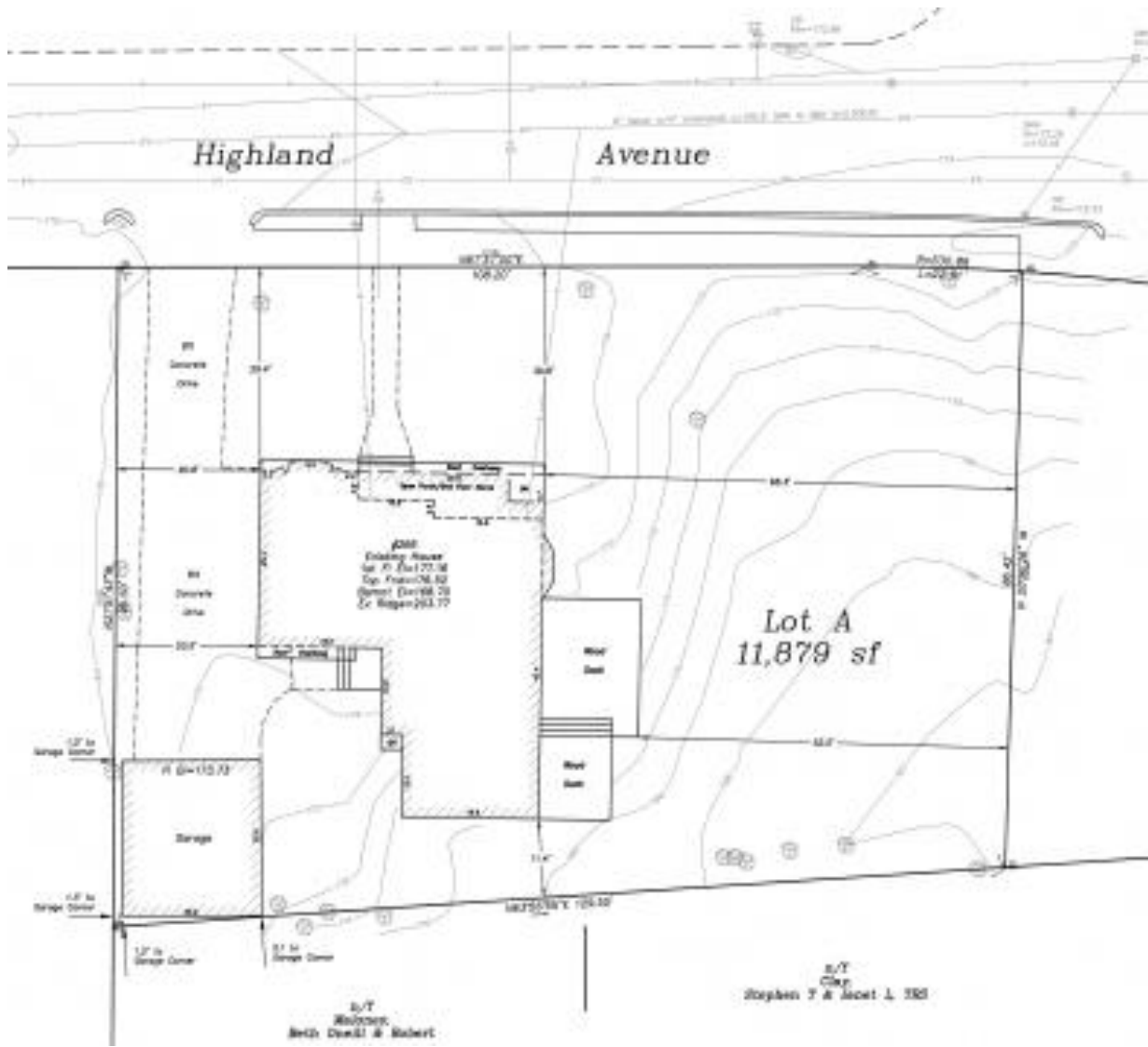
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Radwan Fuller  
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Map Date: February 19, 2021

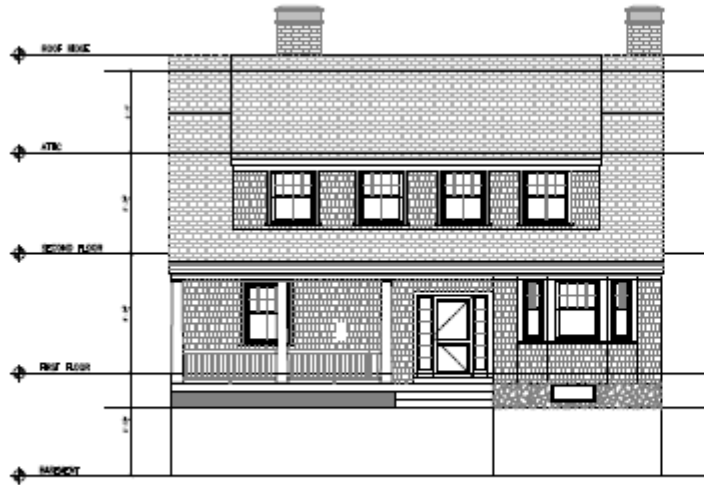
# Site Plan- existing



# Site Plan- proposed



# Elevations- Existing & Proposed: Front and Left



1 EXISTING CONDITIONS - FRONT ELEVATION



2 EXISTING CONDITIONS - LEFT ELEVATION



3 PROPOSED FRONT ELEVATION

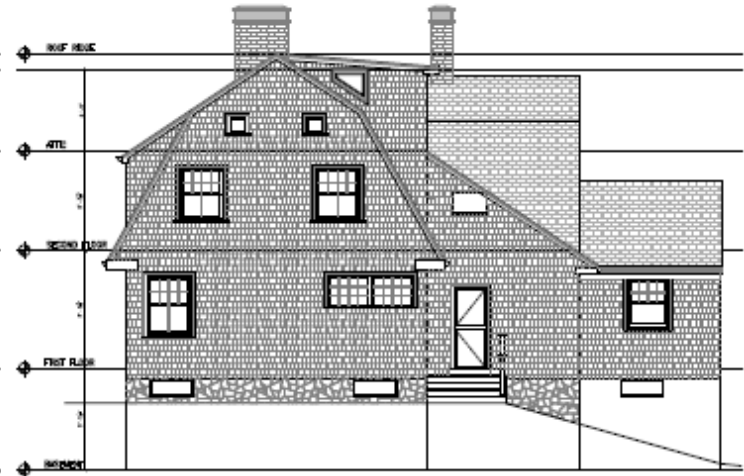


4 PROPOSED LEFT ELEVATION

# Elevations- Existing & Proposed: Rear & Right



1 EXISTING CONDITIONS - REAR ELEVATION



3 EXISTING CONDITIONS - RIGHT ELEVATION



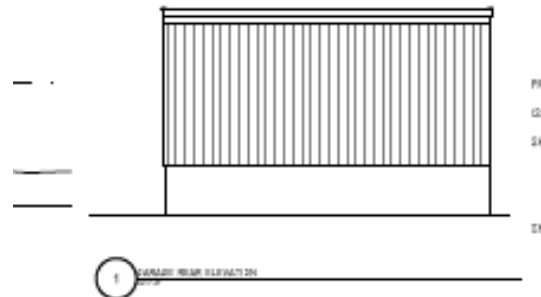
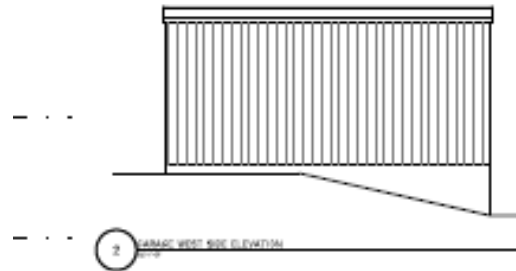
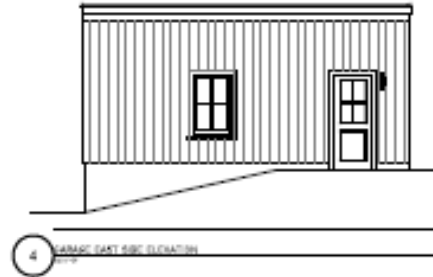
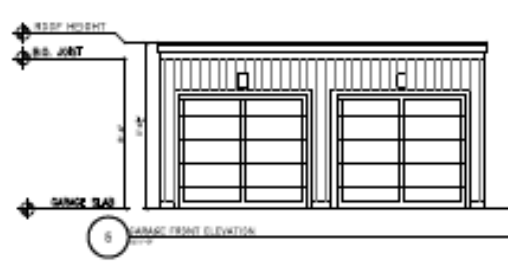
3 PROPOSED REAR ELEVATION



2 PROPOSED RIGHT ELEVATION



# Elevations- Garage



# Perspectives



# Photos



# Photos



# Photos



# Photos



# Photos



# Photos





# Photos



# Proposed Findings



1. The site in the Single Residence 1 (SR1) district is an appropriate location for the proposed attic level dormer on the rear of the dwelling wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer as it is located at the rear of the structure and has limited visibility from adjacent public ways and properties (§7.3.3.C.1)
2. The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer, will not adversely affect the neighborhood as it is located at the rear of the structure and has limited visibility from adjacent public ways and properties (§7.3.3.C.2)
3. The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# Proposed Findings (cont.)



5. The proposed structures with a floor area ratio of 0.37 where 0.31 exists and 0.32 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as the immediate area is developed with other dwellings similar in those respects (§3.1.9)
6. The further decrease of the property's nonconforming open space would not be substantially more detrimental than the existing nonconforming open space to the neighborhood given the proposed additions' locations at the rear of the structure and facing the property's large eastern side yard (§7.8.2.C.2)
7. The extension of the accessory structure's nonconforming side setback would not be substantially more detrimental than the existing nonconforming side setback to the neighborhood given that the new accessory structure will in the same location as the existing one, albeit shifted approximately one foot toward the front of the property (§7.8.2.C.2)

# Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

# Department of Planning and Development



**PETITION #130-17 (3)**  
**164 HIGHLAND AVENUE**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND COUNCIL  
ORDER 130-17 AND INCREASE  
THE NONCONFORMING HEIGHT

MARCH 2, 2021



# Requested Relief



Special Permits per §7.3.3, §7.8.2.C.2 of the NZO to:

- To amend Special Permit #130-17
- To further increase the nonconforming building height (§3.1.9)

# Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed changes to grading, driveway design, and new landscape elements (§7.3.3.C.1);
- The proposed changes to grading, driveway design, and new landscape elements will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed changes to grading, driveway design, and new landscape elements will 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 (§7.3.3.C.4); and
- The proposed increase in the nonconforming height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

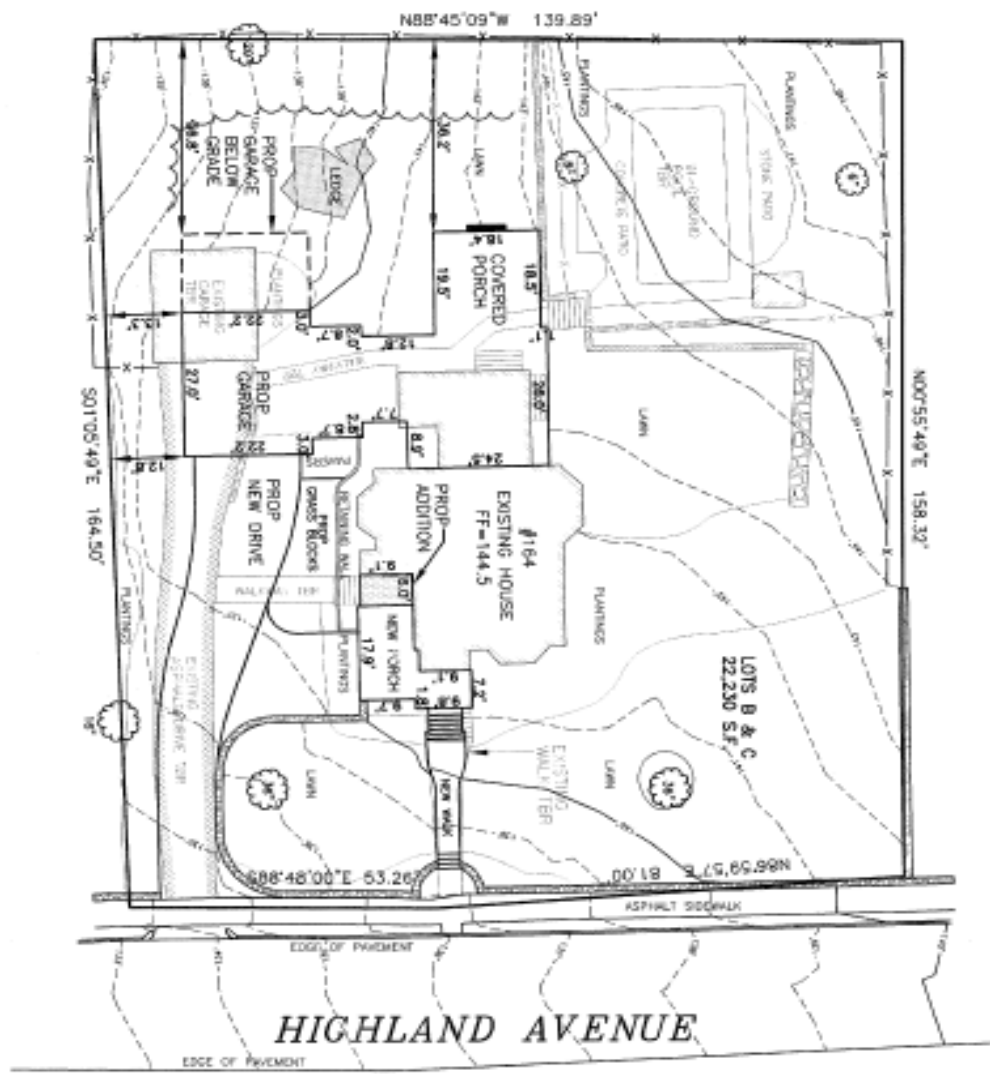
# AERIAL/GIS MAP

**HIGHLAND AVE**

An aerial photograph of a residential neighborhood. A red rectangular boundary highlights a specific property located south of Highland Ave. The property contains a house with a dark roof and a driveway. The surrounding area includes other houses, trees, and a road. The text 'HIGHLAND AVE' is written in large, bold, yellow letters across the top of the image.



# 2017 Special Permit Approved Site Plan



HIGHLAND AVENUE



# Proposed Findings



1. The specific site an appropriate location for the proposed changes to grading, driveway design, and new landscape elements because the site modifications comply with the dimensional standards of the Single Residence 1 zoning district (§7.3.3.C.1);
2. The proposed changes to grading, driveway design, and new landscape elements will not adversely affect the neighborhood because the site changes are located towards the rear of the property and will be minimally visible from the street (§7.3.3.C.2);
3. The proposed changes to grading, driveway design, and new landscape elements will not create a nuisance or serious hazard to vehicles or pedestrians because parking is contained on site (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4) ; and
5. The proposed increase in the nonconforming height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the principal ridgeline is not increasing. (§3.1.9 and §7.8.2.C.2)

# Proposed Conditions



1. Plan reference Condition.
2. Final Site Plan Condition.
3. Building Permit Condition.
  1. O&M plan condition
4. Standard Final Inspection/Certificate of Occupancy Condition.

## *Conditions incorporated from 130-17*

- No commercial automotive use
- No rental of any of the 6 parking spaces in the garage...
- Compliance with noise ordinance
- Garage doors closed when lifts are in operation

# Department of Planning and Development



**PETITION #57-21**  
**21 LOUISE ROAD**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW RETAINING  
WALLS EXCEEDING FOUR FEET IN  
HEIGHT WITHIN THE FRONT AND  
SIDE SETBACKS

MARCH 2, 2021



# Requested Relief



Special Permit per §7.3.3 of the NZO to:

- allow a system of retaining walls exceeding four feet in height within the front and side setback (§3.4.2.B and §7.3.3)

# Criteria to Consider



When reviewing this request, the Council should consider whether:

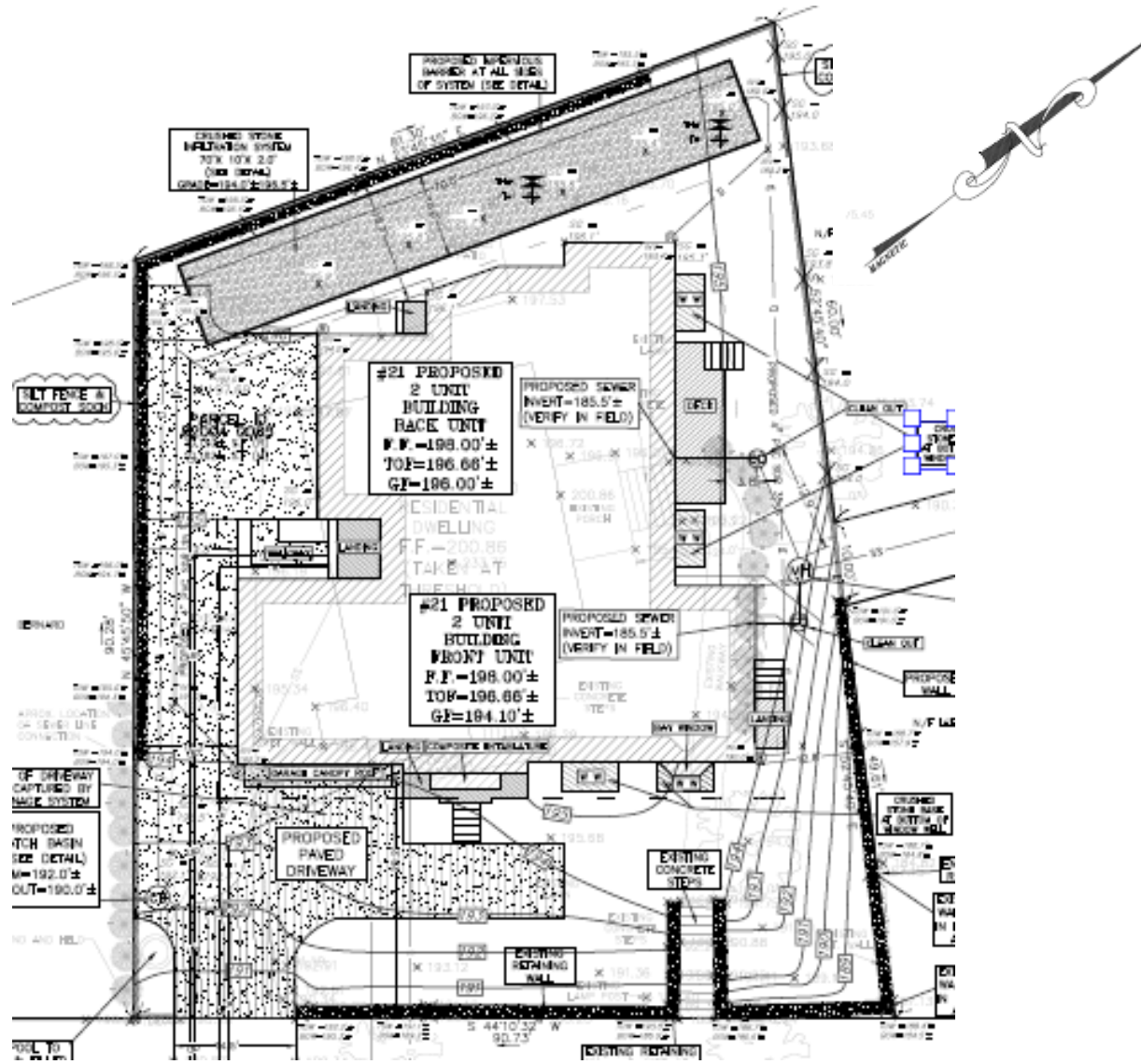
- The specific site is an appropriate location for the proposed series of retaining walls greater than four feet in height within the front and side setbacks. (§7.3.3.C.1)
- The proposed series of retaining walls greater than four feet in height within the front and side setbacks will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed series of retaining walls greater than four feet in height within the front and side setbacks will 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. (§7.3.3.C.4)

# Aerial/GIS Map





# Building Permit Site Plan





# Rendering



# Proposed Findings



1. The specific site is an appropriate location for the proposed system of retaining walls greater than four feet in height within the front and side setbacks due to the grade change of the site. (§7.3.3.C.1)
2. The proposed system of retaining walls greater than four feet in height within the front and side setbacks will not adversely affect the neighborhood because of the specific topography of the site. (§7.3.3.C.2)
3. The proposed series of retaining walls greater than four feet in height within the front and side setbacks will not create a nuisance or serious hazard to vehicles or pedestrians because there are no changes to the approved curb cut and driveway locations. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

# Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Occupancy Condition