

Statement in Support of Zayda Vallejo, Trustee of The Monarka Revocable Trust
Application to City of Worcester Zoning Board of Appeals for Special Permits and
Variances for Multifamily Development Project at
85 Lake Avenue North and 55 Mohican Road, Worcester, Massachusetts

I. Background.

Zayda Vallejo, as Trustee of The Monarka Revocable Trust (the “Applicant”) is the owner of the property located at 85 Lake Avenue North and 55 Mohican Road, Worcester, Massachusetts (the “Property”).¹ The Property is currently occupied by an approximately 3,047 square foot one-story single family residential building (the “Existing Building”) and is located entirely within the Residence, Limited (“RL-7”) zoning district and no overlay districts.

The Applicant is seeking the grant of certain special permits and variances from the City of Worcester Zoning Board of Appeals (the “Board”) in connection with her proposal to demolish the Existing Building and construct and development a “2+ story” multifamily low rise building (the “New Building”)² with 10 dwelling units, 16 parking spaces of ground level podium and surface parking and conduct other site improvements related thereto (the “Project”). The Project will also include the closure of the existing curb-cut on Lake Ave North and the construction of new sidewalk, the installation of two new curb-cuts (one along Lake Avenue North for passenger vehicles and one along Mohican Road for access to the exterior surface parking area and for garbage removal), new walkways, new driveways, new screened dumpster area, new utilities, a new stormwater management system and the planting of new trees and landscaping throughout the Property.

II. Requirement for Special Permits and Variances.

Special permits are required to be granted by the Board³ for: (i) multi-family dwelling, low-rise use in the RL-7 zoning district and (ii) modification of parking and loading dimensional requirements, layout and/or number of required spaces and/or landscaping requirements.

Article IV, Table 4.1 of the Zoning Ordinance provides that multi-family dwelling, low-rise uses in RL-7 are permitted by special permit by the Board. The Project will change the principal use of the Property from a single family detached dwelling use to multi-family

¹ The Property has Parcel IDs 46-003-46-48 (85 Lake Avenue North) and 46-003-0047A (55 Mohican Road).

² The New Building will have 4 stories with 2 stories of habitable dwelling units, 1 story of ground level podium parking and 1 story of attic space, as shown on the plans filed herewith. Under Note 2 to Table 4.2, this layout is considered “2+ story” development.

³ The Board is the permit granting authority for special permits pursuant to Article II, Section 6.A.2.

dwelling, low-rise use and therefore will require a special permit in accordance with Article IV, Table 4.1 of the Zoning Ordinance.

A special permit to modify the parking and loading dimensional requirements, layout and/or number of required spaces and/or landscaping requirements pursuant to Article IV, Section 7.A.2 will be required to provide relief from: (i) minimum 15 foot exterior side boundary setback requirement for parking areas; (ii) minimum frontage requirement for 2 curb-cuts; and (iii) minimum 5 foot landscape buffer between parking areas and boundary lines. Article IV, Table 4.4, Note 5(b)(i) provides that parking is not permitted within the 15 feet of the exterior side boundary line. The Property is a corner lot within the RL-7 with a exterior side boundary along Mohican Road. The layout of the proposed parking area will result in parking spaces being located within the 15-foot exterior side boundary setback and therefore requires relief by special permit pursuant to Article IV, Section 7.A.2. Article IV, Table 4.4, Note 5(b)(ii) provides that lots with eighty (80) feet of frontage or less shall be limited to one driveway. Lots with more than eighty (80) feet of frontage may have one additional driveway per additional eighty (80) feet of frontage. The lot has 108.5 feet of frontage, which is less than the 160 feet required for two driveways, and therefore the Project's two proposed driveways require relief from this requirement by special permit pursuant to Article IV, Section 7.A.2. Article IV, Table 4.4, Note 5(a)(ii) provides that a minimum of 5-foot landscape buffer area is required from all boundary lines. The southerly exterior surface parking area is separated from the southerly boundary line by a 4.5-foot landscaped buffer area and therefore requires relief from this requirement by special permit pursuant to Article IV, Section 7.A.2.

Article IV, Table 4.2 provides that the minimum lot area requirement in the RL-7 zoning district is 7,000 square feet for the first dwelling unit of a multifamily dwelling, low-rise and 2,000 square feet is required for each additional dwelling unit. Given that the Project will result in the installation of 10 dwelling units, the minimum lot area would generally be 25,000 square feet (7,000 square feet + (2,000 square feet x 9 additional dwelling units)). The Property has an existing lot area of approximately 14,175 square feet and therefore the Project will require a variance from the Board⁴ in the amount of approximately 10,825 square feet to provide relief from the minimum lot area requirement for multi-family dwelling, low-rise uses in the RL-7 zoning district. Article IV, Table 4.2 further provides that the minimum frontage requirement in the RL-7 zoning district is 50 feet for the first multifamily dwelling, low-rise plus an additional 5 feet for each additional dwelling unit. Accordingly, the minimum frontage would generally be 110 feet (65 feet + (5 feet x 9 additional dwelling units)). The Property has existing frontage along Lake Avenue North of approximately 108.5 feet and therefore the Project will require a variance from the Board in the amount of approximately 1.5 feet to provide relief from the minimum frontage requirement. The Project will result in the installation of balconies which will extend beyond 4 feet from the surface of the New Building. Certain balconies along the northerly

⁴ The Board is the permit granting authority for variances pursuant to Article II, Section 6.A.3.

side of the New Building will extend into the required 10-foot side yard setback up to approximately 6.5 feet from the side boundary and therefore require a variance in the amount of approximately 3.5 feet to grant relief from the minimum side yard setback requirement. Lastly, Article IV, Table 4.4 provides that the off-street parking requirement for multi-family dwellings is 2 parking spaces per dwelling unit. The Project will have 10 dwelling units and provide 16 ground level podium and surface parking spaces. Given that the Project is required to provide 20 parking spaces, a variance will be required from the Board in the amount of 4 parking spaces.

In addition, the Project will require definitive site plan approval by the Planning Board given that the Project will result in 5 or more dwelling units. The Project will also require the submission of a notice of intent to the Conservation Commission for work within wetland buffer areas.

III. Reasons for Approval of Special Permits.

The Project satisfies the special permit criteria as set forth in Article II, Section 6.A.2 of the Zoning Ordinance for the reasons stated herein:

1. Social, economic or community needs that are served by the proposal.

The Applicant's proposed multifamily use will serve social, economic and community needs. The Project will provide much needed and in demand housing to support the City's critical housing stock, which will promote the economic vitality of the neighborhood and the City. The Project will not be detrimental to adjoining premises, but, rather, complement the existing mix of single family to multifamily residential uses in the area.

The Project is in conformance with the purposes and intent of the Zoning Ordinance, as it will encourage the most appropriate use of the land in a manner that protects architectural and aesthetic qualities of the community and protects against the uses of land which are incompatible with nearby uses, undue intensity of noise and danger and congestion in travel and transportation.

2. Traffic flow and safety, including access, parking and loading areas.

The Project will provide a safe, adequate and efficient layout and design for pedestrian and vehicular traffic both within the site and at the access points on Lake Avenue North and Mohican Road. The proposed parking areas, drive aisles, curb cuts and building entrances will not cause any nuisance or hazard to vehicles or pedestrians within or off the Property or line of sight hazards along streets. The proposed walkways will improve pedestrian circulation around the Property.

The proposed parking area will adequately serve the tenants of the New Building. Under Article IV, Section 7, Table 4.4 of the Zoning Ordinance, multifamily uses require 2 spaces per dwelling unit. The Project will result in 10 dwelling units which would generally require 20 parking spaces. The Project will result in the installation of 16 parking spaces (including one (1) van accessible space) which will result in a 1.6 parking space ration per dwelling unit which be sufficient for the proposed use based on comparable developments in the City. Of the 16 parking spaces, fourteen (14) spaces will be ground level podium style parking which will protect vehicles from inclement weather. The exterior parking will be made available to guests if not required for the dwelling units within the New Building. The tenants will have access to the conveniently located parking area at the Property and the proposed use will not result in significant increases in traffic, cause congestion, hazard or a substantial change to the neighborhood character.

The Property is located in close proximity to WRTA Bus Routes #24 and #16 which provide alternative options for transportation. The Property is also proximately located to employment hubs such as the UMass Medical Campus, the Reactory, Abbie and commercial establishments such as restaurants and retail stores which may be accessed through the existing sidewalk network in the neighborhood or by bicycle. Based on the number of parking spaces available at the Property, the close proximity to nearby bus routes and neighborhood amenities which may be accessed by foot or bicycle, the proposed parking will adequately serve the Property and all occupants and guests to the New Building.

3. Adequacy of utilities and other public services.

New and existing facilities will be available at the Property with respect to sewerage, water, gas, electricity and other utilities.

4. Neighborhood character and social structure; buildings, noise, glare, lighting and signs

The Project will ensure that the residential character of the neighborhood is maintained. Aside from the UMass Medical Center, all the other uses on and around Lake Avenue North and Mohican Road are residential uses ranging from single family to multifamily dwellings. Therefore, the proposed multifamily dwelling use will be consistent with the other residential uses within the neighborhood.

The kind, size, height of the New Building and the proposed site improvements for the Project are consistent with buildings within the neighborhood and elsewhere in the City that have been developed for similar uses. While the footprint of the New Building will be expanded to allow for 10 dwelling units, the proposed use will have no greater impact on, adversely affect or

be detrimental to adjoining premises or zones or the neighborhood. The New Building and improvements to the Property will improve the economic vitality of the neighborhood. The Project will neither create a nuisance, hazard, congestion or concerns pertaining to health, safety or general welfare, and there will not be substantial harm to the neighborhood or derogation from the intent of the Zoning Ordinance as a result of the Project. Based on the foregoing, the proposed use and improvements to the Property in connection therewith will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the site.

The Project will not result in any increase in noise levels that would be detrimental to any abutting properties. The proposed outdoor lighting will be adequate for safe and secure access to and from the New Building, walkways, sidewalks and the parking areas. The proposed lighting will not exceed a color temperature of 3,000K and will be appropriately arranged with directional shields so as to minimize light from shining and/or spilling onto abutting properties and streets while maintaining pedestrian and vehicular safety. The dumpster area will be screened from neighboring properties with a solid stockade fence.

5. Impacts on the natural environment.

The Property is outside of the Floodplain and Water Resources Protection Overlay Districts and ecologically sensitive areas, and there are no wetland resource areas on the Property. The Applicant is proposing to plant new trees and additional landscaping along the boundaries of the Property which will enhance the natural condition of the Property. The Project has been designed to maintain large existing trees located on the Property.

6. Potential fiscal impact, including city services needed, tax base, and employment.

The Project will improve the economic vitality of the neighborhood and surrounding areas by improving the appearance of the Property and by creating new residential units. The Project will increase the assessed value of the Property and will also result in additional fees to the City of Worcester.

IV. Reasons for Approval of Variances.

The Project satisfies the variance criteria as set forth in Article II, Section 6.A.3 of the Zoning Ordinance for the reasons stated herein:

1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.

The Applicant would suffer substantial hardship if literal enforcement of the minimum lot area requirement, minimum off-street parking requirement, minimum side yard setback requirement and minimum frontage requirement of the Zoning Ordinance were to be enforced. Compliance with the minimum lot area and frontage would require the Applicant to reduce the number of units to 4 units. The proposed number of units within the New Building is critical to the Project and any reduction in the number of units to comply with these requirements would make the Project no longer financially viable for the Applicant given the extensive construction costs anticipated for the Project. Compliance with the minimum parking requirement would create circulation problems within the Property posing either a safety risk to pedestrians and vehicles or requiring a substantial re-design of the Project which would be infeasible. In the alternative, the Applicant could remove proposed open recreation space to install new parking spaces but that would result in a negative impact to the natural environment at the Property. Compliance with the minimum side yard setback would reduce the available balcony space for residents which would negatively impact the livability of the units.

There are no adjacent properties which could be acquired, by themselves, to allow the Project to conform with the minimum lot area, minimum frontage and minimum parking requirements and would be likely to result in nonconformities for any nearby lots willing to convey a portion of their property. Furthermore, the costs associated with acquiring portions of the northerly lots or lots to the west of the Property would be too costly and time consuming and would render the Project no longer financially viable.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

There exist circumstances relating to the layout of lot that especially affect the Property, but do not affect generally properties in the RL-7 zoning district. Unlike other neighboring properties in the district, the lot is bound on two sides by streets which limit the further expansion of the lot to conform with the minimum lot area, minimum frontage, minimum side yard and minimum off-street parking requirements.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance.

The requested variances may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance. The proposed dimensions are proportionate to other multifamily developments in the neighborhood. For example, the property at 6 Mohican Road is also in the RL-7 zoning district, has lot area of approximately 29,540 square feet and is occupied by a multifamily building with 21 dwelling units. The project at 6 Mohican Road received a variance to provide 17,481 square feet of relief from the minimum lot area requirement, among other relief. The property at 6 Mohican Road has a land to unit ratio of 1,407 square feet per dwelling unit. The Property has a lot area of approximately 14,175 square feet. The Project's 10 units will result in land to unit ratio of approximately 1,417.5 square feet per dwelling unit which exceeds the ratio at 6 Mohican Road. With respect to parking, of the 16 parking spaces provided, 14 parking spaces will be ground level podium style parking which will protect vehicles from inclement weather and reduce impacts to the neighborhood related to light and sound. The tenants will have access to the conveniently located parking area at the Property and the proposed use will not result in significant increases in traffic, cause congestion, hazard or a substantial change to the neighborhood character. The reduced number of parking spaces will also allow for more open recreation space at the Property.

The proposed residential use will be in a residential district and will be compatible and in harmony with the neighborhood's character and abutting properties as described above. The Project will improve the aesthetic appeal, design and quality of the Property. The Project will promote economic vitality of the neighborhood and the City. The Project is in conformance with the purposes and intent of the Zoning Ordinance, as it will encourage the most appropriate use of the land in a manner that protects architectural and aesthetic qualities of the community and protects against the uses of land which are incompatible with nearby uses, undue intensity of noise and danger and congestion in travel and transportation.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

The variances for the minimum lot area, frontage, and minimum off-street parking as requested herein are no greater than the minimum necessary to provide relief from the statutory hardship.