



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
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**PLANNING DIVISION STAFF**

SARAH LEWIS, *DIRECTOR OF PLANNING*  
DANIEL BARTMAN, *SENIOR PLANNER*  
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*  
ALEX MELLO, *PLANNER*

**Case #:** ZBA 2018-122-R1-7/19  
**Date:** August 21, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site: 515 Somerville Avenue**

**Applicant Name:** YEM Somerville Ave LLC  
**Applicant Address:** 40 Trinity Place, Boston, MA 02116  
**Owner Name:** DEVB LLC  
**Owner Address:** 689 Somerville Avenue, Somerville, MA 02143  
**Agent Name:** Adam Dash, Esq.  
**Agent Address:** 48 Grove Street, Suite 304, Somerville, MA 02144  
**City Councilor:** J.T Scott

Legal Notice\*: Applicant, YEM Somerville Ave LLC, and Owner, DEVB LLC, seek a revision under SZO §5.3.8 to a previously approved (ZBA 2018-122) Special Permit with Site Plan Review and Variance to construct a hotel. Revisions include changes to the parking layout, floor plans, site plan, and architecture. The Applicant also seeks a six-month time extension of the Variance under M.G.L Ch. 40A Sect. 10 to extend the time for exercising such rights. BA and RB Zones. Ward 2.

*\*The legal notice has since been revised to reflect the actual proposal. An earlier notice mistakenly described a different case.*

Dates of Public Hearing: Zoning Board of Appeals - August 21, 2019

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**I. PROJECT DESCRIPTION**

1. Subject Property: Located at the intersection of Somerville Avenue and Laurel Street, the subject property is a 46,852 s.f. lot that is currently vacant. The subject property used to house a factory building of masonry construction that was last occupied by John Solomon Inc., a manufacturer of pants pockets for the clothing industry. The lot is an irregular shape and varies in grade, with spot elevations showing the

lot pitching downward from Somerville Avenue and then upward towards the rear lot line.

In 2005 (2004-55), approval was granted on the site to construct 39 residential units within a four building development. The permit expired and construction never commenced.

In 2014 (PB 2014-18), a zoning relief application was submitted to propose 30 residential units within a five building development. In 2015, the application was eventually withdrawn without prejudice.



In 2018 (ZBA 2018-14), a zoning relief application was submitted to propose a 52 residential unit mixed use development within one building. The application was withdrawn prior to legal notification.

Later in 2018 (ZBA 2018-122), the ZBA approved a proposal to construct a six-story 164 room hotel with a full service public restaurant and bar on the ground level. The proposal included 20 surface parking spaces, 60 garage parking space under the proposed building, and surface and garage bicycle parking spaces.

2. Proposal: The current proposal is to make revisions to the previously approved hotel project. The revisions include changes to the site layout and utility plan, parking garage layout, the landscape design, and the architecture. The Applicant provided a comprehensive list of all the proposed revisions in a memo dated July 12, 2019. The proposed revisions are drawn in the plan set dated July 29, 2019. As a result of the proposed revisions the hotel will include 163 guest rooms rather than the originally approved 164 guest rooms. The revised garage layout will result in a loss of self-parking spaces; however, the hotel will operate a valet service so that the site will be able to accommodate the previously approved 80 spaces (58 self-park and 22 valet).

3. Green Building Practices: The Applicant filed an LEED worksheet with their previous application (ZBA 2018-122).

4. Comments:

*City Councilor:* Councilor Scott has been informed but has yet to comment as of the publication of this report.

## **II. FINDINGS FOR REVISIONS TO SPECIAL PERMITS WITH SITE PLAN REVIEW and VARIANCE (SZO §5.3.8):**

*Revisions that are not de Minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.*

The applicable findings made under the previous Special Permit with Site Plan Review and Variance approved by ZBA in October of 2018 (ZBA 2018-122) that this proposal affects are as follows:

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."*

*Article 8: Dimensional Requirements*

This proposal required and received a Variance for building height and the number of parking spaces. The proposed revisions modify the relief that was granted by decreasing the height of the proposed building and the number of parking spaces.

<i>IA Zone</i>	<i>Required</i>	<i>Previously Approved</i>	<i>Proposed Revision</i>
Height	50 ft.	63' - 9"	63' - 7"
No. of Stories	4	6	6
Parking Spaces	142	80	58*

\* - the number of zoning compliant parking spaces is reduced down to 58; however, the hotel will operate a valet service so that the site will be able to accommodate the previously approved 80 spaces (58 self-park and 22 valet).

Given its close proximity to transit and the inclusion of bicycle sharing infrastructure, Staff believes that number of parking spaces provided is sufficient for the intended use as a hotel. The number of parking spaces provided is sufficient to serve the needs of the proposed hotel and will not be injurious to the neighborhood.

*Article 15: Linkage*

Applicants seeking special permits with site plan review for projects of new construction to be occupied by any single use or combination of uses referenced in Article 7 except for residential, protected religious uses, buildings and uses owned by the City of Somerville, and artist studio spaces, shall contribute the fees established in Section 15.5, which fees shall be referred to as the Project Mitigation Contributions (PMCs).

a) Affordable Housing linkage fee.

The PMC for the affordable housing linkage fee shall be calculated by multiplying the fee established in Section 15.5, which is \$10, times the total number of square feet in the project over and above thirty thousand (30,000) gross square feet that are occupied by or will be covered by a certificate of occupancy for any single use or combination of uses referenced in Section 15.2, and uses that are accessory thereto.

b) Jobs Creation and Retention linkage fee.

The PMC for the Jobs Creation and Retention linkage fee shall be calculated by multiplying the fee established in Section 15.5, which is \$2.46, times the total number of square feet in the project over and above 15,000 gross square feet that are occupied by or will be covered by a certificate of occupancy for any single use or combination of uses referenced in Section 15.2, and uses that are accessory thereto.

<i>Affordable Housing Linkage</i>		<i>Jobs Linkage</i>	
Total g.s.f	<del>98,851</del> 102,115	Total g.s.f	<del>98,851</del> 102,115
Minus 30,000 g.s.f	<del>68,851</del> 72,115	Minus 15,000 g.s.f	<del>83,851</del> 87,115
Fee is \$10 per ft.		Fee is \$2.46 per ft.	
<b>Total Fee</b>	<b>\$688,510</b>	<b>Total Fee</b>	<b>\$206,273.46</b>
	<b>\$721,150</b>		<b>\$214,302.90</b>

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."*

The massing, materials, height, and bulk of the building will generally remain the same as the previous approval.

21. **SomerVision Plan:** *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Commercial Sq. Ft.:</i>	0	<del>98,851</del> 102,115 g.s.f
<i>Estimated Employment:</i>	0	unknown
<i>Parking Spaces:</i>	0	80* including valet

22. **Impact on Affordable Housing:** *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

The proposal will require estimated linkage payments of \$721,150 to the Somerville Housing Trust Fund to help create new affordable rental and home ownership units in the City and \$214,302.90 to the Somerville Municipal Job Creation and Retention Trust to help with programs to support job opportunities for Somerville residents.

**III. FINDINGS FOR EXTENSION OF VARIANCE (M.G.L Ch. 40A Sect. 10)**

Per M.G.L Ch. 40A Sect. 10, *if the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.*

Planning Staff received the application to extend the Variance on July 18, 2019, which is before the expiration date of October 24, 2019. Planning Staff finds that the Applicant has made diligent efforts to work on building permit plans and obtain financing for this project. Staff recommends the ZBA grant a six-month extension for the Variance. The Variance must be exercised by commencing construction by April 24, 2020.

**IV. RECOMMENDATION**

**REVISIONS TO SPECIAL PERMITS WITH SITE PLAN REVIEW and VARIANCE (SZO §5.3.8) and TIME EXTENSION OF VARIANCE (M.G.L Ch. 40A Sect. 10)**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **REVISIONS and TIME EXTENSION** for the Variance until April 24, 2020.

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 the revisions to the previous permit and a time extension of the Variance. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 18, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 29, 2019</td> <td>Modified plans submitted to OSPCD (L1.0-L4.0, A1.0-A1.6, A1.7A, A1.7P, A2.1N, A2.1S, A2.2E, A2.2W, A7.1-A7.4, and A8.1)</td> </tr> <tr> <td>July 12, 2019</td> <td>Architect's Memorandum</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 18, 2019	Initial application submitted to the City Clerk's Office	July 29, 2019	Modified plans submitted to OSPCD (L1.0-L4.0, A1.0-A1.6, A1.7A, A1.7P, A2.1N, A2.1S, A2.2E, A2.2W, A7.1-A7.4, and A8.1)	July 12, 2019	Architect's Memorandum
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July 12, 2019	Architect's Memorandum											
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	All conditions from ZBA 2018-122 remain in effect.											

