



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2018-122
Site: 515 Somerville Avenue
Date of Decision: October 24, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 25, 2018

ZBA DECISION

Applicant Name: YEM Somerville Ave, LLC, c/o Jordan Warshaw
Applicant Address: 40 Trinity Place, Boston, MA 02144
Owner Name: DEVB LLC
Owner Address: 689 Somerville Avenue, Somerville, MA 02116
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 02144
Alderman: J.T. Scott

Legal Notice: Applicant, YEM Somerville Ave, LLC, c/o Jordan Warshaw, and Owner, DEVB LLC, seeks a Special Permit with Site Plan Review per SZO §7.11.10.5.b and Variances per Article 8 (dimensional requirements) and Article 9 (parking) of the SZO to construct a 164-room hotel with a first floor restaurant. BA/RB Zone. Ward 2.

<u>Zoning District/Ward:</u>	RB/Ward 2
<u>Zoning Approval Sought:</u>	§7.11.10.5.b, Article 8, and Article 9
<u>Date of Application:</u>	August 30, 2018
<u>Date(s) of Public Hearing:</u>	10/17, 10/24
<u>Date of Decision:</u>	October 24, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-122 was opened before the Zoning Board of Appeals at the East Somerville Community School on October 24, 2018. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On October 24, 2018 the Zoning Board of Appeals took a vote.



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DESCRIPTION:

This current proposal is to construct a six-story 164 room hotel with a full service public restaurant and bar on the ground level. The proposal includes 20 surface parking spaces, 60 garage parking space under the proposed building, and surface and garage bicycle parking spaces. Amenities within the building include a meeting room, a pool, and bicycle parking spaces. Other site amenities include a robust landscaping plan, a covered drop-off and pick up area, and outdoor seating.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.10.5.b):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

Article 7: Permitted Uses

As presented, under §7.11.10.5.b a hotel of 10,000 square feet or more of gross floor area in the BA district requires the Applicant to apply for a Special Permit with Site Plan Review pursuant to §5.2.

Article 8: Dimensional Requirements

This proposal also requires a Variance for building height and the number of parking spaces

Article 9: Off-Street Parking and Loading

The minimum number of required off-street parking spaces is 142. A total of 80 off-street parking spaces are provided in the lot (20 surface and 60 underground spaces). There are also sixteen bicycle parking spaces provided on the site and within the garage.

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	98,851	Total g.s.f	98,851
Minus 30,000 g.s.f	68,851	Minus 15,000 g.s.f	83,851
Fee is \$10 per ft.		Fee is \$2.46 per ft.	
Total Fee	\$688,510.00	Total Fee	\$206,273.46

Article 6.1.6. BA - Commercial Districts.

2. Specific District Standards and Guidelines. All developments within the BA District that require a special permit with design review or special permit with site plan review should comply with the following guidelines to the highest degree practicable.

1. Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.
2. Give preference to providing landscaping along the primary street edge.

The proposal includes underground parking and landscaping along both primary street edges.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

The proposal is consistent with the purpose of the BA district, which is, "to establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".*

Surrounding Neighborhood: Somerville Avenue directly abuts the property to the south, while Laurel Street directly abuts to the west. To the north and west the property is abutted by single-, two-, three- and multi-family homes fronting onto Laurel Street. Immediately to the east is a single story commercial building occupied by fast-order food establishments and a UPS retail store.



Impacts of Proposal (Design and Compatibility):

Special Permits with Design Review and Special Permit with Site Plan Review applications must meet the design guidelines under SZO §5.2.4. The design guidelines for business districts are as follows:

1. *Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.*

The proposed building provides primary frontage along Somerville Avenue and Laurel Street. The proposal will continue the established streetwall across the front of the site that is evident along the blocks to the east and south.

2. *Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.*

There are two main entrances; one along Somerville Avenue for the restaurant and another along the driveway entrance into the hotel lobby. The restaurant entrance is articulated with a break in the landscaping along the sidewalk and the hotel entrance is located underneath a canopy/overhang that serves as weather protection for the pick-up/drop-off area. The façade of the ground floor will be clad in glass and the upper floors will be clad in different materials and colors of paneling.

3. *Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.*

There aren't many buildings that are adjacent to the site that use bays to create a rhythm. Nearby buildings use regular spacing patterns between windows to create a rhythm. The proposed primary façade along Somerville Avenue will create a rhythm with the window arrangement and angled projections.

4. *Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.*

The mullion design of the windows alternates for the different levels of the buildings that helps create more vertical rhythms.

5. *Provide roof types and slopes similar to those of existing buildings in the area.*

Flat roofs are predominating along Somerville Avenue.

6. *Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.*

The proposed materials are wood, glass, aluminum, concrete block, metal, and fiber cement panels. The colors will be gray, glass, silver, and a red wood. Surrounding exterior building materials include brick, fiber cement, and concrete block.

7. *When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.*

The proposed parking area is behind the building and below it.



8. *Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.*

Heating and cooling systems are anticipated to be located on the rooftop. The Applicant has not indicated a location for a transformer. It will be conditioned to be not visible from the street.

9. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*
See finding 2 above.

5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

Based upon the comments received from the various City Departments, the project meets accepted standards and criteria for the functional design of facilities, structures, and site construction. Any necessary mitigation or minor design changes have been incorporated into the recommended conditions section of this report.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

Civil engineering plans have been prepared by Design Consultants, Inc. that has been submitted with the application. It is not anticipated that the proposed development will adversely affect the sanitary sewer system, the storm drainage system, or the public water supply. The proposal will be subjected to pay an inflow and infiltration fee (I&I) determined by the Department of Public Works Engineering Department to help mitigate potential impacts on municipal systems. A drainage report and full utility site plan will have to be provided to the Engineering Department.

A TIAS has been performed by Design Consultant, Inc. and has been reviewed by the OSPCD Transportation and Infrastructure Division who has recommended conditions to the proposed project would that would help alleviate impacts on the street systems for vehicular and the sidewalks and footpaths for pedestrian traffic.

7. 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.”*

Because of the nature of the proposed use and the area in which it is projected to be built, adverse environmental impacts are not anticipated. In addition, it is not expected that this facility will produce a level of emissions that would be higher than are now experienced in the area due to any increased traffic generated by the hotel. By nature, a hotel will not produce an emission of noxious or hazardous materials or substances pollute water or transmit communications interference. Also, during construction, efforts will be made to mitigate dust and control air quality, and to minimize noise.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*



The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

9. **Preservation of Landform and Open Space:** *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

The Applicant is proposing to minimally grade the site in a manner that directs stormwater runoff into new catch basins with stormwater treatment systems. Landscaping is proposed on the site, where such amenity is currently limited, which will enhance the attractiveness of the site and neighborhood. The Applicant will also work with the City Arborist on the location and species of new street trees near the site.

10. **Relation of Buildings to Environment:** *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

The Applicant has made efforts to design a structure harmoniously with the relatively flat landform of the site and is compatible in scale, design, and use. Many of the rooms are oriented to face south, southeast, and southwest for direct sunlight. Landscaping is proposed across the entire site, which will soften the visual appearance for rooms and from Somerville Avenue.

11. **Stormwater Drainage:** *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

The City’s stormwater policy requires the Applicant to submit a drainage narrative and the site will be required to handle all post development stormwater on-site. Best management practices (BMP’s) have been implemented into the project including a closed drainage system consisting of new catch basins with treatment devices, roof drains, a particle separator, and an infiltration basin. The site is proposed to be graded in such a manner that directs all storm water runoff into the proposed new catch basins.

12. **Historic or Architectural Significance:** *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance,*



these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

The proposed structure will not be detrimental to historic structures or architectural elements of the neighborhood.

13. **Enhancement of Appearance:** *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

The proposed location for the new construction is in an area that will be highly visible from Somerville Avenue and Park Street. The applicant has proposed trees and vegetation for the façade along Somerville Avenue to enhance the aesthetics and partly screen the outdoor seating area. The appearance of the area would be improved with the development of the vacant site. The new structure is of a contemporary design that Board finds an improvement over the current conditions.

14. **Lighting:** *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

A lighting plan has been provided that provides sufficient light in the parking area that will provide safety for hotel patrons and Board with minimal light spill over into adjacent properties.

15. **Emergency Access:** *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

The Board finds that there is adequate access to the building and the site in the rear of the building for emergency operations, personnel, and equipment.

16. **Location of Access:** *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

The site is proposed to be accessed off of Somerville Avenue and will exit onto Laurel Street.

17. **Utility Service:** *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

The utilities to the site will all be upgraded and located underground. The site will also include roof top utilities that will not be visible from the public way. A transformer will also be required and is conditioned to be located out of view of the public way.

18. **Prevention of Adverse Impacts:** *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

The above impacts are not anticipated as a result of the proposal.

19. **Signage:** *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*



Signage on the site will include the hotel name, CAMBRIA, above the canopy over the main entry to the hotel lobby. Signage for the proposed restaurant has not been developed yet. A condition is included that once signage plans have been developed they be submitted to Planning Staff for their review and to determine the applicable approvals necessary.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

The transformer location will be conditioned to be located behind the building out of view from the public way. Truck loading areas and the dumpster will be located in the rear of the building and will be separated with a vegetative buffer from the adjacent residential properties.

21. Screening of Parking: *In cases of buildings on stilts, the parking areas should be screened or partitioned off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street.*

The building will not be on stilts and parking will be located in the far rear of the site and underground.

21. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

22. 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	98,851 g.s.f
<i>Estimated Employment:</i>	0	unknown
<i>Parking Spaces:</i>	0	80

23. 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 \$688,510.00 to the Somerville Housing Trust Fund to help create new affordable rental and home ownership units in the City and \$206,273.46 to the Somerville Municipal Job Creation and Retention Trust to help with programs to support job opportunities for Somerville residents.



FINDINGS FOR VARIANCE

A Variance (§5.5) is sought to construct a hotel that will not comply with the zoning requirements for height, number of stories, and the number of off-street parking spaces.

<i>IA Zone</i>	<i>Required</i>	<i>Proposed</i>
Height	50 ft.	64 ft.
No. of Stories	4	6
Parking Spaces	142	80

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

Applicant’s response: The site has an unusual shape, is partially in the BA zone and partially in the RB zone, and a portion of the soil is contaminated and under an Activity and Use Limitation (AUL). In fact, the height is only four feet over the requirement over 64% of the building, and 14’ over the requirement for the other 36% of the building (which is set back from all property lines), and the FAR is less than that allowed by code. As such, in order to construct a viable hotel on a site with these constraints, Applicant originally requested to exceed the height requirement by a de minimis 4 feet and one story. After public input, Applicant revised its plan to set the building back an additional 13’ beyond what is required from the adjacent street (Laurel Street), relocating the hotel rooms from that area to a partial 6th floor on the interior of the site, set back from all property lines and occupying only 36% of the building area. The height in that area will be 14’ and two stories above the height requirement. The floor to floor requirements of a hotel, as well as the number of rooms required for a viable business on an oddly shaped lot with contamination in two zoning districts, means that the number of stories will exceed the zoning allowance, but the actual height of the majority of the building (64%) will only be 4 feet over the limit, which is de minimis. The height of the other 36% of the building (which will be set back from all property lines) will be 14 feet over the limit, to allow for the building face along Laurel Street to be set back an additional 13’ beyond that which is required, in response to public input.

Additionally, Applicant requires parking relief for 62 spaces as the number of spaces required by ordinance is far in excess of what will be needed for the hotel. The site is a vacant, overgrown lot where prior attempts to develop it have failed. In order to remove this blight from the neighborhood, the variances are required.

The Board’s response: There are special circumstances relating to the shape of the land and not generally the zoning district as it is uniquely shaped, split zoned, and contains an AUL.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

Applicant’s response: The variances sought are for the minimum number of parking spaces and height relief to develop the site for a viable hotel. In fact, the height is only four feet over the requirement, and the FAR is less than that allowed by code. Applicant will comply with the other zoning requirements in both the BA and RB portions of the lot. Given the failed attempts over many years at residential redevelopment of the site and the shortage of hotels in this area of the City, this is a reasonable use of the land.

The Board’s response: A variance for parking and height are the minimum variances and are reasonable requests by the Applicant to develop a viable project on the locus that is consistent with SomerVision goals and community values. The hotel use allows the City to approve a commercial development on this site. The economics of a quality hotel for a location like this require certain minimum criteria of at least 160 rooms to have a viable project. The



shape and size of the lot necessitate additional height to reach this room count. While the applicant could, in the alternative, vary the height and create a building with a larger footprint, which would require the applicant to remove some site amenities such as landscaping, the loading area, and add more bulk/mass closer toward the residential zoning district. This is far less efficient for a site layout. Once laying out a viable hotel building on this site, the locus is not shaped properly to provide the adequate amount of area for parking spaces and the Applicant has maximized the amount of parking spaces on the land by providing underground parking. Given its close proximity to transit, the Board believes that number of parking spaces provided is sufficient for the intended use of the locus.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

Applicant’s response: Applicant seeks to retain the commercial use of this site, but with a cleaner and more aesthetically pleasing use and building than the old factory which used to be on the site. This boutique hotel project will be a vast improvement over the currently vacant, overgrown lot that has been a neighborhood eyesore for many years, and will enhance the neighborhood while fitting into and complimenting the existing businesses along this part of Somerville Avenue. The hotel use will cater to non-resident guests who will not be able to park in neighborhood streets. While a parking variance is required, that is only because the current parking requirement is far in excess of what will be needed for hotel guests and employees. The floor to floor requirements of a hotel, as well as the number of rooms required for a viable business on an oddly shaped lot with contamination in two zoning districts, means that the number of stories will exceed the zoning allowance, but the actual height will only be 4 feet over the limit, which is de minimis. The hotel building will not be in the RB portion of the lot, and the variance allows the building to be pulled away from the abutting houses farther than required by code. The accessory restaurant and assembly meeting room uses will be neighborhood amenities. A hotel brings not just real estate taxes into the City, but also hotel excise, personal property and meals taxes, which benefit the Somerville municipal budget. The project will comply with the goals of the SomerVision strategic plan because it will "facilitate transit-oriented neighborhood in-fill development", create a "healthier, more prosperous and more attractive place to live, work, play and raise a family", and "preserve and enhance the character of Somerville's neighborhoods". This will ensure that “properties can adapt and change to meet the needs of residents, while respecting the character of the neighborhood”.

The Board’s response: The Board finds that the proposed height and number of parking spaces would be harmonious with the general purposes and intent of the SZO and would not be injurious to the neighborhood or detrimental to the public welfare. The number of parking spaces provided is sufficient to serve the needs of the proposed hotel and will not be injurious to the neighborhood.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review and Variance. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is for the construction of a six-story hotel. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 30, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 4, 2018</td> <td>Plans submitted to OSPCD (G0.0, C1.0, C1.1, C2.0, C2.1, L1.0, L2.0, L3.0, L4.0, A1.0, A1.1, A1.2, A1.3, A1.4, A1.5, A1.6, A1.7, A2.1, A2.2, A7.1, A7.2, A7.3, A7.4, and A8.1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 30, 2018	Initial application submitted to the City Clerk's Office	October 4, 2018	Plans submitted to OSPCD (G0.0, C1.0, C1.1, C2.0, C2.1, L1.0, L2.0, L3.0, L4.0, A1.0, A1.1, A1.2, A1.3, A1.4, A1.5, A1.6, A1.7, A2.1, A2.2, A7.1, A7.2, A7.3, A7.4, and A8.1)
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Affordable Housing/Linkage										
2	The Affordable Housing Linkage and Jobs Creation and Retention Linkage payments will be required to be paid to the appropriate fund under Article 15 of the SZO.	Per Article 15 of the SZO	Housing							
Pre-Construction										
3	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.							
4	The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	CO	Eng.							
5	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.							
6	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng.							
Construction Impacts										
7	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							



8	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
9	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Design				
10	Applicant shall provide final material samples for siding, trim, windows, and doors to the for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
Site				
11	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
12	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
13	An electrical transformer is needed for the project. The Applicant must provide an approved drawing from EverSource to the Wiring Inspector for bringing electric to transformer location when a building permit is submitted.	Installation of Utilities	Wiring Inspector	
14	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.	
15	Applicant must coordinate the planting of public street trees near the site with the City Arborist.	CO	City Arborist	
16	Applicant must repair the garage wall that is along the shared property line with 16 Laurel Street.	CO	Plng.	
Traffic & Parking				
17	The Applicant must provide "No Stopping Anytime" signage to be placed along Somerville Avenue, as well as signage to let drivers know that pick-up/drop-off activity occurs within the site, and not on Somerville Avenue.	CO	T&I	
18	The Applicant must provide, subject to Traffic Commission approval, for the removal of parking along the west side of Laurel Street and the installation of left-turn and right-turn lanes between Somerville Avenue and the site driveway on Laurel Street. This will allow for right-turning vehicles to turn right while left-turning vehicles have a place to wait, reducing backups on Laurel Street. Similarly, the Applicant may need to restrict parking on the east side of Laurel Street if heavy vehicles need the entire street width to turn out of the project site.	CO	T&I	



19	The Applicant must seek Traffic Commission approval prior to the issuance of a building permit (for condition #18).	BP	Traffic Commission	
20	The Applicant must provide T&I with a Transportation Access Plan, which shall show, among other information, vehicle turning movements into and out of loading areas and parking areas. Heavy vehicle turning movements must show the largest vehicle that will circulate the site and use the loading area, including turns into and out of the site and back onto Somerville Avenue. Parking area turning movements must show two vehicles navigating the circular ramp into the parking structure, and maneuvering into parking spaces.	BP	T&I	
21	The Applicant must analyze travel lane assignments, signal timing, and signal equipment needs at the intersection of Somerville Avenue/Park Street during the AM, PM, and Saturday midday peak periods and share the analysis with T&I and provide the City with up to \$12,000 to make any necessary upgrades to help mitigate impacts of the proposed project.	CO	T&I	
22	The Applicant must provide ADA compliant facilities around the Site to improve pedestrian safety.	CO	T&I	
23	The Applicant must provide safe, secure bicycle storage facilities for employees and guests to encourage bicycle usage and to protect bicycles from inclement weather.	CO	T&I	
24	The Applicant must provide visitor bicycle parking spaces outside of the building to support and encourage bicycle usage amongst visitors to the Site.	CO	T&I	
25	The Applicant must post MBTA bus and rail schedule and map information in common areas of the proposed building to inform visitors about nearby public transportation. In addition, provide on-site wayfinding information to guide pedestrians and bicyclists to bus stops, MBTA rail stops, and surrounding points of interest.	Ongoing	T&I	
26	The Applicant must provide visitors with information regarding nearby bicycle and pedestrian facilities and/or resources in the area to promote pedestrian and bicycle travel.	Ongoing	T&I	
27	The applicant must adjust the site plan to provide a sidewalk-level publicly accessible and visible location and an easement for public access for a public BlueBikes station, to be provided and maintained by others, within the project's front yard. The Applicant should consider providing its patrons with Adventure Passes (24-hour passes that allow for unlimited 2-hour rides) to encourage exploration by bicycle.	CO	T&I	
Miscellaneous				



28	The hotel operator shall provide a management plan for occasional community use of the meeting room for Staff review and approval prior to the issuance of a building permit.	Perpetual	Plng.	
29	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
30	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
31	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
32	The Applicant must submit the Sustainability Building Questionnaire to the City's Office of Sustainability and the Environment.	BP	OSE	
33	The easement to access 7 Central Street shall be abandoned.	CO	Plng.	
Public Safety				
34	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
35	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		
36	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/BOH	
37	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Signage				
38	Detailed signage plans shall be submitted to Planning Staff for their review and approval.	BP	Plng.	
Final Sign-Off				
39	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.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Josh Safdie

Attest, by the Administrative Assistant:

Monique Baldwin

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

