



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 599 Somerville Ave
CASE NUMBER: P&Z 20-031
OWNER: Rafi Properties LLC/599 Somerville Ventures
OWNER ADDRESS: P.O. Box 961869, Boston, MA 02196
DECISION: Approved with Conditions (SPA)
Approved (SP)
DECISION DATE: January 20, 2021

2022 FEB -3 P 7:04
CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 599 Somerville Avenue.

LEGAL NOTICE

Rafi Properties LLC proposes to develop a 3-story LEED Platinum¹ commercial building in the Mid-Rise 3 (MR3) zoning district which requires Site Plan Approval and one (1) Special Permit.

RECORD OF PROCEEDINGS

On January 6, 2022 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Planning Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and alternates Russell Plides and Debbie Howitt-Easton.

The Applicant provided a presentation on the proposed commercial building, after which the Board asked questions regarding the proposed parking and whether any proposed tenants have been selected. After dialogue between the Board and the Applicant regarding the above inquires, the Chair opened up public testimony.

Many members of the public thanked the developer for incorporating mitigation elements into the building design to help alleviate concerns raised by neighbors at previous meetings. The concerns raised during public testimony included privacy concerns, traffic concerns at the intersection of Spring Street and Somerville Avenue, shadow impacts on adjacent properties, noise, parking, types of plant species proposed for landscaping, construction related impacts, and penthouse height. Discussion topics between the Board and the Applicant included signage plans, privacy concern mitigation, shadow studies, and proposed ground story retail uses.

1. The applicant for 599 Somerville Avenue, in their narrative for LEED documentation described the building as a 3-story commercial building "43,700 in total GFA with below grade parking" with the intent to have the building be LEED Gold certifiable. Staff advertised this project for the January 6, 2022 Planning Board Hearing with the legal ad describing the building meeting LEED Platinum certifiability, as shown above. Prior to the public hearing, staff adjusted the Planning Board agenda and staff memo to match the submitted narrative, and indicate that the building must be LEED Gold certifiable. Regardless of the LEED standard indicated in the legal notice, agenda, and reports, it is the expectation of the Board that the project will meet the LEED standard required by the Somerville Zoning Ordinance, based upon the final determination of the building official when a plan set is submitted to the building official for final zoning review and building permits.

The Board expressed their gratitude to the Applicant for taking time to work with many of the neighbors on design concerns they had during the review process. The Board discussed incorporating additional conditions including window treatment on the rear of the building to mitigate privacy concerns, prohibit outdoor events, condition the creation of a mural on the west facing exterior wall, and transportation mitigation to create a safety pedestrian environment at the intersection of Spring Street and Somerville Avenue. Chair Capuano left written testimony open until Friday January 14th and continued the meeting to another hearing date.

On January 20, 2022 the Planning Board resumed the public hearing. Present and sitting were Planning Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and alternates Russell Plides and Debbie Howitt-Easton. Following a presentation by the development team addressing previously raised questions and comments regarding potential conditions, the Board discussed and amended some of the condition language from the supplemental staff report. The Board and the Applicant discussed parking, if animal testing will be prohibited from being a lab use, if the use of real brick will be part of the materiality of the façade, and that the Applicant shall work with mobility on traffic concerns relating to the intersection of Spring Street and Somerville Avenue before construction occurs.

Site Plan Approval + Special Permit Considerations & Findings

- 1. The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here, and stay here.
- Invest in the talents, skills, and education of people to support growth and provide opportunities to residents of all social and economic levels.
- Link our corridors, squares, and growth districts to support future development and economic activity.
- Increase the recognition of Somerville as a center of arts and creativity.
- Design and maintain a healthy and attractive public realm (e.g., streets, sidewalks, and other public spaces) that fosters community connection.
- Expand bike and pedestrian use by transforming existing infrastructure with accommodations for all bicyclists and pedestrians, resulting in safe, accessible, and well-connected networks.

- 2. The intent of the zoning district where the property is located.*

The Board finds that the proposal is consistent with the intent of the MR3 zoning district which is, in part, *“To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses.”*

Site Plan Approval:

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Board finds the proposal includes several design features in response to community feedback received at neighborhood meetings. As conditioned, the proposal does not produce any impacts that require mitigation.

Special Permit Considerations to Parking Relief:

4. *The supply and demand of on-street parking in the neighborhood, as determined through a parking study.*

The Board finds that the parking provided is sufficient and those driving will utilize the garage on site for vehicle parking. Retail uses proposed at the site are meant to serve the immediate area and users of the proposed commercial building.

5. *Mobility management programs and services provided by the Applicant to reduce the demand for parking.*

Through a variety of mobility management programs outlined in their approved Mobility Management Plan, the Board finds that the proposed project is reducing the demand for parking

6. *That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.*

As the project is not proposing any parking in excess of any maximums permitted, the Board finds that this consideration is not applicable to the project.

PERMIT CONDITIONS

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **SITE PLAN APPROVAL** to develop a 3-story LEED Certifiable Commercial Building. Vice Chair Amelia Aboff seconded. The Board voted 7-0 to approve the permit, subject to the following conditions:

Perpetual

- This Decision must be recorded with the Middlesex South Registry of Deeds.

- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- A covenant or other deed restriction agreeing to pay the jobs linkage fee must be executed and recorded with the Middlesex South Registry of Deeds.
- The property owner is responsible for all of the regular and long-term maintenance, replacement, insurance, and other applicable costs associated with all on-site sidewalk improvements.
- The property owner and applicable future tenants shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on November 1, 2021.
- Frontage area provided for a widened sidewalk along Somerville Avenue must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
- A public right-of-way or pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction for the full area of the sidewalk provided within the frontage area of the lot. Final easement language must be approved by the City Solicitor.
- Any revisions to the approved design of the frontage area provided for a widened sidewalk must be approved by relevant City Departments.
- Bike room must be constructed a grade or with a low slope ramp and approved by the Mobility Director.
- To mitigate noise pollution, outdoor events are not permitted.
- A public art mural must be provided on the left (western) exterior wall and good faith efforts must be made to solicit a local artist(s) in coordination with the Somerville Arts Council, to design and install the mural. The property owner is responsible for any applicable costs associated with the development and implementation of the mural.

Prior to Building Permit

- Physical copies of all development review submittal materials, as permitted by the Zoning Board of Appeals, must be submitted to the Planning & Zoning Division for the public record.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.
- Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
- An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.

- Detailed plans for protecting street trees intended to remain during construction must be approved by the City Arborist.
- Utility meters are not permitted on any facade or within the frontage area of the lot.
- All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.

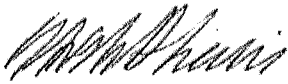
Prior to Certificate of Occupancy

- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection
- To mitigate transportation impacts, Somerville Avenue must be improved with a crosswalk. Final design must be approved by relevant City Departments.
- To mitigate transportation impacts, the intersection of Spring Street and Somerville Avenue must be improved with directional signage, the removal the first three parking spaces on the east side of Spring St, and the addition of a double-yellow center line that will start from the intersection of Spring St and Somerville Ave to the to the northern side of the 6 Spring St curb cut. Final design must be approved by relevant City Departments.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **SPECIAL PERMIT FOR PARKING RELIEF**. Vice Chair Amelia Aboff seconded. The Board voted 7-0 to approve the permit.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Rob Buchannan, *Clerk*
Jahan Habib
Erin Geno
Debbie Howitt Easton, *Alternate*
Russell Plides, *Alternate*



Sarah Lewis,
Director of Planning & Zoning

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. 15.5.3.

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.

FOR SITE PLAN APPROVAL(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 _____