



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 152-158 Broadway
CASE NUMBER: CZC #20-000059
OWNER: Broadway Investments Realty, LLC
OWNER ADDRESS: 154 Broadway, Somerville, MA 02145
DECISION: Approved with Conditions (Site Plan Approval)
Approved with Conditions (Use Special Permit)
Approved with Conditions (Parking Relief Special Permit)
DECISION DATE: March 18, 2021

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 152-158 Broadway.

LEGAL NOTICE

Broadway Investments Realty, LLC proposes to construct a 5-story net zero ready general building and establish a Household Living principle use for forty-five (45) dwelling units in the MR5 zoning district with no parking provided on site. This proposal requires Site Plan Approval and two Special Permits.

RECORD OF PROCEEDINGS

On February 18, 2021 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. Attorney Richard Di Girolamo, representing the Applicant, provided an overview of the project. The Board heard comments from members of the public and left written testimony open until February 26th at 12pm. The Board then began to deliberate. In particular, the Board discussed the benefits and drawbacks of potentially granting a Special Permit for parking relief in this situation, and asked for additional information regarding the building design. The Board continued the case.

On March 4, 2021 the Planning Board continued deliberations on the case. Present and sitting were Board Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. The Applicant presented the additional drawings requested by the Board. The Board discussed whether granting a Special Permit for parking relief in this case would set a precedent for future cases, and asked Staff to return at the next meeting with an answer. The Board continued the case.

On March 18, 2021 the Planning Board continued deliberations on the case. Present and sitting were Board Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan

Habib, and Rob Buchanan. Staff provided the Board with the response from the City Solicitor's Office regarding their question.

SITE PLAN APPROVAL AND SPECIAL PERMIT FINDINGS

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

The proposal will help achieve the following goals from SomerVision 2030, the comprehensive Master Plan for the City of Somerville.

- Protect and promote a diverse, interesting mix of small-scale businesses in Somerville's neighborhoods.
- Facilitate transit-oriented, neighborhood infill development when it enhances the lively, human scaled and walkable character of Somerville blocks and neighborhoods.
- Facilitate thoughtfully-designed, pedestrian-oriented mixed-use development and reuse opportunities in commercial corridors, squares and around transit stations that are sensitive to neighborhood context, and serve existing and future residents and businesses.
- 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.
- Promote mixed-use, mixed-income transit-oriented development to provide new housing and employment options.

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

The proposal is consistent with intent of the MR5 zoning district, which is, in part, "To create, maintain, and enhance areas appropriate for moderate scale, multi-use and mixed-use buildings and neighborhood- and community-serving commercial uses."

SITE PLAN APPROVAL FINDINGS

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

The proposal has been repeatedly adapted to include design features generated to respond to community feedback received during neighborhood meetings. No other mitigation is proposed due to a perceived lack of remaining negative impacts directly attributable to the proposed development.

HOUSEHOLD LIVING USE SPECIAL PERMIT FINDINGS

- 4. The suitability of the site for a household living principal use compared to other potential principal uses.*

Planning Staff believes the development site is highly suitable for a residential use above a ground floor commercial space, due to the preexisting mixed use character of the streetscape along Broadway. The site's presence along a Pedestrian Street, with the concomitant requirement to provide for an active use at the ground floor, make it an inappropriate location for an apartment building, while the characteristics of the neighborhood make this a less desirable location for a new commercial building.

5. *The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.*

The development proposal includes thirty (30) studio units, three (3) one-bedroom units, and two (2) three-bedroom dwelling units. Of the nine (9) required affordable units, seven (7) studios and 2 three-bedroom units will be set aside as part of the building's required affordable dwelling unit inventory. This unit mix is consistent with recent housing studies that identified 92% of demand for new market-rate units was from singles, childless couples, empty nesters, and retirees, while at the same time including multi-bedroom units required by the Somerville Zoning Ordinance.

6. *The increase or decrease in the number or price of any previously existing ADUs.*

There were no previously existing ADUs on the site.

7. *The number of motor vehicle parking spaces proposed for development within a Transit Area.*

The development proposal is not located within a Transit Area, however the project team is seeking relief from the minimum parking required for this site. Considerations specific to this request for parking relief can be found in the next section.

PARKING RELIEF SPECIAL PERMIT FINDINGS

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

The Mobility Division's requirements for a Transportation Impact Study (TIS) exempted the proposed building from conducting a parking analysis. The special permit request to decrease the parking requirement should be viewed as having a negligible impact due to minimal, if any, expected traffic and congestion impacts potentially caused by building residents. As available parking directly induces automobile ownership and use, the proposal is actually more likely to increase the use of alternative modes of transportation and decrease motor vehicle use due to the lack of parking provided on site.

9. *Mobility management programs and services provided by the applicant to reduce the demand for parking.*

The applicant has committed to the Mobility Division's standards and expectations for programs and services to control the percentage of trips made to the site by motor vehicles, as well as to a program of monitoring and reporting intended to track, assess, and report on the implementation of required programs.

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

The development is proposing to provide less parking than is required by the standards and requirements set for parking in the MR5 district outside of a Transit Area and, as such, will not exceed the maximum parking in the area. Additionally, the proposal will replace two multifamily principal buildings and two accessory concrete block garages, as well as a broad expanse of impervious paved parking area, with pervious paving, ground level landscaping, and vegetated green roofs, significantly decreasing the current extent of impervious lot area.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Special Permit for parking relief** with the conditions included in the staff memo. Clerk Dinning seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. All buyers, grantees, lessees, renters, and tenants are prohibited from applying for on on-street Residential Parking Permits.

Prior to Building Permit

2. Broadway Investments Realty, LLC shall submit a formal request to the Somerville Traffic Commission to be added to the list of properties ineligible for on street Residential Parking Permits. If the above restriction is accepted by the Somerville Traffic Commission, this permit is subject to the following three standard permitting conditions applied by this Board for all development ineligible for on-street Residential Parking permits, subject to the regulations of the Somerville Traffic Commission.
 - a. Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be recorded with the Middlesex South Registry of Deeds.
 - b. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
 - c. All buyers, grantees, lessees, renters, and tenants must be notified in writing prior to sale or lease of any dwelling unit that the residents are ineligible for

on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Special Permit to establish a Household Living use** with the conditions included in the staff memo. Clerk Dinning seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. All 3-bedroom affordable dwelling units must comply with the Director of Housing's quality standards for 3-bedroom ADU's.

Prior to Building Permit

2. A deed restriction limiting the sale or rental of all affordable dwelling units to eligible households in perpetuity must be executed and recorded with the Middlesex South Registry of Deeds.

Prior to Certificate of Occupancy

3. An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing prior to applying for a Certificate of Occupancy.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Site Plan Approval for the 5-story net zero ready general building**¹ with the conditions included in the staff memo and those added by the Board during deliberation. Clerk Dinning seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. The property owner and applicable future tenants shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on 20 November 2020.
2. Utility meters are not permitted on any facade or within the frontage area of the lot.
3. This Decision must be recorded with the Middlesex South Registry of Deeds.
4. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
5. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within the building.

Prior to Building Permit

6. 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.

¹ Correction of misstatement of building type in motion.

7. Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning & Zoning Division for the public record.
8. The Applicant shall submit a material palette for the UDC to review and comment.
9. All Step 2 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
10. All Step 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
11. Alterations to the design or location of the transformer vault will constitute a major amendment to the approved plans, and is permitted only as a Plan Revision in accordance with Article 15 of the Somerville Zoning Ordinance.
12. 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.
13. An updated 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.

Prior to Certificate of Occupancy

14. All Step 3 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
15. All Step 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Sam Dinning, *Clerk*
Jahan Habib
Rob Buchannan, *Alternate*

Attest, by the Planning Director: _____



Sarah Lewis

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. 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.

Signed _____ City Clerk Date _____