



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Planning Board  
**FROM:** Planning & Zoning Staff  
**DATE:** 2 February 2021  
**RE:** 152-158 Broadway, CZC #20-000059

**RECOMMENDATION:** Approve with Conditions (SPA)  
Approve with Conditions (SP)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from the Planning & Zoning staff to the Review Board members.

This specific memo summarizes the application for development review submitted for 152-158 Broadway, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on 1 February 2021. It is scheduled for a public hearing on 18 February 2021. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## 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.

## SUMMARY OF PROPOSAL

Broadway Investments Realty, LLC is proposing to construct a 5-story principal general building. The proposed development will produce 4,270 square feet of commercial space, 45 dwelling units, 9 affordable units, 0 motor vehicle parking spaces, 47 long-term bicycle parking spaces, 11 short-term bicycle parking spaces, and the proposed landscape will earn a Green Score of 1.31.

## ADDITIONAL REVIEW NECESSARY

152-158 Broadway is located in the Mid Rise 5 (MR5) zoning district in the East Somerville neighborhood represented by Ward 1 Councilor Matt McLaughlin. The proposed general building requires Site Plan Approval, and the applicant is seeking a Special Permit to establish a Household Living principal use and a Special Permit to seek relief from parking requirements. Site Plan Approval is the administrative review

and approval of conforming development to address any potential impacts as necessary. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the MR5 zoning district.

## **NEIGHBORHOOD MEETINGS**

An initial neighborhood meeting was hosted by Ward Councilor Matt McLaughlin and the development team and held on 29 July 2020 via the Zoom meeting platform. A second neighborhood meeting was hosted by Ward Councilor Matt McLaughlin and the development team and held on 29 September 2020 via the Zoom meeting platform.

## **DESIGN REVIEW**

The proposal was reviewed by Somerville Urban Design Commission via the GoToWebinar meeting platform on 27 August 2020. The Commission voted that evening and provided its official recommendation on 8 October 2020.

## **ANALYSIS**

The proposal is for a five (5) story, mixed use building, with commercial space on the ground floor and residential units above. The site is located in the MR5 district, on a Pedestrian Street, and is adjacent to, though not within, the Transit Area for Sullivan Station.

As noted above, Site Plan Approval is the administrative approval process targeted at proposals which conform to the standards and requirements of the Somerville Zoning Ordinance and is intended to mitigate impacts related to the physical and formal aspects of the building. Site Plan Approval in the MR5 district is geared toward encouraging development that provides moderate to large floor plate buildings that maintain a well-defined street wall with a step back at the upper-most floor to mitigate the appearance of building bulk. Aspects of ground floor design are intended to provide an attractive and engaging pedestrian experience with storefronts and entry lobbies spaced so as to promote a walkable cadence.

Through the development review process, the applicant and project team maintained an approach that relied on conformance with the dimensional standards and requirements for the district. Though abutters and other members of the surrounding neighborhood were encouraged to provide input on questions of site design and massing, concerns about impacts relating to the physical elements of the building were not extensively raised. The cadence of storefront and entries will enhance the pedestrian character of the neighborhood and complete the street wall on a block that is rising into the vision set for it through the process leading up to the establishment of this district. Shadows cast by the proposal will largely fall onto Broadway, an affect which is lessened by the fifth-story setback required by the Ordinance.

Local residents who voiced concerns for the project generally identified issues related to the hours of construction, location of construction materials and vehicles, and steps needed to address rodent presence on the site up to and during the start of construction. While in the past these concerns may have been addressed through conditions applied through the permitting process, with the passage of the Ordinance in December of 2020, these standards and requirements were formalized as part of Construction Management Plans required as a part of building permit applications.

Special Permits are established as a discretionary review process intended to authorize development which would not otherwise be permitted, provided that the proposals meet criteria set out in the Ordinance related to the particular intent and purpose of the relief being requested. The MR5 district was established to promote mid-rise mixed-use buildings in a walkable urban context with a bias toward commercial uses and, in the case of MR5 sites located on Pedestrian Streets, to require the establishment of active ground floor uses from the Arts & Creative Enterprise, Food & Beverage Service, Retail, and Civic & Institutional use categories.

Residential uses in the MR5 district require special permits in order to enable review boards to concerns related to suitability of a site for residential tenants, while parking relief requires a special permit in order to enable review boards to balance an individual projects need to accommodate vehicles for building users with neighborhood's existing supply and capacity.

Based on the standard set for the use and occupancy of a general building in the MR5 district, this project would be able to request permission to create up to thirty-four (34) units on this site. By satisfying the standards and requirements set by the Office of Sustainability and Environment for a Net Zero Ready building, the proposal is able request a further eleven (11) units in the building, for a total of forty-five (45) units. Initially, the applicant proposed to provide all the units on site as studios, however in response to concerns raised by neighbors and in consultation with the requirements of the Ordinance, the team changed the unit count distribution to provide a mix including one- and three-bedroom units, for a total of forty (40) studio units, three (3) one bedroom units, and two (2) three bedroom units. Of the nine (9) affordable dwelling units required by the Ordinance, the applicant will set aside both three-bedroom units and seven (7) studio units to be part of the building's affordable housing inventory.

The development proposal is adjacent to but not within a transit area, and so is subject to a parking minimum of one (1) motor vehicle parking space per dwelling unit for a total of forty-five (45) spaces allocated to the residential use. Commercial spaces within the building do not meet the threshold for providing on-site parking. Based on the proximity of the project to the Sullivan Square transit stop, the availability of multiple MBTA bus lines that run down this stretch of Broadway, and access to local bicycle infrastructure, the team has argued that the combination of abundant local transit amenities and smaller average unit sizes will lead to a resident population which has chosen to forgo motor vehicle ownership. The project is designed to provide the maximum number of short term and long term bicycle parking spaces, eleven (11) and forty-seven (47)

respectively, as well as both indoor and outdoor spaces for bicycle care and maintenance. Closing the curb cut on Broadway will provide for two additional on street metered parking spaces, while a nearby pick up/drop off area at the corner of Broadway and Rush Street provides dedicated space for ride share and package delivery services to be provided to residents of the building. Additionally, the applicant has proposed further mitigation of potential impact created by not providing motor vehicle parking on site by voluntarily taking on the restrictions making residents ineligible for on-street Residential Parking Permits.

As a base requirement, all development proposals to construct a permitted principal building type greater than twenty-five thousand (25,000) square feet in gross floor area must identify a path to LEED certifiability at the Gold level. Additionally, applicants wishing to take advantage of additional density on the site may identify a compliance pathway to 'Net Zero' readiness. The applicant has provided documentation for a pathway to the LEED Gold threshold through a pathway that broadly rests on two key aspects of the proposal relevant to the permits requested: site selection and energy use mitigation.

With regard to the first aspect, the project is proposed as infill development on a highly walkable site (as indicated by high intersection density), with access to a larger-scale open space within a half mile (Foss Park), and access to robust bicycle infrastructure both in terms of local cycling networks and through bicycle storage and amenities provided on site. The location chosen is also the site of previous, lower-density residential development, adding more units to achieve a more efficient use of land already allocated for urban habitation. The project's embeddedness into a robustly walkable, transit-oriented location, well served by bicycle amenities underlies the team's assertion that the proposal can be successfully built without providing parking onsite, despite not being located within a Transit Area.

The second key aspect of the project's LEED Gold proposal is provided by a strong focus on reducing onsite energy consumption by meeting the standards and requirements for PHIUS+ Core certification. The team has indicated design adaptations necessary to meet the standard of PHIUS+ Core certifiability, and has provided staff with documentation that the project has been registered with the Passive House Institute US (PHIUS) and is on a path that will enable the project to achieve certification.

## **CONSIDERATIONS & FINDINGS**

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

### **Site Plan Approval Considerations**

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. Mitigation proposed to alleviate any impacts attributable to the proposed development.

### **Special Permit Considerations**

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. *(Household Living Use) The suitability of the site for a household living principal use compared to other potential principal uses.*
4. *(Household Living Use) The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.*
5. *(Household Living Use) The increase or decrease in the number or price of any previously existing ADUs.*
6. *(Household Living Use) The number of motor vehicle parking spaces proposed for development within a Transit Area.*
7. *(Parking Relief) The supply and demand of on-street parking in the neighborhood, as determined through a parking study.*
8. *(Parking Relief) Mobility management programs and services provided by the applicant to reduce the demand for parking.*
9. *(Parking Relief) That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.*

Information relative to the required considerations is provided below:

### **Site Plan Approval and Special Permit**

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 Specific Considerations**

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.

### **Special Permit Considerations Specific to a Household Living Use**

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.

**Special Permit Considerations Specific to Parking Relief**

8. *(Parking Relief) 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. *(Parking Relief) 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. *(Parking Relief) 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.

**PERMIT CONDITIONS**

Should the Board approve the required *Special Permit to establish a Household Living use*, the Planning & Zoning Staff recommends the following conditions:

### Housing

- All 3-bedroom affordable dwelling units must comply with the Director of Housing's quality standards for 3-bedroom ADU's.
- An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing prior to applying for a Certificate of Occupancy.
- 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.

Should the Board approve the required *Special Permit for Parking Relief*, the Planning & Zoning Staff recommends the following conditions:

### Parking

- All buyers, grantees, lessees, renters, and tenants are prohibited from applying for on-street Residential Parking Permits.
- 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.
  - 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.
  - Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
  - 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.

Should the Board approve the necessary *Site Plan Approval for the 5-story net zero ready apartment building*, the Planning & Zoning Staff recommends the following conditions:

### Validity

- 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.



### Mobility

- 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.

### Sustainability

- All Step 2 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- All Step 3 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- All Step 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- All Step 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.

### Public Record

- 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.
- 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.

### Construction Documents

- Utility meters are not permitted on any facade or within the frontage area of the lot.
- 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.
- 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 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.