



City of Somerville

PLANNING BOARD

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

TO: Planning Board
FROM: Planning & Zoning Staff
DATE: December 8, 2021
RE: 28-44 Broadway, P&Z 21-029

RECOMMENDATION: Approve with Conditions (SPA)
Approve with Conditions (Use 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 memo summarizes the development review application submitted for 28-44 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 October 25, 2021, and is scheduled for a public hearing on December 16, 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

Ben Rogan proposes a 6-story LEED Platinum General Building with a Household Living principal use in the Mid Rise 6 district, which requires Site Plan Approval and a Special Permit.

SUMMARY OF PROPOSAL

Ben Rogan is proposing to construct a 6-story LEED Platinum General Building. The proposed development will produce 11,412 square feet of commercial space, 91 dwelling units, 18 affordable units, 26 motor vehicle parking spaces, 93 long-term bicycle parking spaces, 17 short-term bicycle parking spaces, and the proposed landscape will earn a Green Score of 0.296.

ADDITIONAL REVIEW NECESSARY

28-44 Broadway is located on a Pedestrian Street and in a Transit Area in the Mid Rise 6 (MR6) zoning district in the East Somerville neighborhood represented by Ward 1 Councilor Matthew McLaughlin. A General Building is permitted by Site Plan Approval, and establishing a Household Living residential use requires a Special Permit. The proposal also includes the establishment of a Commercial Parking use. The Planning Board is the Review Board for all (non-Variance) discretionary or administrative permits

in the MR6 zoning district. The proposal also requires approval of a lot merger, authority for which the Planning Board has delegated to the Director of Planning & Zoning.

BACKGROUND

An earlier iteration of this proposal was approved under the previous zoning in November 2019 (PB 2019-18). The building approved in 2019 was five stories tall and was fifty-five (55) feet tall, the maximum height permitted by the Ordinance at that time. When the new Ordinance was adopted and permitted an additional story of height on this site, the Applicant wished to utilize the entitlements provided by the new Ordinance and so submitted a new application. While the 2019 proposal and today's proposal may be similar in many ways, they are distinct proposals that have no formal relationship to each other.

DESIGN REVIEW

The proposal was reviewed by Somerville Urban Design Commission via the GoToWebinar meeting platform on October 27, 2020. The Commission provided its official recommendation on December 10, 2020.

NEIGHBORHOOD MEETINGS

The first neighborhood meeting was held virtually by Ward 1 Councilor Matt McLaughlin Niedergang and the development team on August 4, 2020. The second neighborhood meeting was held virtually by Ward 1 Councilor Matt McLaughlin and the development team on January 25, 2021.

ANALYSIS

The proposal includes merging two existing lots into one and constructing a general building on the new lot. The plat plan for the lot merger has been approved by the Director of Planning, Preservation & Zoning in accordance with the Board's Rules of Procedure. The Site Plan Approval and Special Permit sought by this application will not be valid until the approved lot merger has been recorded at the Massachusetts Registry of Deeds.

The proposal provides for five stories of residential space over a ground floor comprised of lobby space for the upper story uses, access to an underground parking level, and an 11,000 square foot commercial space. It is expected that the commercial area will be subdivided into multiple smaller spaces as the building is tenanted. Approximately 570 square feet of the commercial area will need to be leased to a use within the Arts and Creative Enterprise (ACE) category, but compliance with that requirement is confirmed by the Inspectional Services Department later in the process.

Due to the size of the building, this proposal is required to achieve LEED Platinum certifiability. The proposed building is seeking to pursue 93 LEED credits which, if

achieved, would put the project comfortably over the minimum 80 credits required to achieve LEED Platinum certification.

As of the second neighborhood meeting in January of this year, many aspects of the project have been changed in order for the proposal to be brought into compliance with the Somerville Zoning Ordinance currently in effect. These changes have not been presented to the community as part of a neighborhood meeting, but Staff believe that the changes respond well to the concerns of both OSPCD staff and community members, and will result in a reduction of potential negative impact of the project on the surrounding properties. Changes to the project since the last community meeting include, but are not limited to, the following:

- Increasing the building setback along Mount Vernon Street and changing the orientation to become compliant with frontage requirements.
- Increasing protection measures to maintain the existing public street trees as required by the City Arborist.
- Increasing the average floor area of the 3-bedroom ADUs to 950sf to be more in keeping with DHCD's guidelines for multifamily new construction which state that 3-bedroom ADUs should be a minimum of 1,000sf.
- Moving the transformer from the frontage area to a vault under the parking entrance.
- Creating a 6' landscape buffer between the building and the abutting property in the NR district.

The primary concerns expressed at the neighborhood meetings for this project were related to the amount and design of parking and its potential impact on surrounding streets. Attendees also expressed concerns about the potential impacts of construction, however those are better addressed as part of the construction management plan required prior to the issuance of a building permit, rather than as part of the Site Plan Approval process.

Questions about parking were two-fold: first, whether the amount of parking could be reduced, potentially even to zero; and second, if parking is to remain, whether the location for accessing the parking could be moved. While reducing the amount of new parking built within Transit Areas is ideal, the Applicant's proposal for 26 motor vehicle parking spaces is less than one-third of the permitted maximum of 91 spaces.¹ The plan for accessing the parking is constrained by the fact that Broadway is a Pedestrian Street; as curb cuts and vehicular entrances to structured parking are prohibited along Pedestrian Streets, the current design of accessing the parking from George Street is one of the few permitted options.

Another traffic-related question raised at the neighborhood meetings was where commercial loading would occur. The Applicant indicated that commercial loading would either occur on Broadway or in the garage. Staff find it likely that loading would occur almost exclusively on-street. Page 5 of the Applicant's Transportation Access Plan

¹ As no specific uses have been identified for the commercial space, the maximum number of parking spaces is based only on what is permitted for the residential use and may in fact be higher than 91.

states that the motor vehicle movement plans show “the largest possible vehicle” that could navigate the parking area. As the movement plans show a standard passenger car, the larger commercial vehicles used for many types of deliveries appear to be too large to utilize the underground parking area. This, combined with the lack of elevator access from the garage directly into ground story commercial area, suggests that commercial loading would occur in the existing loading zone on Broadway. The Ordinance permits loading and unloading activities within a public thoroughfare in loading zones during permitted hours, but prohibits these activities from encroaching on or interfering with the use of sidewalks. The Applicant will need to take particular care to ensure that both the regular deliveries of commercial goods and the intermittent loading activities of residential units do not interfere with the public’s use of the sidewalk along Broadway.

Apart from concerns around traffic and parking, the neighborhood expressed support for the proposal. After multiple iterations and rounds of review, the Staff comments and concerns regarding the compliance of this project have been addressed through design revisions, through the conditions attached to the Mobility Management Plan, or through the conditions recommended here.

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.

Household Living Use 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. The suitability of the site for a household living principal use compared to other potential principal uses.
4. The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.
5. The increase or decrease in the number or price of any previously existing ADUs.
6. The number of motor vehicle parking spaces proposed for development within a Transit Area.

Information relative to the required considerations is provided below:

Site Plan Approval + Special Permit

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

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's comprehensive plan, including the following:

- Build a sustainable future through climate leadership, balanced transportation, [] varied and affordable housing options, and the responsible use of our natural resources.
- Promote a dynamic urban streetscape that embraces public transportation, reduces car dependence, and is accessible, inviting, and safe for all pedestrians, bicyclists, and transit riders.
- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.
- Significantly increase housing stock to keep up with demand while pursuing the goals of increasing the proportion of affordable housing and housing stock diversity.

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

The intent of the MR6 zoning district is, in part “[t]o accommodate the development of areas appropriate for moderately-scaled multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities.”

Site Plan Approval

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

As conditioned, the proposal is not anticipated to create any negative impacts that require mitigation.

Household Living Use Special Permit

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

Staff believes that this site is highly suitable for a household living principal use. The proposed building is on a Pedestrian Street and the ground floor will be dominated by

one or more commercial uses. The mixed-use nature of this building is compatible with the existing commercial nature of Broadway and with the residential neighborhoods south of Broadway. The location is within a half-mile, or 10-minute walk, of the Sullivan Square MBTA station and is within walking distance of a variety of existing commercial uses that may benefit from a larger customer base.

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

The proposal includes twenty-nine (29) studio units, thirty-six (36) 1-bedroom units, three (3) 1.5-bedroom units, nineteen (19) 2-bedroom units, and four (4) 3-bedroom units. The distribution of units is consistent with the findings of study conducted by MAPC which found that a dearth of one- and two-bedroom units contributes to increased demand on larger units that could otherwise be utilized by families.

All four (4) of the 3-bedroom units will be ADUs, as required by the Ordinance, and the remaining twelve (12) required ADUs will be distributed among the other unit sizes.

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

There are no previously existing ADUs on the site.

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

The property is within the 0.25mi Transit Area and is proposing twenty-six (26) motor vehicle parking spaces, twenty-four (24) of which have been identified as being for the ninety-one (91) residential units. As the property is permitted to have a maximum of one parking space per residential unit, this is well below the maximum number of spaces permitted.

PERMIT CONDITIONS

Should the Board approve the required *Site Plan Approval for the 6-story General Building* Planning & Zoning Staff recommends the following conditions:

Conditions

- 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.

Construction Documents

- 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.

Mobility

- The property owner and applicable future tenants shall comply with the Mobility Management Plan dated April 16, 2021, as approved and conditioned by the Director of Mobility.

Parking

- An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
- A layout plan identifying all parking access and revenue control features for the parking facility must be submitted to the Director of Mobility for approval prior to applying for a Building Permit.
- The initial operations plan for the Commercial Parking facility identifying, at least, the type and pricing of various passes, rates, and fees must be submitted to the Director of Mobility.
- A sign must be provided near the vehicular entrance to the parking structure or lot that identifies, at minimum, the number of spaces available in real time.

Permit Validity

- This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Building Permit.
- Recording of this Decision is prohibited until the lot merger is recorded at the Middlesex South Registry of Deeds.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- Alterations to the design or location of the transformer vault is 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.

Public Record

- Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.
- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.

Site Design

- Frontage area provided for a widened sidewalk along George Street must be designed and paved to properly correspond with any sidewalk improvements

approved within the public right-of-way and a pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction.

- A pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction for the full area of the sidewalk and curb ramps provided within the frontage area of the lot. Final easement language must be approved by the City Solicitor.
- Utility meters are not permitted on any facade or within the frontage area of the lot.
- The gate facing Mt Vernon St must be locked and may only be used for egress. The gate may not be used to enter the property.

Sustainability

- A minimum of four (4) electric vehicle charging ports must be installed.
- All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
- The building must be registered with the USGBC and evidence that the required registration forms were submitted and registration fee were paid must be submitted to the Office of Sustainability & Environment prior to applying for a Building Permit.
- The Applicant or their successor in interest shall apply for LEED certification and provide evidence to the Office of Sustainability & Environment that a completed certification application and certification review fee were submitted to USGBC within one (1) year of the issuance of the first Certificate of Occupancy for the building.

Use

- The structured parking must be operated as a Commercial Parking facility principal use.
- The structured parking must have a parking access and revenue control system to manage vehicular access and collect parking revenues from patrons.

Should the Board approve the required *Special Permit to establish Household Living use*, 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 Building Permit.
- 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.

Parking

- Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be filed with this Decision.

- At least five (5) commercial vehicular parking spaces, rounded up, must be offered annually to all ADU households as a right of first refusal until each parking space is either rented or leased.
- 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.

Permit Validity

- This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Building Permit.

Public Record

- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.