



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-142
Site: 0 & 20 Inner Belt Road and 56 Roland Street
Date of Decision: February 20, 2019
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 6, 2019

ZBA DECISION

Site: 0 & 20 Inner Belt Rd and 56 Roland Street

Applicant Name: CPC-T Innerbelt, LLC c/o Criterion Development Partners
Applicant Address: 1601 Trapelo Road, Suite 174, Waltham, MA 02451
Property Owner Name: Paradigm Direct Roland, LLC c/o Paradigm Properties, LLC
Property Owner Address: 93 Summer Street, Boston, MA 02210
Property Owner Name: Somerville City Club c/o Frank Dardeno, Jr., Esq.
Property Owner Address: 20 Inner Belt Road, Somerville, MA 02145
Agent Name: Anthony Galluccio, Esq.
Agent Address: 1498 Cambridge Street, Cambridge, MA 02139
City Councilor: Matthew McLaughlin

Legal Notice: Applicant, CPC-T Innerbelt, LLC c/o Criterion Development Partners, and Owners, Paradigm Direct Roland, LLC c/o Kevin McCall and the Somerville City Club c/o Frank Dardeno, Jr. Esq., seeks special permits with site plan review per SZO §7.11.1.c (multiple residential dwellings in a BB district), SZO §7.11.5.B.6 (a private, non-profit club or lodge for members only in a BB district), and SZO §7.11.11.10.b (structured parking in an IA district). A special permit for parking relief is also being sought under Article 9 of the SZO. Multiple variances are also being sought for minimum lot area per dwelling unit, maximum ground coverage, floor area ratio (FAR), maximum height, minimum front yard, and minimum rear yard. The proposed project is to construct a seven-story mixed use building that will include 205 residential units, a private, non-profit club or lodge for members only, and an attached shared parking garage. BB / IA Zone. Ward 1.



<u>Zoning District/Ward:</u>	BB / IA Zone. Ward 1
<u>Zoning Approval Sought:</u>	SZO §7.11.1.c, §7.11.5.B.,§7.11.11.10.b and Article 9
<u>Date of Application:</u>	October 11, 2018
<u>Date(s) of Public Hearing:</u>	2/20
<u>Date of Decision:</u>	February 20, 2019
<u>Vote:</u>	4-0

Case # ZBA 2018-142 was opened before the Zoning Board of Appeals in the Council Chambers at Somerville City Hall. 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 February 20, 2019 the Zoning Board of Appeals took a vote.

I. PROJECT DESCRIPTION

The Project calls for the demolition of all current improvements on the Site and construction of a mixed-use building providing six stories of residential apartments over podium-level parking and tenant space. The tenant space will be occupied by the Somerville City Club, thus preserving their 30-year presence in the Cobble Hill neighborhood. A parking garage will be constructed on the southeasterly side of the residential building. A total of 427 parking spaces will be provided on-site and will be shared with adjacent uses. The apartments will consist of studio, one-, two- and three-bedroom units and 41 units will be provided as affordable housing.

II. FINDINGS FOR SPECIAL PERMIT and SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.1.c, §7.11.5.B.6, §7.11.11.10.b, and §9.13):

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

The proposal seeks a special permit with site plan review for the follow uses:

- SZO §7.11.1.c for multiple residential dwellings in a BB district,
- SZO §7.11.5.B.6 for a private, non-profit club or lodge for members only in a BB district, and
- SZO §7.11.11.10.b for structured parking in an IA district where the spaces are not accessory to the a principal use on the same lot.

Article 8: Dimensional Requirements



The proposal requires a Variance for minimum lot area per dwelling unit, maximum ground coverage, floor area ratio (FAR), maximum height, minimum front yard, and minimum rear yard.

	<i>Required</i>	<i>Provided</i>
Minimum Lot Area Per Dwelling Unit	1,000 sf	337.6 sf
Maximum Ground Coverage	80%	87%
Minimum Landscaped Area	10%	10.5%
Maximum Floor Area Ratio	2.0	3.2
Maximum Height	50 feet	85 feet
Minimum Front Yard	15 feet	0.26 feet
Minimum Rear Yard	22 feet	5 feet

Article 9: Off-Street Parking and Loading

The minimum number of required off-street parking spaces is 406 for the proposed residential units and private club. Considering the adjacent hotel the parking requirement would be increased to 509 spaces. A total of 427 off-street parking spaces are provided within the structured parking garage. The garage will provide spaces for the residential units, the private club, and the adjacent hotel (if approved). The garage will also provide spaces for offices that are located on an adjacent lot in Boston, which are not factored into the overall parking requirement. The SZO §9.13.d allows, with a special permit, parking spaces for the hotel to be located on the subject property if this proposal is approved. A special permit under §9.13 is required to grant relief for 82 parking spaces. The SZO §9.13.g allows for projects that include inclusionary housing units to seek parking relief via a special permit.

The proposed uses, including the City Club, likely will experience their peak parking demand during the evening hours. However, the parking associated with office-related uses (in Boston) will experience their peak demand during daytime hours. Accordingly, if there is an actual shortfall the on-site parking plan can be adjusted to allow for the shared use of certain spaces. With few office workers cars being in the garage into the evening hours, the lack of corresponding residential and office peak times should readily allow for the effective sharing of parking.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 BB district, which is, “to establish and preserve general commercial and high density residential areas consisting of multi-family developments, shopping centers, commercial strips and automobile related establishments where customers reach individual businesses primarily by automobile.” The proposal establishes a high density mixed-use multi-family development 1. Planning Staff recognizes that the latter part of the BB district purpose is outdated, as is out entire zoning



ordinance. The latest planning trends and City values are trying to discourage automobile oriented uses especially in an area that is so well served by transit.

The proposal is consistent with the purpose of the IA district, which is, “to establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like.” The Board is of the opinion that the proposed high density mixed-use multi-family development is appropriate for the neighborhood.

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: The proposed hotel is located on a vacant parcel that is currently an asphalt parking lot. The site is located on the southern side of Washington Street on the block between Inner Belt Road and Crescent Street, a private way in Boston. Across Inner Belt Road is a nine-story Holiday Inn hotel and next to that is the Cobble Hill Apartments complex that is made up of four buildings, two of which that are six stories.

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

- a. *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 proposal maintains a strong building presence along Inner Belt Road.

- b. *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.*

The main building entrances are differentiated from the rest of the primary street elevation with protruded bays and metal canopy structures.

- c. *Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.*
- d. *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 building creates a defined bay width, rhythm, and dimension defined through material and fenestration patterns, articulations, and modulation of the façade materials and colors compatible with the adjacent Holiday Inn and proposed hotel building adjacent to the site.

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

The proposal includes a flat roof that will fit in with the surroundings.

- f. *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 building will be clad in materials that include Artisan shiplap wood-look siding, Artisan square channel siding, Hardie plank lap siding, meal paneling, storefront windows, and aluminum railings. The main body will have accents of a wood color and the rest of the siding colors have yet to be determined.

- g. *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 proposal includes a parking garage that will have two entrances, one off of Inner Belt Road via garage doors and another off of the extension of Roland Street. The proposed garage door is at the far end of the structure and will be blended into the architecture of the building.

- h. *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.*

Existing transformers exist in the rear of the building.

- i. *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 item #3 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.”*

The proposal included utility and traffic analyses that been reviewed by the Somerville Engineering Department and the Transportation and Infrastructure Division of OSCPD. The project includes



significant upgrades to the site's utilities that are mostly acceptable to the Engineering Department. However, there is a major concern about building atop an existing municipal drain line. It is conditioned in this permit that the Applicant continues working with the Engineering Department on relocating the drain line and securing proper easements for such. Also, 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.

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 provide adequate light and air; to prevent the overcrowding of land; 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 encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; 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."*

Landscaping is proposed on the site on the second level of the building that will serve as private courtyards. 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. Trees are proposed on-site and along the sidewalk adjacent to the site, which will soften the visual appearance.

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 paved 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, a particle separator, and an infiltration basin.

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 Washington Street and Inner Belt Road. The applicant has proposed trees and vegetation along Inner Belt Road to



enhance the aesthetics. The appearance of the area would be improved with the development of the vacant site. The new structure is of a contemporary design that the 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 will have to be provided that provides sufficient light in the parking area that will provide safety for hotel patrons and the staff 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 Inner Belt Road and a newly created right of way that will extend Roland 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 is proposed in the rear of the building.

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.”*

Complete signage details have 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 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 as well as inside the garage.

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 a structured garage on the adjacent site. A condition is included that the proposal will have to go back to the Design Review Committee to review screening options for the garage.

21. Housing Impact: The proposal includes 205 residential units; therefore, 41 units will be designated as inclusionary housing units.

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.*

In addition to the above criteria and objectives listed above, the proposed development shall take into account, insofar as is practicable, any existing or proposed plans for the neighborhood which have been or may be adopted by the City of Somerville.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	205
<i>Affordable Units:</i>	0	41
<i>Commercial Sq. Ft.:</i>	5,384	10,554
<i>Estimated Employment:</i>	Unknown	Unknown
<i>Parking Spaces:</i>	Unknown	427

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 includes 205 residential units; therefore, 41 units will be designated as inclusionary housing units.



III. FINDINGS FOR VARIANCE

A Variance (§5.5) is sought for minimum lot area per dwelling unit, maximum ground coverage, floor area ratio (FAR), maximum height, minimum front yard, and minimum rear yard.

	<i>Required</i>	<i>Provided</i>
Minimum Lot Area Per Dwelling Unit	1,000 sf	337.6 sf
Maximum Ground Coverage	80%	87%
Minimum Landscaped Area	10%	10.5%
Maximum Floor Area Ratio	2.0	3.2
Maximum Height	50 feet	85 feet
Minimum Front Yard	15 feet	0.26 feet
Minimum Rear Yard	22 feet	5 feet

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 southerly portion of the Paradigm parking lot parcel, which will be incorporated into the Project Site as a result of a subdivision of that parcel, has a fairly narrow lot depth, and a 20-foot wide sewer easement benefitting the MWRA bisects the parking lot parcel from east to west. Construction of a building over the easement is prohibited. Development of the Somerville City Club property, which will be incorporated into the Site in full, is constrained by Inner Belt Road to the west and a zoning district boundary line to the east. The parcel depth in the BB District is limited to approximately 150 feet. As a result, the dimensions and size of the Site, constrained by the special circumstance of the no-build easement and the municipal and zoning district boundaries, creates a hardship because no economically viable structures that are consistent with the SomerVision Comprehensive Plan and the Somerville By Design Inner Belt/Brickbottom Plan can be developed that comply with specific requirements of SZO §8.5 B, SZO §8.5 C, SZO §8.5 E, SZO §8.5 F, SZO §8.G and SZO §8.5 I. Additionally the parking lot parcel is subject to an AUL as a result of subsurface soil contamination; this is a special circumstance that creates a hardship as to height, in particular, because of the inability to have basement levels.

The requested variances are necessary to construct an economically and operationally viable high-density, mixed-use building offering an appropriate number of market-rate and affordable dwelling units, limited but efficiently designed amenity space and common areas, and tenant space. The building footprint provides the most efficient layout for the interior ground floor uses to include podium parking, bike storage, trash and mechanical rooms as well as adequate relocation space for the Somerville City Club. Six additional floors are needed to provide sufficient floor area and the 7-story garage is needed to provide adequate parking for the Project. As a result, the Project cannot meet requirements for minimum lot area per dwelling unit, maximum ground coverage, maximum floor area ratio, minimum front yard or minimum rear yard due to the special circumstance of how the Project Site’s physical constraints intersect with the design and programming requirements of the Project, thus creating an economic hardship if these



requirements are not varied. The Project exceeds the maximum building height because all 7 stories will be provided above-grade. Construction of a subgrade level is not economically feasible based on the cost of disposal of existing contaminated soils. The parking podium cannot be eliminated as a means to reduce the height of the residential building nor can the parking garage height be reduced as these areas are needed to satisfy parking demands.

The Board's response: There are special circumstances relating to the shape and soil of the land and not generally the zoning district as it is uniquely shaped, there are existing easements, and the site 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 requested dimensional variances constitute the minimum approval necessary to allow the Applicant to construct an economically and operationally viable Project (whose uses are permitted in the BB & IA Districts) offering an appropriate number of residential market-rate and affordable apartment units with limited but efficiently designed amenity space and common areas. The building footprint provides the most efficient layout for ground floor parking and tenant space and 6 additional floors are needed to provide sufficient floor area. As a result, the Project cannot meet requirements for minimum lot area per dwelling unit, maximum ground coverage, maximum floor area ratio, minimum front or rear yards due to the special circumstance of how the Project Site's physical constraints intersect with the design and programming requirements of the Project, thus creating an economic hardship if these requirements are not varied. The Project exceeds the maximum building height to the minimal extent because all 6 stories will be provided above-grade. Construction of a basement level is not economically feasible based on the cost of disposal of existing contaminated soils.

The Board's response: The variances requested – lot area per dwelling unit, ground coverage, floor area ratio (FAR), height, front yard, and rear yard – would allow the Applicant to construct a mixed-use building that is compatible with city planning efforts for this area. By allowing the Applicant to construct the new building at a height of 85 feet rather than 50 feet, the Applicant is able to increase the residential density such that 41 new affordable housing units can be brought online. The improvement of this site, the creation of 205 market-rate units and the creation of 41 affordable units, especially in an area that is so well served by transit are significant contributions to SomerVision goals.

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: The Project, built in conformance with the requested variances, is compatible with the stated planning goals of the Somerville Zoning Ordinance. The mixed-use portion of the building is located in the BB - Commercial Residential District the purpose of which is "to establish and preserve general commercial and high density residential areas consisting of multi-family developments [...]". Multi-unit residential and non-profit, members only club uses are permitted uses in the BB District. The structured garage portion of the Project is located in the IA- Industrial District, the purpose of which is "to establish areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses [...]; and uses which are necessary to service the immediate needs of industrial establishments in those areas".



Furthermore, the Project is consistent with the SomerVision Comprehensive Plan and the Somerville By Design Inner Belt/ Brickbottom Plan. These plans call for transforming under-utilized land in the Inner Belt area into high density mixed-use, mixed-income, transit oriented development with efficient shared parking. Development of the Project Site enables a public right-of-way to be constructed over an existing easement as a public benefit to improve existing traffic and pedestrian circulation and neighborhood connectivity. Existing surface parking lots at the Inner Belt gateway of Washington St and Inner Belt Rd will be replaced with a vibrant Project that will enhance the street wall along the adjacent roadway corridor and create a safe, inviting pedestrian environment. New sidewalks will be installed along the roadways adjacent to the Project Site and pedestrians will be separated from traffic by new canopy trees. Such infrastructure improvements are consistent with the goals stated in the recent Somerville planning studies.

The Board finds that the lot area per dwelling unit, ground coverage, floor area ratio (FAR), height, front yard, and rear yard 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 dimensions provided are sufficient to serve the needs of the proposed hotel and will not be injurious to the neighborhood.

III.DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, and Elaine Severino. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit, Special Permit with Site Plan Review and Variance. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
	Approval is for the construction of a 205 residential unit mixed use building with a private club on the ground floor and a parking garage to serve off-site uses. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" data-bbox="246 1318 885 1583"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 11, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>January 3, 2019</td> <td>Modified plans submitted to OSPCD (C1-C5 and L0-L2)</td> </tr> <tr> <td>December 13, 2018</td> <td>Modified plans submitted to OSPCD (X101, A102-A109, A201-A203, and P1-P4)</td> </tr> </tbody> </table> Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	October 11, 2018	Initial application submitted to the City Clerk’s Office	January 3, 2019	Modified plans submitted to OSPCD (C1-C5 and L0-L2)	December 13, 2018	Modified plans submitted to OSPCD (X101, A102-A109, A201-A203, and P1-P4)	CO / BP	ISD/Plng.	
Date (Stamp Date)	Submission											
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Affordable Housing/Linkage												
1	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing									



2	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing	
3	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
4	Prior to receiving a building permit, the applicant will sign a covenant agreeing to provide \$2.40 per square foot of total development on the site to the City of Somerville as a payment towards the City's contribution to the Green Line Extension. The covenant shall include the following: 1) The applicant shall make payment with a portion to be paid prior to the first unit being occupied and the final payment to be paid prior to the last unit being occupied - the portions shall be delineated in the covenant; 2) The payment shall be equal to \$2.40 per net square foot, exclusive of garage and storage areas, as defined in the zoning ordinance; 3) If, prior to making the payment, the City establishes a formal policy for developer payments to the Green Line Extension, and said policy includes exceptions or reductions in the payments, these exceptions and reductions will apply to this project as well; 4) The funds may only be used to pay for the Green Line Extension project.	BP	Plng.	
Pre-Construction				
5	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
6	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.	
7	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.	
8	Any storm and/or sanitary sewer lines that are proposed to be relocated, reconstructed, or altered must only be done in a manner that is satisfactory to and approved in writing by the city of Somerville Engineering Department.	BP	Eng.	



9	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.	
10	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				
11	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.	
12	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	
13	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				
14	Applicant shall provide final material samples for siding, trim, windows, and doors to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
15	Prior to the issuance of a building permit the Applicant must present more information to the DRC on the materiality of the garage screening.	BP	Plng.	
16	Prior to the issuance of a building permit the Applicant must present more information to the DRC on the location/details of the vents and how they interact with the materiality of the façade.	BP	Plng.	
17	The design of the garage may be altered to include the installation of solar panels on the roof.	BP	Plng.	
Site				
18	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
19	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	
20	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Engineering Dept.	CO	Plng.	
21	Applicant must coordinate the planting of public street trees near the site with the City Arborist.	CO	City Arborist	



22	Applicant must continue to work with the Office of Sustainability and the Environment on completing the Sustainability Questionnaire	BP	OSE	
23	A lighting plan must be submitted that provides sufficient light in the parking area that will provide safety for hotel patrons and staff with minimal light spill over into adjacent properties.	BP	Plng.	
Traffic & Parking				
24	The Applicant must re-collect Automatic Traffic Recorder (ATR) data in April or May or alternatively on a non-holiday, non-Friday weekday provided weather is clear and schools are in session. If the newly collected volume data exceeds 110% of the volume collected on Washington Street in August 2018, the Applicant should be required to re-collect TMC data at all study area intersections and conduct the traffic analysis again. If the newly collected volume data is in the range of 100%-110% of the volume collected in August 2018, the Applicant should be required to adjust all turning movement counts accordingly and conduct the traffic analysis again. The Applicant may opt to simply re-collect all ATR and TMC data at once, and re-conduct the analysis if newly collected volumes generally exceed the August 2018 volumes.	BP	T&I	
25	In the updated analysis, the Applicant must reduce the background growth rate to calculate the No Build traffic network from 1.00% to 0.50% per year. The Applicant must also include trips generated by the first phase (D2) of the US2 coordinated development project in Union Square in its No Build analysis.	BP	T&I	
26	In the updated analysis, the Applicant must consider the intersection of Washington Street/Tufts Street/Knowlton Street, together with Washington Street/New Washington Street (either on the same controller or as a coordinated system) to be signalized in future conditions analysis. Since no signal plans currently exist, the Applicant must assume these signals are coordinated with the signal at Washington Street/Inner Belt Road, and optimized for the traffic volumes projected for 2025.	BP	T&I	
27	The Applicant must provide ADA compliant facilities around the Site to improve pedestrian safety.	CO	T&I	
28	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	
29	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	



30	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	
31	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	
32	The Applicant must unbundle the price of parking from the price of residential rent and the price of a hotel stay to encourage alternate modes of transportation.	Ongoing	T&I	
Miscellaneous				
33	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
34	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.	
35	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
36	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	
Public Safety				
37	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
38	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	
39	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				



40	Signage will be limited in size and location to that shown in the elevation diagrams. Detailed signage plans shall be submitted to Planning Staff for their review and approval.	CO/Cont.	Plng.	
Final Sign-Off				
41	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
Danielle Evans, Clerk
Elaine Severino
Richard Rossetti

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 _____

