



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-185
Date: February 6, 2019
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 496-500 Medford Street

Applicant/Owner Name: Hingiri Realty Trust
Applicant/Owner Address: 500 Medford Street, Somerville, MA 02145
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
City Councilor: Mark Niedergang

Legal Notice: Applicant/Owner, Hingiri Realty Trust, seeks a Special Permit under SZO §7.11.1.c to establish four residential dwelling units and relief under Article 9 for parking relief. NB Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – February 6, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The locus is located on the southwestern side of Medford Street in Magoun Square. It consists of an approximately 7,360 square foot parcel that consists of a one story masonry commercial building of approximately 2,187 square feet of net floor area with two storefronts. It also contains a single family dwelling with two parking spaces in the rear that are accessed via an easement across the rear of 494 Medford Street to Trull Street. One storefront is occupied by a liquor store and the other is vacant. There is a large unimproved area in the rear of the commercial building.



In 2013 the locus was granted a Special Permit with Design Review under SZO §7.11.10.2.1.a to establish a fast order food establishment and a Special Permit under §9.13 for 2 spaces of parking relief.

This permit was never exercised and has since expired.

In 2017 (ZBA 2016-147), the locus was granted a Special Permit with Design Review under SZO §7.11.10.2.1.a to re-establish a fast order food establishment and a Special Permit under SZO §7.11.1.c to establish four residential dwelling units above the existing commercial building. The proposal was also granted a Variance for parking relief.

2. Proposal: The proposal is similar to that from ZBA 2016-147 to construct a two-story addition on the existing brick structure and a three-story addition in the rear of the existing structure to establish four residential dwelling units. However, instead of proposing a fast order food establishment in the vacant storefront, this proposal is to enlarge the existing retail liquor store. Improvements are proposed in the rear of the locus which includes trees, shrubs, perennials/ground cover, and pavers to create a terraced landscaped area.

3. Green Building Practices: The application forms states that the proposal will not exceed the stretch code.

4. Comments:

City Councilor: Councilor Niedergang has been informed of the proposal and has yet to comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

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."*

Article 6: Establishment of Zoning Districts

Pursuant to SZO §6.1.4 "all developments within the NB district that require a special permit with design review or special permit with site plan review should give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible." The proposal does provide two off-street parking spaces at the rear of the locus that are accessed via an easement from Trull Street.

Article 7: Permitted Uses

Nature of Application: Pursuant to §7.11.1.c four residential dwelling units in the Neighborhood Business zoning district requires a Special Permit.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the NB district, which is, "to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The surrounding neighborhood is Magoun Square. There are a mix of fast food establishments, restaurants, personal service establishments, retail, and convenience stores in the neighborhood. This particular block of Medford Street contains one story commercial structures and two gable roof residential structures. Directly across the street of the locus is a three-story mixed use structure. The predominant building material in Magoun square is masonry.

Impacts of Proposal (Design and Compatibility): The proposal maintains a strong building presence along the primary street edge, has recessed entrances from the rest of the primary street elevation, uses a three-window rhythm and balconies in the proposed addition that works well with the rhythm of the existing façade, steps back the proposed addition, and maintains a flat roof as is similar with other structures in Magoun Square.

5. Adverse 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.*

Impacts of Proposal (Environmental): Staff does not anticipate the proposed use to create adverse environmental impacts.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): The earlier proposal included three parking spaces behind the proposed building at 500 Medford Street. However, due to the terms of the easement across 494 Medford Street, the three spaces would not be legally accessible. Therefore, the proposal is to maintain the two off-street parking spaces on the locus behind 496 Medford Street that will be accessed via Trull Street across the easement on 494 Medford Street. Staff finds that the proposal of four residential units and an

expanded liquor store will not impact circulation patterns for motor vehicles or pedestrians and will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area. Staff recommends a condition that the proposal provides a bicycle storage room for the residents of the building on the ground floor.

7. Housing Impact:

The proposal of four residential dwelling units will not trigger a requirement for inclusionary housing units or a payment to the Affordable Housing Trust Fund.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods and transform key opportunity areas.*

Magoun Square is labeled on the SomerVision map as an area to enhance. The locus has been illustrated in the Lowell Street Station Area Plan (September 2014), which was completed with significant input from local stakeholders. The plan describes the neighborhood’s future regarding streetscape improvements, the local economy, civic space upgrades, supporting transit oriented infill development, and adopting a smart parking policy. One of the major objectives of the station area plan is to guide development around the future Lowell Street Station to be consistent with the shared community vision for the future.

The community supported a conceptual design and zoning district for the future of Magoun Square. The design and zoning recommended the aggregation of parcels on Medford Street between Trull Street and Lowell Street, of which the locus is a part of, and constructing one mixed use structure with three to four stories and underground parking. Although the plan called for an aggregation of parcels on this whole block, the Applicant has submitted an illustration that shows his proposal could exist as a first phase of implementing the community’s vision.

The parking requirements recommended in the proposed Zoning Overhaul would not require any minimum amount of parking. Also, there are no minimum parking requirements for non-residential uses with 5,000 square feet or less of gross leasable floor area; therefore the retail space would not require any additional parking spaces.

III. FINDINGS FOR VARIANCE

Article 9: Off-Street Parking and Loading

| | <i>Existing</i> | <i>Proposed</i> |
|---------------|---------------------------------------|---|
| Retail | 1,485 sf 3 spaces (rounded from 2.9) | 1,891 sf 4 spaces (rounded from 3.8) |
| Single family | 2 BR 1.5 spaces | 2 BR 1.5 spaces |
| Unit #1 | -- -- | 3 BR 2 spaces |
| Unit #2 | -- -- | 3 BR 2 spaces |
| Unit #3 | -- -- | 3 BR 2 spaces |
| Unit #4 | -- -- | 3 BR 2 spaces |
| Total | 5 spaces (rounded up from 4.5) | 14 spaces (rounded up from 13.5) |

The site currently provides only two parking spaces for the single family dwelling. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces. For sites with a nonconforming number of parking spaces, SZO 9.4.2 only requires a proposal to provide the number of

required spaces for what is being added to the site. The proposal is to expand the retail liquor stores and add four dwelling units, which will increase the number of required parking spaces to fourteen. The proposal will not be able to create any new off-street parking spaces. SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. Since nine spaces of relief are being requested, a Variance is required.

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: Special circumstances affecting the land, i.e. the shape of the site, which does not allow for any parking on the property. Underground parking would not be “economically feasible” for this project. Further, the structure is landlocked, which is an unusual circumstance that does not affect other properties.

Staff’s response: The existing structure is positioned on the front of the locus and the shape of the locus is deep and narrow, which presents a hardship for providing off-street parking on-site. The rear of the site is accessed via an easement across 494 Medford Street that only permits vehicular access to 494 Medford Street where there are currently two parking spaces. The terms of that easement do not allow for vehicles to access the portion of the lot that is behind 500 Medford Street.

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 variance is the minimum approval necessary to grant reasonable relief to the applicant and results in a practical use of the location as there is no parking on site, but it is a short distance to public transportation, the new proposed Green Line will be steps away, the bike path is also in close proximity. These amenities will attract persons who do not own vehicles.

Staff’s response: Considering the location of the locus within Magoun Square and within walking distance to a future rapid transit station, four-dwelling units above two storefronts is reasonable for a locus this size in a neighborhood business district. Staff finds that the variance requested is the minimum variance that will grant reasonable relief to the owner and would be necessary for a reasonable use of the building and land.

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 granting of the variance would be in harmony with the Somerville Zoning Ordinance and not injurious to the neighborhood or otherwise detrimental to the public welfare, as this site will attract residents who do not own motor vehicles.

Staff’s response: The proposal would be in harmony with the general purpose and intent of this Ordinance and the lack of any parking spaces on the locus would not be injurious to the neighborhood. Staff finds that granting the requested Variance 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.

IV. RECOMMENDATION

Special Permit under §7.11.1.c and Variance under §5.5 and Article 9

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT and VARIANCE**.

| # | Condition | Timeframe for Compliance | Verified (initial) | Notes | | | | | | | | | | | | |
|--|---|--------------------------|--------------------|-------|--|------------|------------------|--|---------------|---|---------------|-----------------------------|-----------------|--|------------------|----------------------------------|
| 1 | Approval is for the construction of four dwelling units and the expansion of the existing liquor store. This approval is based upon the following application materials and the plans submitted by the Applicant: | CO / BP | ISD/PIng. | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 8, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 20, 2017</td> <td>Civil engineering plans (C2.0 and C3.0)</td> </tr> <tr> <td>April 5, 2017</td> <td>Illustrative landscape plan</td> </tr> <tr> <td>January 7, 2019</td> <td>Modified plans architectural plans (A-000b, A-100, A-101, A-104, A-300, A-301, AD-100, and EX-100)</td> </tr> <tr> <td>January 17, 2019</td> <td>Architectural site plans (A-020)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | November 8, 2018 | Initial application submitted to the City Clerk’s Office | July 20, 2017 | Civil engineering plans (C2.0 and C3.0) | April 5, 2017 | Illustrative landscape plan | January 7, 2019 | Modified plans architectural plans (A-000b, A-100, A-101, A-104, A-300, A-301, AD-100, and EX-100) | January 17, 2019 | Architectural site plans (A-020) |
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| January 17, 2019 | Architectural site plans (A-020) | | | | | | | | | | | | | | | |
| Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | | | | | |
| Pre-Construction | | | | | | | | | | | | | | | | |
| 2 | 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. | | | | | | | | | | | | | |
| 3 | 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. | | | | | | | | | | | | | |
| 4 | 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. | | | | | | | | | | | | | |

| | | | | |
|-----------------------------|---|---------------------------|------------------|--|
| 5 | 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 | | | | |
| 6 | 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. | |
| 7 | 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 | |
| 8 | 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 | | | | |
| 9 | Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. | BP | Plng. | |
| Site | | | | |
| 10 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards; | Perpetual | Plng. / ISD | |
| 11 | The Applicant shall submit a detailed landscape plan for Planning Staff review and approval. | BP | Plng. | |
| 12 | Any new electric, telephone, cable TV and other such lines and equipment from the street 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 | |
| 13 | Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself. | CO | Plng. | |
| 14 | Applicant will supply 8 bicycle parking spaces, which can be satisfied with U-type bicycle rack. The Applicant will also provide bicycle storage room for the residents of the building on the ground floor. | CO | Plng. | |
| Miscellaneous | | | | |
| 15 | 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 | |

| | | | | |
|-----------------------|---|--------------------|----------------|--|
| 16 | 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. | |
| Public Safety | | | | |
| 17 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| 18 | 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/B OH | |
| 19 | 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 | | | | |
| 20 | Signage will be limited in size and location to that shown in the elevation diagrams and final designs shall be submitted to Planning Staff for review and approval. | CO/Cont. | Plng. | |
| Final Sign-Off | | | | |
| 21 | 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. | |

