



City of Somerville  
**ZONING BOARD OF APPEALS**  
City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Somerville Zoning Board of Appeals  
**FROM:** Planning & Zoning Staff  
**SUBJECT:** 28 Fitchburg Street (P&Z 21-007)  
**POSTED:** June 30, 2021

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

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

This specific memo summarizes the application for development review submitted for 28 Fitchburg Street, identifies any 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 June 4, 2021. It is scheduled for a public hearing on July 15, 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**

Brickbottom I QOZB LP proposes to develop a 4-story LEED Platinum commercial building in the Commercial Industry (CI) zoning district which requires Site Plan Approval.

## **SUMMARY OF PROPOSAL**

Brickbottom I QOZB LP is proposing to develop a 4-story, approximately 215' wide LEED Platinum commercial building that is approximately 105,472 gross square feet. Below the building is approximately 103 parking spaces in an underground parking structure that will have access to the abutting underground parking structure at 28 Chestnut Street. In total, the combined parking facility will include 229 motor vehicle parking spaces that will be used as a Commercial Parking facility principal use. The development also includes 40 total long-term bicycle parking spaces in a secured room shared between the abutting buildings and 12 total short-term bicycle parking spaces arranged along a new sidewalk created along Chestnut Street. The proposed landscape design will earn a compliant Green Score of 0.356.

## **ADDITIONAL REVIEW NECESSARY**

28 Fitchburg Street is located in the Commercial Industry (CI) zoning district in the Brickbottom neighborhood represented by Ward 2 Councilor J.T. Scott. A commercial building is permitted by site plan approval and establishing a Commercial Parking facility principal use is permitted by right. Site Plan Approval is the administrative review and approval of *conforming* development to address any potential development impacts, if necessary. The Zoning Board of Appeals is the decision-making authority for all (non-Variance) discretionary or administrative permits required by the CI zoning district.

## **ANALYSIS**

The proposed 28 Fitchburg Commercial Building is intended to interconnect internally with a companion commercial building proposed for an abutting lot (28 Chestnut). The combined buildings will function as a single unit from a sustainability, parking, and mobility management perspective, while maintaining compliance to the dimensional standards and intent of the Commercial Industry district for each individual building.

28 Fitchburg is currently encumbered by a 40-foot wide City of Somerville utility easement corresponding to the alignment of the discontinued London Street. A recommended permit condition identifies that the easement rights will need to be addressed prior to construction.

The proposal is on track to be LEED Platinum certifiable and is targeting between 84-86 points of the 80 required to reach Platinum. As currently designed, the proposed commercial building is demonstrating a 37% decrease in energy use intensity (EUI) compared to the ASHRAE reference model, making sustainability integral to the design. Additionally, the proposed building envelope is designed to reduce heating demand and mechanical loads while domestic hot water will be supplied with a hybrid heat pump hot water system.

As reported in the Sustainable and Resilience Building Questionnaire of the application materials, the Applicant “is committed to a hybrid solution using a heat pump chiller, with a final decision on this pending the completion of the team’s current feasibility assessment [that includes] cost, technology specs, and space planning for the hybrid and future all-electric scenarios”. The Office of Sustainability & Environment supports the effort to study the feasibility of a hybrid solution and strongly encourages the Applicant to prioritize the inclusion of heat pump chillers. A recommended permit condition would require the Applicant to submit the feasibility study to OSE and report its findings to the Zoning Board for informational purposes at a future meeting date.

The Commercial Industry zoning district does *not* include a requirement to widen the sidewalk to accommodate an increase in pedestrian trips resulting from the development. However, the site plan for 28 Fitchburg sets the building back 13 feet to provide a widened sidewalk voluntarily, resulting in a portion of the sidewalk being

located on private property and the remaining portion located within the public right of way of Chestnut Street. Two conditions are recommended to ensure this sidewalk replicates the conditions and features of a public sidewalk, including requiring a unified pavement design between the public and private portions and that a pedestrian access easement be provided in perpetuity to maintain public access.

The existing condition of Chestnut Street is deficient in terms of pedestrian and bicycle infrastructure, with substandard sidewalks and no accommodations for cyclists. Proposed transportation mitigation conditions address these concerns by requiring the provision of a new sidewalk, street trees, and a sidewalk level protected bikeway corresponding with the 28 Fitchburg frontage along with an interim bicycle facility, (such as paint and flex posts) to ensure a continuous and safe bicycle route is provided to 28 Fitchburg along Chestnut and Joy Street to Washington and the East Somerville Green Line Station. The submitted application materials depict a conceptual design for the improvements located within the public right of way, but final design approval rests multiple City Departments.

28 Fitchburg is located a short distance *outside* of the Transit Area and thus has a minimum parking requirement due to its location beyond the average distance employees are willing to walk to and from transit to their workplace. The site is also located in the eastern-most corner of the Brickbottom neighborhood, the farthest possible location from any of the vehicular intersections that facilitate entry into the area. Two conditions are recommended to mitigate the potential of these parking spaces to encourage employees and visitors to the building to drive rather than use other available modes of transportation. These include the operation of the underground structured parking as a Commercial Parking facility principal use rather than Accessory Parking and the improvement of pedestrian access between Chestnut Street and the Somerville Community Path to reduce the walking distance for pedestrians between the East Somerville green line station and 28 Fitchburg.

Lastly, 28 Fitchburg aggregates the loading & service docks and vehicular entrance to the underground structured parking to the far-right side of the Chestnut Street frontage rather than the side or rear of the building. Although there is no prohibition on this location for the Commercial Industry zoning district and City Staff would generally recommend against such a site condition, the location is a direct result of public feedback gathered at neighborhood meetings. To mitigate potential conflicts between pedestrian and vehicular movements at this end of the building, proposed conditions require a pedestrian warning system for exiting vehicles and for the permanent bikeway corresponding to the 28 Fitchburg frontage to be elevated from the roadway level to be coplanar with the sidewalk.

## **CONSIDERATIONS & FINDINGS**

The Zoning Board of Appeals 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 detailed below 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.

Information relative to the above considerations is provided below:

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

The proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here.
- Link our corridors, squares and growth districts to support future development and economic activity.
- Transform key opportunity areas, such as Assembly Square, Inner Belt, Brickbottom, Boynton Yards and the southeastern portion of Union Square into dynamic, mixed-use, and transit-oriented districts that serve as economic engines to complement the neighborhoods of Somerville.
- Design and maintain a healthy and attractive public realm that fosters community connection, including streets, sidewalks, and other public spaces.
- Increase active and alternative transportation options; reduce congestion and promote workplace-based policies and incentives for mode choice, work hours, and employment location.
- Expand bike and pedestrian culture by transforming existing infrastructure to accommodate for bicyclists and pedestrians, resulting in safe, accessible, and well-connected networks.

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

The proposal is consistent with the intent of the CI zoning district which is, in part, “to maintain industrial and commercial activities that provide employment opportunities and business-to-business commerce” and “to maintain already existing areas appropriate for moderate- and large-scale, low-rise and midrise buildings and community- and region-serving commercial uses [ ]”.

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

The proposal includes several design features in response to community feedback received at neighborhood meetings.

## PERMIT CONDITIONS

Should the Board approve the necessary *Site Plan Approval for the 4-story LEED Platinum commercial building*, the Planning & Zoning Staff recommends the following conditions:

### Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.

### Public Record

- Physical copies of all development review submittal materials, as permitted by the Zoning Board of Appeals, must be submitted to the Planning & Zoning Division for the public record.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.

### Construction Documents

- 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.

### Legal Agreements

- Development must comply with the Development Covenant by and between the City of Somerville and Brickbottom I QOZB LP dated Month XX, 20XX [TBD], as amended.
- Any rights and interest of the City of Somerville 40' wide utility easement must be accommodated as required by the City Engineer.

### Transportation Mitigation

- To mitigate transportation impacts, Chestnut Street must be improved with, at least, a new sidewalk, street trees, and a sidewalk level protected bikeway corresponding to the 28 Chestnut lot frontage. Final design must be approved by relevant City departments.

- To mitigate transportation impacts, Chestnut Street and Joy Street must be improved with an interim roadway level protected bikeway along the full extent of both thoroughfares. Final design must be approved by relevant City departments.
- A public right-of-way or 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.

#### Site & Building Design

- Frontage area provided for a widened sidewalk along Chestnut Street must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
- Utility meters are not permitted on any facade or within the frontage area of the lot.
- Additional windows must be provided for the long-term bicycle parking room along the rear wall of the building.

#### Maintenance

- The property owner is responsible for all of the regular and long-term maintenance, replacement, insurance, and other applicable costs associated with all permitted improvements to Chestnut Street including, but not limited to, paving, site furnishings, street tree planters, and other associated stormwater management infrastructure.

#### Sustainability

- All Stage 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- A feasibility assessment for the hybrid and all-electric building systems scenarios identified in the application materials must be submitted to the Office of Sustainability & Environment and a presentation of the assessment's findings and the resulting design decisions made for the building's systems must be given to the Somerville Planning Board.
- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.

#### Use

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

#### Parking

- 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.

- An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to the Mobility Division to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
- A pedestrian warning system must be provided for the vehicular entrance to the underground structured parking and loading docks to address potential conflicts between pedestrians, cyclists, and motor vehicles. Final design must be approved by the Director of Mobility and the City Engineer.

#### Mobility

- The property owner and applicable future tenants shall comply with the Mobility Management Plan submitted March 15, 2021, as approved and conditioned by the Director of Mobility.

#### Conditions

- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.