



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2016-09

Date: ~~June 9, 2016~~ September 12, 2016

Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 2 Union Square

Applicant Name: Johnathan Davila on behalf of Partners Urgent Care
Applicant Address: 3701 South Mopac, Suite #400, Austin, TX
Owner Name: Union 2 Associates, LLC
Owner Address: 39 Brighton Avenue, Boston, MA 02134
Agent: The Hamilton Company
Agent Address: 39 Brighton Avenue, Boston, MA 02134
Alderman: Tony LaFuente

Legal Notice: Applicant, Johnathan Davila on behalf of Partners Urgent Care, and Owner, Union 2 Associates, LLC, seek a Special Permit with Site Plan Review (SPSR)* under SZO §7.13 A to create an urgent care medical facility on the ground floor where no such facility is allowed unless by Special Permit. Applicant and Owner also seek a Special Permit under SZO §6.1.22 D (5)a for new signage and other exterior modifications. CCD 55 zone. Ward 2.



Dates of Public Hearing: Planning Board – ~~June 9, 2016~~ September 12, 2016

*It has since been determined that only a Special Permit is needed for the first floor use. No re-advertisement is necessary.

Items that no longer apply to this updated staff report have been ~~struck~~. New information has been highlighted in yellow.

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a single-story building located in the heart of Union Square on a 15,682 square foot lot in the CCD 55 zone.
2. **Proposal:** The proposal is to establish a first floor medical use in the existing building. The application states that “modifications to exterior building façade will be limited to aesthetic items such as: signage, paint, awning, wood trim and addition of murals. The medical clinic will have at any given time 4-5 medical professional and will operate from the hours of 9:00am to 9:00pm. The Partners Urgent Care will occupy approximately 4,300 square feet of the building.
3. **Green Building Practices:** As written on the application: “Partners Urgent Care places emphasis into recycling, energy efficiency in regards to building designs and currently as (2) centers which are green build qualified.”
4. **Comments:**

Ward Alderman: Alderman Heuston has been advised of this proposal.



II. FINDINGS FOR SPECIAL PERMIT (SZO §7.13.A):

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 and §7.13.A in detail.

1. **Information Supplied:**

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.4 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."*

As elaborated in §7.13.A, in CCD zones, medical and office uses of any size require a Special Permit if located on the first floor. This was an amendment made to the zoning code after seeing the negative effect on retail corridors that offices and medical uses can have on active street life. The zoning amendment was passed with the following purpose statements, "Office uses often do not create the vibrancy that is desired along retail corridors and the location and design is important to consider to retain or create an active streetscape; and retail continuity is important for retail business' success as it keeps pedestrians engaged in continuing down city blocks past storefronts."

However, this project would activate a vacant storefront. Looking into a medical office waiting room and check-in counter does not provide pedestrians with the level of inviting, retail-oriented experience that is desired for the heart of Union Square. But, in general, this proposal will temporarily fill a vacant building that is slated for demolition under the Union Square plan. It will bring a new use into the square that can be a benefit to the area, but it is with the expectation of the planning staff that this use find a permanent location in the area that is not using the frontage of a primary pedestrian streetscape.

In sum, in considering a special permit under §7.13.A of the SZO, Staff finds that, as a permanent use, the proposed first floor medical office could be substantially more detrimental to the neighborhood, but that the short-term nature of this activity will permit the transformation of the square in an orderly fashion.

3. Purpose of the 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 purpose of the CCD-55 zoning district is according to Section 6.1.22.A is to:

- Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
- Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed-use buildings;
- Preserve and complement historic structures;
- Discourage inappropriate, auto-oriented, significant trip-generating uses along transit corridors, and;
- Promote pedestrian and bicycle activity.

The proposal is not consistent with the purpose of the CCD 55 district on the following points:

a. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street.

As noted in the purpose statement, the intent of this zoning district is to facilitate mixed-use, multi-story development, of which this project is neither. Given the level of investment that goes into building out a medical office with all of the accompanying equipment, it would seem that the owner and/or applicant of this building seek to extend the status quo of this site well into the future, limiting any redevelopment opportunity of this prominent parcel. Therefore, this project is

directly in conflict with the purpose of encouraging mid-rise development and the overall goals of Union Square.

The proposed use would also reinforce the auto-oriented nature of the property instead of contributing to a multi-modal-friendly street. People who have an urgent medical need will typically not bike or walk to an urgent care facility but will taxi or drive to the premises. This makes the proposal inconsistent with the goals of a multi-modal street and inappropriate for the heart of Union Square.

The above being said, given that the presence of this urgent care facility would be for a limited amount of time, the impact to the area might be mitigated by the temporary benefits afforded to this part of the community.

b. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings.

This type of use will draw from a large area rather than provide neighborhood-oriented services. As noted above, those requiring an urgent care medical facility will typically drive or taxi to the premises, park, enter the facility, return to their car and exit the neighborhood after their medical evaluation in order to return home or fill prescriptions at pharmacies outside the neighborhood. As a result, the presence of any clients will not benefit the adjacent businesses. Further, the presence of the 4-5 employees at any given time will not provide any meaningful economic impact on the surrounding businesses. The proposal and circumstances created by it are contrary to a fundamental objective of the CCD.

The current structure leaves limited-to-no possibility of a multi-tenant, mixed-use scenario. However, rather than leaving the existing building unoccupied and un-renovated, the temporary occupancy of the urgent care facility would provide the opportunity to fix up the interior and exterior of the structure while providing limited, non-emergency medical services to the neighborhood.

c. Preserve and complement historic structures.

The building in question was built around 1910. While it is a historic structure by virtue of age alone according to the definition provided by the Secretary of the Interior and according to Somerville's own historic ordinances, the proposal does not necessarily negatively impact the historic structure.

However, by retaining the structure's existing footprint, the proposal perpetuates a single-tenant, single-use building that turns a blank side to Somerville Avenue and provides no complement to the historic development patterns in the surrounding Union Square neighborhood. While the applicant proposes new signage, painting the exterior of the building and the installation of an awning, these do not add much complement to the neighborhood to the extent that a well-designed, multi-story mixed-use building would.

d. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors.

The Applicant's website has been advertising that their newest site (2 Union Square) will be opening soon and advertises free parking. The encouragement of auto-oriented transit rather than

alternative means such as public transportation, walking and biking is not consistent with the goals of the CCD.

e. Promote pedestrian and bicycle activity.

As noted earlier, the proposed new use does not support bicycle and pedestrian activity.

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."*

The surrounding area contains numerous eating establishments along with mixed-use buildings presenting active retail-commercial spaces on the first floor and residential units above.

6.1.22.H. *Design Guidelines for the CCDs. Uses requiring a Special Permit shall be subject to the Special Permit with Site Plan Review. The guidelines below are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. The building will not be altered with the exception of signage but has been evaluated based on these guidelines.*

1. Building(s) should complete the streetwall along the primary street edge(s).

The Applicant proposes minor façade improvements including repairing and painting the façade, installing an awning and adding murals to the exterior. The improvements only provide minimal benefits to an otherwise poorly-defined building in the heart of Union Square. The structure, even with improvements such as the exterior ones proposed, is not compatible with the more traditional storefronts elsewhere in Union Square. The new use of the building does nothing to encourage additional pedestrian activity in this area of the square. Approval of this Special Permit would result in this key section of Union Square remaining largely unchanged and unimproved for at least several years into the future.

However, if the use of this structure is to be limited, the upgrades proposed – with modifications and approvals of Planning Staff – might help improve this portion of Union Square until the time that the parcel is redeveloped as part of the Union Square Neighborhood Plan.

2. Massing and height of buildings should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically-designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.

The massing, height and design of the existing building is inconsistent with the design guidelines of the CCD zone which calls for mid-level, mixed-use structures. A lack of pedestrian-oriented first floor storefront use of the space, the side parking lot and the massive exposure of the right elevation wall to Somerville Avenue all negatively affect the surrounding buildings and this portion of Union Square. The proposed new use does nothing to mitigate these issues. The proposed inclusion of exterior wall murals, which will be able to be seen from a significant distance, will not draw pedestrian traffic to this portion of Union Square.

While the above conditions will still stand even under a limited-time use scenario for the urgent care facility, the proposed improvements, though temporary, should not make the building any more incompatible with the CCD zone than those already extant.

3. A transition in height should be established between residential or historically-designated properties and new development.

The re-use of this existing, incompatible structure will not result in the desired mid-level, mixed-use type of development that are two of the goals of the CCD zone.

Given that redevelopment of this parcel may not occur for 3-5 years under the Union Square Neighborhood Plan, the continuation of these existing conditions – together with the Applicant's proposed improvements – would not further negatively impact these aspects of the CCD.

4. Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2nd floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum seventy-five (75) percent transparent material, and second floor facades should have a minimum of forty (40) percent transparent material. These openings should provide views into the building and should not be blocked by interior storage, non-artistic displays, or greater than thirty (30) percent internally mounted signage.

The building presents a flat façade and the Applicant proposes the use of an awning.

5. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.

The front façade of the building is brick of varying color and the right elevation visible from Somerville Avenue is faced with stucco. The exterior changes proposed by the applicant do not substantially improve the visual impact of this structure.

Planning Staff would, however, under a limited-use scenario, work with the Applicant to secure façade/material improvements that provide maximum aesthetic impact to the property and area.

6. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.

The front façade is brick of varying color while the right elevation is stucco, likely covering brick. The Applicant proposes painting the facades and adding murals, neither of which will serve to significantly improve the site or its immediate surroundings.

Planning Staff would, however, under a limited-use scenario, work with the Applicant to secure façade/material improvements that provide maximum aesthetic impact to the property and area.

7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors

are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

If the Board is inclined to approve the use, the Board should request more detailed specifications for the signage design and façade improvements. Planning Staff will work closely with the Applicant to ensure that more detailed proposals are put forth regarding signage (including the very limited use of additional signage in windows and doors), lighting, awnings, façade treatments and materials to very exactly standards.

8. Retail, restaurant and other pedestrian-oriented uses are encouraged, particularly on the Ground Floor. As noted in 6.1.22.E, residential uses shall not be permitted on the Ground Floor street frontage along major streets unless they are located in structures that are historically residential on the Ground Floor.

Though filling a vacant storefront could be argued to be a positive step, careful consideration must be given to the type of business that the storefront will provide. In this case, first floor medical office use is not allowed and may be considered under Special Permit only. Staff finds that this type of use and the activity it brings is not consistent with the goals of the City with regard to Union Square. Staff underscores its previous findings in Sections 3 (purpose of the district) and 4 (site and area compatibility) above that, by not providing the desired retail, restaurant or other pedestrian-oriented uses, the proposal before the Planning Board does not meet the goals of the CCD.

At the same time, precisely because this proposal would fill a vacant storefront, it may be worth considering approval for a limited-time basis. Looking into a medical office waiting room and check-in counter does not provide pedestrians with the level of inviting, retail-oriented experience that is desired for the heart of Union Square. But, in general, this proposal will temporarily fill a vacant building that is slated for demolition under the Union Square plan. It will bring a new use into the square that can be a benefit to the area, but it is with the expectation of the planning staff that this use find a permanent location in the area that is not using the frontage of a primary pedestrian streetscape.

In sum, in considering a special permit under §7.13.A of the SZO, Staff finds that, as a permanent use, the proposed first floor medical office could be substantially more detrimental to the neighborhood, but that the short-term nature of this activity may permit the transformation of the square in an orderly fashion.

9. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the “Design Guidelines for Artist Housing” produced by the Somerville Arts Council.

There are no artist live/work spaces in this proposal.

10. Residential units should be of varying sizes to accommodate a range of family sizes. Generally dwelling units within a structure should not have an average size of less than 1,000 square feet.

There are no residential units in this proposal. The purpose of the CCD is to allow for and encourage mixed-use, mid-level buildings, two goals that this proposal does not fulfill.

11. A sidewalk depth of at least ten (10) feet from the street curb to building is strongly encouraged for developments fronting major streets.

The existing sidewalk will be retained as this is not a new build.

5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

The proposal will neither provide nor eliminate affordable housing units.

6. 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, 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; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	0
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	7,408	4,300
<i>Estimated Employment:</i>	Unkown	4-5
<i>Parking Spaces:</i>	Unchanged	Unchanged
<i>Publicly Accessible Open Space:</i>	0	0

III. RECOMMENDATION

Special Permit under §7.13.A

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**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

1	<p>Approval is for an urgent care medical facility on the first floor of 2 Union Square. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="248 373 886 506"> <thead> <tr> <th data-bbox="248 373 570 407">Date (Stamp Date)</th> <th data-bbox="570 373 886 407">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 436 570 470">April 14, 2016</td> <td data-bbox="570 411 886 506">Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	April 14, 2016	Initial application submitted to the City Clerk's Office	CO / BP	ISD/Plng.	
Date (Stamp Date)	Submission							
April 14, 2016	Initial application submitted to the City Clerk's Office							
Pre-Construction								
2	<p>Prior to the issuance of a Building Permit, the Applicant shall enter into a covenant with the City of Somerville and/or the Somerville Redevelopment Authority (SRA) addressing, at a minimum:</p> <ul style="list-style-type: none"> a. That this site is a redevelopment parcel in the Union Square revitalization plan; b. That the SRA and Union Square master developer may seek to redevelop this parcel at any time; c. That the Applicant shall work collaboratively with the City and the SRA and master developer to maintain an open dialogue regarding the future of this location and the future of this Applicant in Union Square; d. Strategies for the potential relocation of the Applicant's business. 	BP	ISD/Plng/ Legal					
3	<p>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.</p>	BP	Eng.					
4	<p>New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.</p>	CO	Eng.					
5	<p>The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.</p>	Demolition Permitting	ISD					

6	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				
7	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.	
8	Approval is subject to the Applicant's/Owner's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed
9	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	
10	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				
11	Applicant shall provide material and design samples for siding, trim, windows, signage, painting and murals to Planning Staff for review and approval prior to construction/installation.	BP	Plng.	
Site				
12	Applicant shall screen any dumpsters with fencing or greenery that is first approved by Planning Staff and that blocks any view of the dumpster itself.	CO	Plng.	
13	Applicant shall supply a minimum of 10 bicycle parking spaces, which can be satisfied with a covered bicycle rack.	CO	Plng.	
14	Snow plowed from the site and surrounding sidewalks shall be moved off-site.	Cont.	ISD.	
Miscellaneous				
15	This Special Permit shall expire 5 years from the date of its approval.	BP	ISD/plng/legal	
16	This Special Permit <i>might</i> be renewed in 1 year increments but only by the Applicant returning to the SPGA prior to the date of expiration.	BP	ISD/plng/legal	
17	Conditions shall require limitation of the occupancy and method or time of operation, so as to minimize any adverse impacts the proposed use and operation may have on the surrounding neighborhood;	Cont.	ISD.	
Public Safety				

18	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
19	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	Wiring Inspector	
20	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	
21	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Signage				
22	<p>Signage shall be limited in size and location determined by planning staff. The Applicant shall submit signage proposals directly to Planning Staff for their review and sign-off. Proposals shall include all dimensions (width, depth, height), location on building, color, design, material, lettering style, etc.</p> <p>Signage (the main sign presenting the name of the facility), shall be lit with downcast, gooseneck lights of a style, color, and material reviewed and approved by Planning Staff.</p> <p>Under no circumstances shall signs be internally lit, use neon lighting, nor be lit after 9:00pm in any fashion.</p> <p>There shall be no advertising signs/posters/placards/writing of any kind on any windows. Hours of operation shall only be posted to/printed on the main front entrance.</p> <p>All exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties</p>	CO/Cont.	Plng.	
23	To the maximum extent feasible Applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/IS D	
Final Sign-Off				
24	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.	