

DEVELOPMENT NARRATIVE

Property: 71-72 Union Square
Applicant: Laxmi N. Pradhan, Trustee of Everest Realty Trust
Agent: Adam Dash, Esq.
Zoning District: CC4/MPD Overlay/USQ Sub-area/Pedestrian Street District

The property is currently a 1,757 sf lot which has a one-story brick commercial structure.

Applicant seeks to add two commercial floors onto the existing structure, such that the building will be a three-story commercial structure with a basement. The first floor and basement would be retail, the second floor would be a community education/meeting space, and the third floor would be offices. The building floorplate would be 1,631 sf.

The proposed uses are by right.

Applicant will require five variances, being:

- Green Score
- Open Space
- Ground Story Height
- Minimum Story Building Height
- Ground Story Fenestration

Per Section 15.3.e.i of the Somerville Zoning Ordinance:

The Zoning Board of Appeals may only grant a Hardship Variance upon finding all of the following:

a). Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the zoning district in which the land or structure is located;

b). Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and

c). Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially

derogating from the intent and purpose of a specific district in this Ordinance or the Ordinance in general.

1. Green Score

- a. The current building takes up most of the lot. As the building is staying the same other than having two stories added to the top of it, the existing Green Score deficiency will remain. The irregular shape of the lot, its small size (especially when compared to the surrounding properties), and the existing lot situation, being hemmed in by buildings in the heart of Union Square, provide a hardship for developing this site in compliant with the Somerville Zoning Ordinance (SZO). Green Score compliance is not possible.
- b. Literal enforcement of the Green Score requirement would render the property unchangeable, as the small lot size and existing structure make compliance impossible.
- c. The Green Score relief can be granted without causing substantial detriment to the public good or substantially derogating from the intent and purpose of the CC4 district.

The relief will not cause substantial detriment to the public good because the project will enhance the Union Square business district and better match its neighbors.

Per Section 6.2.1 of the SZO, the purpose of the Commercial Core (CC) district is “characterized by medium to large floor plate buildings at a variety of heights. Buildings are set close to the sidewalk and taller buildings have an upper story step-back to define a mid-rise street wall that supports pedestrian activity and a sense of place. The district is entirely commercial, with a wide diversity of uses”.

It is not possible to create the density that the CC district requires without Green Score relief for this property. In fact, the properties surrounding it likely do not comply with the Green Score requirements, either. This is an existing nonconformity which will not be made worse.

2. Open Space

- a. The current building takes up most of the lot. As the building is staying the same other than having two stories added to the top of it, the existing Open Space deficiency will remain. The irregular shape of the lot, its small size (especially when compared to the surrounding properties), and the existing lot situation, being hemmed in by buildings in the heart of Union Square, provide a hardship for developing this site in compliant with the Somerville Zoning Ordinance (SZO). Open Space compliance is not possible.

- b. Literal enforcement of the Open Space requirement would render the property unchangeable, as the small lot size and existing structure make compliance impossible.
- c. The Open Space relief can be granted without causing substantial detriment to the public good or substantially derogating from the intent and purpose of the CC4 district.

The relief will not cause substantial detriment to the public good because the project will enhance the Union Square business district and better match its neighbors.

Per Section 6.2.1 of the SZO, the purpose of the Commercial Core (CC) district is “characterized by medium to large floor plate buildings at a variety of heights. Buildings are set close to the sidewalk and taller buildings have an upper story step-back to define a mid-rise street wall that supports pedestrian activity and a sense of place. The district is entirely commercial, with a wide diversity of uses”.

It is not possible to create the density that the CC district requires without Open Space relief for this property. In fact, the properties surrounding it likely do not comply with the Open Space requirements, either. This is an existing nonconformity which will not be made worse.

d. Ground Story Height

- a. The current building has a ground story of less than the height required under the SZO. As the building is staying the same other than having two stories added to the top of it, the existing Ground Story Height deficiency will remain. The irregular shape of the lot, its small size (especially when compared to the surrounding properties), and the existing lot situation, being hemmed in by buildings in the heart of Union Square, provide a hardship for developing this site in compliance with the SZO.
- b. Literal enforcement of the Ground Story Height requirement would force the building to clash with the buildings on either side, at least one of which (The Independent) is historic. Relief allows this project to match ground story heights with its neighbors.
- c. The Ground Story Height relief can be granted without causing substantial detriment to the public good or substantially derogating from the intent and purpose of the CC4 district.

The relief will not cause substantial detriment to the public good because the project will enhance the Union Square business district and better match its neighbors.

It is not possible to create the density that the CC district requires without Ground Story Height relief for this property. In fact, the properties surrounding it likely do not comply with the Ground Story Height requirements, either. This is an existing nonconformity which will not be made worse.

e. Minimum Story Building Height

- a. The current building is a single story in the CC4 district which has a minimum story requirement of four stories. By adding two stories added to the top of it, the existing Minimum Story Building Height deficiency will remain, but the property will be brought closer to compliance. The irregular shape of the lot, its small size (especially when compared to the surrounding properties), and the existing lot situation, being hemmed in by buildings in the heart of Union Square by a two-story historic building (The Independent) and a three-story building, provide a hardship for developing this site in compliance with the SZO.

In addition, if Applicant were to build a compliant 4-story building it would trigger the need for a second stairwell, which is a code requirement. This would severely inhibit the success of the commercial space. The space is only thirty feet wide. Adding a second stairwell would narrow the usable commercial space even further to around eighteen feet.

- b. Literal enforcement of the Minimum Story Building Height requirement would force the building to clash with the buildings on either side, one of which (The Independent) is historic. Relief allows this project to better match story heights with its neighbors.
- c. The Minimum Story Building Height relief can be granted without causing substantial detriment to the public good or substantially derogating from the intent and purpose of the CC4 district.

The relief will not cause substantial detriment to the public good because the project will enhance the Union Square business district and better match its neighbors.

One of the properties adjacent to the one which is the subject of this application does not comply with the Minimum Story Building Height requirements, either. This is an existing nonconformity which will be improved.

It should be noted that the City Council is currently working on reducing the Minimum Story Building Height requirement for the CC4 district to three stories, which would make this project compliant.

f. Ground Story Fenestration

- a. The current building has ground story fenestration of less than the amount required under the SZO. As the building is staying the same other than having two stories

added to the top of it, the existing Ground Story Fenestration deficiency will remain. The irregular shape of the lot, its small size (especially when compared to the surrounding properties), and the existing lot situation, being hemmed in by buildings in the heart of Union Square, provide a hardship for developing this site in compliance with the SZO.

- b. Literal enforcement of the Ground Story Fenestration requirement would force the building to clash with the buildings on either side, at least one of which (The Independent) is historic. Relief allows this project to match its ground story with its neighbors.
- c. The Ground Story Fenestration relief can be granted without causing substantial detriment to the public good or substantially derogating from the intent and purpose of the CC4 district.

The relief will not cause substantial detriment to the public good because the project will enhance the Union Square business district and better match its neighbors.

It is not possible to create the density that the CC district requires without Ground Story Fenestration relief for this property. In fact, the properties surrounding it likely do not comply with the Ground Story Fenestration requirements, either. This is an existing nonconformity which will not be made worse.