



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2013-34
Date: May 30, 2013
Recommendation: Approval

PLANNING STAFF REPORT

Site: 70 Prospect Street

Applicant Name: Douglas Beaudet
Applicant Address: 14 Ibbetson Street, Somerville, MA 02143
Property Owner Name: Emily Trust c/o Laurel Shuman, Trustee
Property Owner Address: 19 Locust Street, Suite # 3, Burlington, MA 01803
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville MA 02145
Alderman: Maryann Heuston

Legal Notice: Applicant Douglas Beaudet and Owner Emily Trust, received a Special Permit with Site Plan Review under SZO §6.1.22.D.1 to construct a new five story building and a Special Permit to establish 14 residential units in the building under SZO §7.13.E. The building will also include approx. 1,500 square feet of retail and 14 at-grade parking spaces. The current application is to seek a Variance from the side yard setback requirements under SZO §8.5.H, §6.1.22.G.5 and parking design standards under §6.1.22.G.6.

Zoning District/Ward: CCD 55 zone / Ward 2

Zoning Approval Sought: Variance under SZO §8.5.H, §6.1.22.G.5, §6.1.22.G.6

Date of Application: Original SPSR Application October 30, 2012 – complete February 28, 2013 / Variance Supplemental May 2, 2013

Date of Public Hearing: Zoning Board of Appeals – June 5, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 8,487 sf lot at the intersection of Prospect Street and Webster Avenue. The streets come together at an acute angle that creates a triangularly shaped lot with a



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rounded edge. There is a one- and two-story concrete block building at the back of the lot and a large parking area in front of it. U-Save Car and Truck rental are the current operators of the site.

The entire lot is covered with building or asphalt except for a small landscaped area at the intersection of Prospect Street and Webster Avenue. There is a curb cut on Prospect Street and two curb cuts on Webster Avenue. The sidewalks around the site are cracked and uneven.

The Planning Board approved a Special Permit with Site Plan review for development of the site on April 18, 2013; however, variance approval is required for the project to move forward.

The City adopted a Union Square Revitalization Plan in 2012 that allowed for the acquisition and disposition of parcels in Union Square. The Plan is essential for siting the Green line station and spurring transformation through transit-oriented development that will revitalize the Union Square neighborhood. The subject property is currently listed as an acquisition and disposition parcel; however, if the property is redeveloped in a way that furthers the goal of the Plan, taking the property would not be necessary.

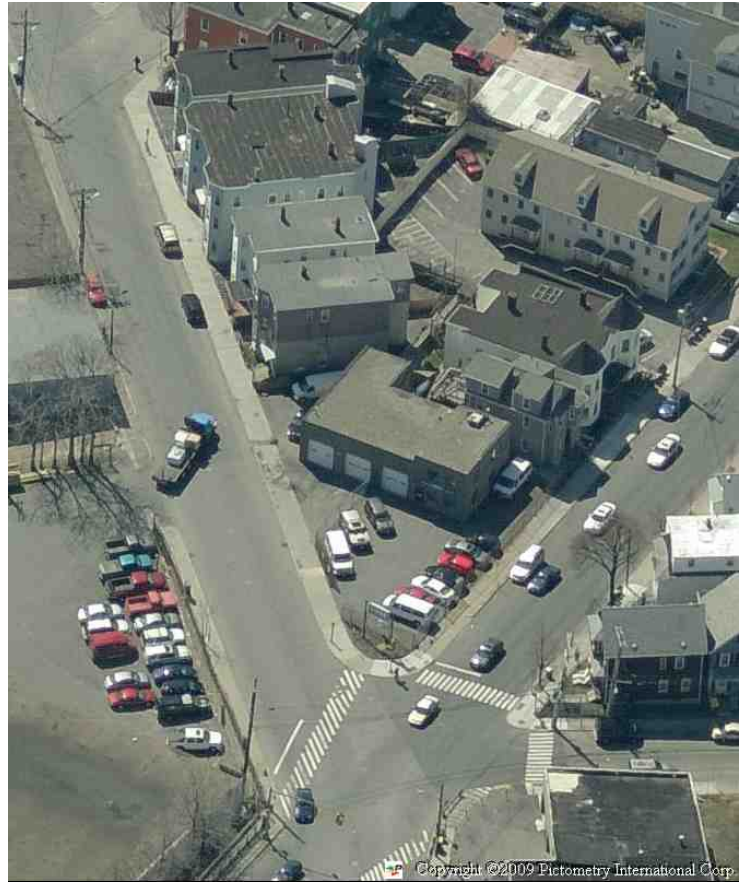


2. Proposal: The proposal is to demolish the structure on the lot and build a five-story mixed-use building totaling approximately 21,000 square feet including the basement space. The ground floor will include two retail spaces that total 1,296 square feet, 3480 square foot garage, and 766 square feet of common area. The remaining four floors will contain 14 residential units that range in size from 938 to

1217 square feet. There will be 10 parking spaces in an at-grade garage and 4 spaces at-grade outside. The curb cuts on Webster Avenue and the one on Prospect Street will be closed. A new curb cut will be required on Prospect Street.

Commercial Space

Two tenants will occupy the 1,296 gross square feet of commercial space. One of the retail spaces will be 951 square feet on the first floor and in the basement there will be 698 square feet of storage and two bathrooms. The other space is 346 square feet. Entrances to the retail spaces will be along Webster Avenue. Either of these spaces could be converted to an "Eating and Drinking" use (SZO §7.13 Use Cluster D); however, the parking requirement for a restaurant of any size would need to be met as the requirement for this use is higher than it is for Retail and Service



Residential Units

The residential entrance and lobby will be on Prospect Street. The lobby is also accessible from the parking garage. There will be fourteen residential units ranging in size from 938 to 1217 square feet with an average of 1044 square feet. Two of the units will be designated with an affordability restriction in perpetuity as required by Somerville Zoning Ordinance Article 13, Inclusionary Housing. Nine of the residences will have balconies.

Sidewalk Depth

The building will sit on or close to the property line. The width of the sidewalk is approximately 8 feet around the site. One of the newly installed street trees on Prospect Street will be transplanted to make space available for the proposed curb cut location. Five new street trees are proposed along Webster Avenue. The sidewalk along Webster Avenue and a portion of the sidewalk along Prospect Street will be replaced.

Site & Landscaping

Landscaping will consist of a ten-foot landscape buffer along the back of the property and five street trees along Webster Avenue. The vegetation will include a mix of shrubs and ground cover. A patio is proposed next to the small retail space and a berm is proposed in the back corner to retain runoff with an emergency overflow system. The parking area will be made of concrete unit pavers.

There will be a cedar wood ship-lap fence that will be 48 inches tall along the parking area on Prospect Street so that it will be completely opaque and will screen the cars along the street. The fence will be located 6 inches behind the property line with 12 inches of planting room (including the space below the board fence) for some vine plantings proposed to be Virginia Creeper. A retaining wall will be constructed along a portion of the rear property line.

There will be trellises on the stair towers and on the rooftop planter. The plant proposed here is an extremely hardy honeysuckle vine. The Landscape Architect stated that this plant can grow to 40 feet and has fragrant flowers. Typically a three gallon pot has a plant that is about 3 feet high. It would grow about 10 feet during the first growing season.

Parking & Traffic

There will be a total of 14 parking spaces onsite. Ten parking spaces will be in the at-grade garage and 4 will be outside. The spaces will be accessible via a new curb cut on Prospect Street and the three existing curb cuts will be closed. There will be 4 ring bike racks for 8 bikes on concrete pavers behind the building.

The applicants have submitted a study evaluating the impact of the proposed development on traffic and access in the area including traffic volumes, site distance analysis, parking counts, and intersection capacity analysis. The study concludes that the additional vehicle-trips that will be generated at the project site are low, the proposed driveway location will have safety benefits relative to the location of the existing curb cuts, and there is sufficient on-street parking to capture additional parking needs for the retail component of the project. The Traffic and Parking Department's comments in the Comments Section below include a detailed response to the study.

Building Design

The building is a flat iron building with a distinctive base, middle and top for the rounded portion of the building marked by cornices. The materials of the building will primarily be nichiha panels in the form of brick for the main body of the building, hardie clapboards on the stair towers and azek panels for the rounded portion of the building. The ground floor contains storefront systems for the two retail spaces. The garage façade contains space for murals to be installed along it. The upper stories of the building have balconies to add interest to the building. The rear portion of the building is three stories to comply with the required dimension in the district. There are two stair towers on the Prospect Street side of the building and one will be approximately five feet taller than the parapet of the building to screen the rooftop mechanical equipment.

Lighting and Signage

Details about the exterior lighting are not included in the plans at this time. Signage locations are shown above the doors of the retail spaces. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.

Trash/Utilities

There is a room for trash and recycling that is accessed from the outdoor parking area for all of the uses on-site.

The mechanical equipment for the building will be located on the roof and surrounded by a solid material on top of the stair tower to screen it.

The transformer will be located in the rear yard along Webster Avenue.

3. Nature of Application: This project is the second significant proposal before the Planning Board under the CCD-55 zoning district. The CCD-55 district was created (originally as the "CCD" district) as a part of the Union Square rezoning study in 2009. The district was approved and applied in the Union

Square area in April of 2009. Additional refinements were made when the zoning was applied to Broadway in Winter Hill and East Somerville in February 2010.

Generally the massing and uses capture the intentions of the CCD-55 district in a single Union Square development site with some exceptions where variances are required due to the shape of the lot. The building reflects the intention to provide for 55-foot buildings with a step down towards the residential neighborhood on the southeast side, provides adequate parking without developing excessive parking within this urban neighborhood, and encourages retail storefronts that will engage the pedestrian while improving the impact of the block. The project also provides on-site affordable housing.

The Planning Board approved a Special Permit with Site Plan review for development of the site on April 18, 2013; however, variance approval is required for the project to move forward. Since the Zoning Board of Appeals (ZBA) is the granting authority for variances, a separate hearing with the ZBA is required.

Variances

The application before the Zoning Board of Appeals is for the following variances.

The Applicant is seeking a variance from the side yard setback and height requirements when abutting a residential district under SZO §8.5.H and §6.1.22.G.5. The regulation is as follows: “The minimum side or rear yard setback of a property abutting a residential district line (RA, RB, RC) shall be 20 feet from the district line with the outermost 10 feet fee of the setback to consist exclusively of vegetative landscaping. The building shall have a 15 foot Upper Level Setback at a Tapering Height of 35 feet from the property line abutting the residential district. The building shall be designed so that its massing is concentrated along the commercial corridor and away from properties in residential zoning districts to the extent possible.”

The building complies with the setback from the southern property line abutting the neighbor on Webster Avenue but does not comply with the setback from the southwestern property lines abutting the neighbor on Prospect Street. The site plan (sheet A101.1) shows the southwest corner of the building that does not satisfy this requirement. The building is setback a few feet from the property line and will be taller than the 35 foot height limit within 35 feet of the residential district. Also, the landscape buffer will not extend to the southwestern property line.

The Applicant is also seeking a variance from the parking design standards under §6.1.22.G.6. The standard states: “Parking and loading areas shall be hidden from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters (sufficient to conform to the City’s Noise Ordinance during operation). Any views into parking structures shall be minimized through use of landscaping or architectural treatment.”

This triangularly shaped lot has two fronts and no side yards. The parking is concealed behind the structure along Webster Avenue but there are four parking spaces that would be visible from Prospect Street. The proposal includes a four foot ship-lap wood fence with climbing plant planted along it. The parking area will be constructed of concrete pavers.

Special Permit with Site Plan Review

Below is an explanation of the zoning regulations that were relevant to the Special Permit with Site Plan Review approval for which the Planning Board was the Special Permit Granting Authority:

Uses

Under SZO section 6.1.22.D, if some uses in new development are by-right and some are allowed by Special Permit, the entire development shall be subject to Special Permit with Site Plan Review (SPSR) review. Since the residential use requires a special permit, the entire development requires SPSR review. The residential use falls under Use Cluster E, §7.13.E, Residential, and any number of residential units requires a special permit.

The commercial uses are by-right. The two retail components fall into the Use Cluster B, §7.13.B, Small Retail and Service. Small Retail and Service comprises establishments of up to 1,500 net square feet and a total square footage of all of the establishments up to 10,000 net square feet is allowed by-right. This application includes 2 establishments of 951 net square feet and 346 square feet. The use of these spaces may be any use allowed in this Use Cluster or another Use Cluster that is allowed by-right at this size, although if changing to a different Use Cluster the parking requirements would need to be evaluated and therefore may require zoning approval to be established.

Dimensional Requirements

The proposal complies with most of the dimensional requirements of the zoning district. The minimum lot area per dwelling unit is 600 square feet and the proposal has 606 square feet per unit. The maximum ground coverage is 80% and the proposed building covers 65% of the lot. The proposal meets the minimum landscaped area with 10% of the site landscaped along the rear property line. The maximum gross floor area ratio is 3 and the proposed building as an FAR of 2.85. The height of the building will not be taller than the 55 foot height limit.

Requirements	CCD-55	Proposal
Min Lot Size	NA	8,487 sf
Min Lot Area/Dwelling Unit	600 sf	606 sf
Max Ground Coverage	80%	65%
Min Landscaped Area % of lot	10%	10%
Floor Area Ratio (based on gsf)	3	2.4
Max Height	55'	55'
Max Height Abutting RB	35'	35' for a portion and variance required for another portion that is 55'
Min Front Yard	NA	0'
Min Side Yard	NA	0'
Min Rear Yard Abutting RB	20' (10' exclusively landscaped)	20' (10' exclusively landscaped) for a portion and variance required for another portion that is <5'
Min Frontage	30'	~280'

Affordable Housing

Projects in the CCD are subject to a 12.5% inclusionary housing requirement. For the proposed project, this translates into the creation of two permanently affordable units at a location where none exist today. The two permanently affordable units will be made available to households in accordance with the City's inclusionary housing ordinance. An affordable housing implementation plan has been executed for the proposal.

Parking & Loading Requirements

The Applicant sought a Special Permit under SZO §9.17.2.B for shared parking between the required residential and commercial parking spaces and for modification of parking space dimensions.

Fourteen parking spaces will be provided one site. A least one of the parking spaces needs to be shared between a residential unit and a user of the retail space. Fourteen parking spaces are required for the residences and one is required for the retail and service uses.

The breakdown of the required parking spaces is as follows:

Residential Units – 1 per unit, 14 units = 14 spaces

Use cluster B – Small Retail and Service, 1 per 1500 nsf
2 establishments totaling 1295 sf / 1500 = 0.86 or 1 space

Loading docks are not required as each retail unit will be less than 5,000 sf. Eight bicycle parking spaces are required and will be provided.

The parking spaces in the garage are 1.75 feet shorter than the requirement. The required parking space dimension is 9 by 18 feet and the proposed are 9 by 16.25 feet. The drive aisle is 20 feet behind two parking spaces, which is the minimum required, and almost 22 feet behind the rest of the parking spaces. Large cars could project into the drive aisle and there would still be sufficient maneuvering space behind them.

4. Project Siting:

Smart Growth, Transit-Oriented Development and Union Square:

In 1835, a passenger railroad station opened near Union Square. By 1845, horse car services provided transport between Union Square and Harvard Square. Union Square became a hub of activity with streetcars making over 80 stops each day by 1900. Despite the removal of the streetcar Union Square continues to be a commercial core. With the re-installation of mass transit with the MTBA Green Line extension project, this area is a prime place for transit-oriented development (TOD). The subject property is less than a quarter of a mile from the proposed station. The area was rezoned in April of 2009 to allow for appropriate development around the new Green Line Station and allow Union Square to have a built form that is similar to what it was in the past before the streetcar network was removed.

Transit oriented developments present an alternative to suburban lifestyle preferences, with the ability to walk to shops, live in a culturally diverse setting, take advantage of enhanced mobility and create a neighborhood where there is a mix of housing, jobs, shops and recreation within access to multiple modes of transportation. Successful TODs provide opportunities to live without daily dependence on a car or a need to use a car for daily convenience trips and opportunities for car-free residents to access jobs and daily needs.

TOD is a popular housing type in today's real estate market, and likely to remain so for the future. Demand for TOD housing continues to exceed and supply, and some estimates suggest that by 2030, almost 25% of new buyers are going to be seeking TOD living arrangements. TOD residents appreciate the benefits of transit access and studies indicate that residents within ½ mile of transit are five times more likely to take it than those who are not. If these trends continue until 2030, despite needing no new large suburban family housing, there will be a need for millions of new residential housing near transit to meet existing demand. Reconnecting America estimates that there will be an additional demand for 10 million Americans who want to live near transit by 2030. Around the 295 stations on the Boston MBTA system, there are 396,000 households, with an expected demand for 750,000 additional households by 2030. Meeting this demand would require building over 1000 new units of housing around each transit station in the Boston area. Failure to meet this demand would push development further out to the fringes of the region and exacerbate existing traffic problems throughout the Boston area. Therefore, areas like Union Square are likely to be a top choice for residents seeking an urban community with eclectic shopping opportunities, nearby jobs, and access to transit.

Surrounding Neighborhood:

Union Square has historically been the commercial center of the city. Today, the Square contains small retail and restaurants as well as the City's Public Safety building and US Post Office. Prospect Street and Webster Avenue lead into the Square, which is north of the site. These streets contain a mixture of residential and commercial uses. Many of the commercial uses are auto-oriented. To the west of the site is a residential neighborhood comprised of mostly two- and three-family homes. To the east is Boynton Yards where there are a number of industrial uses. Inman Square in Cambridge is located a short distance south on Prospect Street.

5. Impacts of Proposal: The proposal will redevelop the site in a way that fulfills the purpose of the zoning district by creating an appropriate infill development that provides a scale and uses that are desired along the commercial corridor. The development will improve the streetscape by providing an attractive building that creates a street wall where there is currently a void where the parking lot exists today. This site will be the first redevelopment in the area and it will hopefully be a catalyst along with the City's work to revitalize the neighborhood.

The retail component of the building will ensure that the ground floor is active and interesting for pedestrians. It will also provide a service for the residents in the area and attraction for future Green Line passengers. The residential component will add more residents to the Square to support the businesses and add to the vibrancy of the Square. The housing will also help meet the demand for housing near transit both nationally and in the Boston area. In rezoning Union Square careful consideration was taken to map the rezoning in areas where infill or redevelopment was desired, leaving the existing intact neighborhoods out of the study area. The intent was to increase the housing supply in certain areas so that supply meets the increased demand with the introduction of the new Green Line station, thereby reducing the potential for dramatic spikes in housing prices that could cause displacement of existing residents. Even before the Green Line station is built there is a demand for housing in the area. It is located in and near both Union and Inman Squares and along two bus routes, the 85 and CT2.

The existing building is located along the rear property line which abuts two residential houses. The proposed building will be setback from the property line and will have a staggered height to provide a transition to the abutting house and more space for light and air for the neighbor. Also, there will be a heavily landscaped area on the southeastern property line that will buffer the site from the neighbors. The Applicant is seeking a variance because the landscape buffer will not extend to the southwestern property line and the stair tower and a small portion of the building will be taller than the 35 foot height limit

within 15 feet of the residential district. The neighbor will have a taller building close to them than the existing structure; however, open decks approximately 15 feet from the edge of the house, which is a common condition in the City and appearance of the site will be greatly improved. The proposed building will not cast a shadow on these residential abutters because of their orientation to the south of the proposed site.

The traffic study states that the proposal is expected to add a small amount of traffic to the roadway system; however, there will be relatively minimal impacts to the traffic operations of the adjacent roadway network and nearby intersections. The curb cuts will be eliminated and a new one will be constructed in a safer located than the existing one on Prospect Street.

The Zoning Ordinance requires that parking is hidden from view from public ways. Parking may be located at the side or rear of a lot or in concealed structures suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment. The Applicants have proposed murals on the Webster Avenue façade and a wood ship-lap fence with vegetation along the Prospect Street façade to screen parking from the street and concrete block pavement treatment to improve the appearance of the parking area. Ideally, the parking would be located underground because due to the location of the site at a prominent intersection, both sides of the property act as a front along major streets. The Architect submitted schemes to show why underground parking was not pursued at the site. The schemes show that there is only room for between 7 and 10 parking spaces underground and the Applicant would not build the project without providing one on-site parking space for at least nights and weekends for each of the 14 residential condominium units.

Residents have voiced concerns and letters have been sent to the Planning Board. A few of the concerns raised are that the sidewalks in the area are narrow, parking at grade will be visible, the Prospect Street side of the building could use more windows and trash pick-up and delivery hours should be limited.

Some of these concerns have been addressed in revisions to the plans and getting additional information. The dimensions of the sidewalks have been provided. The existing sidewalks are 7 feet 9 inches and the tree grates will encroach 2 feet 6 inches leaving 5 feet 3 inches for passage. Windows on the stair towers were added and trash pick-up and delivery times will be a condition of approval.

6. Green Building Practices: None listed on the application form.

7. Comments:

Fire Prevention: A code compliant fire alarm and sprinkler systems will be required.

Engineering:

1. Recommend that applicants be required to reconstruct sidewalks abutting development to bring them into compliance with current ADA/AAB regulations. Work should include curb ramps and any reciprocal ramps impacted by work.
2. Applicant shall demonstrate that project meets current stormwater policy from two perspectives:
 - a. Stormwater impacts
 - b. Sanitary sewer impacts (over 2,000 GPD anticipated).

Highway: In order to relocate the street tree, a public hearing at DPW will be required.

Wiring Inspection: The utilities will be required to be located underground. The transformer will need to be located closer to the street or parking area so that it is accessible. (The transformer and bicycle racks switched places on the plans dated 3/14/13 so that the transformer is located next to the patio and closer to the sidewalk than the plans that the Wiring Inspector reviewed.)

The existing electrical poles on Webster Avenue are full and a new pole will likely be needed to service the proposed site. The new pole shall be located on Webster Avenue and its location shall be reviewed and approved by the Superintendent of Lights and Lines.

Traffic and Parking: The applicant seeks to construct a proposed development at 70 Prospect St. The proposed development would include 14 residential condominium units and approximately 1300 SF of retail space. The project would include 14 parking spaces to be shared between the required residential and commercial parking spaces. This project will be located at the intersection of Prospect St/Webster Ave and Concord St.

The applicant has hired a professional Transportation Firm, Design Consultants, Inc. (DCI) to prepare a Traffic Impact & Access Study. DCI has submitted a professional and well prepared Traffic Impact & Access Study.

The Prospect St/Webster Ave/Concord Ave intersection is a five legged signalized intersection. The new development at this location/intersection will replace the existing building which will be demolished. There will be a new curb cut on Prospect St which will replace three existing curb cuts, two located on Webster Ave and one on Prospect St. The location of the proposed driveway on Prospect St will have safety benefits relative to the existing curb cut location on Prospect St. DCI as requested reviewed the 3 most recent year crash rate (2010 – 2012) provided by the Somerville Police Department for this intersection and compared it to the average crash rates for MassDOT District #4 (which includes the City of Somerville). The MassDOT crash rate for signalized intersection (based upon the average number of crashes occurring per million vehicles entering signalized intersections) is 0.78. The crash rate for the intersection of Prospect St/Webster St/Concord St is 0.46. Obviously this crash rate is below the state wide average. Emphasis is placed on this crash rate due to both the complex and irregular intersection geometry, traffic volumes through the intersection (11,539 daily traffic volume) and the location of the existing and proposed curb cut for this project.

The proposed curb cut location for this project is an improvement over the existing curb cut. The new curb cut will be moved approximately 75' to the south. This relocation will increase both the Intersection Sight Distance and the Stopping Sight Distance for the intersection.

Stopping Sight Distance (SSD) is the distance required for vehicles on a street to stop in time to avoid a collision with a stationary object. Intersection Sight Distance (ISD) is the distance needed for a vehicle to enter a major roadway from a minor roadway without interfering with the traffic operations on the major roadway. ISD is not required as a design standard but when the criteria is satisfied it generally improves the traffic operations and allows vehicles easier access to the roadway. For vehicles exiting the proposed relocated curb cut from 70 Prospect St traveling southbound and looking for approaching vehicles from the northbound direction the distance just meets the minimum required SSD requirement (utilizing AASHTO's A Policy on Geometric Design of Highways and Streets). Using the same professional transportation criteria, the ISD for vehicles traveling southbound and looking for approaching vehicles northbound the ISD is deficient and does not meet the minimum standards.

To assess the quality of traffic flow at the intersection of Prospect St/Webster Ave/Concord Ave an intersection capacity analysis was conducted utilizing traffic engineering standards between the proposed build scenario in 2017 and the no build scenario in 2017. While the overall Level of Service at the intersection will be at the same level, there will be increases in the delays for queues for vehicles at this intersection. It should be noted that there are ranges within each Level of Service for delays and queue length.

The proposed development is expected to increase traffic to/from this location by an additional 6 vehicle trips during the morning peak hours, 9 vehicle trips during the afternoon peak hours and 124 vehicle trips over the course of a 24 hour week day period. This trip generation was calculated from the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th edition, 2012). This manual provides vehicle trip generation projections for various land uses based on empirical data from various projects throughout the country. This manual is the transportation and traffic engineering industry standard.

The increased traffic volume projected by the ITE is the reason the estimated intersection capacity for the signalized intersection will be diminished and there will be an increase in vehicle delays, congestion and queues even though the level of service at the intersection will remain the same.

Also the proposed development will have a shared parking space for the retail development with the condo parking spaced. The Traffic Impact and Access Study provided sufficient documentation that indicated that the shared parking arrangement would be acceptable. However the off street retail parking provided by the retail development will also be 1 parking space short of the requirements of the SZO. The lack of providing the required number of off street parking will result in an increase of vehicles seeking parking spaces in the adjacent neighborhood. This phenomenon will also cause an increase in the vehicle delay, congestion, and vehicle queue.

The proposed development will add a minor increase to vehicle queues and delays at the intersection of Prospect St/Webster Ave and Concord St but simultaneously increase the safety of an already low accident intersection by relocating the curb cut to a more appropriate location. However as the required number of onsite parking spaces per the Somerville Zoning Ordinance is not being provided, there will be an increase in the number of vehicles seeking a limited number of parking spaces in the immediate location. This will cause an increase in vehicle congestion and delay surrounding the area of the development and specifically at the intersection of Prospect St/ Webster Ave/Concord Ave. Traffic mitigation to offset this lack of parking spaces and increase of vehicle congestion and delay at the aforementioned signalized intersection can be provided by the Developer having the intersection and all pavement markings from Prospect St and Webster Ave from Somerville Ave and Washington St to Oak St and Columbia "repainted" with thermoplastic upon completion of the project and prior to the issuance of the certificate of occupancy.

Provided the above traffic mitigation is incorporated, Traffic and Parking has no objection to the application

Design Review Committee (DRC): The DRC reviewed the proposal twice at their meetings on November 26, 2012 and December 10, 2012. At the first meeting the following comments and recommendations were made in response to the first set of plans submitted with this application:

The DRC asked about the following aspects of the project and the Agent/Architect provided the following responses.

- Will the parking garage be mechanically ventilated? – (r) Yes, it will be a mechanically ventilated garage.
- Will there be individual condensing units for each dwelling unit? – (r) Yes, that is correct.

It seems that more could be done with the Webster Avenue façade of the building and there is especially a lost design opportunity at the corner of the building at the Webster Avenue-Prospect Street intersection. The articulation in this area of the building is very subtle and too residential. This is a very unique flatiron lot and this building should embrace the iconic corner design potential for this property. Please take a look at completely opening up the corner of the building where the retail space is located. Perhaps matching the scale of a vertically more generous base to the building would be helpful here. Even using some type of patterning on the building would be helpful to fully embrace the unique corner aspect of the structure. There could also be a more elaborate development of the retail base for the building. The whole retail condition of the first floor could feel as if it was more part of the public realm and taller. One way to do this would be to extend the cornice line on the first floor up to the sills on the second floor to add visual height.

The window boxes do not seem to be working that well for the Webster Avenue façade design. These window boxes should be better articulated to help give this portion of the façade a much more pedestrian friendly feeling. Please take a look at the articulation and increasing the amount of glazing in this area. Please take a look at creating some sort of banding across the façade of the building to help connect the two retail spaces to one another.

The residential entrance in the back of the building should be elaborated more and be made grander through some type of banding, canopy, or additional glazing. Please be cautious in using materials such as hardi-plank or Nichiha siding at the ground level. The high quality construction materials of the project should be introduced at the pedestrian level of the design to establish prominence and create interest. Glazing, metal, Trespa, or porcelain paneling might work well in this area. Please give consideration as to where the mechanical units and meters, gas and electrical, for the building will be located.

Please provide a roof plan showing the location of the mechanical units, projections, or enclosures on the roof the next time the project is presented to the Committee.

At the applicant's second public meeting before the DRC (December 10, 2012), the Committee recommended:

The design of the building's cornice and the expression line dividing the buildings top from the middle floors below are exaggerated, heavy looking, and not well integrated into the overall architectural design of the building. The DRC requests to see a revised version of the renderings with a cornice and expression line that are more appropriately scaled. Of similar concern, the design of the cornice appears to be "faux-traditional" in style, while the rest of the building is contemporary in design and aesthetically composed with modern materials. The DRC recommends that a more contemporary design be proposed for the cornice.

Example Perspective as Presented December 12, 2012



The DRC is comfortable reviewing the revised design of the cornice electronically via email. The design of the building including the cornice was revised in response to the Planning Board comments at the public hearing. Staff do not believe that the final plan set contradicts that DRC's recommendations.

Adjusted Perspective (3/14/2013) and approved by the DRC



Ward Alderman: Has been contacted but has not yet provided comments.

II. FINDINGS FOR VARIANCE (SZO §5.5.3):

In order to grant a variance for side yard setback requirements under SZO §8.5.H, §6.1.22.G.5 and parking design standards under §6.1.22.G.6 the SPGA 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.”

Setback Requirements

The triangular shape of the lot with a jagged rear property line is a special circumstance that does not affect other properties in the zoning district that is causing a hardship. The land area of the site is not able to expand as the Applicant has stated that the residential abutters are not interested in selling their properties. Setting the building back 20 feet from the jagged rear property line and providing an upper level stepback along this line would cause the building to have unusable interior layout. The building is already below the floor area ratio that is allow (2.4 proposed versus 3.0 allowed) and reducing the massing more would create a development that is unfeasible financially and not desired in this prominent location.

Parking Design Standards

The triangular shape of the lot with a jagged rear property line is a special circumstance that does not affect other properties in the zoning district that is causing a hardship. The land area of the site is not able to expand as the Applicant has stated that the residential abutters are not interested in selling their properties. The Architect submitted schemes to show why underground parking was not pursued at the site due to the shape of the lot. The schemes show that there is only room for between 7 and 10 parking spaces underground and the Applicant would not build the project without providing one on-site parking space for at least nights and weekends for each of the 14 residential units. Because underground parking for 14 spaces is not viable, the spaces are at grade. Ten spaces fit in the building but the form and function of the building and setback requirements prevent the addition 4 parking spaces from being located inside of the building. Also, this site has two streets that are considered major corridors, Webster Avenue and Prospect Street, and no side or rear yard were parking is permitted in this district.

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.”

Setback Requirements

The Applicant has designed a building that meets the setback and stepback requires along the Webster Avenue side of the property but does not meet the setback and stepback requirements for the Prospect Street side of the building. The variance is the minimum necessary to achieve a usable interior floor plan in a building that is not proposed to be the largest possible in terms of floor area ratio for this site. Also, the building will be setback farther than the existing building which sits within a few feet of the rear property line.

Parking Design Standards

Since the property does not have a true side or rear yard, locating four parking spaces in a parking lot along Prospect Street is a minimum relief that will allow for reasonable use for the land. A redevelopment of this parcel is desired since it is currently underutilized with a small structure and undesirable auto-rental business. Providing 14 parking spaces at grade with screening to accommodate a mixed use building with some ground floor retail will produce an appropriately scaled, desirable building and uses on the site that is difficult to develop. A smaller structure with less parking requirements would not produce the urban form or activity level desired for this prominent location in Union Square.

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.”

Setback Requirements

The building form and design, except for the setback and parking locations, meets the design standards and guidelines for a Corridor Commercial District. The neighbor will have a taller building close to them than the existing structure; however, the structure will be comprised of a stair tower and open decks approximately 15 feet from the edge of the house, which is a common condition in the City. Also the appearance of the site will be greatly improved. The distance to the residential district will not impact shadows as the proposed building will not cast a shadow on these residential abutters because of their orientation to the south of the proposed site.

Parking Design Standards

The parking areas have been screened to limit the impact to pedestrians along the street and meet the spirit of the requirement to minimize views into parking structures through use of landscaping or architectural treatment. The Applicants have proposed murals on the Webster Avenue façade and a wood ship-lap fence along the Prospect Street façade to screen parking from the street and concrete block pavement treatment to improve the appearance of the parking area.

III. PLANNING BOARD FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §6.1.22.D.1, §7.13.E, and §9.17.2.B):

The Planning Board made the following findings and determinations as outlined in §5.2.5 of the SZO to grant a special permit with site plan review. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Board find 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.”

The development standards for the CCD (SZO §6.1.22.G) are met.

- a. *Penthouse and Mechanical Equipment:* The proposed mechanical equipment will be located on the roof. Sixteen condenser units will be on the stair tower roof and will be screened by a wall projecting up from the façade of the building. The building is not along a street line or rear property line so it does not need to be setback at a 45 degree plane. The rooftop equipment is shown to be less than fifteen feet in height and complies with this standard.

- b. *Service Area and Loading Spaces:* The utility area for trash and recyclables for all of the uses on-site will be in a trash room that is accessible from the parking area. The receptacles will not be visible from the right of way. There will not be a loading dock onsite. Loading will occur either from an on-street parking space or on-site in the driveway. Large amounts of loading times are not anticipated for these small commercial spaces.
- c. *Pedestrian Oriented Requirement:* The building has separate pedestrian entrances for each separate portion of the building along the sidewalk as required by this standard. There will be two separate entrances to the retail spaces along Webster Avenue and one entrance to a residential lobby along Prospect Street.
- d. *Lighting:* The lighting scheme of the site has not yet been developed. A recommended condition of approval is to submit a lighting plan prior to receiving a building permit. The lighting shall be appropriate to the historic and pedestrian-oriented character of the surrounding area and shall enhance the safety and security while minimizing glare and light trespass.
- e. *Transition to Abutting Residential District:* The site plan complies with this standard for the portion of the site along its abutter on Webster Avenue. There is a 20 setback from the lot line, the outermost 10 feet will be exclusively landscaped, and the building has a tapering height of 35 feet within 15 feet of the setback. The portion of the site and building along the abutting property on Prospect Street does not comply with this standard. The Applicant is seeking a variance from the Zoning Board of Appeals to deviate from this standard.
- f. *Parking Design:* Parking may be located at the side or rear of a lot or in concealed structures suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment. The Applicants have proposed murals on the Webster Avenue façade and a wood ship-lap fence along the Prospect Street façade to screen parking from the street and concrete block pavement treatment to improve the appearance of the parking area. Ideally, the parking would be located underground because due to the location of the site at a prominent intersection, both sides of the property act as a front along major streets. The Architect submitted schemes to show why underground parking was not pursued at the site. The schemes show that there is only room for between 7 and 10 parking spaces underground and the Applicant would not build the project without providing one on-site parking space for at least nights and weekends for each of the 14 residential condominium units.
- g. Payment in Lieu of Parking and dedication of land for public infrastructure is not applicable to this application.

All new development must undergo design review under Section 5.6 of this Ordinance, with findings giving consideration to the Design Guidelines of Section 6.1.22.H.

- i. The building will complete the streetwall along Webster Avenue and more than half of the length of Prospect Street. A wood fence will frame the rest of the site along Prospect Street except for the driveway entrance.
- ii. The massing and the height of the building are articulated in a manner that is compatible with the physical character of the surrounding area. A rhythm to the building is established with base, middle and top, with cornice lines and varying materials. Balconies created recessed

portions of the façade, which reduce the massing of the building from the iconic rounded corner to the residences behind.

- iii. The mass of the structure is proposed towards Webster Avenue and the corner and Webster Avenue and Prospect Street, away from the residential neighborhood to the west.
- iv. The shape of the site does not allow for typical 30 foot wide commercial bays; however, the retail portions of the building have storefront systems and individual entrances to the sidewalk, which are typical elements for Somerville storefronts. The retail portions of the façade meet the guideline for having 75 percent transparent material on the ground floor. The windows will be conditioned to maintain the ability for pedestrians to view the interior of the space as specified in this guideline. Unfortunately the parking is located on the ground floor creating an approximately 80 foot wall without fenestration along Webster Avenue. There will be murals to break up this façade and make it more interesting for pedestrians. The residential upper floors will have sufficient, typical residential windows.

Flat facades have been avoided by incorporating balconies into the Webster Avenue facade. The entire building along Prospect Street is broken up by several planes. Also, balconies create variation in the façade.

- v. The exterior building materials will be high quality, durable materials including nichiha panels, in the form of brick for the main body of the building, hardie clapboards on the stair towers and azek panels for the rounded portion of the building.
- vi. All four sides of the building contain the same material as the front of the building. The first floor cornice line will wrap around the back of the building and the windows in the rear will be the same quality as those on the other sides of the building.
- vii. Details about the exterior lighting are not included in the plans at this time. Signage locations are shown above the doors of the retail spaces. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.
- viii. The uses on the ground floor will be pedestrian-oriented as they are proposed to be in the retail and service cluster. The Somerville Zoning Ordinance classifies these uses to be pedestrian-oriented uses because they are typically uses that people frequent and are open to passersby. It is unfortunate that due to the shape and size of the site it is difficult to have underground parking and therefore parking comprises much of the ground floor of the building and site.
- ix. The proposal does not include artist live/work spaces.
- x. Units range from 938 to 1217 square feet and the average is 1044 square feet. The residential uses do not vary in size to accommodate a variety of family sizes as is recommended. The recommended average unit size of greater than 1,000 square feet is achieved.
- xi. The sidewalks will be 9.5 feet wide and the building will be setback from 0 to 0.5 feet from the property line effectively satisfying the guideline that encourages at least a 10-foot sidewalk in the district.

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 district, which is to promote appropriate infill development along heavily traveled transportation corridors. The proposal will increase investment in the neighborhood in a high-profile location that project into a busy intersection between Union and Inman Square. There is a mix of commercial space and residential units that will contribute to the active mix of uses in the Square and around the future Green Line Station. The small size of the commercial space will likely attract neighborhood serving businesses. The elimination of two curb cuts and the relocation of another improves pedestrian safety on the block. The three main entrances along the sidewalk promote pedestrian activity and the shared parking space will reduce the amount of land required to be devoted to parking.

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".

The building form as a flat iron building is appropriate for this site. This form creates an iconic building that completes the street wall. Union Square has historically had five-story buildings that allowed for the Square to be the commercial center of the City. While this building is further away from the square than other taller buildings, its location defines the gateway into Union Square on Webster Avenue and Prospect Street. The proposed building includes detailing in the cornice lines, recessed entryways, balconies, storefront systems and variation in materials that creates a modern looking building that relates to the surrounding area. The site is currently all paved with minimal landscaping and the proposal will improve this situation by providing a landscape buffer for one of the residences abutting the rear of the property. The land uses of retail and service tenants with residential units above are compatible with the uses in the surrounding area.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

The structure will function well as a mixed-use building. The two retail spaces and residential lobby are accessible from the street and from the parking garage. The retail space would have a better functional design if the parking was constructed underground or on a separate lot; however, since at-grade parking is the only proposed option, the configuration of these spaces on site work well. The few outdoor spaces provide space for shared parking with the retail component of the project leaving the garage spaces to be secured parking for the majority of the residential units.

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."

As conditioned, the project will not create adverse impact on the public services and facilities serving the development. The City's stormwater policy must be followed. An infiltration bed and concrete pavers for the parking area will help to improve the amount of stormwater that is retained onsite. The sidewalk along Webster Avenue and a portion of the sidewalk on Prospect Street will be replaced.

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.”

A Phase I-Initial Site Investigation Report relative to M.G.L. Chapter 21E has not yet been complete. A Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP will be a condition of approval to ensure that any contamination of the site reaches a level or no significant risk.

The proposed residential building will not result in any environmental impacts beyond activities that are typically associated with residential units. Less environmental impacts are anticipated from the small scale retail and service tenants than the current vehicle rental business that is located a few feet from the residential abutter.

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 Section 1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the city, encouraging housing for persons of all income levels, and encouraging the most appropriate use of land throughout the city. The proposal eliminates the auto-oriented use and fills a mostly vacant parcel with a mixed use building that is appropriate for the urban environment of today and the one coming with the Green Line extension to Union Square. The development provides new options for housing near transit and other amenities. The redevelopment creates two units of permanent affordable housing and increases the supply of housing to help to meet the future demand and alleviate spikes in housing prices.

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.”

The site is currently paved with only a small landscaped area that is pervious. The site is flat and only minimal grading is necessary if any. Landscaping will be added to the site to buffer the residential neighbor to the southeast. Landscaped areas in this infill districts is encouraged to be along residential abutters. Pedestrians and people using the outdoor patio will see this landscaping. Many of the residents will have open space in porches off of their units.

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.”

There are no remaining natural features of the site. The building design visually relates to the development site as detailed in the design guidelines in finding 2. The building is oriented to the street and the massing is shifted away from the residential abutters. Portions of the building that will be close to the residential abutter and not visible to the street do not contain windows.

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.”

Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy and the Application will be required to provide the City Engineer with a copy of an Operation and Maintenance plan for any stormwater control devices utilized on the property.

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 garage was not deemed to have historic significance. The building design visually relates to the development site as detailed in the design guidelines in finding 2.

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 proposal replaces a concrete block garage and parking lot that is surrounded by a chain link fence with a modern mixed use building. The proposal includes landscaped buffers along the residential district and a wood fence along the at-grade parking. A six foot wood fence is proposed along the rear property line. Pursuant to the SZO, if the fence is closer than 4 feet to the abutting dwelling, it must be at least 75 percent open faced.

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.”

All lighting shall be directed downward to light the parking areas and site without spilling onto adjacent properties and the night sky. The Planning Board placed a condition on the approval to ensure that this issue is addressed.

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 building will be accessible from the public streets that surround the building on two sides.

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.”

Two curb cuts on Webster Avenue will be closed and the one on Prospect Street that is close to the intersection will be moved south on Prospect to a much safer location. The traffic study submitted by the Applicant includes an analysis of the sight distance from this location and concludes that its location meets the requirements and is safer than the existing driveway along Prospect 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.”

All utilities will be located underground.

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 proposal will increase the amount of landscaped area on the site. The proposed residential building will not result in any adverse impacts beyond activities that are typically associated with residential units. The trash will be located behind a wall and not visible from public view. Less adverse impacts are anticipated from the small scale retail and service tenants than the current vehicle rental business, which impacts traffic and pollution from vehicles. The proposed building will not cast a shadow on the residential abutters on the same block because of their orientation to the south of the subject site.

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.”

Signage locations are shown above the doors of the retail spaces. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.

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 utility area for trash and recyclables for all of the uses on-site will be in a trash room that is accessible from the parking area. The receptacles will not be visible from the right of way. There will not be a loading dock onsite. Loading will occur either from an on-street parking space or on-site in the driveway. Large amounts of loading times are not anticipated for these small commercial spaces.

21. Screening of Parking:

Ten parking spaces will be inside of the building and there will be murals along the garage façade to add interest to the building along this wall. Four parking spaces will be outside of the building and will be screened by a wood ship-lap fence and climbing plants.

IV. RECOMMENDATION

Variance

Based on the above findings and subject to the following conditions, the Planning Staff recommends **APPROVAL** of the requested **VARIANCES** for side yard setback requirements under SZO §8.5.H, §6.1.22.G.5 and parking design standards under §6.1.22.G.6.

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.

The following conditions were attached to the Special Permit with Site Plan Review Approval.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
Application and Plans												
1	<p>Approval is to construct a five story, ~21,000 sf building and to establish 14 residential units in the building (§7.13.E). The building will also include 1400 nsf of Use cluster B – Small Retail and Service. Approval is also for shared parking for 1 of the 14 parking spaces and for reduced parking space lengths. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 30, 2012 – complete February 28, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 24, 2012</td> <td>plans submitted to OSPCD (plot plan)</td> </tr> <tr> <td>4/18/13</td> <td>Modified plans submitted to OSPCD (A00 Cover Sheet, A100 basement level, A101.1 Site Plan, A101 Ground Floor, A102 Second Floor Plan, A103 Third Floor Plan, A104 Fourth Floor Plan, A105 Fifth Floor Plan, A106 Roof Plan, A300 Elevations, A301 Building Elevations, A900 Perspective Views, A901Area Plans), Landscape Plan</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	October 30, 2012 – complete February 28, 2013	Initial application submitted to the City Clerk’s Office	July 24, 2012	plans submitted to OSPCD (plot plan)	4/18/13	Modified plans submitted to OSPCD (A00 Cover Sheet, A100 basement level, A101.1 Site Plan, A101 Ground Floor, A102 Second Floor Plan, A103 Third Floor Plan, A104 Fourth Floor Plan, A105 Fifth Floor Plan, A106 Roof Plan, A300 Elevations, A301 Building Elevations, A900 Perspective Views, A901Area Plans), Landscape Plan	BP/CO	Plng.	
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2	Applicant must obtain a variance from the ZBA in order to construct the building as proposed. If a variance is not obtained, revisions to the plans to accommodate the required setback must receive SPGA approval.	BP	Plng.	
3	Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy for stormwater impacts as well as sanitary sewer impacts (over 2,000 GPD anticipated). Application will be required to provide a copy of an O&M plan for any stormwater control devices utilized on the property for the City Engineer's review and approval.	BP	Engineer	
Affordable Housing				
4	The Applicant shall complete an Affordable Housing Implementation Plan (AHIP). Affordable units shall be provided on-site.	Prior to BP	SPGA / Housing	
5	No certificate of occupancy shall be issued until the OSPCD Housing Division has confirmed that the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s).	CO	Housing	
Construction Impacts				
6	The Applicant shall reconstruct sidewalks abutting development to bring them into compliance with current ADA/AAB regulations. Work should include curb ramps and any reciprocal ramps impacted by work. 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 any other portion of the sidewalk that was not proposed to be replaced immediately abutting the subject property if damaged as a result of construction activity.	CO	DPW	
7	The location of a new electrical pole to service the development shall be provided to the Superintendent of Lights and Lines for review and approval. The location shall be on Webster Avenue unless it is proven to the Superintendent that will is not possible at the time of approval. The utilities servicing the site shall be located underground.			
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	
9	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across Webster Avenue and Prospect Street prior to construction and shall address concerns about impact to these structures from project construction.	BP	ISD	
10	The Applicant shall identify an on-site project manager to be a primary point of contact for all questions and concerns about quality of construction. The project manager shall be available at all times during construction and at all inspections.	BP – through construction	ISD	

11	The Applicant shall “repaint” all pavement markings from Prospect St and Webster Ave from Somerville Ave and Washington St to Oak St and Columbia with thermoplastic upon completion of the project and prior to the issuance of the certificate of occupancy.	CO	T&P	
12	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.	CO	FP	
Development Impacts				
13	Delivery times and trash pick up shall be limited to 7am to 7pm.	Perpetual	ISD	
Design				
14	The climbing vines on the fence and trellises shall be trimmed annually. Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards.	Perpetual	Plng. / ISD	
15	The climbing plants shall be Virginia Creeper on the fence and an extremely hardy honeysuckle vine on the trellises except that a substitute plant of similar hardiness could be planted with Staff review and approval. If the plants do not grow about 10 feet on the trellises and 3 feet on the fence during the first growing season, a landscape architect shall submit a revised planting plan for review and approval and the plan shall be implemented to ensure that vines grow in this location in a timely manner.	1 year after CO	Plng.	
16	The material of the building shall primarily be red brick with hardie clapboards on the stair towers, nichia panels on the first floor and Azek for the rounded portion of the building. The material samples and colors shall be submitted to Planning Staff for review and approval.			
17	The material and lighting technology of the commercial and residential signage shall be submitted to Planning Staff for review and approval.	BP for signs	Plng/ ISD	
18	Signage footprint beyond that which is shown on the elevations shall require a Special Permit.	BP for signs	Plng/ ISD	
19	The commercial windows shall not be blocked by interior storage, non-artistic displays or greater than 30% internally mounted signage per SZO Section 6.1.22.H.4.	Perpetual	Plng/ ISD	
20	Murals shall be installed in all 6 of the areas labeled for murals on the east elevation. Applicant shall make best efforts to work with local artists to produce these murals.	CO / Perpetual	Plng.	
21	If the fence along the rear property line will be closer than 4 feet from the abutting dwelling, the fence must have at least a 75% open face or consent from the neighbor for a closed fence must be obtained.	Perpetual	Plng.	
Traffic and Parking				
22	If not taken off-site, snow plowed from the development can only be stored the landscaped area in the back of the site.	Perpetual	ISD	

23	Applicant will supply 8 bicycle parking spaces on site, which can be satisfied with U type bicycle racks.	CO	Plng.	
24	At least one of the parking spaces will be signed to allow customers of the retail portion of the project to park between the hours of 9am to 5pm on weekdays.	Perpetual	Plng.	
Public Safety				
25	A code compliant fire alarm and suppression system shall be installed.	CO	FP	
26	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. A lighting plan shall be submitted to Planning Staff for review and approval.	Cont.	ISD.	
27	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>			
28	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.	Demolition /Building Permitting	ISD	
Final Sign-off				
29	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.	

