



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2010-23

Date: July 13, 2011

Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT¹

Site: 380 Somerville Ave

Applicant Name: W. James & Jean Herbert and The William James Herbert Family Trust & the Jean L. Schultz Herbert Family Trust

Applicant Address: 10 Fenwick Road, Winchester, MA 01890

Property Owner Name: same

Agent Name: Richard G. Di Girolamo

Agent Address: 424 Broadway, Somerville MA 02145

Alderman: Maryann Heuston

Legal Notice: Applicant W. James Herbert & Jean Herbert and owners W. James Herbert, Sr., & Jean L. Herbert, and The William James Herbert Family Trust & the Jean L. Schultz Herbert Family Trust seek 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 30 residential units in the building (§7.13.E). The building would also include approx. 6,500 sf of retail and 36 parking spaces, 30 of which would be underground. The applicant proposes to retain the façade of the historic structure at 378-384 Somerville Avenue and incorporate it into the new building. The structures at 388 and 390 Somerville Avenue would be demolished.

Zoning District/Ward: CCD-55 / 2

Zoning Approval Sought: SZO §6.1.22.D.1 & §7.13.E

Date of Application: Dec 7, 2011 (complete April 28, 2011)

Dates of Public Hearing: Planning Board May 19, 2011

¹ Submitted to Planning Board for the July 14 hearing. Updates since the June 30 Staff Report include changes to condition 7 to clarify the process for the tenants right of first refusal and the addition of a condition related to the permit subject to the Applicant's right, title and interest in the property.



I. PROJECT DESCRIPTION

1. Subject Property: The subject property is comprised of four parcels that total 18,400 sf and make up the block along Somerville Avenue between Carleton Street and Church Street. From left to right the parcels presently contain the following:

- a three-story mixed use building with 3 commercial spaces (workshop, grocery store, retail shop) on the ground floor and 4 residential units above (378-382 Somerville Avenue) - there is a one-story concrete addition in the rear with exposed ductwork and fans;
- a surface parking lot;
- a 2 ½ story 8-unit house (388 Somerville Ave); and,
- a 2 ½ story 3-unit house (390 Somerville Avenue).

The entire site is covered with building or asphalt. The structure at 378-382 Somerville Avenue has been tenanted by a variety of retail stores and small businesses, including an antique dealer and plumbing supply store. The current furniture restoration business has occupied the site since the early 1980's and the food store and retail store have been there for approximately four years.

The three-story structure at 378-382 Somerville Avenue, at the corner of Carleton Street was recently designated as a Local Historic District. The historic name of the block is the Bennett Block. The building was constructed in 1892 in a Queen Anne style and the historical survey information states that its unspoiled condition is remarkable. It visually relates to other historic structures in Union Square particularly the Drouet (58-56 Bow Street) and Richmond (33-37 Bow Street) blocks, which are in the Local and National Historic Register Bow Street Historic Districts. Having three of these Queen Anne commercial and residential buildings in close proximity is a rarity in Massachusetts.

In the Planning Board and Zoning Board of Appeals (ZBA) files, there are two small cases for these properties. In one case, the ZBA granted a variance in 1983 to construct an eight foot chain link fence along the back of the property at 384 Somerville Avenue. At that time there was a function tent on the site for sales and auctions. In the other case, the ZBA issued a special permit in 1948 to construct a dormer and rear egress stairs for the dwelling.



2. Proposal: The proposal includes redeveloping the entire block into a cohesive mixed-use project with one building spanning the four parcels. The two houses and one-story garage on the site will be demolished. The façades of the historic structure along Somerville Avenue and Carlton Street will be retained and incorporated into the new building. The rest of the historic structure will be demolished including the floors of the building, foundation, and roof. The new structure will be a five-story mixed-use building totaling 50,717 sf. The upper levels of the building step back from the main façade so that the portion of the building along Somerville Avenue has a four-story height along the sidewalk before stepping back, the historic building retains a three-story height on the street and an area along the rear of the building has a mansard roof. The ground floor will include 6,565 sf of retail or service and an 813 sf residential lobby. The remaining four floors will contain 30 residential units that are 1- to 3-bedrooms in size. There will be underground parking for the residences and at-grade parking for the retail stores. Street parking will be maintained in front of the building and will provide easy access to the retail stores.

Commercial Space

Four tenants will occupy the 6,565 gsf of retail or service. One of the retail spaces will be 1600 nsf and be located in the footprint of the historic building. The other space is larger and will be broken up by interior partition walls so that three tenants can occupy the space. Recessed entrances into the retail space are provided directly off the Somerville Avenue sidewalk. If any of the spaces are ever proposed to be converted to Eating and Drinking, a special permit would be required if it is over 1500 nsf (SZO §7.13 Use Cluster D) and the parking requirement for a restaurant of any size would need to be met as the requirement for this use are higher than it is for Retail and Service (SZO §9.17).

Residential Units

There will be a residential lobby on the ground floor between the retail units. The lobby will be accessible from the front and back of the building and from the underground residential parking. There will be one 1-bedroom, 25 2-bedroom, and four 3-bedroom units that together average approximately 1,400 sf per unit. Four of the units will be designated with an affordability restriction in perpetuity as required by Somerville Zoning Ordinance Article 13, Inclusionary Housing. The affordable units will consist of three 2-bedroom, and one 3-bedroom units. At least one of the units will be designed to be barrier free; however, there is the possibility for more because there will be an elevator in the building. Seven of the residences in the back of the building will have balconies. There will be a 290 square foot common roof deck located on the Somerville Avenue side of the building that is accessible from the fourth floor.

Sidewalk Depth

The portion of the building with a new façade will be setback from the property line to increase the width of the sidewalk by 4 feet. The width of the sidewalk will be approximately 12 feet and approximately 17 feet at the bumpout at the corner of Somerville Avenue and Church Street. The Zoning Ordinance encourages at least a 10-foot sidewalk in the new CCD-55 district.

Landscaping

Landscaping will consist of a ten-foot landscape buffer along the back of the property and along the Church Street side of the parking lot. The vegetation will include a mix of trees, shrubs, and ground cover that are native to New England. Trees will be deciduous and have a 6" caliper diameter. The application notes that the trees will be Red Maple or a similar tree. Since the City's tree inventory indicates that Red Maples are over populated in the City; staff is recommending that another species be chosen for the site. The shrubs will include maple leaf viburnum, mountain laurel and Kalmia latifolia and the ground cover will include creeping juniper and mulch.

Parking & Traffic

There will be a total of 36 parking spaces onsite. Thirty parking spaces for the residence will be located underground with access and egress off of Carlton Street. The curb cut off of Carlton Street will provide access to the ramp down to the underground parking and access to a one-way at-grade driveway that will be covered by floors two through five above. The driveway leads to six at-grade parking spaces, which will be partially covered by the upper stories of the building. The driveway will have egress onto Church Street. The Church Street exit will be controlled by a garage door that will be open during retail hours and closed during off-hours to limit access through the site at night. There is one handicapped parking space at grade and two below grade. There will be a bicycle storage area at grade behind the building.

The applicants have submitted a study evaluating the impact of the proposed development on traffic in the area including trip generation, trip distribution, traffic volume, capacity analysis, safety analysis and mitigation measures. The study uses a worst-case scenario by using apartment and shopping center land use codes and no deductions were taken for travel modes such as walking, mass transit, or bicycling. While the study indicates a net addition of 253 daily trips, few residents in this area will take a vehicle to run daily errands or shop for groceries. The results show that the project is expected to add a small amount of traffic to the roadway system. Twenty-four trips in the peak hour are expected into the intersections currently carrying approximately 800-900 cars during that hour. This is the equivalent to one additional car every two minutes. There will be relatively minimal impacts to the traffic operations of the adjacent roadway network and nearby intersections with delays expected to be limited to about 11 seconds in the worst case scenario. The recently completed roadway project and future Green Line Station will improve traffic operations and safety in the area. The site configuration with a one-way driveway from Church Street to Carleton Street for all of the vehicles related to the retail portion of the

building and trash pick-up is designed to minimize the impact of the development on the residential streets to the south.

Building Design

The addition to the historic structure has been designed to be complementary to it, but distinguishable through the use of more contemporary design elements². The first floor of the building will have storefront systems along the length of the sidewalk. The façade along floors two through four will have recessed portions to create bays. The fifth floor will be recessed approximately three feet from the Somerville Avenue façade and several feet from the façade of the historic building. The fifth floor on the back of the building becomes a mansard roof. There are also bays along the back of the building as well as seven porches for the residential units.

The follow design details are included in the plans for entire building:

- Painted or clad wood or fiberglass 2 over 2 double hung windows
- Painted “magnum” scaled wood windows for the retail space to match the one remaining along Somerville Avenue on the historic structure. Glazing will be clear double or triple glazed windows and if a coating is needed it will have a low index of reflection.
- Non-flammable cementitious siding meant to evoke clapboard and original wood clapboard siding, where possible
- Painted metal “Juliet” balcony railings
- Victorian era appropriate painted wood exterior doors with glazing inserts will be used for entrances to the retail spaces
- Painted exterior window trim at sills, head and jambs
- Metal such as zinc or another metal or composite with a similar appearance for the siding of the fifth story and visible roofing
- Painted flower boxes
- Painted corner boards
- “Pediment” trim above some windows
- A tower at the corner of Somerville Ave and Church Street with dentil trim moldings and a panelized façade treatment
- A conical roof element capping the curved bay at Somerville Avenue and Carleton Streets to replace this element that appears to have once been at this location

The variety of colors and materials is an important design element that is referential of the Victorian design of the historic structure. The following elements will have unique colors: fencing and railing; trim at retail level; accent at retail level; window sash; window and siding trim; tower trim; siding; tower siding (matching the color of the rooftop pediments); rooftop screens. The color choice for the siding of the historic structure and the addition will be similar in color yet differ in intensity.

Lighting and Signage

Exterior lighting will include ceiling mounted lights above the retail parking areas and wall mounted lights at the ramp to the below-grade parking. The current application does not include lighting along the Somerville Avenue façade. The Owner will have to apply for a special permit when this detail is

² The US Secretary of the Interior’s standards for additions to historic buildings state that: “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”

determined. Signage is also not addressed in this application and will require special permit approval when signs are designed.

Trash/Utilities

Trash and recyclables for all of the uses on-site will be stored in an enclosure off of the driveway near Carlton Street. The receptacles will be screened from Carlton Street by the wall of the building and are proposed to be screened from the at grade parking lot by a chain link fence with vinyl inserts.

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

The water retention system will be comprised of storage chambers below the landscaped buffer.

Snow from the site will be stored in the landscaped buffer.

3. Nature of Application: The subject site consists of four lots that are approximately 4600 sf each for a total of 18,400 sf. The parcels are under common ownership.

This project is the first 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.

This project embodies the intentions of the CCD-55 district in a single Union Square development site. The building reflects the intention to provide for 55-foot buildings with a step down towards the residential neighborhoods behind the site, provide adequate parking without developing excessive parking within this urban neighborhood, and encourage retail storefronts that will engage the pedestrian while improving the impact of the block. The project also provides on-site affordable housing and retains the historic structure on the property. In essence, this project design serves as a model of how the CCD-55 zoning looks when applied to a real development site in Union Square.

This building forms the gateway to Union Square from Somerville Avenue. Even the previous Central Business District (CBD) zoning started at this location. When the area was mapped with the new CCD-55 zoning district, the community consensus was to begin this zoning after the Market Basket lot, where the start of a mixed-use urban core would define the square and give it a clear beginning, separate from the industrial complex and residential development to the west on Somerville Avenue.

Below is an explanation of how the project meets the zoning requirements:

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, Residential, and any number of residential units requires a special permit.

The commercial uses are by-right. Two of the retail components fall into the Use Cluster B, Small Retail and Service. Small Retail and Service comprises establishments of up to 1,500 nsf and a total square footage of all of the establishments up to 10,000 nsf is allowed by-right. This application includes 2 establishments of 1500 nsf for a total of 3000 nsf. Use Cluster C, Medium Retail and Service includes establishments of 1,500 nsf to 10,000 nsf and requires a special permit if the total square footage of the establishments is over 5,000 nsf. This application includes 2 establishments of 1600 nsf for a total of 3,200 nsf. These establishment sizes may adjust slightly without the need for further zoning review, as long as they provide a compatible arrangement of small and medium retail/service businesses. If any ever propose to convert to Eating and Drinking, additional special permit(s) may be required per SZO §7.13 Use Cluster D and SZO §9.17.

Dimensional Requirements

The proposal complies with the dimensional requirements of the zoning district. The minimum lot area per dwelling unit is 600 sf and the proposal has 613 sf per unit. The maximum ground coverage is 80% and the proposed building covers 73.8% of the lot including the decks. The proposal meets the minimum landscaped area with 11% of the site landscaped along the rear property line. The maximum gross floor area ratio is 3 and the proposed building as a FAR of 2.76. The height of the building will not be taller than the 55 foot height limit.

Requirements	CCD-55	Proposal
Min Lot Size	NA	18,400 sf
Min Lot Area/Dwelling Unit	600 sf	613 sf
Max Ground Coverage	80%	73.8%
Min Landscaped Area % of lot	10%	11%
Floor Area Ratio	3	2.76
Max Height	55'	55'
Min Front Yard	NA	0' along existing façade / 4' along new façade
Min Side Yard	NA	0' along existing façade on Carlton St / 4'3" along new façade on Church St
Min Rear Yard Abutting RC	20' (10' exclusively landscaped)	20' (10' exclusively landscaped)
Min Frontage	30'	~385'

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 four permanently affordable units at a location where none exist today. It is recognized that most, if not all, units presently on the site are rented at affordable rates, but that is done at the discretion of the property owners, a situation that can change in the future. The four permanently affordable units will be made available to households in accordance with the City's inclusionary housing ordinance. The three 2-bedroom and one 3-bedroom units will be particularly amenable for low and moderate income families, especially give the project's close proximity to some of the largest parks in Somerville – Conway Park and Lincoln Park.

Parking & Loading Requirements

The required parking will be located onsite. Thirty parking spaces are required for the residences and six are required for the retail and service uses.

The breakdown of the required parking spaces is as follows:

Residential Units – 1 per unit, 30 units = 30 spaces

Use cluster B – Small Retail and Service, 1 per 1500 nsf
 $2 \text{ establishments of } 1500 = 3000 \text{ nsf} / 1500 = 2 \text{ spaces}$

Use cluster C – Medium Retail and Service, 1 per 800 nsf
 $2 \text{ establishments of } 1600 = 3200 \text{ nsf} / 800 = 4 \text{ spaces}$

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

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 approximately a half mile from the proposed station. The walk to the station will be through the heart of the Square which will make the walk seem like a short distance in this pedestrian friendly environment. 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. Somerville Avenue is a main thoroughfare and recently underwent major roadwork improvements. There is a mix of commercial and residential uses along Somerville Avenue. Market Basket supermarket is located on the other side of Church Street and a commercial building with two retail tenants, The Grand and Poor Little Rich Girl, and two office tenants, an architecture firm and landscaped architecture firm, is located on the other side of Carlton Street. To the south of the site is a residential neighborhood comprised of mostly two- and three-family homes.

There is a substantial four story building diagonally across the street from the site at the intersection of Somerville Avenue and Bow Street and buildings in Union Square that are fifty-five feet in height. Some historic buildings have been reduced in size because of past regulations that limited the use of the upper floors of the buildings.

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 will fill in the gap that the parking lot creates today. The historic façade will be retained to keep the appearance of this important structure while the new building has been designed to complement but not mimic it. The retail base will create a continuity of retail activity along Somerville Ave, which is lost with the span of two residential buildings and a parking lot. 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.

The garage and ventilation piping which closely abutting the residential neighbor to the rear will be removed and a ten foot exclusively landscaped area will buffer the site from the neighbors. The



neighbors to the rear will have more of a landscape buffer, but will also have a taller building closer to their homes. The shadow study concludes that the only timeframe when the proposed structure will cast a shadow on adjacent building is in the afternoon in the winter when it will cast a shadow on the commercial buildings across Somerville Avenue.

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. There are existing curb cuts near the locations where curb

cuts are needed for the development.

Residents have voiced concern regarding the relocation of retail and residential tenants that are currently in the building. The City has offered to work with Well Foods to find another location in which to move either temporarily (during construction) or permanently. The community has expressed a desire to keep the grocery store and City staff have reached out to the store owner. The residential tenants have been paying below-market rents for many years at the discretion of the property owner. Despite this, the tenants are not renting under any sort of protected program for housing affordability. Some have expressed concern about affording a different housing arrangement if they must leave the current site in preparation for this project. Pursuant to City law, landlords must provide notice to tenants when they are removing rental units from the market. This notice has taken place. Planning Staff understands that the applicant's agent has contacted Somerville Community Corporation (SCC) and is hopeful that a collaboration can be formed to assist existing tenants while allowing this project to move forward. The proposal will create four affordable units of varying sizes from one to three bedrooms that will be affordable in perpetuity and provide quality housing to its residents. If they qualify, existing tenants could apply for these units or other units of permanently subsidized affordable housing, which would allow them to retain rates similar to what they pay today.

6. Green Building Practices: The redevelopment of the site for an increased amount of square feet for retail and number of dwelling units which is located in a commercial district near public transportation increases the utilization of the site. The addition of pervious surface and water retention systems to a site that is currently an impervious surface will reduce the water runoff into the sewer system. The new construction on the site will also increase the efficiency of the residential and commercial units by the installation of energy efficient windows, doors, insulation, appliances, and HVAC system.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Has been contacted but has not yet provided comments. A neighborhood meeting was held on January 10, 2011.

Historic Preservation: The Somerville Historic Preservation Commission (SHPC) spent several months meeting reviewing the proposed project which includes the retention of a historic façade. They have granted a Certificate of Appropriateness for the project provided that SHPC Staff review the details of the replacements or alteration to the historic façade before a building permit is issued.

Traffic & Parking: The parking spaces as required by the Somerville Zoning Ordinance (SZO) for the proposed development at 380 Somerville Ave have been met. Traffic and Parking concurs with the Traffic Impact Report submitted by the Applicant that was prepared by Fort Hill Infrastructure. Where Somerville Avenue is resurfaced to install utilities services to the development site, all pavement markings shall be reinstalled and any damaged infrastructure (i.e. signs, poles etc) replaced. Provided this is done, Traffic and Parking has no objections to this application.

Engineering: Preliminary plans are acceptable to this office with the following notes:

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

- Due to the extensive work associated with abandoning old utility services and providing new connections in Somerville Avenue, the applicant will be required to grind and overlay Somerville Avenue from the crosswalk at the intersection of Somerville Avenue and Carleton Street to the crosswalk at the intersection of Somerville Avenue and Church Street. Required per DPW Commissioner.

Design Review Committee: The DRC reviewed the proposal at their meeting in March and April of 2011. Overall the Committee members were very pleased with the project. The DRC felt that the applicants addressed their comments from the first meeting regarding making the tower element more inclusive with the rest of the project and making the hoods over the windows more modern and less historically referential. The new design achieved the delicate balance between the fully modern look of the new building and the historic look of the existing building.

At the DRC's second meeting, they asked for a few small changes to be added to the plans that they felt did not need to come back before the Committee. The plans that are before the Planning Board incorporate these items related to adding a trim expression or band where the historic structure and new structure intersect and around the garage entry.

Public Testimony: To date, staff have received many letters stressing the desire for Well Foods to stay in the neighborhood, a letter from Demoulas expressing concern that the project not impact the Market Basket parking lot, and a letter of support from the property owner at 367 Somerville Avenue listing the positive impacts that the project would have in the Square. Staff have also heard the concern that the renters in this building are currently paying low rents and there is a concern that they will be displaced as a result of this development.

8. June 9 Public Hearing: At the June 9 public hearing, the Planning Board heard testimony on the case. There were a few speakers who spoke in support of the project including representatives from Union Square Main Streets and some neighboring property owners. One person expressed opposition to the design of the building. The majority of speakers discussed concerns about displacement of the current residents of the building. The following items are the key substantive issues that were brought up at the meeting. Staff responses are below each item.

C1: If the current tenants are pushed out in February of 2012, where will they go?

R1: Somerville's Condominium Conversion Ordinance requires that Owners send tenants notice of intent to convert to condominiums to give tenants time to relocate. Tenants of buildings seeking a condominium conversion receive a one year written notice, with low to moderate income tenants (as defined by households earning up to 50% and 51-80%, respectively, of the Boston Standard Metropolitan Statistical Area median household income), and elderly or disabled tenants receiving two years' notice. Notice has been sent for this project on February 11, 2011 (sample attached), but the timeframe has not expired. Tenants have a one or two year period to find alternative housing. To proceed to develop the project in a timely fashion, it is in the best interest of the applicant to provide adequate relocation options to tenants prior to the completion of the notice period. Tenants whose income is less than or equal to that required for Section 8 assistance are also entitled to a reimbursement for relocation costs of up to \$300 or one month's rent, whichever is higher.

Notwithstanding the foregoing, the AHIP states that the developers shall create a relocation plan for tenants affected by substantial rehabilitation projects. The plan will include a list of resources for the tenants. Also, the City can refer tenants to the Somerville Community Corporation

("SCC"), who assists households with searching for affordable rental housing opportunities throughout the city. The Somerville Affordable Housing Trust Fund also grants SCC funding each year for a Tenancy Stabilization Program, which helps income-eligible tenants with utility arrearages, one time rental assistance and moving costs at a cap of \$3000 per eligible household. In addition, the City may be able to refer tenants to the Somerville Homeless Coalition's PASS program (funded by the Housing Division) which provides rental assistance to households at risk of becoming homeless.

C2. How much will the affordable units cost?

R2: The Somerville Zoning Ordinance and the Affordable Housing Implementation Plan (AHIP) establishes the cost of the inclusionary housing units. The AHIP states that no less than 50% shall be sold to households at or below 80% of the Boston Area Median Income ("AMI") or rented to households at or below 50% of AMI, and the remainder shall be sold to households at or below 110% of AMI or rented to households at or below 80% of AMI. HUD just released the new AMIs. For 1 person at 80%, it is now \$44,950, for 2 people at 80%, it is \$51,400, 3 people is \$57,800 and 4 people is \$64,200. For 110% AMI for 1 person, it is now \$74,300, for 2 people \$84,900, for 3 people \$95,550 and for 4 people it is now \$106,150.

The final sales price is based on tenants paying 28% of their gross income towards housing. The cost of housing includes the most current HUD Boston Area Median Income adjusted for family size, and current Freddie Mac prevailing mortgage interest rates for a 30 year fixed rate standard mortgage, property taxes, and home owners insurance costs, as well as private mortgage insurance (PMI) estimated by OSPCD, and a monthly common area condominium fee estimated by the Owner. The Owner will provide verification to OSPCD of the component costs making up the common area fee.

The maximum rent limits for families at or below 80% of AMI shall be the then current High Home Rent published annually by the U.S. Department of Housing and Urban Development adjusted for family size. The maximum rent for families at or below 50% of AMI shall be the then current Low Home Rent published annually by the U.S. Department of Housing and Urban Development adjusted for family size.

C3. How do we support small business and make sure they succeed?

R3: The Economic Development Division of the Office of Strategic Planning and Community Development runs programs to support small businesses and help them to succeed. Programs include:

- Best Retail Practices— a free program that offers merchants professional one-on-one consultations to improve store layout, design and marketing strategies. Merchants learn about visual merchandising techniques and receive tailored recommendations on store management and retail interior design to improve sales.
- Small Business Lending - City of Somerville, in partnership with ACCION USA, offers business owners access to capital through low-interest loans available up to \$50,000 for business expansion and \$30,000 for start-ups.
- Business Development Workshops – free educational programs where topics include such items as financial fundamentals, marketing strategies, interaction with social networking online, requirements for licenses and permits, and legal issues that may arise in running a business.

- Storefront Improvement Program – Sign/Light/Awning program provides 100% grants up to \$7,500 for minor renovations or, for larger projects, the Matching Grant program provides \$1 for every \$1 invested in the property up to \$35,000 per project.
- Brownfield Clean UP Revolving Loan Program – Low-interest loans for borrowers to implement Massachusetts Contingency Plan (MCP) remediation activities on eligible properties.

The City's Economic Development Division is available to work with Well Foods and other business tenants to find appropriate temporary or permanent new locations in or around Union Square. But, the interested business must approach the City and ask for help, and the City does not provide financial support to cover the costs of tenant improvements. Nonetheless, the Planning Staff encourages the businesses on this site to work with the City to seek a suitable location to remain in business.

C4. Can the Planning Board wait for tenant negotiations to be complete?

R4: The Board can encourage the Applicant to work with the tenants to discuss agreements between the parties; however, it is up to the Applicant to submit continuances that require approval of the Planning Board.

C5. Can the tenants ensure that the affordable units are available for a non-profit to buy them and offer them to very low income people?

R5: Per Section 13.3.5, the Special Permit Granting Authority ("SPGA") or its designee (the Affordable Housing Trust Fund, Somerville Housing Authority, or other entity including but not limited to an affordable housing non-profit organization) reserves the right of first refusal to purchase an affordable unit in any subsequent sale of a former rental unit. Item C14 below further addresses this issue.

C6. "This project will push up prices."

R6: The cost of urban housing will increase in the coming decades due to a preference for urban living and a demand for housing for small households (often young single or elderly) without children in the house. A way to combat rising prices is to increase supply. This development will double the number of residential units and increase the amount and variety of commercial space that is currently on these parcels, while doing so in a well-designed contextual structure that reflect the intent of the significant visioning process that led to the creation of the new CCD zoning.

C7. We don't want things to change.

R7: As the Mayor noted in the 2011 Midterm Address. "If we take the attitude that we'll settle for whatever comes in the wake of the Green Line, then we may experience growth that undermines our neighborhoods and city squares, or we may not see much growth at all. The Green Line Extension gives us an unprecedented opportunity to undo years of poor planning decisions and thoughtless development... Union Square was once a major crossroads and destination for transit and pedestrian traffic from throughout the area -and with the Green Line Extension -it will quickly become one again."

Change is inevitable with the future demand for more urban development and the Mayor challenged the people of Somerville to plan for it through the comprehensive planning process, to be able to control and shape it to create the best possible future for the community. The comprehensive planning process is underway and will influence policies and programs to shape the future. Union Square underwent a visioning and rezoning that was passed in April of 2009 to plan for the change in the form of the Square. This proposal meets the form and uses that were anticipated in creating the zoning that the Board of Aldermen adopted.

C8. The project will cast a shadow on the whole block.

R8: The Applicant submitted a shadow study with the application materials and it is available on the City's website www.somervillema.gov/planningandzoning/reports. The shadow study shows that of the four dates chosen through the year, the only day when shadows will cast shadows on other structures is December 21 and the shadows will fall only on the commercial structures on the opposite side of Somerville Avenue. The residential neighborhood abutting the subject property is located to the south of the proposed building and therefore shadows will not be cast on the nearby houses.

C9. The building is a monolithic structure. A taller building with more green space is better.

R9: There was an extensive community process to create the new zoning that now exists in Union Square. The process involved community meetings, a focus group comprised of representatives from many different organizations and backgrounds, and local architects to create zoning that addressed the desired form and uses for the Square. The vision for Union Square is for a mixed use development that contributes to the vibrant business environment and increases street-level activity. The way to foster street-level activity is for buildings to meet the sidewalk to create a pedestrian friendly environment like the buildings in the core of Union Square. The desired height of the buildings is 55 feet, which was historically a typical building height in the Square. A taller building with more green space was not the form that the zoning prescribes as it is not consistent with the vision for the future of Union Square. Landscaped area is regulated to buffer the commercial corridor from residential district and large open spaces are envisioned to be consolidated to allow for larger gathering spaces in a central location.

C10. What is the role of the Planning board in the displacement issue?

R10: Displacement is sometimes an impact of revitalization efforts. The way in which zoning addresses displacement is by requiring 12.5% of the units to be affordable in perpetuity. The short term displacement of residents is not addressed by the affordable housing requirement. Two of the strategies in the region's Metropolitan Area Planning Council's MetroFuture plan is to address displacement are through creation of deed-restricted affordable units, as is a requirement of this development, and a newly created overlay district that is being tested in Boston's Chinatown neighborhood. If the overlay district is successful it can be replicated. In addition, MAPC received a four million dollar HUD Sustainable Communities Regional Planning grant and a Steering Committee is currently working to allocate the money to various projects. One such project is a study of place-based anti-displacement strategies that will be lead by SCC. The City of Somerville has representation on the Steering Committee as well as the Advisory Committee for this project.

The Planning Board has shown concern about this issue but they do not serve a formal role in addressing displacement beyond the deed-restricted affordable units, as no special permit findings

address the issue directly. Placing significant conditions on an approval to address this issue would not be consistent with the intent of zoning. Conditions may be added as noted below that call out existing regulations to ensure that the deed-restricted units best meet the needs of residents.

C11. What can the city do to help relocate Well Foods?

R11: The City maintains a list of commercial properties that are available for occupancy. Well Foods could work with the Economic Development staff to find alternative locations in which to relocate. Well Foods could also work with staff to utilize the programs listed in response 3 above to help with tenant fit-out expenses in a new location.

C12. How can the city help relocate the tenants?

R12: As noted above, the City refers tenants to the Somerville Community Corporation ("SCC"), who assists households with searching for affordable rental housing. The Somerville Affordable Housing Trust Fund grants SCC funding each year for a Tenancy Stabilization Program, which helps income-eligible tenants with utility arrearages, one time rental assistance and moving costs at a cap of \$3000 per eligible household. Fortunately, the Somerville Community Corporation is a resource that provides housing assistance to residents and is continuing to build more housing in the City to expand the quantity and quality of housing opportunities for people with low and moderate incomes.

In general, while the City Planning Staff and the Board can seek to encourage the applicant and the current tenants to work out a solution to meet individual needs, neither is equipped with the tools or resources to address displacement issues. While, on a grander scale, the City will work to implement the policies and actions related to displacement that will be identified in the draft of the Somerville Comprehensive Plan, there is no resource at the city level to address this individual concern.

The entities best able to identify affordable housing, qualify existing tenants for that housing, provide some support to help them set up in that housing and ensure that they remain stable are the same entities (the developer and city housing advocates) that are now at the table trying to work these issues out. Planning Staff look forward to having them provide the Board with a detailed update of their progress through the required tenant relocation plan.

The following items were requests that were included in testimony received from the representative of the 378-390 Somerville Avenue Tenant Association.

C 13. Require the inclusionary zoning units to remain as rentals.

R13: Section 13.3.5 states that affordable housing units may either be for sale or for rent, consistent with the method of disposition of market-rate units, but the SPGA alone shall have the authority to approve any proposals and may require specific methods of disposition related to its findings under SPSR.

A practical way of achieving the desired outcome for the units to remain as rentals if the rest of the units are sold as condominiums is for a nonprofit entity to purchase the units and rent them. The SPGA or its designee (the Affordable Housing Trust Fund, Somerville Housing Authority, or other entity) reserves the right of first refusal. This language is included in the Zoning Ordinance

but could be added as a condition to specifically call out the desire for a nonprofit entity to have the right of first refusal to purchase the property. The City can accept the right and put the units out to bid to seek a qualified organization with experience managing rental units. There is a specific timeframe defined in the attached condition.

C14: Require that the four affordable inclusionary units be sold to households at the Inclusionary Housing rental rate – 2 units would be sold to households at or below at the rental price at 50% of the Area Median Income and 2 units at 80% of the Area Median Income. The units should remain as rentals for households at this income level and the cost of utilities should be taken into account.

R14: If the units are sold as condominiums the Somerville Zoning Ordinance (SZO) and the Affordable Housing Implementation Plan (AHIP) establishes the cost of the inclusionary housing units to be no less than 50% shall be sold to households at or below 80% of the Boston Area Median Income (“AMI”) and the remainder shall be sold to households at or below 110% of AMI. If the building ends up being rental units the SZO and AHIP state that no less than 50% shall be rented to households at or below 50% of AMI, and the remainder shall be rented to households at or below 80% of AMI.

If the units are condominiums and the Somerville Housing Authority or its designee (the Affordable Housing Trust Fund or other entity) purchases the affordable units, the SPGA may require developers to sell inclusionary affordable units to these entities at a price per unit equivalent to that price affordable to a household with an income of 85% of the Boston SMSA median income. The SPGA/designee may resell the units to low/moderate- or moderate-income households at a price which shall not exceed the maximum sales price calculated in accordance with §13.3.3-II. Alternatively, the SPGA/designee may rent the units to low income households, consistent with Sections 13.3.2 and 13.3.3. Nothing precludes the designated entity from renting at a lower amount. The City would be willing to assist with seeking funding to subsidize rents.

A condition could be added to the special permit and included in the AHIP to ensure that the price of the units, if sold to the Somerville Housing Authority, the Affordable Housing Trust Fund or another entity is sold at price affordable to a household with an income of 85% of the Boston SMSA median income.

C15: Require the City and/or owner, in cooperation with the tenants, to provide, on a voluntary basis, data regarding the eligibility of existing tenants for planned Inclusionary Housing units. If no existing tenant families or insufficient existing tenant families could afford to rent at the established prices, the owner would work with the Somerville Housing Authority, the Somerville Community Corporation or any other interested providers of affordable housing to see if subsidies could be obtained to deepen affordability in an effort to prevent displacement of existing families.

R15: Section 13.3.5.A states that in the case of substantial rehabilitation, current tenants meeting appropriate income qualifications of Section 13.3.2 shall be given priority. In this case, demolition of the structure could be seen as substantial rehabilitation of the units. A condition could be added to ensure that current tenants meeting appropriate income qualifications of Section 13.3.2 shall be given priority in the ability to occupy units at the site. The tenant relocation plan with information provided by the City will give tenants the contact information for resources. The tenants at their own will should reach out to these resources including the City of Somerville, Somerville Housing Authority, the Somerville Community Corporation or any other interested providers of affordable housing to see if subsidies could be obtained to deepen affordability for their individual situation.

C16: Any decision regarding the bedroom size of affordable units should be made to maximize the ability of existing tenants to remain in or return to the property.

R16: An AHIP has been signed by the Owner and the City to provide one 3-bedroom and three 2-bedroom affordable units. Larger, family sized units are desired to increase the supply of affordable family sized units in the City. Section 13.3.4 states that the units should be two- and three-bedroom units and the Rules and Regulations state that the number of bedrooms shall be comparable to or exceed the number of bedrooms typical in the balance of the development. The development would have one 1-bedroom, twenty-five 2-bedroom, and four 3-bedroom units. Obtaining one 3-bedroom and three 2-bedrooms satisfies the requirements to have two- and three-bedroom units that are comparable to the typical balance of the development. Trying to match the size of the units with the current tenants needs may create a situation where the three-bedroom unit is lost to a one-bedroom unit and there is no assurance that the existing tenants would occupy the smaller units. Staff worked with the owner to increase the number of three-bedroom units proposed, creating the ability to secure one of the units as affordable. Loosing one of the affordable three-bedroom units would be counter to the effort to increase the supply of affordable family sized units in the City.

C17: The owner (and any successor or assigns) should be required to agree to, in writing, that he will take all reasonable steps to assist the tenants in their efforts to successfully relocate including but not limited to:

- reimbursement of all tenant and subtenants who have lived at the property since service of the condominium conversion notice on February 18, 2011 of actual moving expenses up to \$5,000;
- assistance in identifying alternate residential accommodations;
- prompt provision of landlord references upon request; and
- express recognition that all elderly, disabled and low or moderate income household have a right to two years protections under the Somerville Condominium Ordinance along with the names of all tenants so recognized.

R17: The AHIP states that the developers shall create a relocation plan for tenants affected by substantial rehabilitation projects. Staff have requested that the owner submit this plan now including at a minimum providing 300 dollars or one month's rent, whichever is higher for relocation fees, information regarding resources for alternative housing and/or financial assistance, and clarification that households occupied in whole or in part by a handicapped tenant or occupied by an elderly or low or moderate income tenant receive no less than two years notice.

The owner has been contacted to submit this plan to Housing Staff and the Planning Board for review which may include some of the items requested above.

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §6.1.22.D.1 & §7.13.E):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Staff finds 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) shall be met.

- a. *Penthouse and Mechanical Equipment:* The proposed mechanical equipment will be located on the roof and will be set back such that it would be behind a 45 degree plane. A panel is shown on the plans to further screen the rooftop mechanical equipment. The rooftop equipment must be fifteen feet or less in height to comply 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 stored in an enclosure off of the driveway near Carlton Street. The receptacles are proposed to be screened from Carlton Street by the wall of the building on three sides and are proposed to be screened from the at grade parking lot by a chain link fence with vinyl inserts. The receptacles will not be visible from the right of way. The fence would only be visible from the at-grade parking lot. Loading will occur either from an on-street parking space or on-site in the driveway that is covered by upper floors of the building. Large amounts of loading times are not anticipated for these four modest commercial units. The partial enclosure of the loading space and the vegetative buffer along the rear property line should help to buffer the noise generated by loading.
- c. *Pedestrian Oriented Requirement:* The building would have seven separate entrances along Somerville Avenue and glazing for most of the first floor façade to create a pedestrian friendly environment.
- d. *Lighting:* The lighting scheme of the site has not yet been developed along the Somerville Avenue façade. Exterior lighting will include ceiling mounted lights above the retail parking areas and wall mounted lights at the ramp to the below-grade parking. 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. There is a 20 setback from the lot line and the outermost 10 feet will be exclusively landscaped.
- f. *Parking Design:* Thirty of the parking spaces will be underground and therefore will not be visible from public view. The six at-grade parking spaces will be located behind the building. There will be a landscape buffer along Church Street to screen the parking from this street.
- 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 the primary street edge of Somerville Avenue. The existing situation does not create a streetwall because there is a curb cut with a parking lot in the middle of the site which will be remedied by the proposed project. The proposal will maintain an undulating façade for the entire block.

- 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 recessed entries and small commercial bays that are typical of buildings in Union Square. Bays are established in the upper floors of the building as well. The recessed portion of the façade is proposed to be a metal such as zinc and the bays would be cementitious clapboard siding, creating variety of materials in the project.
- iii. The mass of the structure is proposed towards Somerville Avenue, away from the residential neighbors to the rear. The building has a mansard roof in the back, smaller bays and porches to relate to the residential abutters.
- iv. The commercial bays are approximately 15 to 25 feet wide with independent entrances onto the street, which comply with the guideline to create visual and pedestrian interest. Recessed entryways and architectural elements such as the tower element and hoods over the windows make for an interesting façade that is not “flat” in appearance. The retail ground floor has greater than 75 percent transparent material with the proposed storefront window system. The second story and above will be residential and will have typical residential-sized windows. The windows will be conditioned to maintain the ability for pedestrians to view the interior of the space as specified in this guideline.
- v. The exterior building materials will be high quality, durable materials including painted “magnum” scaled wood windows for the retail space to match the one remaining along Somerville Avenue on the historic structure, non-flammable cementitious siding meant to evoke clapboard and original wood clapboard siding, where possible, painted metal “Juliet” balcony railings, Victorian era appropriate painted wood exterior doors with glazing inserts will be used for entrances to the retail spaces, painted exterior window trim at sills, head and jambs, metal such as zinc or another metal or composite with a similar appearance for the siding of the fifth story and visible roofing. The proposal includes a variety of materials that are sensitive to the historic structure. There is a balance between the fully modern look of the new building and the historic look of the existing building. Banding is proposed where the old and new facades meet to further distinguish the buildings.
- vi. All four sides of the building contain the same material as the front of the building. The design elements such as porches, a mansard roof and smaller bays break down the façade in the back to respond to the residential neighborhood abutting the property.
- vii. The signage design was not submitted as part of this application and will require a special permit before it is installed. There is a band over the storefronts that provides a logical place for signage.
- viii. The uses on the ground floor will be pedestrian-oriented as they are proposed to be in 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.
- ix. The proposal does not include artist live/work spaces.
- x. The residential uses are of varying sizes to accommodate a range of family sizes including one 1-bedroom, 25 2-bedrooms, and four 3-bedrooms that together average approximately 1,400 sf.

This unit breakout and average size satisfies the guideline that states that units should not have an average size of less than 1,000 sf.

- xi. The portion of the building with a new façade will be setback from the property line to increase the width of the sidewalk by 4 feet. The width of the sidewalk will be approximately 12 feet and approximately 17 feet at the bumpout at the corner of Somerville Avenue and Church Street. The guideline is satisfied as the Zoning Ordinance 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 includes four commercial spaces and residential units that will contribute to the active mix of uses along the corridor. Eliminating a curb cut along Somerville Avenue improves pedestrian safety on the block. The main entrances along the street and parking underground and in the rear of the building provide for a multi-modal-friendly street. The existing curb cuts are utilized along Carlton and Church Streets, which do not further impact pedestrian paths. The building will be mixed-use and the small scale commercial spaces often attract tenants that are neighborhood serving. This is a site that is in need of commercial investment as it is in a high-profile area at the intersection of Bow Street and Somerville Avenue, across the street from the historic structures on Bow Street, and next to a busy grocery store. The addition complements the historically designated property in the site as acknowledged by the Somerville Historic Preservation Commission.

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".

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 to the square from Somerville Avenue. The proposed building includes detailing in the bay widths, recessed entryways, window detailing, change in materials that creates a modern looking building that relates to and is compatible with the historic structure on the site and historic massing in other parts of the Square. The site is currently all paved with no landscaping and the proposal will improve this situation by providing a landscape buffer for 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 separation of parking for the different uses as well as the separation of the entrance location provides for security for the residential and commercial tenants. The garage door along Church Street will limit access to the at-grade parking at night and provide for one-way access to flow through the site in a minimally disruptive way, under the upper stories of the building. Signage will be conditioned that directs drivers to the appropriate parking location to reduce confusion for retail patrons. Signage must be clear so that retail patrons do not drive straight onto the ramp for the underground parking that is designated for the residential tenants.

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. Due to the extensive work associated with abandoning old utility services and providing new connections in Somerville Avenue which recently underwent major renovation, the applicant will be required to grind and overlay Somerville Avenue from the crosswalk at the intersection of Somerville Avenue and Carleton Street to the crosswalk at the intersection of Somerville Avenue and Church Street. The sidewalks will have to be reconstructed where damaged as a result of construction activity.

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.”

An environmental report was submitted that states the results of an initial screening for potential environmental risks. A Phase I-Initial Site Investigation Report relative to M.G.L. Chapter 21E has not yet been complete. The initial screening showed that oil and hazardous materials are not anticipated to have been stored at the two residential properties. Due to the furniture stripping activity, the presence of an above ground storage tank, spray booths, and a “flammable cabinet” with painting supplies and the history of contaminated surrounding sites, the reports lists the site as “Moderate/High Environmental Risk”, “Cleanup Risk Rating” and “Moderate Cleanup Risk”. There was no evidence of leaks or spills except for spillage from a drum with waste paint. 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 of 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 furniture restoration business that requires the use of chemicals and 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, preserving the historical and architectural resources of the city and encouraging the most appropriate use of land throughout the city. The proposal preserves the historic façade of a building and integrates it into the redevelopment of the city block. The development provides new options for housing near transit and other amenities. The redevelopment creates four 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 and contains little to no pervious surface. The site is flat and no grading is necessary besides the excavation for underground parking. Landscaping will be added to the site to buffer the residential neighbor and screen the parking area along Church Street. Landscaped areas in this infill districts is encouraged to be along residential abutters. Pedestrians will see some landscaping in the window flower boxes that are proposed along the Somerville Avenue façade. Residents will have open space in porches off of their units or on the common patio located on the third floor roof above the historic façade.

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.

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 powered 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.”

The water retention system will be comprised of storage chambers below the landscaped buffer. The 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 historic façade will be retained and incorporated into the design of the entire site. The Historic Preservation Commission and Design Review Committee have determined that the important historic elements will be well maintained and the new structure has been designed in a way that is complementary to it without mimicking it. The Historic Preservation Commission staff will review the details of the alteration of the historic façade once the details of the replacement products are determined.

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 two houses and a mixed-use building that have not been well maintained and an unappealing surface parking lot with an attractive mixed use building. The proposal includes landscaped buffers along the residential district and 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 Staff recommends that the project be conditioned to ensure that this issue is addressed as well as the design guideline related to lighting above.

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 three 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.”

One curb cut along Somerville Avenue will be closed. The two required curb cuts for the site are in existing locations but may need to be shifted. The one-way flow of traffic for the commercial parking spaces and a drop-off location will distribute cars between the two side streets but will not create traffic flow into the abutting residential district. Car accessing the residential parking spaces will exit back onto Carlton Street and not conflict with the commercial parking area.

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 furniture restoration business that requires the use of chemicals and a spray booth. The ventilation piping and garage will be removed, which is currently a few feet from the residential neighbor. The shadow study concludes that the only timeframe when the proposed structure will cast a shadow on adjacent building is in the afternoon in the winter when it will cast a shadow on the commercial buildings across Somerville Avenue.

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.”

The signage is not yet designed, although, there is a band along the retail portion of the building that would be appropriate for signage. The sign design will need to come back before the Planning Board for approval before a building permit is issued for it.

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 dumpsters and recycling receptacles will be screened from the street by three walls and a solid fence. The mechanical equipment on the roof will be screened by a panel that will be setback at least behind a 45% plane to reduce its visibility. The transformer location is not yet determined but a condition of approval will be that it is screened with vegetation.

21. Screening of Parking:

The underground parking will be out of site from public view. The six at-grade parking spaces will be located behind the building and will be screened along Church Street by vegetation.

III. RECOMMENDATION**Special Permit with Site Plan Review under §6.1.22.D.1 & §7.13.E**

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT with SITE PLAN REVIEW**.

This 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.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
Application and Plans												
1	Approval is to construct a new five story building and to establish 30 residential units in the building (§7.13.E). The building will also include 2 establishments of 1500 nsf of Use cluster B – Small Retail and Service, 2 establishments of 1600 nsf of Use cluster C – Medium Retail and Service. The applicant proposes to retain the façade of the historic structure at 378-384 Somerville Avenue and incorporate it into the new building. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Dec 7, 2011 (complete April 28, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Nov 18, 2010</td><td>Modified plans submitted to OSPCD (Site Plan, Detail sheet)</td></tr><tr><td>Aug 19, 2010</td><td>Modified plans submitted to OSPCD (Arch Site Plan, Floor Plans, Elevations/Perspectives)</td></tr></table>				Date (Stamp Date)	Submission	Dec 7, 2011 (complete April 28, 2011)	Initial application submitted to the City Clerk’s Office	Nov 18, 2010	Modified plans submitted to OSPCD (Site Plan, Detail sheet)	Aug 19, 2010	Modified plans submitted to OSPCD (Arch Site Plan, Floor Plans, Elevations/Perspectives)
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Aug 19, 2010	Modified plans submitted to OSPCD (Arch Site Plan, Floor Plans, Elevations/Perspectives)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. 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									
3	Commercial and residential signage will require special permit approval.	BP for signs	Plng/IS D									
Affordable Housing												
4	The Applicant shall complete an Affordable Housing Implementation Plan (AHIP). Affordable units shall be provided on-site. Four affordable units shall be provided.	Prior to vote on SPSR	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	
6	<u>An owner shall abide by the Tenant Relocation Plan.</u>	<u>Applicable timeframe in plan</u>	Housing	
7	<p><u>If the residential units are for-sale, the tenants' right of first refusal to purchase an inclusionary affordable unit shall be handled as follows:</u></p> <p><u>The City will distribute an application form to current tenants who are entitled to receive notice of intent to convert. At 6 month intervals for as long as the Special Permit is valid or until the certificates of occupancy are issued, the City will work with the owner to contact the tenants to keep an updated mailing list for the tenants. The application form will provide the tenant an option of indicating that he/she is interested in purchasing an inclusionary unit in the building subject to the eligibility restrictions. The tenants' right to first purchase expires if the application form is not returned at the end of the 30-day period following the mailing of the application form.</u></p> <p><u>If more tenants seek to purchase the affordable units than are available, the City will run a lottery to determine who receives the first option to purchase the units. If no tenants or Organizations as noted in condition 8 seek to purchase the affordable units then the City will run an open lottery in accordance with the Inclusionary Housing Ordinance.</u></p>	<u>Between the core and shell completion and sale of units</u>	Housing	
8	<u>If the residential units are for-sale, the City of Somerville shall have a ninety-day right of first refusal period to purchase the inclusionary units and if the City exercises such right, the City will put the units out to bid to seek a qualified organization with experience managing rental units, including non-profit affordable housing developers and the Somerville Housing Authority. The ninety day time period for this right of purchase shall run concurrently with the tenants' right of first refusal timeframe. A non-profit entity wishing to purchase shall inform the owner of its intent to purchase within thirty days and shall execute a purchase and sale agreement within the remaining sixty days of the ninety-day period. In the event that a prior tenant wishes to exercise his/her right to purchase an inclusionary unit, the tenant shall have priority over any non-profit entity also wishing the purchase the condominium unit.</u>	<u>Between the core and shell completion and sale of units</u>	Housing	

9	<p><u>If the residential units are for-sale, the tenants' right of first refusal to purchase a market rate units shall be handled as follows:</u></p> <p><u>The City will distribute an application form as outlined in condition 7. The form will provide the tenant an option of indicating that he/she is interested in purchasing a unit in the building. The City will forward the interested parties to the then current owner. The tenants' right to first purchase expires if the application form is not returned at the end of the 30-day period following the mailing of the application form.</u></p> <p><u>If the tenant and the then current owner do not execute a contract for purchase and sale of the unit within 90 days of the issuance of the application form, the then current owner may not offer to sell that unit during the following 180 days after the expiration of that 30-day period at a price or on terms more favorable to the prospective purchaser than the price or terms offered to the tenant. This section will not apply to any condominium unit which is converted to exclusively nonresidential use.</u></p> <p><u>Nothing herein shall be construed to provide any right to purchase, or obligation of any Owner to sell any Unit for an amount which is less than the amount being offered to third parties.</u></p>	<u>Between the core and shell completion and sale of units</u>	Housing	
10	<u>If the Somerville Housing Authority or its designee (the Affordable Housing Trust Fund or other entity) purchases the affordable unit(s), the Owner shall sell the inclusionary affordable units at a price per unit equivalent to that price affordable to a household with an income of 85% of the Boston SMSA median income.</u>	<u>Sale of affordable units</u>	Housing	
Construction Impacts				
11	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	
12	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	
13	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across Somerville Avenue prior to construction and shall address concerns about impact to these structures from project construction.	BP	ISD	

14	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	
15	Due to the extensive work associated with abandoning old utility services and providing new connections in Somerville Avenue, the applicant will be required to grind and overlay Somerville Avenue from the crosswalk at the intersection of Somerville Avenue and Carleton Street to the crosswalk at the intersection of Somerville Avenue and Church Street. The applicant shall reinstall pavement markings and replace any damaged infrastructure (i.e. signs, poles etc).	CO	DPW	
16	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	
Design				
17	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
18	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO.	CO	Plng. / ISD	
19	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	DPW / Plng.	
20	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	
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.	Perpetual	Plng.	
22	The color of the new façade shall be similar in color yet different in intensity from the color of the historic façade. The applicant shall submit color samples for all exterior surfaces to the DRC for review and comment and to Planning Staff for review and approval.	Perpetual	Plng.	
23	A solid panel that is setback at most at a 45% plane and no taller than 15' shall screen the rooftop mechanical equipment.	Perpetual	Plng.	

24	The Applicant shall provide to the DRC for review and comment and to Planning Staff for review and approval a detailed elevation of each side of the structure identifying the dimensions and materials of each surface including but not limited to the storefront system glazing and metal, entry doors and frames, clapboards, window headers and trim, horizontal trim bands, tower elements, mansard siding materials, balcony rails and cornice details. Each of these elements shall be designed to implement the approved plan based upon the perspectives submitted with the plan set. If necessary, the DRC may request material samples for individual elements of the design.	BP	Plng.	
25	The Applicant shall supply the Historic Preservation Commission Staff with details regarding the material choices for the historic structure for their review and approval.	BP	Historic	
Traffic and Parking				
26	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	
27	The Applicant shall install signage at the ramp to the underground parking warning that only residential parking is located below. The Applicant shall install a sign that commercial parking is located to the right of the ramp. The residential and commercial parking spaces shall be clearly labeled as to their purpose.	Perpetual	ISD	
28	Applicant will supply 16 bicycle parking spaces on site, which can be satisfied with U type bicycle racks.	CO	Plng.	
Public Safety				
29	A code compliant fire alarm and suppression system shall be installed.	CO	FP	
30	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.	

29	<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>			
30	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				
31	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.	
32	<u>Approval is subject to the Applicant's and/or successor's right, title and interest in the property.</u>	<u>Cont.</u>	<u>Plng.</u>	<u>Deed submitted & application formed signed by current owner</u>

