



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
JOSEPH FAVALORO, *CLERK*
DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2013-16-E1-11/2015
Site: 176-182 Broadway
Date of Decision: January 7, 2016
Decision: Extension Approved
Date Filed with City Clerk: January 21, 2016

PLANNING BOARD DECISION

Applicant Name:	Yihe Patsy's Corporation
Applicant Address:	65 Francis Avenue, Cambridge, MA 02138
Property Owner Name:	Yihe Patsy's Corporation
Property Owner Address:	65 Francis Avenue, Cambridge, MA 02138
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant Yihe Group and Owner S&V Realty Trust seek a time extension per SZO §5.3.10 for case PB 2013-16. The Special Permit with Site Review per SZO §5.2 was issued to construct a mixed use building of approx 29,000 nsf under §6.1.22.D.1. The uses include small and medium retail of approx 3,300 sf, 19 residential units per SZO §7.13.B, §7.13.C, & §7.13.E. A Special Permit was issued under SZO §5.1 to increase the number of compact parking spaces per SZO §9.13.b and modify the bicycle parking requirement per SZO §9.15.4. Article 13 Inclusionary Housing apply. CCD55 zone. Ward 1.
----------------------	--

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	§5.3.10
<u>Date of Application:</u>	November 12, 2015
<u>Date(s) of Public Hearing:</u>	12/10/15 & 1/7/16
<u>Date of Decision:</u>	January 7, 2016
<u>Vote:</u>	4-0



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

Appeal #PB 2013-16-E1-11/2015 was opened before the Planning Board at Somerville City Hall on December 10, 2015. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

The site has an approved project under Case # ZBA 2013-61 and the proposal was to extend the timeframe of approval. The approval was to demolish both of the existing structures and build a 5 story mixed-use building totaling 29,293 net square feet with underground parking for 22 vehicles. The building will contain 1 to 3 retail spaces. The retail space totals 3,297 square feet which could be subdivided into three spaces averaging 1,099 square feet. There will be 19 residential units on floors 2-5. There will be 10 – one bedroom units, 2 - one bedroom + study units, 5 – two bedroom units, and 2 – two bedroom + study units. There will be 22 parking spaces and storage in the basement level. There will be three parking spaces onsite for a total of 25 spaces.

Commercial Space

Up to three tenants can occupy the retail space on the first floor of the building. The spaces are allocated as evenly as possible within the commercial footprint at 1,075, 1,026, and 1,196 square feet. The retail spaces can be combined into one or two larger commercial spaces. These spaces could be converted to Eating and Drinking (SZO §7.13 Use Cluster D); however, the parking requirement for a restaurant of any size would need to be met as the requirement for this use is higher than it is for Retail and Service.

Residential Units

The main residential entrance and lobby will be accessed off of Broadway. The units can also be accessed from the parking garage. There will be 19 residential units ranging in size from 642 to 1,400 square feet with an average of 875 square feet. Two of the units will be designated affordable with an affordability restriction in perpetuity as required by Somerville Zoning Ordinance Article 13, Inclusionary Housing. Eighteen of the units will have a balcony. The last unit will have a Juliet balcony.

Site & Landscaping

The site will increase from 2% landscaped area to 28%. There will be landscape buffer between the development and the residential district in the back. In addition, there will be a well landscaped park area for residents in the rear of the lot. This will provide an additional buffer to residents of Cross Street Place. There will be four new trees on site as well as a variety of perennials. The rear lot line abutting the residential district will have a 6' wood fence. There will be two new street trees due to the Broadway streetscape project (expected completion 2014).

Parking & Traffic

There will be a total of 25 parking spaces on site. There will be 22 spaces in the garage, 19 for the residential units, and 3 for the commercial spaces. The retail spaces will have an additional 3 parking spaces on site.

The roughly 30' curbcut in front of Patsy's will be closed. The curbcut and easement between 174 and 176 will be widened to an 18' wide driveway for 174 Broadway and 176-182 Broadway.

There is a variety of bike parking on the site. There will be two sidewalk bike racks that accommodate four bikes and two bike racks in the landscaped area on the back of the lot that accommodate four bikes. There are an additional 16 hanging spaces in the basement in front of the parking spaces. There is also the possibility that residents use their storage room for bike parking. In total there are 24 bike parking spaces on site as well as the 6 storage rooms.



Building Design

The mixed-use building has a distinctive first floor because of the large windowed storefronts that can open onto the street. There is a cornice detail with integrated signage band above the first floor. There is an additional cornice above the fourth floor. This gives the building a base, middle, and top. The front and side elevation of the building are brick with a vertically seamed metal panels top floor. The other elevations are mostly horizontally seamed limestone Nichiha panels with the top floor being a vertically seamed metal panel.

Lighting and Signage

Details about the exterior lighting are not included in the plans at this time. There is a signage band separating the first and second floor. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.

Trash/Utilities

There is a trash room in the basement of the building for the residential units. There is another retail trash room on the main level.

At this time, the transformer is not located on the plans.

FINDINGS FOR EXTENSION (SZO §5.3.10):

In SZO §5.3.10 good cause for an extension of a special permit shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress.

The original Special Permit with Site Plan Review was approved on March 6, 2014 and would expire on March 6, 2016. If approved, the extension will last until March 6, 2017.

Demonstration of Hardship

SZO §5.3.10 cites four examples of “hardship”: financing problems, labor strike, bad weather conditions, and act of God.

The Applicant experienced a hardship on account of the timing to acquire financing. The Applicant’s attorney submitted a letter stating that the Applicant is a Chinese National and financing for this project has taken quite a bit of time. Also, banking institutions do not like to get involved with financing a project of this magnitude when the Special Permit period is close to expiration. This is a precautionary step to ensure that the expiration date does not interfere with the final steps in acquiring financing.

The Board finds that the Applicant encountered issues that constitute hardship which prevented the commencement of construction under the permit.

Good Faith Effort to Overcome Hardship and Expedite Progress

The Applicant’s attorney stated that the Applicant is moving forward with the project. Applications to demolish 176 Broadway and 182 Broadway were submitted on November 3, 2015 and are under review by City Staff. The Applicant plans to demolish the structures by the end of the year.

Based on the above, the Board finds that the Applicant is making good faith efforts to overcome the demonstrated hardships and the permitting for the construction will need to happen in an expeditious manner in order for the approval to remain valid.



DECISION:

Present and sitting were Members Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper with Kevin Prior and Gerard Amaral absent. Upon making the above findings, Michael Capuano made a motion to approve the request for a time extension to Special Permit #PB 2013-16 with a condition that the Applicant provide updates every 3 months to Planning Staff on the progress of the development until it is occupied.. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request.



Attest, by the Planning Board:



Joseph Favaloro



Michael A. Capuano, Esq.


Dorothy A. Kelly Gay

Rebecca Lyn Cooper

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

