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

PLANNING DIVISION

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Case #: ZBA 2010-46
Date: September 2, 2010
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 270 CEDAR STREET

Applicant Name: 270 Cedar Street LLC
Applicant Address: 661 Main Street, Malden MA
Property Owner Name: 270 Cedar Street Trust, Louis T Filosi, Trustee
Property Owner Address: 270 Cedar Street, Somerville MA
Alderman: O'Donovan

Legal Notice: Applicant 270 Cedar Street, LLC and owner 270 Cedar Street Trust seek a Variance from SZO § 9.5 to construct a structure with nine residential units with 12 parking spaces of conforming size, instead of 14 parking spaces as otherwise required

Zoning District/Ward: RB / 5
Zoning Approval Sought: Special Permit under SZO §7.3, §9.13 and Variance from §9.5
Date of Application: 8/10/2010
Date(s) of Public Meeting/Hearing: PB 9/2/10 - ZBA 9/15/10

Dear ZBA members:

At its regular meeting on September 2, 2010 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 5-0, to recommend **Conditional Approval** of the requested **Variance.**

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 14,286 square foot parcel on which is an existing two-story commercial structure. This structure sits on the far northern side of the site against the railroad tracks. The site has a second structure, a small garage, on the southern edge. The site is bordered on the north by the Lowell Commuter Rail tracks and the future location of the Green Line tracks. It is bordered to the South by a lot with a garage for a structure behind it on Boston Avenue. To the west are the back yards of homes on Boston Avenue. The lot is very close to Trum Field and it's parking area on Franey Road as well as the Public Works Building. The community path is a short walk to the south on Cedar Street, and the future Ball Square green line station will be a short walk up Cedar and Broadway. The structures have been vacant for some time.

2. Proposal: The applicant is proposing to demolish the two structures and build a single building with nine residential units. The new structure will be three stories tall and will occupy the northern portion of the site. The triangle of land closest to the railroad tracks will be reserved as landscape area, and the southern end of the site will provide surface parking for the project. The structure is generally set back 12.5 feet from the street, with landscaping. The project has identified a plan to include 14 parking space s in the parking area, but separately is requesting a variance to do a 12 parking space lot that will be better designed for the neighborhood.

3. Nature of Application: The applicant would need special permit approval under §7.3 in order to construct more than three units on a lot in the RB district. The applicant is using the parking reduction allowed for having nearby public parking accessible at Trum Field and requesting a special permit under SZO section 9.13 for using spaces that do not meet dimensional requirements to create a complying lot with 14 parking spaces. As an alternative, the applicant has applied for a variance from regulations under SZO 9.5 for a more well designed 12 space parking area.

The applicant will be required, through zoning section 7.3 to provide 12.5% affordable housing as a part of the project. The applicant has indicated that he will provide one on-site affordable housing unit and will provide a cash payment for the 1/8 fractional unit that he is otherwise required to provide. The applicant has been working with the housing staff on this process.

The proposal complies with all the dimensional requirements for the RB district including minimum FAR, front, side and rear setbacks and frontage. The extensive landscape area by the railroad tracks allows the applicant to provide up to 44% landscape area on the site.

Alderman O'Donovan and the applicant held a community meeting in August 2010 and reviewed the project with neighbors. This was the second meeting after an earlier meeting to review preliminary plans a few months earlier. The applicant reported that both meetings went well and that there was no neighborhood opposition at those meetings.

4. Surrounding Neighborhood: The subject property is located near Ball Square, a short distance from the future Ball Square station on the Green Line. The subject property is mainly surrounded by residential properties, with 2 and 3 family properties to the rear and nearby along Cedar Street, but Cedar Street also has some commercial and multi-family properties as well. The railroad tracks are directly to the north, and the project is very close to Trum Field and the Public Works building on Franey Road nearby. The community path is also accessible from Cedar Street, just to the south of the property.

5. Green Building Practices: The applicant did not indicate any green building practices on their application.

6. Comments:

Fire Prevention has not yet provided comments

Traffic & Parking provided comments. See variance condition #3 below.

Ward Alderman: Alderman O'Donovan has not provided formal comments on this project at this time. The applicant has been working with Alderman at large Bruce Desmond. Alderman Desmond assisted with setting up two community meetings on the subject. Alderman Desmond indicated to OSPCD that he supports the project.

Housing: Has been contacted but has not provided comments. The applicant will need to come to an agreement with the Housing Division and sign an Affordable Housing Implementation Plan (AHIP).

II. FINDINGS FOR VARIANCE (SZO §5.5.3):

In order to grant a variance for parking (§9.5) the SPGA must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."

Applicant justification: "Due to the shape of the property such special circumstances warrant the granting of a variance to the applicant"

Planning Board Finding: The proposed project is on a lot that is narrow and awkwardly shaped. To provide a viable project on the site that is priced reasonably and offers amenities including 2-bedroom units that will be viable for use of new residents, the application requires the applicant to use the entire width of the lot. This site layout and lot impacts the structure such that it allows only for the single parking area on one side of the site. The site topography limits the ability to provide parking on the other side of the building. As a whole, this design lends itself to a system that only would allow for 12 conforming parking spaces. This situation is unique to the site and does not impact the zoning district as a whole.

2. "The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."

Applicant justification: "The variance is the minimum approval necessary to grant reasonable relief to the applicant and therefore result in the most reasonable use of the land and the structure, as the parcel is odd shaped and the structure has been unused for many years."

Planning Board Finding: The site includes vacant structures that have been unused for many years. The applicant has proposed a project that provides a viable building with parking. The parking area in question is as large as it can be and still allow for landscape and snow storage areas. The applicant was

seeking an option to do smaller parking spaces by special permit, but this option is not customarily granted in Somerville. Therefore, to allow for a structure that can work on this site, the applicant needs this minimal variance. Submittal of a special permit application for narrower spaces has not met a finding for an affirmative recommendation from the Traffic & Parking Director. Therefore, this option is not available to the applicant, and the applicant must receive this variance for the project to be viable.

3. "The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Applicant justification: "Granting of the variance will be in harmony with the Somerville Zoning Ordinance, will not be injurious to the Neighborhood, otherwise detrimental to the public welfare as the proposal of the applicant is to build nine residential units on a site which has not been developed and the neighborhood would benefit with the residential use."

Planning Board Finding: The Planning Board finds that this project is in harmony with the ordinance. The ordinance specifically allows for a reduction of 20% of parking spaces in locations within close proximity to rail stations, and use of this reduction instead of the 10% reduction otherwise allowed for proximity to city parking would lead to a total parking requirement of 12 spaces. The coming green line station would allow for this reduction if it was in place today. Despite not having rail service at this time, the location is within close proximity to the community path, allows for walking connection to amenities at Ball Square and provides opportunities for residents without access to a vehicle or second vehicle. This building can operate and operate effectively with less than the required 14 parking spaces. Traffic and Parking provided the following comments regarding this case:

> Traffic and parking does no object to (the variance). It should be noted that the MaxPac development will be constructing 199 residential units in the vicinity of this proposed project. MaxPac sought and received parking space relief supplemented by traffic mitigation by submitting parking space utilization statistics from developments in the immediate vicinity of mass transit stops know as Transit Oriented Development (TOD). These locations were Kendall Square, Cambridge, Mass Ave, Arlington, Commonwealth Ave, Brighton and Alewife Station, Cambridge. This development in the same area should receive the same consideration. Traffic and Parking has no objections that 12 parking spaces will be sufficient for this proposed development.
>
> Thus provided traffic mitigation is provided in the form of $1000.00 being provided to the City to be placed in an account for the future purchase of pedestrian safety traffic control devices in the vicinity of 270 Cedar St, Traffic and Parking has no objections to the (variance) option.

IV. RECOMMENDATION

Variance under §5.5 and §9.3

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **VARIANCE** from parking requirements.

<table>
<tr><th>#</th><th>Condition</th><th>Timeframe for Compliance</th><th>Verified (initial)</th><th>Notes</th></tr>
<tr><td>1</td><td>Approval is to establish two principal structures on a lot, and for the construction of a five-unit building. This approval is based upon the following application materials and the plans submitted by the Applicant:
<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>8/14/10</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>8/19/10</td><td>Plans submitted to OSPCD (A-1, Z-1) Variance Appl.</td></tr></table>Any changes to the approved use or elevations that are not de minimis must receive ZBA approval.</td><td>BP/CO</td><td>Plng.</td><td></td></tr>
<tr><td>2</td><td>All conditions attached to the associated special permit shall be attached to this variance and included in the final decision.</td><td></td><td></td><td></td></tr>
<tr><td>3</td><td>Traffic mitigation is provided in the form of $1000.00 being provided to the City to be placed in an account for the future purchase of pedestrian safety traffic control devices in the vicinity of 270 Cedar St</td><td>T&P</td><td>BP</td><td></td></tr>
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Sincerely,

Kevin Prior
Chairman

Cc: Applicant: 270 Cedar Street LLC, 661 Main St., Malden, MA
Owner: 270 Cedar Street Trust, Louis T Fibsi, 270 Cedar St., Somerville, MA

Date: September 2, 2010
Appeal #: ZBA 2010-46
Address: 270 Cedar Street

270 Cedar Street