



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

STAFF

MADELEINE MASTERS, *PLANNING DIRECTOR*
CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*
LORI MASSA, *PLANNER/ZONING ADMINISTRATOR*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA2005-70-R1-0409
Date: May 20, 2009
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 191 Highland Avenue
Applicant/Owner Name: Joseph Sater
Applicant/Owner Address: 472 Massachusetts Avenue, Cambridge, MA 02138
Alderman: Sean O'Donovan

Legal Notice: Applicant & Owner Joseph Sater seeks revisions to a special permit (SZO §5.3.8) to revise conditions pertaining to location of trash storage and designation of parking spaces. RA/RC zones. Ward 5.

Zoning District/Ward: RA/RC/5
Zoning Approval Sought: Revision to Permit
Date of Application: 4/28/09
Date(s) of Public Hearing: 5/20/09
Date of Decision: N/A
Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 40,244 s.f. lot located on the north side of Highland Avenue, between Central and Lowell Streets. Located on the property is the former Somerville Armory, a three-story masonry building built in 1903 as a modern rendition of a medieval castle. The property is bound to the north by Hudson Street and to the south by Highland Avenue. The Armory building is located entirely within the RC district, and the associated parking for the building is located within the RA district.

On November 22, 2004 the Zoning Board of Appeals granted conditional approval for a mixed-use project within the Armory building, consisting of artist housing, craft studios, office space, gallery space, a non-profit dance studio, and a café. The 2005 approval changed the proposed gross floor area of the building from 39,040 gross s.f. to 33,422 gross s.f. Other alterations included the relocation of the

elevator penthouse; enlargement of an egress door; relocation of the café from the eastern to the western half of the first floor; various changes to the floor plans; a reduction in the number of artist live/work units from four to two; the replacement of the dance studio with a smaller mezzanine level; and expansion of the general assembly use into the drill hall space; and modifications to a number of conditions attached to the 2004 special permit. In 2007, the owner sought to modify the 2005 permit in order to allow the café to have a full kitchen, to approve office use as an alternative to the café if a tenant could not be found, and to modify the floor plans in response to elevator and egress concerns; the ZBA did not grant the request for a full kitchen but did permit the other requested changes. In March 2009, the ZBA granted a revision to Condition 20 of the original permit to expand the hours of operation.

2. Proposal: The Applicant, who is an owner of the property, is currently completing site work necessary to satisfy remaining conditions of the special permit in order to obtain a final Certificate of Occupancy. In the course of completing this work, the applicant has been advised that it cannot satisfy one of the conditions of approval as written, and is seeking to assign two spaces in the rear parking lot as the designated spaces for the two live/work units, rather than the two parallel spaces at the front of the site. In addition, the applicant is seeking to update the site plan to illustrate the actual location of the trash receptacle enclosure, and to remove the condition's requirement that the enclosure have a lid.

3. Nature of Application: The site is presently occupied under a Temporary Certificate of Occupancy, pending satisfaction of all conditions of approval. According to the Inspectional Services Division, life safety conditions have been met. Planning Staff have visited the site and concluded that the building has been constructed in accordance with approved plans. There are certain outstanding conditions related to exterior site work. No final certificate of occupancy may be issued until all permit conditions have been met. As the site is not under a final certificate of occupancy and work on some spaces of the building remains underway, the Applicant may seek a revision to the permit under SZO §5.3.8.

Trash Enclosure: The approved site plan illustrated a trash enclosure built onto the right side of the structure; this location presented challenges for pick up, being located along a two-way driveway. The applicant was informed that an alternative approach of storing trash indoors would not be code-compliant. Therefore, approval is sought for a revised site plan illustrating an enclosure (which has already been constructed) located in the rear parking lot, adjacent to the bicycle storage racks. This location does not adversely impact bicycle or vehicle parking or access. As written, Condition 5 requires a lid to be placed on the enclosure; however, this means that building users would have to open both an enclosure lid and the receptacle lids in order to dispose of trash. This would be difficult and appears unnecessary for the containment of trash, so long as all receptacles have lids.

Parking Spaces for Live/Work Units: During review for code compliance, the applicant was instructed that the required handicapped-accessible spaces would have to be located within the two parallel spaces at the front of the site. As written, Condition 11 requires these spaces to be dedicated to the two live/work units and signed for direction-of-travel parking. The applicant is proposing to dedicate two spaces in the rear lot to the live/work units in order to meet the code requirements and the spirit of the original condition. In addition, the applicant is seeking to remove the requirement that these two spaces be marked for direction-of-travel parking only, since this may impair the use of vehicle ramps or lifts that are often accessed from the passenger side of the vehicle.

4. Impacts of Proposal: The proposed changes appear to be entirely consistent with the spirit of the original approval and would create no new or increased adverse impacts.

7. Comments from Ward Alderman: Ward 5 Alderman Sean O'Donovan has stated that he supports this request.

II. FINDINGS FOR REVISION TO SPECIAL PERMITS & SPECIAL PERMITS WITH SITE PLAN REVIEW (SZO §5.3.8):

There are not specific required findings for a revision to a special permit. Rather, staff review the original findings for the specific zoning relief requested and identify any findings that have changed as a result of the proposed revision. Below, staff have reviewed the four central findings required of all special permit applications under SZO §5.1.4.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

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." The requested modification to the permits is found to be consistent with the granting of the original permit and compliant with the standards of the ordinance.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

Staff finds that the proposal would remain consistent with the general purposes of the Ordinance as set forth under §1.2, which includes: to provide for and maintain the uniquely integrated structure of uses in the City; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to preserve and increase the amenities of the municipality. Furthermore, staff finds that the proposal would remain consistent with the purposes of the RA and RC districts, which are, respectively: To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts; and to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.

Staff finds that the proposed revisions are consistent with the intent of the original conditions.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

No changes are proposed to the built form as approved and the site plan changes are minimal. The land use would not change from the prior approval, and the operations of the use would only change minimally, with little if any impact as conditioned.

III. RECOMMENDATION (Revision to Permit under SZO §5.3.8)

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **REVISIONS TO PRIOR PERMITS**. Changes from the existing condition are shown below, with additions marked in underline, deletions in ~~strike through~~.

Condition	Timeframe for Compliance	Verified (initial)	Notes										
<p>The site has previously received a Special Permit to alter a non-conforming structure to build an addition to the top of the existing Armory building; a Special Permit with Design Review and a Special Permit to establish a restaurant/public performance space within the building, accompanied by as-of-right uses including two units of artists' housing, craft studios, offices, an art gallery, and a non-profit dance studio; a special permit to alter a non-conforming structure to relocate an elevator and enlarge an existing egress door; a special permit for shared parking to use parking spaces located on three other lots; addition of skylights; and other revisions to the 2004 special permit. Subsequent revisions in 2009 have modified conditions of approval.</p> <p>With this application, the applicant is granted modifications to Conditions 5 and 11 as shown hereunder. Condition 1 has also been updated to reflect the updated site plan reflecting these changes.</p>													
<p>1. Approval is based upon the following:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Application materials stamped in at the City Clerk's Office on July 6, 2005.</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>September 29, 2005 (showing 44 on-site parking spaces); revised parking calculations dated October 4 and October 5, 2005.</td><td><u>Modified Building plans</u> submitted to OSPCD</td></tr><tr><td>5/30/07 (5/31/07)</td><td>Modified plans submitted to OSPCD (Plans prepared by "SsD")</td></tr><tr><td><u>11/17/08 (5/13/09)</u></td><td><u>Modified site plan showing relocated trash enclosure</u></td></tr></table> <p>Any changes to the approved site plan, elevations, or uses that are not <i>de minimis</i> must receive ZBA approval.</p>	Date (Stamp Date)	Submission	Application materials stamped in at the City Clerk's Office on July 6, 2005.	Initial application submitted to the City Clerk's Office	September 29, 2005 (showing 44 on-site parking spaces); revised parking calculations dated October 4 and October 5, 2005.	<u>Modified Building plans</u> submitted to OSPCD	5/30/07 (5/31/07)	Modified plans submitted to OSPCD (Plans prepared by "SsD")	<u>11/17/08 (5/13/09)</u>	<u>Modified site plan showing relocated trash enclosure</u>	Met	ISD/PLNG	<ul style="list-style-type: none">▪ 4 skylights added per 2004 revisions▪ Original A001 (zoning chart), A101, & A102 (floor plans) superseded by 2007 plans.▪ Pipes installed on side per code req'ts have received historic approval.
Date (Stamp Date)	Submission												
Application materials stamped in at the City Clerk's Office on July 6, 2005.	Initial application submitted to the City Clerk's Office												
September 29, 2005 (showing 44 on-site parking spaces); revised parking calculations dated October 4 and October 5, 2005.	<u>Modified Building plans</u> submitted to OSPCD												
5/30/07 (5/31/07)	Modified plans submitted to OSPCD (Plans prepared by "SsD")												
<u>11/17/08 (5/13/09)</u>	<u>Modified site plan showing relocated trash enclosure</u>												
<p>5. <u>Trash receptacles shall be contained in a screened enclosure in a location shown on plans approved by Planning Staff. The trash receptacles shall have lids to mitigate the potential for airborne waste. The Applicant shall submit a plan indicating the location of the proposed trash storage enclosure and its screening to the Planning Staff for review. The screening, if determined by the Planning Staff, shall be higher than the six feet (6') maximum in the SZO. The trash enclosure area shall have a roof to mitigate the potential for airborne waste.</u></p>	CO	PLNG											
<p>11. <u>The two parallel Two parking spaces adjacent to the on-site driveway must be designated as parking spaces for the two third floor live work units. These spaces must also be clearly signed for direction of travel parking only.</u></p>	CO	PLNG											