



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING DIVISION

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Case #: ZBA 2010-02
Site: 230-236 Highland Avenue
Date of Decision: February 17, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 18, 2010

ZBA DECISION

Applicant Name:	David A. Farmer, AIA
Applicant Address:	Cambridge Health Alliance, 1493 Cambridge Street, Cambridge, MA 02139
Property Owner Name:	Somerville Hospital
Property Owner Address:	230 Highland Avenue, Somerville, MA 02143
Agent Name:	William Croteau, AIA
Agent Address:	Perkins & Will, 55 Court Street, Boston, MA 02108

Legal Notice: Applicant, David Farmer, AIA, & Owner, Somerville Hospital, seeks a Special Permit under SZO §4.4.1 to construct a 3,500± sf addition to the Medical Arts Building, a Special Permit under SZO § 4.5.1 & 4.5.3 to change and expand the non-conforming use to 45,000± sf of office (§7.11.7.1.c), and a Special Permit for modification of parking requirements for 6 parking spaces (§9.13). RA zone. Ward 3.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1, §4.5.1, §4.5.3, §7.11.7.1.c & §9.13
<u>Date of Application:</u>	January 12, 2010
<u>Date(s) of Public Hearing:</u>	February 17, 2010
<u>Date of Decision:</u>	February 17, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-02 was opened before the Zoning Board of Appeals at Somerville City Hall on February 17, 2010. 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 Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to change the use of several of the floors of the hospital from inpatient services to non-medical office. This change in use is part of Cambridge Health Alliances' (CHA) service reconfiguration plan. The vision for the Somerville Hospital is for an ambulatory medical center and health care administrative facility. The 24 hour emergency department would remain. Details of CHA's plan and Somerville campus redevelopment in the CHA's addendum to the Somerville Planning Board Application sheet.

The 5th and 6th floors of the Center Building and the 2nd floor of the North Building would change from inpatient units to non-medical office use. The change in use is for approximately 44,984 net square feet (6th floor: 16,773 nsf, 5th floor: 17,732 nsf, 2nd floor: 10,479 nsf). The hours of operation would be from 7am to 7pm Monday through Friday.

The proposal also includes constructing a 3,607 gross square foot addition to the Medical Arts building. The addition would create a more visible, welcoming entrance to the hospital along Highland Ave. The first floor of the addition would contain a welcome desk, and elevator, and the second floor could contain two small conference rooms, bathrooms, mechanical equipment, and a hallway that connects to the rest of the hospital. The construction would include adding a canopy from the new entrance on Highland Ave to a few feet beyond the edge of the building to increase visibility of the entrance. Another change to the exterior would be adding panels to the corner of the Medical Arts building along Highland Ave and Tower Street. There would be a decorative element at the top of the panels. Normal hours of operation would be 7am to 8pm Monday through Friday and 8am to 5pm on Saturday.

Materials would be cement board with earth tone colors to compliment the existing tan brick.

Landscaping

There is minimal landscaping at the site. The addition would eliminate a shrub near the medical arts entrance and add landscaping around the new entrance for a small increase in the landscaped area by 0.22%.

Parking

The site is currently nonconforming with respect to parking requirements. There are 44 parking spaces in the Medical Arts Building lot and 9 parking spaces at the emergency department entrance. The addition would eliminate 5 spaces from the Medical Arts building parking lot. The Crown Street lot with 60 spaces is located across the street from the Hospital parcel and has been in use for at least twenty years. Additionally, the hospital has several off-site parking lots with a shuttle service. The hospital has use of a total of 836 spaces on and off site. A list of the off-site lots and number of parking spaces is attached with figures on the number of employees and patients that could use the spaces. The addition would require 6 additional parking spaces as detailed in the Nature of the Application section below.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §4.4.1, §4.5.1, § 4.5.3 & § 9.13):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board 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."

In considering a special permit under §4.4 and 4.5 of the SZO, the Board finds that the alterations and use proposed would not be substantially more detrimental to the neighborhood than the existing structure and use. The alterations to the structure would create a more visible entrance to the building on Highland Ave. Currently the main entrance is at the emergency entrance on Tower Street. The new entrance and canopy along the walkway would reduce confusion about where to enter the building. It would also keep some of the vehicles on Highland Ave, which is a main thoroughfare, and off of the residential streets. The change to the façade materials at the corner of Highland and Tower Streets is intended to catch peoples' attention so that they do not drive by the nondescript building. The new entrance and façade materials would be modern but complimentary to the existing tan brick building.

The change in use will allow the hospital to utilize the space in a way that the health care industry now functions. The offices will provide jobs and vibrancy to the space that would otherwise be vacant.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The request for the reduction of 6 parking spaces would not cause detriment to the surrounding neighborhood. The amount of occupiable space in the addition is very limited. The majority of the space is for a welcome desk, hallway space, two small conference rooms and bathrooms. The hospital controls parking onsite and at their offsite parking lots and has shown that there is sufficient parking for employees and patients. Parking close to the hospital is for patients and requires a fee. There is a parking attendant at each lot. Employees park in dispersed lots and use a shuttle service to access the site. These measures should reduce impacts of on-street parking at the site. The change in use also reduces the parking requirements for the site significantly. The project would not cause any significant change in traffic volumes, patterns, congestion or conflict.

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."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and protecting the health of the citizens. The hospital is not consistent with the one- and two-family homes purpose of the RA district; however, it is already established and convenient for the people of Somerville.

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. Somerville Hospital's parking program is consistent with the purposes of Section 9.1. Employees park off-site where there is ample parking and are shuttled to the site. Patients are able to park close to the site and there are parking attendants and fees associated with parking to facilitate turnover of these spaces. The parking situation reduces hazards to pedestrians and protects the neighboring properties from an increase in the number of cars to the site.



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."

The new entrance and façade changes would be modern in design but they would be complimentary to the colors and materials of the Medical Arts Building. The entrance would be setback from the front of the building and surrounding residential properties; however, its height and the canopy along the walkway would accomplish the goal of making the entrance more visible. The height of the entrance would be within the allowable height for the district and as designed it would block view of the elevator penthouse and mechanical equipment.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the construct a 3,500± sf addition to the Medical Arts Building, a change and expansion of a non-conforming use to 45,000± sf of office (§7.11.7.1.c), and modification of parking requirements for 6 parking spaces (§9.13). 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>Jan 12, 2010</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Jan 11, 2010 & Jan 21, 2010</td><td>Plans submitted to OSPCD (site plan: G-010, floor plan: A-201, A-202, A-204, A-205, A-206)</td></tr><tr><td>Dec 30, 2009</td><td>Plans (east elevation)</td></tr><tr><td>Jan 25, 2010</td><td>Modified plans submitted to OSPCD (elevations: A-30)</td></tr><tr><td>Jan 28, 2010</td><td>Modified plans submitted to OSPCD (perspective)</td></tr></table>				Date (Stamp Date)	Submission	Jan 12, 2010	Initial application submitted to the City Clerk’s Office	Jan 11, 2010 & Jan 21, 2010	Plans submitted to OSPCD (site plan: G-010, floor plan: A-201, A-202, A-204, A-205, A-206)	Dec 30, 2009	Plans (east elevation)	Jan 25, 2010	Modified plans submitted to OSPCD (elevations: A-30)	Jan 28, 2010	Modified plans submitted to OSPCD (perspective)
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Jan 28, 2010	Modified plans submitted to OSPCD (perspective)															
Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive ZBA approval.																
2	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards.	Perpetual	Plng. / ISD													
3	The Applicant/Owner shall supply a landscape plan of the area around the new entrance for Planning Staff approval.	Building Permit	Plng.													
4	The Applicant/Owner shall review the elevations with Planning Staff and provide material and color samples for the facade for Planning Staff approval.	Building Permit	Plng.													



5	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	
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
7	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	
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
9	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.	
10	The Applicant shall work with Planning Staff to coordinate employee drop-off locations.	CO	Plng.	
11	The Applicant shall work with Planning Staff to develop a plan for valet service, which appropriately augments the planned accessible parking.	CO	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____



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