CITY OF SOMERVILLE, MASSACHUSETTS

STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

STAFF
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CHRISTOPHER DIIORIO, *PLANNER/ZONING ADMINISTRATOR*
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Case #: 2008-24
Site: 44 Park Street
Date: August 18, 2008
Recommendation: Conditional Approval

SUPPLEMENTARY PLANNING STAFF REPORT

Applicant Name: Park Street Housing Associates, LLC
Applicant Address: 15 Ward Street, Somerville MA 02143
Property Owner Name: Park Street Housing Associates, LLC
Property Owner Address: 15 Ward Street, Somerville MA 02143
Agent Name: Nicholas A. Iannuzzi, Jr.
Agent Address: 160 Gould Street – Suite 320, Needham, MA
Alderman: Heuston

Legal Notice: The Applicant seeks a Special Permit with Site Plan Review for 89 dwelling units, and variances for parking, minimum lot area per dwelling unit, and number of stories (4 proposed).

Zoning District/Ward: Residence C / 2
Zoning Approval Sought: Special Permit with Site Plan Review under SZO §7.11.1.c, Variances under SZO § 8.5.b, 8.5.f, 9.5.1.b
Date of Application: May 15, 2008
Date(s) of Public Hearing: ZBA: June 18, 2008
Date of Decision: N/A
Vote: N/A

I. ORGANIZATION OF REPORT

Planning Staff submitted a preliminary report on July 15, 2008 for the July 17, 2008 public meeting, which included the following sections:

- Description of the property
- Description of the proposal
- Nature of application
- Impacts of development
- Responses to concerns of staff and abutters
- Items under discussion

- Next steps

The following supplementary report includes the following additional information:

- Additional comments from the Public
- Staff response to concerns
- Pending items
- City staff and other agency comments
- Findings required under the Somerville Zoning Ordinance
- Recommendation for Board vote, including recommended conditions

II. ADDITIONAL COMMENTS FROM THE PUBLIC

At the July 17, 2008 meeting of the Planning Board, the Board accepted oral testimony from the public. A complete version of the testimony can be found in the notes of the meeting and in the recordings of the proceedings. In addition, written comments have been received from several persons since the preliminary report. The following summarizes the comments raised in oral and written public testimony.

Favorable comments:

- The development would fill a void of affordable senior housing.
- The increase in landscaping is a great improvement.
- The parking study of similar facility eased parking concerns.
- The building is attractive and the current lot is not.

Remaining Concerns:

Stormwater Drainage

- The development will worsening the drainage issues in the area.

Parking

- Availability of parking in the surrounding neighborhood will decrease.
- There are not enough handicapped parking spaces.

Structure

- One elevator is not sufficient.
- The units are too small.
- The view of proposal from Properzi Way was not provided.

Senior Housing

- Is there assurance that the development will remain for senior housing?
- There are negative impacts of concentrating subsidized housing.

Access over train tracks

- Wheel chair access over train tracks is difficult.

Electricity

- Sufficiency of electricity with the additional density.

Transformer Location

- The transformer location is in the front yard.

Sidewalks /Signs

- There were requests for sidewalks and signs limiting right turnings onto Village and Skehan except for residents during certain hours.

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III. STAFF RESPONSE TO CONCERNS

Stormwater Drainage:

Stormwater drainage is a significant issue in the neighborhood and many recommendations from the public have been forwarded to the divisions of the Department of Public Works who work to improve drainage in the City.

The proposed drainage plan has been reviewed by the City's Engineering Department, who states that it will not only improve the on-site conditions, but that off-site flooding would also improve as a result of reduced run-off from the site [see comments in Section V of this report].[1] The proposed ground coverage by buildings is 40%, whereas 70% is allowed under the Zoning Ordinance. The proposed landscaping is 40%, whereas only 25% is required under the Zoning Ordinance. By proposing a development that is well within the limits of these dimensional standards, the applicant has mitigated, rather than worsening, existing drainage and run-off conditions.

Parking:

Traffic & Parking has reviewed the proposal and recommended it subject to certain conditions (see attached staff comments). With regard to the overall number of parking spaces, the SZO would permit a ratio of .40 spaces per unit by special permit; a variance is only sought for .30 percent parking ratio.

In response to concerns that on street parking will be limited, Staff note that residents that live on a street that does not have resident-only parking (such as Park Street) are not permitted to get resident parking stickers; therefore residents of the proposed development would not be able to park on resident permit parking only streets. In response to concerns about handicapped parking, Staff note that the number of handicapped parking spaces on-site must comply with 521 CMR 3.00, Architectural Barriers Board, which is two spaces or the number capable of providing a sufficient number to meet the needs of the dwelling units. The architect has determined this number to be two spaces.

Structure:

In response to the concern regarding the number of elevators in the building the State Elevator Board mandates "common sense design" in determining the number of elevators that are required in a building. In response to the concern regarding the size of the units, the floor-to-ceiling heights are 7'4" in the kitchen and 7'6" in the rest of the unit; these are typical residential heights. The units are not so small as to limit quality of life; there are many examples of even luxury housing of a similar size being marketed in the area. The applicants provided the requested view of the proposal from Properzi Way.

Senior Housing:

The Somerville Housing Authority has provided the exact number of elderly on the waitlist for housing. There are 1,781 names on the list and 549 are Somerville residents.

Any special permits would be contingent upon a deed restriction limiting the development's use to senior housing.

[1] The increase in sewage flow was also taken into consideration in the drainage calculations.

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Affordable senior housing is distinct from affordable housing for the general population, which is best dispersed throughout a community. Benefits to having seniors living together include that services can be provided at their home, there are opportunities for social activity with peers, and handicap access is more attainable in a building designed for seniors.

Access over train tracks:

The height of the tracks above the pavement does not appear to prevent seniors from crossing. This issue will be investigated further with the Council on Aging. There would also be a path around the site for walking.

Electricity:

The project's engineer has explained that NStar is adding voltage to Somerville Avenue in anticipation of future demand in the area.

Transformer Location:

It is difficult to determine whether another location would be acceptable to the electric company before a permit is issued. Recently, the City has had to modify two zoning decisions, which originally required transformers to be located in the rear, in order to accommodate requirements of the utilities. Because these facilities are among the last to be permitted and installed on a site, and because there are mandatory clearance areas around them, which cannot be landscaped, it can be difficult to mitigate the visual impacts of transformers if they are required to be relocated after the design approval process. Therefore Staff recommend anticipating the utility requirements for placement near the street (based on recent experience) and mitigating them in the original design.

Sidewalks /Signs:

Staff have received requests for sidewalks and signs limiting right turnings onto Village and Skehan except for residents during certain hours. While these off-site changes cannot be made conditions of zoning approval, these comments will be sent to the appropriate City Staff for their consideration.

IV. PENDING ITEMS

Use of Private Way:

Planning Staff continue to work with the Applicant and other City departments to legally incorporate part of the private way at the rear of the property into the parcel. If this were accomplished, the lot size, lot area per dwelling unit, and rear-yard setback would all be increased. On the current plans the rear yard setback appears to be measured from the middle of private way; with acquisition of a portion of the right-of-way, the setback would then be greater than the required 20 feet from the lot line. However, if this is not accomplished, then a variance for the rear-yard setback would also be required.

Duration of Affordability

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As noted in the preliminary staff report, any development of more than eight units would require 12.5% of the units to be designated as "affordable". Density bonuses are also available for developments that provide greater than 12.5% affordable units. Somerville does not have a precedent for a 100% perpetually affordable housing development that has been privately developed.

The Applicant and the City must agree on affordable housing restriction prior to the Zoning Board of Appeals hearing.

V. CITY STAFF AND OTHER AGENCY COMMENTS

City Engineer
The City Engineer submitted the following written comments:

"I have reviewed the utility site plan, drainage report and the operations and maintenance plan (drainage system) and I offer the following comments:

a) The site plan is acceptable to the Engineering Division. It meets the requirements of Massachusetts' DEP regulations and standards for storm water design and it also meets the requirements of the City of Somerville's zoning regulations regarding storm water. There will be no connections to the city's combined sewerage system. The majority of the runoff will be handled on-site through infiltration chambers and there will be a significant reduction in runoff volume and velocity from the site. Given the history of flooding in the Properzi Way / Village St. intersection and the Railroad tracks on Park Street, I feel that this project will reduce the impact to the neighborhood regarding street flooding.

b) The drainage report is acceptable to the Engineering Division.

c) The Storm Water Operation and Maintenance Plan is acceptable and should be shared with the owners of the building who will be responsible for maintaining the drainage system."

"The easement on the property…is the so-called MDC City Tunnel built in the 1950's. It is about 100 ft. deep in bedrock. I don't believe it to be an issue."

Fire Prevention Bureau
The Fire Prevention Bureau submitted the following written comments:

"This proposed project would require a current code compliant fire alarm system including a master fire box connected to our fire alarm dispatch center. This proposal would also require a code compliant sprinkler system and a code compliant fire department hose standpipe system as well as elevators that are code compliant." "As I recall from past incidents this property involved asphalt, roofing materials, etc. on scene when it was in operation. I recall at least one fire involving molten asphalt over flowing at this site some years ago. I would also require a 21E Site Assessment be undertaken concerning this site for environmental purposes concerning possible underground tanks, soil contamination, etc.."

Aldermen
Several Aldermen spoke at the public meeting.

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Alderman Heuston stated that she is in favor of affordable housing for seniors in Ward 2 but that she will hold her final comments until the rest of the issues are addressed.

Alderman White stated at the public meeting that he would like to clarify that he did not give support to the applicant prior to the application submission and that he would like to hold further comment.

Alderman Desmond stated at the public meeting that he is constantly called for affordable housing opportunities. He stated that he is overall in favor of the project and is aware that some details need to be worked out.

Alderman Connolly stated that he sees the benefit of affordable housing and that there is not enough for seniors. He stated that he lives near a 6-story, 60-unit senior affordable development unit and does not face issues with it. He has expressed support for the proposal.

Alderman O'Donovan stated that he is in support of the proposal and that it is similar to other senior buildings in the City and that have not had problems..

Council on Aging

Cindy Hickey of the Council on Aging stated at the public meeting on July 17, 2008 that she receives many calls for senior affordable housing and that more housing is needed. She commented that additional parking is not needed because the Council provides transportation and the development would be on a bus line.

Housing

The Housing Division of OSPCD submitted the following written comments:

"The Housing Division of the Mayor's Office of Strategic Planning and Community Development acknowledges its strong support for the development of (89) one-bedroom units of affordable senior housing at 44 Park Street.

As was most recently highlighted in our HUD 5-Year Consolidated Plan, there is a need for additional affordable senior housing particularly in this area of the city, which is characterized by a high demographic sector of elderly 55 years or older and no developments to serve them. In addition, this building will be entirely handicapped accessible enabling our seniors to age in place.

Ward Two Alderman Mary Ann Heuston has been particularly concerned about the lack of affordable elderly housing in her ward and in the past, has asked that the Housing Division consider support or subsidizing projects of this type. All units will be made affordable in perpetuity and may be eligible for inclusion in the Commonwealth of Massachusetts subsidized housing inventory list.

By approving this request, the Housing Division believes it will increase the available options to seniors and meet one of our housing needs in the city. Thank you for your consideration of this request."

Traffic & Parking

The Traffic & Parking Department submitted the following written comments:

"The first submittal to Traffic and Parking indicated that there would be 39 parking spaces provided on site. Traffic and Parking requested that the applicant submit documentation relative to the ratio of parking spaces per senior center unit in Somerville. This documentation was provided. Four senior centers in

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Somerville were surveyed for parking space utilization. The parking space utilization rates ranged from .24 to .38. Due to neighborhood parking concerns, Traffic and Parking supported the use of the highest rate of .38 to determine the number of parking space for the development at 44 Park Street.

However Traffic and Parking does realize that an argument can be made and supported that a lower parking rate can be used to determine the number of parking spaces to be provided for this development.

Traffic and Parking is not opposed to an implementation on a trial period for the lower number of parking spaces provided that the following is incorporated into the parking provisions:

- The physical surface of the area where the parking spaces that will not be provided for have only low cost and low maintenance "green space" material that could be removed if it is determined that the original number of parking spaces are required.

- Six months and one year from the date of full occupancy the property management must provide to Traffic and Parking a report prepared by a professional traffic engineer that outlines the current parking conditions of the development. This report must include the parking space utilization for the development in the morning, mid day and afternoon periods.

If the parking supply is adequate no further action by the property management is required. If there is a parking space shortfall, then the original number of parking spaces [36] should be returned to service."

Historic Preservation
The Staff of the Historic Preservation Commission submitted the following written comments:

"44 Park Street is less than 50 years old. The Commission should review any demolition of a structure more than 50 years old. 50 Park Street, the Peter Forg Manufacturing Company is of definite interest to the Commission and has a fascinating history."

Somerville Design Review Committee
The Design Review committee reviewed the proposal on April 24 and had the following comments regarding the site and area compatibility:

- the 3-dimensional perspective is elegant
- the massing of the building is positive
- building scale is consistent with the neighborhood
- the four-story building across the street provides a good context for the project
- the design is an authentic architectural expression.

VII. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.11.1.C):

In order to grant a special permit, 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.

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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." As conditioned, the proposal would comply with the standards except those for which variances are being sought. The site is not developed to the full scale permitted under the ordinance, in terms of FAR and ground coverage, etc. The building could be bigger under the units; requested relief does not impact scale of building, only allocation of interior space.

3. Purpose of the 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 purpose of the Residence C district is "[t]o 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". The change from an industrial warehouse to a residential use would make the lot consistent with the purpose of the district.

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".

The skewed orientation of the building breaks up its massing. The articulation of bays, pergolas, balconies, and clapboard siding reflect details in the surrounding neighborhood. The landscaping would improve the appearance of the area.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

There would be a perimeter pathway marked with distances to allow for measured walks. Neighbors could also use this path to get from Properzi Way to Park Street.

The design of the building provides an acoustical buffer between the train tracks and the neighborhood. Shadows will minimally affect the residential neighbors as shown in the shadow study. The shadows would mostly fall on the parking lot and the railroad tracks.

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."

Utilities: The Applicant proposes to have low-use and energy efficient water fixtures to reduce the impact of the sanitary sewer system and water supply.

Traffic: The Applicant's traffic consultant provided data on the impact of the development on traffic. The peak trip generation for most seniors is not typical peak hours of the working population. The Applicants would be constructing a median on Park Street to impede cars from crossing the road and train tracks when the warning arm is down. The median would increase safety of the at-grade crossing.

As noted in several of the technical reports, seniors generally have less of an impact on public systems than other age groups. Staff find that the proposal would not adversely affect public services.

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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."

Staff find that the residential use would not have the noted environmental impacts. The prior industrial use may have caused this impacts and a condition of approval would be documentation verifying that a level of no significant risk has been achieved at the site.

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."

As the required findings of Article 5 have been made, and the proposal satisfies the purposes of Article 1, including "to encourage the most appropriate use of land" and "to encourage housing for persons of all income levels" and of Article 6, as already described, Staff find the proposal to be consistent with the purposes of the SZO.

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 relatively flat and the proposal maintains the grading. The existing mature Ash and Locust Trees will remain. Landscaping would be provided around the site such that it is visible from the front and rear of the property. There are two areas for outdoor seating. The area to the north of the building would provide shade.

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."

The building would be situated away from the railroad tracks to reduce noise and vibration to the units. The abutting properties will have a view of the building and landscaping instead of parking. The design of the building with two skewed parts breaks up the visual massing. The proposed landscaping plan would be an improvement to the land surrounding the existing structure.

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 City Engineer has approved the site plan, drainage plan, and storm water operation and maintenance plan. The proposed storm water management system consists of two water quality inlets (Stormceptor 450i), roof drains, and an area drain for collection, and infiltration chambers for storage and groundwater recharge.

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 current building is less than 50 years old and is not historically significant. The proposed development incorporates design elements of Somerville's architectural heritage such as bay windows, pergolas, a cornice and clapboard siding.

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 current site is a one-story metal warehouse with minimal landscaping. The proposed landscape plan locates vegetation in areas that would screen parts of the building from the public ways. The rear yard of the property would be green space visible at the intersections of Properzi Way, Hanson Street, and Village Street.

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."

The Applicants have submitted a lighting plan that is sensitive to the needs of seniors. There would be bollard lights to the south of the property near the walking path with minimal light spillage and more intense lights on the parking lot side for safety.

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."

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Emergency vehicles would have easy access to the building through an emergency access only entrance off of Park Street and an emergency exit only onto Properzi Way.

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."

The only non-emergency vehicular access to the site is from Park Street, which is a major road. The access point is as far from the tracks as possible.

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."

The Applicant is proposing to tie into the existing City services for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

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;"

No negative impacts are anticipated as a result of the proposed residential use. The shadows from the property would be cast in the parking lot of the building.

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 facility sign would be located between trees at the front of the property but its design has not been submitted. The sign review can be completed subsequent to the zoning review, with a condition of approval requiring provision of a design satisfactory to Planning Staff.

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."

Screening for the transformer and trash are indicated on the site plan and landscape plan. Screening would consist of screen fences and plantings.

21. Screening of Parking:

Parking would be located along the railroad tracks. The landscape plan shows vegetation along the tracks. The building and the transformer would screen much of the parking from Park Street. The building and vegetation would screen the parking from the view from Properzi Way.

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VIII. FINDINGS FOR VARIANCES

Variance from SZO § 9.5.1.b (number of parking spaces)

The SZO requires 0.75 parking spaces per senior citizen housing unit or 0.40 spaces per unit with a Special Permit. This regulation translates to 67 spaces or 36 spaces allowable with a special permit. The Applicant is seeking a variance in order to provide 27 parking spaces.

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." The Applicant stated, "On this site, the very high water table precludes parking or development below grade. Surface parking is the only viable option. The Applicant is restricted as to the number of parking spaces that it can construct on the site".

Staff find that the surface parking competes for land with valuable landscaping, which is more beneficial to the residents and neighborhood. The data from similar senior housing facilities supports the number of proposed parking spaces. However, Staff find that technically the site does not meet this criterion for a variance, since the required number of spaces *could be* provided on site, at the expense of landscaping.

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." The Applicant stated, "In similar elderly housing developments operated by the Somerville Housing Authority, the majority of the residents do not own automobiles and parking spaces are left empty. The number of parking spaces proposed by the Applicant is common in elderly housing developments and more than provided, on average, in the City's other similar senior housing. Furthermore, the project site provides easy access to numerous MBTA bus routes as well as potential access to the future MBTA Green Line extension to Union Square. These transportation alternatives would help offset any parking pressures that would normally be associated by approving a parking variance. In addition, the project as designed creates needed green space for the area that does not exist today, and that might otherwise be underutilized surface parking. The Applicant anticipates the opportunity for Zip-Car spaces as well. Additionally the Applicant is providing bike racks at the site for residents and/or visitors. As noted in the application, the Applicant expects that the majority of the residents of the project will regularly not own automobiles and use public transportation or transportation provided by and through the City of Somerville."

The requested variance meets this criterion. The data from similar senior housing facilities supports the number of proposed parking spaces. The most reasonable use of the property would be for green space as opposed to underutilized parking. With the condition that a professional traffic engineer must study the parking conditions of the development six months and one year from the date of full occupancy and the Applicant must add additional parking space as necessary, the variance would grant relief with an assurance that the land would be used for the most reasonable use.

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." The Applicant stated, "As noted above, the project will provide [twenty-seven (27)] on-site parking spaces for the eighty-nine (89) units, [0.3] parking spaces per unit. Information gathered at four other senior citizen facilities in Somerville indicated an average ratio of 0.36 spaces per unit. The

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majority of the residents will not own automobiles and the parking spaces will be underutilized. The number of parking spaces proposed by the Applicant is common in elderly housing developments. Considering the demographics of the residents, the anticipated car ownership and travel schedules, there should be no injurious or detrimental impacts to the neighborhood or public welfare."

Given the data on existing parking spaces and utilization of those spaces at similar facilities in the City, the reduction in the number of parking spaces would not be injurious to the neighborhood or public welfare. If this facility had a higher auto-usage than similar facilities the condition to add needed spaces in the future would mitigate negative impacts of reduced parking. The reduced parking spaces would be in harmony with the general purposes and intent of the Ordinance mostly notably to protect the natural environment, to encourage the most appropriate use of land throughout the City, and to encourage housing for persons of all income levels.

Variance from SZO §8.5.b (minimum lot area per dwelling unit)

The SZO §8.5.b requires 1000 square feet per dwelling unit in an Residence C district for ten or more units. SZO §13.5 allows for an increase in the number of units allowed if the number of affordable units is over 12.5%. This project would reach the maximum incentive allowed, which is an increase of 20% of the number of units permissible under Article 8. The permissible number of units would be 43 or 52 with the affordable housing bonus.

The Applicant is seeking a variance for a lot area per dwelling unit in order to permit an average of 484 square feet. If the Applicant acquires half of the private "paper street", the size of the lot would increase by 2500 square feet, making the lot area per dwelling unit 514 square feet.

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." The Applicant stated, "Cities and towns control density through several tools in the Zoning Ordinance, including height, setback, floor area ratio and square feet of land per dwelling unit. The SZO, as currently constructed, encourages construction of very large (1250-2200 square foot units) by requiring 1000 square feet of land per dwelling unit, but also providing a FAR = 2.0. It must be noted that the proposed project fully complies with all required setbacks and building height. Accordingly, by right, the applicant could construct over 91,170 square feet, as the permitted FAR is 2.0. Thus, on this project, the Applicant could build, by right, [Staff note: This would be permissible by special permit but not by right.] 43 units of over 2,000 square feet each (e.g., 4 bedroom condominiums). However, the project before the Board is only 63,769 square feet, more than 30% smaller tha[n] what is allowed by right, or an FAR of 1.35. Thus, this is clearly not a maximum build out proposal. As noted above, senior housing units are characterized by being of approximately 600-650 square feet in size. This special nature of a senior housing unit size is simply not currently reflected in the SZO. The Board, by granting this variance, would be protecting the density standards in that the project is still significantly smaller in total square footage than an alternative that could be built as of right, and would be recognizing the importance of and the need for senior housing in the City of Somerville."

Staff agree with the Applicant's contention that the language of the SZO may inhibit the construction of senior housing, particularly affordable senior housing, if subsidies are not available. Nevertheless, Staff are unable to make positive findings for this criterion. .

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." The Applicant stated, "The variance being sought would be reasonable relief to the owner and would allow for a reasonable use of the land. The proposed units will be one bedroom at approximately 600 square feet in size. As noted above, senior housing units are characterized by being of approximately 600-650 square feet in size. This special nature of a senior housing unit size is simply not currently reflected in the SZO."

Based on the application materials received, Staff find that this variance would be the minimum relief necessary to make the project feasible. The size of the development is within the building envelope permitted in the zoning district, and the proposed unit size is typical for this use. Staff note that a much larger building, with fewer (mostly market rate) units, could be built without requiring variances, but perhaps causing greater impacts to the surrounding area. The Regional Plan of the Massachusetts Area Planning Council (MAPC) calls for the production of 83,000 units in multifamily buildings near existing commercial areas and transit. This plan states that an increase in small units in convenient locations will mean that fewer seniors will spend a large portion of their budget on housing, heating and transportation and move out of the region where they have social ties. A variance would allow this project to help achieve this goal.

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." The Applicant stated, "As outlined in this application, the project will provide much needed housing that will enhance the lives of the growing and diverse senior population in the City of Somerville. The development of the underutilized property will assist the City of Somerville with the growing demand for affordable senior housing. The residents of the 44 Park Street Senior Housing Development will have minimal impact on the resources of Ward 2 and the City of Somerville."

Staff find that the variance would allow this project to have the number of units that would make the project feasible. Seniors are generally less impactful to the neighborhood than other age groups. Furthermore, increasing affordable housing for seniors is in harmony with the general purposes of the Zoning Ordinance, Metro Future (the MAPC's regional plan), and the City's HUD 5-Year Consolidated Plan.

Variance from SZO § 8.5.b (number of stories)

The SZO §8.5.f allows a 40-foot height with three stories in a Residence C district. The Applicant is seeking a variance to allow a fourth story within this height.

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." The Applicant stated, "Cities and towns govern massing and density requirements, by, inter alia, controlling height limits. At this location, the 40' height limit is being adhered to by the proposal. However, the proposal calls for 4 stories in 40', not the 3 stories allowed by the SZO. Hence, the proposal respects the massing intent, but seeks relief for the number of stories. Modular construction, characterized by flat roofs, easily permit 9'-6" floor to floor modules to be erected on top of one another, producing a 38' height, plus a 2' base plinth, or 40'-0". On this site, the very high water table, discussed above, precludes development below grade for traditional support functions, whether of mechanical nature or for common amenities, such as community rooms, medical offices, hair salon, sundry store or similar. Therefore, these critically

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important functions, whether mechanical or social, must be accommodated above grade, reducing the space available for senior housing units. The Board, by granting this variance, would be acknowledging the hardship imposed by the high water table, and, would be acknowledging the importance and the value of the added senior housing units to the City of Somerville."

While Staff agree that there would be no negative visual impact as a result of permitting the fourth floor, Staff are unable to make positive findings for this criterion.

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." The Applicant stated, "The variances being sought would be reasonable relief to the owner and would allow for a reasonable use of the land. As noted above, modular construction, characterized by flat roofs, easily permit 9'6" floor to floor modules to be erected on top of one another, producing a 38' height, plus a 2' base plinth, or 40'-0". On this site, the very high water table, discussed above, precludes development below grade for traditional support functions, whether of mechanical nature or for common amenities, such as community rooms, medical offices, hair salon, sundry store or similar. Therefore, these critically important functions, whether mechanical or social, must be accommodated above grade, reducing the space available for senior housing units. The Board, by granting this variance, would be acknowledging the hardship imposed by the high water table, and, would be acknowledging the importance and the value of the added senior housing units to the City of Somerville."

The proposal does not maximize the total square feet that is allowed under the SZO. By proposing a fourth floor within the building envelope, the project covers less ground than the maximum allowed, provides more landscaping than the minimum required, and increases room for parking. Due to the high water table, putting parking underground would make the project for affordable units infeasible. The request is the minimum relief necessary, as the building is at the allowable height and the floor to ceiling heights are reasonable for housing.

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." The Applicant stated, "The variance as it relates to the stories of the building would be in the public good. Since there is no difference in the size of the building from the street level, the building height will be similar to other buildings in the neighborhood. Other projects in the neighborhood, which include 22-24 Park Street, and surrounding areas have been built with a 4th story and within the height requirement of the Ordinance. The variance would not be detrimental to the public welfare."

The variance would allow this project to have the number of units, site configuration, landscaping and parking that would make the project feasible. Increasing affordable housing for seniors is in harmony with the general purpose of the Ordinance, Metro Future - the MAPC's regional plan and the City's HUD 5- Year Consolidated Plan. Staff find that granting relief from this provision of the SZO would have no impact on the surrounding neighborhood.

IV. RECOMMENDATION

Special Permit with Site Plan Review under §7.11.1.c

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT WITH SITE PLAN REVIEW.**

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Staff finds that this application complies with the requirements for granting a special permit with site plan review as set forth under §5.1.4 and that the use proposed would not be substantially more detrimental to the neighborhood than the existing use.

Variances: §9.5.1.b (number of parking spaces), §8.5.b (minimum lot area per dwelling unit), and §8.5.b (number of stories)

Unfortunately, based on the above findings, the Planning Staff is unable to recommend approval of the requested variances. Although the development would be beneficial to seniors in the community as well as improve many existing conditions in the neighborhood, Staff find that the requested variances do not meet the first criterion, which is that the hardship is caused by unique soil conditions, shape or topography of land or structures.

Should the Board vote to recommend approval of the special permit and variances, the following conditions should be added to the permits:

<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 for the construction of 89 affordable senior housing units. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:
<table>
<tr><th>Date</th><th>Submission</th></tr>
<tr><td>May 15, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr>
<tr><td>July 9, 2008 (issue date)</td><td>Modified plans submitted to OSPCD</td></tr>
<tr><td>August 5, 2008</td><td>Modified plans submitted to OSPCD (rendering from Properzi Way)</td></tr>
</table>
Any changes to the approved site plan, elevations or use 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>The applicant and the City must agree on an affordable housing restriction prior to the Zoning Board of Appeals’ hearing, the execution of which will become a condition of the ZBA’s decision, if a favorable decision is issued.</td><td>SPGA approval</td><td>Housing</td><td></td></tr>
</table>

3	The physical surface of the area where additional parking spaces could be provided will only have low cost and low maintenance "green space" material that could be removed if it is determined that the original number of parking spaces are required.	Perpetual	T&P	
4	Six months and one year from the date of full occupancy the property management must provide to Traffic and Parking a report prepared by a professional traffic engineer that outlines the current parking conditions of the development. This report must include the parking space utilization for the development in the morning, mid day and afternoon periods. If the parking supply is adequate no further action by the property management is required. If there is a parking space shortfall, then the original number of parking spaces [36] should be returned to service.	6 months & 1 year after CO	T&P	
5	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
6	A current code compliant fire alarm system including a master fire box connected to our fire alarm dispatch center, a sprinkler system and a fire department hose standpipe system as well as elevators that are code compliant must be installed.	CO	FP	
7	The Storm Water Operation and Maintenance Plan should be shared with the owners of the building who will be responsible for maintaining the drainage system	CO	Engineering	
8	Applicant will screen the dumpster and transformer with fencing that blocks any view of them.	CO	Plng.	
9	The Applicant shall submit the sign design that is in compliance with Article 12 of the SZO and that is satisfactory to Planning Staff.	CO	Plng.	
10	Lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
11	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	

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12	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	
13	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	
14	The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. 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;	Demolition Permitting	ISD	
15	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 Department: 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 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.	Foundation Permit	Plng/ISD	

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16	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.	CO	OSE/FP/ BOH	
17	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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.	

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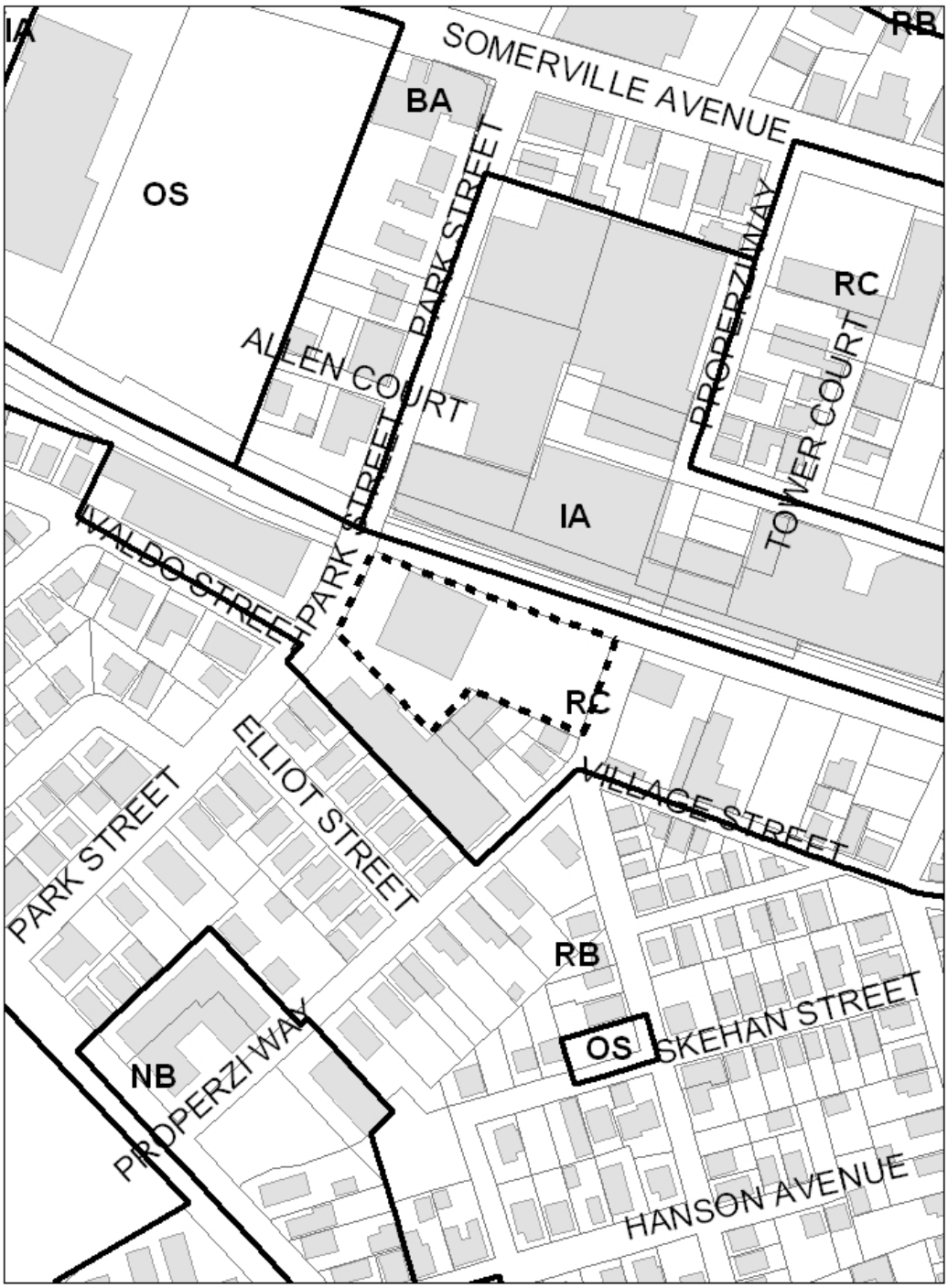

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