



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-32

Date: June 20, 2018

Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 165 Cedar Street

Applicant Name: CEDWAR, LLC

Applicant Address: 78C Lawrence Road, Bedford, MA 01921

Owner Name: Royal Environ Services Inc

Owner Address: 52 Morning Side Drive, Arlington, MA 02474

Agent Name: Sean T. O'Donovan, Esq.

Agent Address: 741 Broadway, Somerville, MA 02144

Alderman: Mark Niedergang

Legal Notice: Applicant, CEDWAR, LLC, and Owner, Royal Environ Services Inc., seek a special permit under SZO §7.11 to establish four residential units, §4.4.1 to substantially alter a nonconforming structure by modifying the existing footprint and constructing four stories that will be greater than 25% of the existing gross floor area (GFA), and §9.13 for parking relief. BB Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – June 20, 2018

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject site consists of one parcel that is 3,792 square feet. The site contains a former shipping and receiving dock last used by an industrial laundry operation. The existing building crosses the property line and is connected to the rear of another former laundry facility located at 13 Warwick Street. The two buildings were used by the same entity for the same industrial laundry operation.



2. Proposal: The proposal is to demolish the building, except for a portion of the existing foundation, and construct a new four story building with four two-bedroom residential units and an underground parking garage.
3. Green Building Practices: The applicant intends to explore solar energy, electric car charging stations, and recycled building materials.
4. Comments:

Fire Prevention: The Fire Prevention Bureau of the Somerville Fire Department does not have any objections to the proposed project.

Transportation and Infrastructure:

When asked about the feasibility of the geometry of the proposed underground parking spaces:

"[It is] tough to tell without AutoTurn figures. The three compact spaces seem problematic – assuming vehicles will be pulling in and pulling out of the basement, they'll need to turn around at some point, and it's tough to see how a vehicle parking in the space farthest from the ramp will be able to do so.

Any mobility issues resulting from the odd layout and compact spaces will be contained to the site. The brunt of any inconvenience will be felt by the residents and the manager of the property.

That said, these are residential spaces, so in theory the same user will be using the same space all the time. Garages can be quirky as long as a limited number of people are using them. Residents will get used to how to get into and out of their assigned space. So, while I have reservations, I'm OK with these spaces for use by residents. If there's anything we can condition that compels the applicant to include disclaimers about the substandard parking spaces, which may be a good idea." - Mike Tremblay, P.E., Senior Transportation Planner, Mayor's Office of Strategic Planning and Community Development

Engineering: The Engineering Department had a concern about the high ground water in this particular neighborhood given that the proposal included an underground parking garage. The Engineering Department prefers building to be at least one foot above the high ground water level. Therefore, the Applicant conducted a soil analysis to determine the high ground water level. As a result of the analysis, the parking level sits four feet below grade rather than five feet.

Historic Preservation: The Historic Preservation Staff has signed off on the demolition.

Ward Alderman: Alderman Niedergang has been informed of this proposal and has yet to comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §7.11, §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 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."*

Article 4: Nonconforming Uses and Structures

The structure is currently nonconforming with respect to the rear yard setback requirement, which is 16 feet in the BB district (10 feet plus 2 feet for each story above the ground level). The current rear yard setback requirement is 0 feet and the proposal will remain nonconforming but improve the distance to 10 feet. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal will improve the existing nonconformity on the site and significantly improve the aesthetics along a major corridor and the highly traveled community path. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for use, lot area per dwelling units, ground coverage, landscaped area, floor area ratio (FAR), building height, front yard setback and street frontage will continue to be conforming to the requirements of the SZO.

Article 7: Permitted Uses

The SZO 7.11.1.c requires that four residential units in the BB zone require a Special Permit.

Article 9: Off-Street Parking and Loading

	<i>Existing</i>		<i>Proposed</i>	
Warehouse/distribution	1,374 s.f plus	4 spaces	-	-
	3 business			
	vehicles			
Unit #1	-	-	2 BR	1.5 spaces
Unit #2	-	-	2 BR	1.5 spaces
Unit #3	-	-	2 BR	1.5 spaces
Unit #4	-	-	2 BR	1.5 spaces
Total		4 spaces		6 spaces

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently nonconforming with respect to the number of required off-street parking spaces as 4 spaces are required and none are provided on the site (since loading docks nor the area in front of loading docks count as parking spaces). The proposal increases the parking requirement by two spaces.

Since the locus does not currently have sufficient off-street parking and an addition is being added to the property that increases the parking requirement by three, SZO §9.4.2 requires the Applicant to provide the two required additional spaces. The proposal includes four underground spaces at a ratio of one per unit. Relief is being requested from providing the additional two parking spaces.

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, and upon reaching the findings and determinations set forth in Section 5.1.4”. Staff finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the BB district, which is, “to establish and preserve general commercial and high density residential areas consisting of multi-family developments, shopping centers, commercial strips and automobile related establishments where customers reach individual businesses primarily by automobile.”

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."*

Surrounding Neighborhood: The subject site is located on the east side of Cedar Street on the block between the Community Path and Warwick Street. This particular section of cedar street is mostly residential in nature and nearby land uses include two, three, and multi-family dwellings as well as a two-story office building across the Community Path. Building heights in this area range from 2.5 stories to four stories.

Impacts of Proposal (Design and Compatibility): The proposed design follows a modern style four-story building that incorporates primarily wood siding with corrugated metal panels on the top floor. Accents include metal windows and balconies and a contrasting cedar wood siding on the inside of the balconies. Overall, the proposal would enhance the aesthetics of the corridor and serve as an impressive gateway to the community path.

5. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): Any mobility issues resulting from the odd layout and compact spaces will be contained to the site. The brunt of any inconvenience will be felt by the residents and the manager of the property. That said, these are residential spaces, so in theory the same user will be using the same space all the time. Garages can be quirky as long as a limited number of people are using them. Residents will get used to how to get into and out of their assigned space. A condition should be added that compels the applicant to include disclaimers about the substandard parking spaces.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhood.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	0	4
<i>Commercial Sq. Ft.:</i>	1,374	0

III. RECOMMENDATION

Special Permit under §4.4.1, §7.11, §9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is for the construct of a four-unit building. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 1, 2018</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>June 5, 2018 (June 15, 2018)</td><td>Modified plans submitted to OSPCD (T1.1, existing conditions plan, utility site plan, Z0.1, Z1.0, Z1.1, A0.1, A1.1, A1.2, A2.1, A2.2, A2.3, and A2.4)</td></tr></table>				Date (Stamp Date)	Submission	March 1, 2018	Initial application submitted to the City Clerk's Office	June 5, 2018 (June 15, 2018)	Modified plans submitted to OSPCD (T1.1, existing conditions plan, utility site plan, Z0.1, Z1.0, Z1.1, A0.1, A1.1, A1.2, A2.1, A2.2, A2.3, and A2.4)
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.							
3	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.							
4	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.							
5	Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division: 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.	Demolition Permit	Plng/ISD							
6	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.							

7	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
8	The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Eng.	
9	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. 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	
Construction Impacts				
10	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
11	The Applicant shall at their 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	
12	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	
Design				
13	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
Site				
14	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
15	A permeable paver driveway apron of at least 10 feet in depth and as wide as the proposed driveway shall be constructed at the driveway opening.	CO	Plng.	
16	New electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	

17	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
18	The applicant shall coordinate the the curb cut with the Department of Public Works Engineering Department and the Highway Department.	CO	Highway and Eng.	
Traffic & Parking				
19	The Applicant/Owner shall provide a disclaimer to prospective tenants or purchases about the substandard sized parking spaces.	CO/Perpetual	Plng.	
Miscellaneous				
20	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
21	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
22	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
23	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
24	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	
Public Safety				
25	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
26	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
27	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		

28	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.	At time of release	OSE/FP/BOH	
29	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
30	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.	

