



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning Staff
SUBJECT: 515 Somerville Avenue, P&Z 22-069
POSTED: July 8, 2022

RECOMMENDATION: Approve – Plan Revision Major Amendment

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the development review application submitted for 515 Somerville Avenue (ZBA2018-122), identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on June 24, 2022, and is scheduled for a public hearing on July 13, 2022. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

YEM Somerville Ave LLC seeks to edit Condition #37 to strike the language “cast light downward” from ZBA 2018-122 decision for a hotel in the MR4 district.

SUMMARY OF PROPOSAL

Applicant, YEM Somerville Ave LLC, is constructing a six-story 164 room hotel with a full-service public restaurant/bar, meeting room, and a pool, as well as garage parking. This request is to eliminate the requirement for façade lighting to be cast downward and allow up-lighting to accentuate the architecture without intruding, interfering, or spilling onto neighboring properties.

ADDITIONAL REVIEW NECESSARY

515 Somerville Avenue is located on a Pedestrian Street in the Mid-Rise 4 (MR4) zoning district in the Spring Hill neighborhood represented by Ward 3 Councilor Ben Ewen-Campen. Per SZO “15.2.4.d.iv. Upon a determination that the proposed revision is a major amendment, the Director of Planning & Zoning shall notify the applicant, in writing, and forward the revised application to the designated review board as a revision to a previously approved development review application.” To alter or eliminate a condition on a previous decision requires a Major Amendment and the determination was made by the Director of Planning with a letter issued to the Applicant on June 24,

2022. The Zoning Board of Appeals was the original decision-making authority for this project and, therefore, is required to review this amendment.

ANALYSIS

The original approval for ZBA2018-122 was a Special Permit with Site Plan Review per SZO §7.11.10.5.b and Variances per Article 8 (dimensional requirements) and Article 9 (parking) under the previous zoning ordinance with a Decision date of October 24, 2018. Within that approval, Condition #37 specifies “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”.

As the building design was refined and permitted through construction, lights that shine upwards were included to accentuate the architecture. Those lights have been installed and the project has applied for a Certificate of Occupancy from the Inspectional Services Department. The photograph below shows the nighttime condition of the lighting.



The light does not intrude, interfere, or spill onto neighboring properties as required by the condition language so only the direction of the lighting is in question.

CONSIDERATIONS & FINDINGS

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance to deliberate on each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

Special Permit with Site Plan Approval Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. Mitigation proposed to alleviate any impacts attributable to the proposed development.

Per SZO 15.2.4.e.ii. "When considering a revision to a previously approved development review application, the Review Boards shall limit their review to only the changes to the previously approved application." As the building is substantially complete, there are no changes to the findings requiring consistency with the comprehensive plan or the intent zoning district. However, the Board may consider whether any mitigation is required to alleviate impacts on the surrounding neighborhood due to this requested lighting change.

PERMIT CONDITIONS

Should the Board approve the Plan Revision Major Amendment, Planning, Preservation & Zoning Staff does not recommend any additional conditions at this time.