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August 30, 2023
Via Online Submission

Planning Board
City of Somerville City Hall
93 Highland Avenue
Somerville, MA 02143

**Re: Major Amendment to Case No. P&Z 21-029
28-44 Broadway, Somerville**

Dear Members of the Planning Board:

Lower Broadway Development LLC (the “Applicant”) hereby seeks to amend the Site Plan Approval and Special Permit (the “Approval” or “P&Z 21-029”) for a 6-story LEED Platinum General Building with a Household Living principal use located at 28-44 Broadway, Somerville, MA (“44 Broadway”, or the “Project”), granted by the City of Somerville (“City”) Planning Board (the “Board”). Due to market demands and inability to finance of the Project as permitted, the Applicant seeks to: (i) modify the proposed Project by adding three (3) new Dwelling Units, as defined in the Somerville Zoning Ordinance (“SZO”), (ii) modify Perpetual Condition #7 and Perpetual Condition #8 in the Approval so that the property owner provides one (1) MBTA Monthly pass and one (1) bike share membership (respectively) per adult occupant of a unit, during the first month of initial occupancy of a new household only, and (iii) modify Perpetual Condition #9 to require that a major revision to the transformer room is only triggered if the location is changed. This Major Amendment Narrative provides a summary of the changes to the Project, which are described and depicted in more detail in the Architectural Plans, dated August 17, 2023, prepared by project architects Icon Architecture, and a summary of the changes to Perpetual Conditions #7 and #8 in the Approval (collectively, the “Amendment”). Accordingly, the Applicant respectfully requests that the Planning Board approve of the Amendment.

I. Proposed Changes to the Project

The Applicant proposes to add a total of three (3) new Dwelling Units. The Amendment results in a total of 84 units, laid out as: 32 studio units, 42 one-bedroom units, 5 two-bedroom units, and 5 three-bedroom units; the previously approved project included 81 units total, laid out as: 29 studio units, 36 one-bedroom units, 2 one-and-a-half bedroom units, 6 two-bedroom units, and 8 three-bedroom units. The Amendment will not result in the change of the number of Affordable Dwelling Units (“ADUs”) required nor provided, however, the fractional payout required will increase. The Applicant is also committed to providing at least 4 of the three-bedroom units as ADUs, as required by the SZO, with the remaining 12 required ADUs to be distributed among the other units. Given the increase in the number of total Dwelling Units, the number of long-term bicycle parking spaces has also been increased to comply with the

requirements of the SZO. Moreover, due to the change in Dwelling Unit count, the dimensional table has also been amended to reflect that each Dwelling Unit either has access to private Open Outdoor Amenity Space with more than 24 sf or has access to approximately 30.18 sf per Dwelling Unit of shared Outdoor Amenity Space, which is in compliance with Section 2.4.5 b.viii.c of the SZO. Finally, the utility room holding the transformer will need to expand inside the building slightly to accommodate larger equipment, creating a small area of spandrel glass, and additional access doors along the side of the building will likely need to be added to provide access to this equipment.

We also note that the plans provided herewith show additional cloud revision bubbles to reflect changes to the project approved by the Planning Board on June 16, 2022 which were not included on the older plan set on file with the City dated May 19, 2022, and include: (i) a decrease in the total number of vehicular parking from 26 spaces to 21 spaces from what was previously submitted, and (ii) a slight revision to the exterior metal paneling. Neither of these changes are actual revisions to the Project as approved by the Planning Board for the following reasons. First, the decrease in parking from 26 parking spaces to 21 parking spaces is to comply with and reflect the Approval's condition that the Project have a maximum of 21 vehicular parking spaces, and therefore does not have any relationship to the requests made herein other than to change the layout of the basement level. Second, the slight change to the exterior metal paneling to remove the rust-colored panels on the building's exterior was the result of Planning Board comments made on June 2, 2022, that there were too many materials on the building's exterior. The Applicant provided revised exterior renderings of the building on June 16, 2022, that were approved by the Planning Board. Therefore, since neither of the two above mentioned changes were reflected in the May 19, 2022, plan set on file with the City, these updates to the drawing sets are being reflected on and noted in the plan set filed herewith even though they do not amount to a change from the Planning Board's Approval.

The Applicant is not proposing any other changes to the exterior of the building other than those minor changes mentioned above, and the landscaping and public realm have not been changed from what has already been presented to and approved by the Planning Board.

II. Proposed Changes to Perpetual Condition #7 and Perpetual Condition #8

The Applicant seeks to amend Perpetual Condition #7 so that the Project provides one (1) MBTA monthly pass per adult member of a new household – up to two (2) passes per household – during the first month of initial occupancy, renewing each time a new residential household moves in. This Amendment would be in line with Condition #6 of the Applicant's Mobility Management Plan approved by the City's Director of Mobility on April 16, 2021 (the "MMP"), which called for the provision of one (1) MBTA monthly pass per adult member of a new household—up to two (2) passes per household—during the first month of initial occupancy of a new household, instead of requiring twelve (12) month MBTA memberships for up to two new residents of the Project, to be renewed each time a new residential tenant moves in, as set forth in the Approval. As set forth in the MMP, the condition would be one that would adequately mitigate traffic and new vehicle impacts from the Project.

Similarly, the Applicant seeks to amend Perpetual Condition #8 so that the Project provides one (1) bike share membership monthly pass per adult member of a new household—up to one two (2) passes per household—during the first month of initial occupancy, renewing each time a new residential household moves in. This Amendment would be in line with Condition #7 of the MMP, which called for the provision

of one (1) bike share membership monthly pass per adult member of a new household—up to two (2) passes per household—during the first month of initial occupancy of a new household, instead of requiring twelve (12) month bike share memberships for up to two new residents of the Project, to be renewed each time a new residential tenant moves in, as set forth in the Approval. As set forth in the MMP, the condition would be one that would adequately mitigate traffic and new vehicle impacts from the Project.

As set forth below, annual MBTA and bike share passes are not rationally connected to, or proportionate with, the impact of the Project’s 21 parking spaces, especially since the parking will largely be used to support the ground floor commercial spaces. Moreover, the existing MBTA and bike share pass conditions makes the Project unfinanceable and unviable, which will prevent the delivery of much needed additional housing to Somerville.

III. Site Plan Approval Criteria Still Met

Although the proposed changes to the Project were deemed not de minimis by the Director of Planning & Zoning, requiring a major amendment to the Approval, the Applicant believes the proposed changes are minimal in nature and that this Board can still make the findings considering the following factors required under Section 15.3.2.e of the SZO:

a. The comprehensive plan and existing policy plans and standards established by the City

One of the goals laid out in SomerVision 2040 is to increase build a sustainable future through varied and affordable housing options. The Amendment will slightly increase the number of units of housing while meeting the intent of the transit pass conditions in the MMP, and therefore the Board can find that the Amendment supports the goals of SomerVision 2040.

b. The intent of the zoning district where the property is located.

The intent of MR6—the zoning district the Property is located in—is in part to “accommodate the development of areas appropriate for moderately-scaled multi-unit . . . buildings.” The Amendment makes a minor change by increasing the units by three units, but makes no changes to the exterior of the building or the scale of the building. Such a minor change does not alter the Board’s prior finding that the Project supports the intent of the zoning district where the Property is located.

c. Mitigation proposed to alleviate any impacts attributable to the proposed development.

Over the span of five public hearings, the Board found that (a) a total of twenty-one (21) parking spaces, instead of the twenty-six parking spaces last proposed by the Applicant, and (b) requiring at least 20% of the total number of commercial vehicular parking spaces, rounded up, to be offered annually to all ADU households as a right of first refusal until each parking space is either rented or leased, in addition to mitigation efforts established

in the MMP, would be sufficient mitigation to address the traffic impacts potentially attributable to the Project. At the Board's hearing on June 16, 2022, multiple Board members mentioned that they did not think extending transit passes for additional time beyond one-month would impact resident behavior, but rather that reducing parking supply would be the effective tool for accomplishing this goal. Thus, the Board focused its discussion on a further reduction in parking spaces as the most direct form of mitigating against traffic impacts. However, a condition requiring 12-months of MBTA passes and a condition requiring 12-months of bike share membership, each time new residential tenant moves in, was nevertheless included in the final draft of the Approval.

Furthermore, requiring longer-termed and more frequent MBTA passes and bike share membership in the Approval when the Mobility Department determined that the parking impacts of the Project were already adequately mitigated indicates that there is no rational nexus between the final conditions in the Approval and the traffic impact of the Project's twenty-one parking spaces.

Lastly, the cost of providing annual MBTA passes and bike share memberships for new residential tenants in a modestly sized rental building amounts to a significant financial burden. It is not uncommon for multifamily apartment buildings to turn over half of their units in a given year, which would mean that, on average, the Project would provide more than \$90,000 in MBTA passes to tenants each year (84 units x 50% x 2 tenants x \$1,080 per annual MBTA pass), not to mention an up-front cost of approximately \$181,000 for the first year in MBTA passes (84 units x 2 tenants x \$1,080 per annual MBTA pass). The Project would also provide more than \$13,000 in Bluebike memberships to tenants each year (84 units x 50% x 2 tenants x \$156 per annual Bluebike pass), not to mention an up-front cost of approximately \$26,000 for the first year in Bluebike memberships (84 units x 2 tenants x \$156 per annual Bluebike pass). The Applicant has determined these costs are prohibitive in moving the Project forward.

Thus, the Amendments to Perpetual Conditions #7 and #8 will bring the conditions so that they are in line with Conditions #6 and #7 of the approved MMP and in line with what was discussed by the Board, while making the Project feasible.

IV. Special Permit Criteria for Household Living Use Still Met

Although the proposed changes to the Project were deemed not de minimis by the Director of Planning & Zoning, requiring a major amendment to the Approval, the Applicant believes the proposed changes are minimal in nature and that this Board can still make findings considering the following factors required under Section 15.2.1.e and Section 9.2.11.a.i of the SZO:

a. The comprehensive plan and existing policy plans and standards established by the City

As was noted above, the Board can find that the Amendment supports the goals of SomerVision 2040.

b. The intent of the zoning district where the property is located.

As was noted above, this Amendment does not alter the Board's prior finding that the Project supports the intent of the zoning district where the Property is located.

c. The suitability of the site for a household living principal use compared to other potential principal uses.

The proposed location for this Project remains the same, and therefore this Amendment does not alter the Board's prior finding that the site is suitable for a household living use.

d. The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.

As noted in the Board's prior Approval, a recent housing study conducted by MAPC found "that a dearth of one- and two-bedroom units contributes to increased demand on larger units that could otherwise be utilized by families." Based on market demand, this Amendment will actually provide more one-bedroom units than was originally proposed, which supports the Board's previous findings and the addresses the issue of lack of one-bedroom and two-bedroom units in the market.

e. The increase or decrease in the number or price of any previously existing ADUs.

As noted in the Approval, there are no previously existing ADUs on the site. The Project will create new ADUs furthering the goals of SomerVision 2040. This Amendment will not increase the number of ADUs provided, but will increase the fractional buyout, in compliance with Section 12.1.4.b of the SZO.

f. The number of motor vehicle parking spaces proposed for development within a Transit Area.

The Applicant shall maintain the approved number of vehicle parking spaces of 21 and will not be increasing the number of vehicle parking spaces. Given that the previously approved plans still depicted 26 parking spaces, the Applicant has revised its plans to reflect the 21 vehicular parking spaces previously approved by the Board in the Approval.

V. Proposed Changes to Perpetual Condition #9

The Applicant seeks to amend Perpetual Condition #9 so that if future minor adjustments to the Utility Room are required by the utility company, this will not trigger a Major Revision to the Project approval. Pursuant to Perpetual Condition #9, "Alterations to the design or location of the transformer room is a major amendment...". Since the original Approval, the Applicant has engaged in more detailed design exercises and discussions with Eversource, and the result of these discussions is that a larger 15,000 volt switchgear appears to be needed for the Project than had previously been anticipated. Therefore, in this Major Revision the Applicant is showing an enlarged Utility Room and additional doors along the side of the building, both of which are in the process of being approved by Eversource. Because the exact dimensions and access to the Utility Room are, however, still being discussed with Eversource, it is not

possible to determine whether Eversource will require that the size of the transformer room change slightly, or whether additional changes to the access doors along the side of the building may be required. Being mindful that a change in the *location* of the Utility Room could impact the building design in a manner that would warrant Planning Board approval, the Applicant simply wishes to remove the burden of possibly having to reapply for further approvals from the Planning Board if the interior design of the Utility Room were to change, additional doors along the side of the building had to be added, or there was some other *de minimis* adjustment that Eversource required which would, in any other circumstance, not trigger a Major Revision to a project approval. Therefore, the Applicant requests the following language from Perpetual Condition #9 be struck out as follows: “Alterations to the ~~design or~~ location of the transformer room is a major amendment...”.

VI. Conclusion

This proposed Amendment will largely result in interior changes and does not materially affect the exterior design of the proposed building. The increase in unit count is minimal and does not detrimentally impact matters of substance. In addition, the amendments to Perpetual Conditions #7 and #8 will revise the conditions so that they are in line with Conditions #6 and #7 of the approved MMP and what was discussed by the Board. Moreover, the amendment to Perpetual Condition #9 will treat the utility room much closer to other spaces in a building where minor adjustments would not trigger a major revision. Finally, not only does the Amendment meet the findings of the original Approval, the Amendment will better address the intent of the Board, market demand, and the City’s demand for types of dwelling units.

Accordingly, the Applicant respectfully requests that the Board find that the proposed changes are appropriate and approve of this Amendment.

Sincerely,

LOWER BROADWAY DEVELOPMENT LLC,
a Massachusetts limited liability company

____/s/ Ben Rogan_____

Name: Ben Rogan

Title: Manager