



City of Somerville

PLANNING BOARD

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

TO: Planning Board
FROM: OSPCD Staff
SUBJECT: 35 McGrath Highway, ZP24-000049
POSTED: October 21, 2024

RECOMMENDATION: Approve with Conditions (SPA)

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 35 McGrath Hwy, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance (SZO), and provides related analysis or feedback as necessary. The application was deemed complete on August 9, 2024, and is scheduled for a public hearing on November 7, 2024. 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

35 McGrath Highway Realty Trust proposes to develop a nine (9)-story Lab Building in the High Rise (HR) district, which requires Site Plan Approval.

SUMMARY OF PROPOSAL

The applicant is proposing to construct a 9-story LEED Platinum Lab Building. The proposed development will produce 110,851 square feet of commercial space, 84 motor vehicle parking spaces, 34 long-term bicycle parking spaces, 8 short-term bicycle parking spaces, and the proposed landscape will earn a Green Score of 0.252.

BACKGROUND

35 McGrath Hwy is located in the 0.5mi Transit Area in the High Rise (HR) zoning district in the Twin City neighborhood represented by Ward 2 Councilor JT Scott. Establishing a lab building in the HR district requires Site Plan Approval. Site Plan Approval is the administrative review and approval of conforming development to address any potential impacts as necessary. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the HR zoning district.

The applicant previously received Hardship Variances from the Zoning Board of Appeals (ZBA) for the following:

- Encroachment into the required minimum and maximum front setback (SZO §5.1.9.b)
- The façade of the building not being parallel to the front lot line for at least eighty percent (80%) of the lot width (SZO §5.1.9.c)
- Driveway located in the frontage area between the building and the front lot line (SZO §5.1.17.c.ii)
- Encroachment into the required minimum curb setback (SZO §5.1.9.b)

The applicant first received variances for the front setback requirement, building not being built parallel to the lot line, and driveway proposed in the frontage area on May 18, 2022 (P&Z 21-156). During the SPA process, those variances expired and the applicant reapplied for the same zoning relief and was granted new variances on November 15, 2023 (ZP23-000044). After receiving those variances, the applicant was made aware by the Inspectional Services Department (ISD) that they would also need to receive a variance for the curb setback requirement in order to move forward with their SPA application as proposed. The applicant applied for a Hardship Variance and was granted approval by the ZBA on July 17, 2024 (ZP24-000040). At this time, the applicant has received all necessary zoning relief to move forward with SPA for their proposed lab building.

NEIGHBORHOOD MEETINGS

The first neighborhood meeting was hosted by Ward 2 Councilor JT Scott and the applicant on July 27, 2022, via GoToMeeting virtual meeting platform. A second neighborhood meeting hosted by Ward 2 Councilor JT Scott and the applicant on May 1, 2023 via GoToMeeting virtual meeting platform. The following feedback has been summarized from comments made by members of the public at those two (2) neighborhood meetings:

- Concerns with building height
- Shadow impacts on surrounding buildings
- Root top mechanics and noise pollution
- Site lighting and dark sky impacts
- Construction related impacts and rats
- Site and building landscaping
- Building should be setback on the rear in order to mitigate against height and shadow impacts
- Traffic related impacts

DESIGN REVIEW

The proposal was reviewed by Somerville Urban Design Commission (UDC) via the GoToWebinar meeting platform on February 28, 2023 and March 14, 2023. The Commission provided its official recommendation on April 12, 2023. The UDC provided the following final guidance and recommended design modifications:

- The penthouse should be designed to blend with the overall architectural scheme and avoid appearing heavier than the materials below
- Explore applying the proposed glossy curtain wall somewhere else on the building then what is proposed in the design review stage
- Provide enough of a change in plane so the facade does not appear flat
- Seating along front façade of the building should be integrated with planters
- Landscaping should incorporate more native plants
- Ensure adequate access is provided in and around the planting's areas along the north side for maintenance purposes
- Explore incorporating a facet projection over the garage
- Penthouse should not be illuminated at night

ANALYSIS

This is one of several proposals for this stretch of McGrath Highway that has gone before the Board¹. These proposals are capitalizing on public investments into transportation infrastructure in the area including the Green Line Extension and the community path, and the planned improvements to ground McGrath Highway into a boulevard. This project will contribute to this section of McGrath Highway as it grows prominence as a commercial destination for the Twin City neighborhood and nearby Cambridge Crossings.

Transportation & Mobility Impacts

The property is located in a 0.5mi Transit Area, being approximately halfway between the Lechmere and East Somerville stations on the Green Line. Independent of this project, MassDOT is currently resurfacing and restriping this portion of McGrath Highway/O'Brien Highway to include buffered bicycle lands in both directions, the creation of a "floating" bus stop on both the north and south sides of the street, and removal of one travel lane in each direction. According to the applicant's Transportation Access Plan (TAP), they intend to extend sidewalk-level protected bike lanes along the site frontage in the westbound direction as well as proposed a curb bump out and raise the bicycle facilities for a short section in the eastbound direction to develop pedestrian accommodations across McGrath Highway.

Mobility Staff have conducted a thorough review of all plans and mobility-related documents and have provided city standard conditions of approval to mitigate transportation related impacts from the project related to streetscapes, driveway design, and bicycle infrastructure. These mobility-related conditions of approval reiterate and strengthen commitments the applicant has already made as part of their application materials including mobility-related document such as their approved TAP and Mobility Management Plan (MMP).

¹ The Planning Board voted to approve the application for Site Plan Approval of a 9-story LEED Platinum Lab Building at 15 McGrath Hwy on March 17, 2022. The Planning Board voted to approve the application for Site Plan Approval and two (2) Special Permits of a 6-story General Building at 1 McGrath Hwy.

Parking

The project is proposing to provide eighty-four (84) motor vehicle parking spaces in an underground parking garage onsite. The garage will be operated as a commercial parking garage, making it open to the general public. The proposed parking results in an average ratio of 0.62 per 1,000 sf for the development. Mobility Staff note that the current city standard for a commercial parking ratio is 0.6 per 1,000 sf for developments of similar size and use. Staff have proposed a condition that the applicant revise the amount of onsite motor vehicle parking to have a parking ratio of no greater than 0.6 per 1,000 sf.

The SZO specifies that commercial development is subject to parking minimums if a proposal is located outside a Transit Area or within a 0.5 Transit Area. 35 McGrath Hwy is located within a 0.5 Transit Area, requiring parking minimums to be met. For Research and Development or Laboratory uses, the parking minimum is one (1) space per 1,000 sf. For this proposal, the applicant would need to provide 135 parking spaces to be compliant with the SZO.

The City Administration has recently submitted a zoning amendment to eliminate parking minimums City wide and the amendment was advertised² for a Joint Hearing between the Land Use Committee and the Planning Board. The advertisement of the amendment makes the proposed zoning change applicable to this proposal. The project is compliant with the proposed advertised zoning amendment, and will be in full compliance if the City Council chooses to adopt it. The applicant has chosen to proceed at risk with the proposed advertised zoning amendment.

Economic Development

Economic Development Staff have conducted a thorough review of all plans and related documents and have provided the following comments:

- **Active ground floor spaces and facades:** The project will partially help activate ground floor spaces and facades by locating “commercial space” on the ground floor of the proposed building. However, most of this appears to consist of lobby area, circulation, and mechanical space, not active retail or mercantile uses. However, Staff note that the small size of the development parcel may require concentrating a high proportion of support space on the ground floor instead of active commercial uses.
- **Interplay of ground floor space and open space:** The project will partially improve the interplay of ground floor space and open space by locating a small proposed open space with seating by the proposed ground floor entrance. This open space is mostly paving with some landscaping, and is small in size.

² The amendment (Mayor Request ID# 24-1197) was advertised for the October 17, 2024 Land Use Committee and Planning Board Joint Hearing.

- **Building signage and wayfinding:** The project will improve the building's signage³ and wayfinding around the site by building with a distinctive entrance connected to a small, but usable open space.
- **Outdoor dining and commercial activity outside:** The applicant is not proposing any ground floor food or beverage space that could have outdoor dining programming.
- **Ground floor layout:** The applicant is providing a meaningful ground floor layout by upgrading windows and increasing light transmission into the building.

Along with the provided comments, Economic Development Staff have provided the following recommendations. These consideration are recommendations only; they are not a requirement or condition of approval:

- The applicant should explore increasing the amount of active retail and commercial uses on the ground floor of the proposed building if possible given requirements for loading and mechanical systems needed.
- The applicant should explore relocating part or all of the proposed Arts & Creative Enterprises (ACE) space from the second floor to the ground floor, if possible.
- The applicant should explore reducing the amount of passive commercial space devoted to lobby and support uses located on the ground floor and consider located some of this space to the second floor, if possible.
- The applicant should explore reducing the amount of mechanical space on the ground floor as much as possible and examine if that space can be relocated to the underground parking garage or second floor.
- The applicant should consider designing the ground floor area to accommodate a food or beverage area.
- The applicant should explore reconfiguring the site plan to yield more usable landscaping that is practical for outdoor dining and seating.

Building & Site Design

The proposal helps establish a more consistent and urban street wall along this stretch of McGrath Highway which contributes to the area becoming more pedestrian friendly. The site and building designs have undergone changes since the UDC's review and recommendations. The applicant has noted in their design review report that the recommendations made by the UDC have been incorporated into the final designs of the site and building.

Engineering Staff note that all design elements proposed in public property including sidewalks, bicycle lanes, and vehicle travel lanes must be approved by relevant City Departments and State agencies via subsequent permit processes (e.g. Streetscape

³ ISD has confirmed that the proposed signage as proposed in the application documents appears to comply with the relevant standards of SZO 10.8 – Signage requires separate building permits and full compliance is determined upon review of that future application.

Construction Permit). Offsite streetscape improvements in the “jug handle” easement area must be approved by all invested parties before construction starts. According to the applicant’s submitted land title survey, the proposed foundation may be in conflict with existing utilities servicing the neighboring property at 51 McGrath Hwy. The Applicant will be responsible for subgrade exploration to determine if any utilities in the new foundation area are currently active, and if any re-routing of utilities to maintain service to the abutting property will be necessary.

Environmental & Sustainability Impacts

The proposed building is being designed to be LEED Platinum certifiable. Based on the applicant’s sustainability documents, it is estimated this project will receive 80 credits to achieve this rating. The Office of Sustainability and Environment (OSE) Staff recommend that the project target a higher number of points to create a larger buffer between LEED Gold and LEED Platinum certifiability. OSE as noted that this consideration is a recommendation to the applicant only; it is not a requirement.

The applicant has submitted a shadow study, pedestrian wind study, and solar reflection study as required for a project of this scale. Shadow studies show that, except for a few hours during the winter, the new shadows produced by the proposed building primarily fall on MBTA land or on industrial or other commercial buildings. There will be times of the day in the summer, spring, and fall when new shadows fall on the community path, but only small portions of the path are impacted at a time.

The solar reflection study conducted by RWDI finds that predicated impacts of the proposed project on surrounding areas are typical of any modern building of its size and glazed area. The pedestrian wind study have found that the effective gust criterion is met at almost all assessed locations on an annual basis for all configurations (no build, build, and full build) considered in the study. One annual exceedance predicated at the northwest corner of the building in build and full build configuration was detected along with a few seasonal exceedances are predicted in the winter and spring in all configurations. The study also found that in build and full build configurations, mean wind speeds around the building are expected to remain appropriate for pedestrian use in most areas on an annual basis. In build configuration uncomfortable speeds are anticipated at additional locations around the western corners of the building and in the narrow gap formed with the adjacent buildings to the east and east. These areas will not be frequently accessed by pedestrians.

CONSIDERATIONS & FINDINGS

The Planning Board is required by the Somerville Zoning Ordinance to deliberate 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.

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.

Information relative to the required considerations is provided below:

Site Plan Approval

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

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Build a sustainable future through climate leadership [and] balanced transportation [...].
- Promote a dynamic urban streetscape that embraces public transportation, reduces car dependence, and is accessible, inviting, and safe for all pedestrians, bicyclists, and transit riders.
- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.
- Minimize the overall land use in Somerville dedicated to personal vehicles while encouraging alternative modes

2. *The intent of the zoning district where the property is located.*

Staff believes that this project supports the intent of the HR zoning district is, in part: "[T]o accommodate the development of areas appropriate for an intense mix of multi-story multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

Staff also believes that this project supports the intent of the wider zoning ordinance, including the following:

- To increase commercial tax base in support of the fiscal health of the City.
- To capture a fiscal return on investments made in transportation infrastructure by locating higher intensity development, employment opportunities, and a broad mix of uses along major corridors and within walking distance of transit stops.
- To preserve and enhance the design of Somerville's public realm.
- To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.
- To require a strong connection and gradual transition between the public realm (sidewalks, thoroughfares, and civic spaces and private real (yards and building interiors).

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

Staff believes that, as conditioned, the proposal does not create any impacts which require mitigation.

PERMIT CONDITIONS

Should the Board approve the required Site Plan Approval for the 9-story Lab Building., Planning, Preservation & Zoning Staff recommend the following conditions:

Permit Validity

- This decision must be recorded with the Middlesex South Registry of Deeds.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Public Record

- One (1) digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation, & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
- A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must submitted to the Planning, Preservation, & Zoning Division for the public record.

Legal Agreements

- A covenant or other deed restriction agreeing to pay the jobs linkage fee must be executed and recorded with the Middlesex South Registry of Deeds or filed with the Land Registration Office. Final deed restriction language must be approved by the Economic Development Division and City Solicitor.
- A covenant or other deed restriction agreeing to pay the housing linkage fee must be executed and recorded with the Middlesex South Registry of Deeds or filed with the Land Registration Office. Final deed restriction language must be approved by the Economic Development Division and City Solicitor.
- A public right-of-way or pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction for the full area of the sidewalk provided within the frontage area of the lot. Final easement language must be approved by the City Solicitor. The easement must be recorded at the Middlesex Registry of Deeds prior to application for a Certificate of Occupancy.

Construction Documents

- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
- An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.

Mobility

- To mitigate transportation impacts, a new signalized intersection must be constructed at the site driveway between Rufo Road and the Squires Bridge consistent with the approved Transportation Access Plan. Final design must be approved by relevant City Departments and State Agencies.
- To mitigate transportation impacts, a new curb extension and separated bicycle facility must be constructed in the northbound direction between Rufo Road and Squires Bridge consistent with the approved Transportation Access Plan. Final Design must be approved by relevant City Departments and State Agencies.
- To mitigate transportation impacts, a new curb extension and separated bicycle facility must be constructed in the southbound direction between Squires Bridge and Rufo Road consistent with the approved Transportation Access Plan. Final design must be approved by relevant City Departments and State Agencies.
- To mitigate transportation impacts, a busy shelter with a bench, electric heater, and next-bus arrival electronic-sign must be installed along the McGrath Highway frontage. Final design must be approved by relevant City Departments and State Agencies.
- The driveway must be redesigned so that the width and curb radii are reduced to accommodate a SU-30 design vehicle. Final design must be approved by relevant City Departments.
- The property owner(s) and applicable future tenants must comply with the Mobility Management Plan dated July 13, 2023, as approved and conditioned by the Director of Mobility.

Parking

- The maximum parking ratio for this proposal must be no greater than 0.6 spaces/1,000 square feet.
- The underground parking garage must be operated as a Commercial Parking facility principle use.
- The commercial parking facility must have a parking access and revenue control system to manage vehicular access and collect parking revenues from patrons.

- An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to the Mobility Division to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
- A sign must be provided near the vehicular entrance to the parking structure or lot that identifies, at minimum, the number of spaces available in real time
- A layout plan identifying all parking access and revenue control features for the parking facility must be submitted to the Director of Mobility for approval prior to applying for a Building Permit.
- The initial operations plan for the Commercial Parking facility identifying, at least, the type and pricing of various passes, rates, and fees must be submitted to the Director of Mobility.

Sustainability

- All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.

Site & Building Design

- Utility meters are not permitted on any facade or within the frontage area of the lot.
- Electrical transformers and other mechanical equipment are not permitted above ground within the frontage area of any lot.