



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Planning Board  
**FROM:** Planning, Preservation & Zoning Staff  
**DATE:** October 19, 2021  
**RE:** 371 Highland Ave (P&Z 21-041)

**RECOMMENDATION:** Approve with Conditions (SPA)  
Approve with Conditions (SP)

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

This memo summarizes the development review application submitted for 371 Highland Ave, 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 August 30, 2021 and is scheduled for a public hearing on November 4, 2021. 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

J&C Realty Trust proposes to develop a 4-story LEED Gold general building and establish a Household Living principle use for 22 dwelling units in the Mid-Rise 4 (MR4) zoning district. This proposal requires Site Plan Approval and one (1) Special Permit.

## SUMMARY OF PROPOSAL

J&C Realty Trust is proposing to construct a 4-story, LEED Gold general building. The proposed development will produce 1,940 sf of commercial space, 22 total dwelling units with 4 of those units being affordable dwelling units, 13 motor vehicle parking space, 22 long-term bicycle parking spaces, and 6 short-term bicycle parking spaces. The proposed landscape will earn a Green Score of 0.386 above the 0.25 minimum score.

## ADDITIONAL REVIEW NECESSARY

371 Highland Ave is located in the 0.5mi Transit Area in the Mid-Rise 4 (MR4) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis. The proposed general building requires Site Plan Approval, and the applicant is seeking a Special Permit to establish a Household Living principal. 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 MR4 zoning district.

### **Neighborhood Meetings**

The first neighborhood meeting was hosted by Ward 6 Councilor Lance Davis and the development team on March, 9, 2020 via Zoom meeting platform. The second neighborhood meeting was hosted by Ward 6 Councilor Lance Davis and the development team on March 10, 2021 via Zoom meeting platform.

### **Design Review**

The proposal was reviewed by the Somerville Urban Design Commission via GoToWebinar meeting platform on October 27, 2020, November 23, 2020, and December 22, 2020. The Commission provided its official recommendation on March 10, 2021.

### **ANALYSIS**

Throughout the development review process, the applicant team maintained an approach that relied on conformance with the dimensional standards and requirements for the district. Local residents who voiced concerns about the project generally identified issues related to the construction timeline, existing and proposed landscaping (including street trees), and design of the building, which was resolved during design review with the Urban Design Commission (UDC).

This project went through three (3) rounds of design review with the UDC. The original façade design for the building was done prior to the new zoning ordinance passing in 2019. Due to the requirements of the Ordinance and the recommendations of the UDC, the current design has two building “halves” that read as two structures, with each half complementing each other. The design incorporates masonry materiality with contemporary touches as well as traditional design elements that are familiar to the neighborhood.

The project is permitted to have a maximum of twenty-two (22) spaces allocated to the residential use. The project is proposing thirteen (13) motor vehicle parking spaces, nine (9) parking spaces under the minimum allowed under zoning. The commercial space within the building is not required to provide motor vehicle parking.

Several items in the approved Mobility Management Plan (MMP) were not addressed in the Transportation Access Plan (TAP) relating to loading areas, trash pick-up, location of car-sharing parking spots, blue bike station, and location of two public facing transit screens. A condition has been proposed for the project to resubmit a new TAP consistent with conditions in the approved MMP, to be reviewed by Staff.

As currently designed, OSPCD have concluded after analysis that the proposed short-term bike parking, interspersed with the street tree layout creates a “fence effect” at the sidewalk. Further, OSPCD staff have concerns around the sidewalk’s intersection with the proposed garage door entrance and curb cut design along Highland Ave. A condition is recommended to ensure the allocation of the sidewalk space is consistent with the conditions and features of a public sidewalk and district wide sidewalk design goals.

All development proposals to construct a permitted principal building type greater than twenty-thousand (25,000) square feet in gross floor area must be LEED Gold certifiable. The proposal is targeting 65.5 points of the 60 required to reach Gold. Given the all-electric heating/cooling system and high insulation noted in the Sustainability Questionnaire, this project is a good candidate for net-zero emissions through strategies such as renewable electricity procurement. A condition has been proposed that would require the applicant to provide a description of how the building will eventually produce net-zero GHG emissions in their Step 2 Sustainability documentation.

The site has close access to a larger-scale open space within only two (2) blocks (Kenney Park) along with access to bicycle infrastructure including local cycling networks, on-site bicycle storage, and other bicycle-related amenities. The existing site is a commercial garage, and the addition of a higher density residential development will add more units to the neighborhood which is already suitable for urban habitation.

## 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 detailed below 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.

### Household Living Special Permit 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.
4. The suitability of the site for a household living principal use compared to other potential principal uses.
5. The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.
6. The increase or decrease in the number or price of any previously existing ADUs.
7. The number of motor vehicle parking spaces proposed for development within a Transit Area.

Information relative to the required considerations is provided below:

### Site Plan Approval + Special Permit:

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

The proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Facilitate transit-oriented, neighborhood infill development when it enhances the lively, human-scaled and walkable character of Somerville blocks and neighborhoods.
- Preserve and enhance the character of Somerville's neighborhoods, enable sensitive, economically feasible maintenance and adaptive reuse of historic buildings, and respect neighborhood form and patterns while expanding Somerville's architectural legacy.
- Promote mixed-use, mixed-income transit-oriented development to provide new housing [].

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

The proposal is consistent with the intent of the MR4 zoning district which is, in part, *"To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."*

#### **Site Plan Approval:**

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

As conditioned, the proposal does not produce any impacts that require mitigation.

#### **Household Living Special Permit:**

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

Staff believe the development site to be highly suitable for residential uses due to the walkability, transit access of the site as well as the amenities available in nearby Davis Square.

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

The development proposal includes two (2) studio apartments, twelve (12) one-bedroom units, five (5) one-bedroom plus study units and three (3) two-bedroom units. The unit mix is consistent with recent housing studies that identified 92% of demand for new market-rate units as from singles, childless couples, empty nester, and retirees.

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

There were no previously existing ADUs on the site.

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

There are thirteen (13) proposed motor vehicle parking spaces to be offered in the underground structured parking. The proposal is compliant with the transit area maximum of one space per dwelling unit (1/DU). This proposal is nine (9) motor vehicle spaces below what is allowed for this site.

## **PERMIT CONDITIONS**

Should the Board approve the required *Special Permit to establish a Household Living use*, Planning, Preservation & Zoning Staff recommends the following conditions:

### **Housing**

- An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing prior to applying for a Certificate of Occupancy.
- A deed restriction limiting the sale or rental of all affordable dwelling units to eligible households in perpetuity must be executed and recorded with the Middlesex South Registry of deeds.

Should the Board approve the *required Site Plan Approval for the 4-story LEED Gold general building*, Planning, Preservation & Zoning Staff recommends the following conditions:

### **Permit Validity**

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.

### **Mobility**

- The property owner and applicable future tenants shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on May 26, 2021.
- An updated Transportation Access Plan consistent with the approved Mobility Management Plan must be submitted for review and approval by the Director of Mobility prior to applying for a building permit.
- Product details and design specifications for the number (22) long-term bicycle parking spaces must be submitted to confirm compliance with Section 11.1 Bicycle Parking of the Somerville Zoning Ordinance prior to applying for a building permit.

- Final sidewalk design to address the allocation of space including the location of bike parking and street trees, and size of the curb cut radius's along Highland Ave must be approved by relevant City departments prior to applying for a building permit.

#### Parking

- At least four (4) accessory vehicular parking spaces must be offered annually to all ADU households as a right of first refusal until each parking space is either rented or refused.
- Formal acknowledgment that resident are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be recorded with the Middlesex South Registry of Deeds.
- Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
- All buyers, grantees, lessees, renters, and tenants must be notified in writing prior to sale or lease of any dwelling unit that the residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission. This decision must be recorded with the Middlesex South Registry of Deeds.

#### Sustainability

- All Stage 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment and must include the following:
  - A description of how the building could eventually produce net-zero GHG emissions.
- All Step 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.

#### Construction Documents

- Utility meters are not permitted on any façade or within the frontage area of the lot.
- Materials 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 updated 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 tale (calculations form the SZO); lighting fixture schedule indicating the fixture type, description, lam type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of nay timing devices used to control the hours set for illumination.

#### Public Record

- Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning, Preservation & Zoning Division for the public record.
- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.

#### Conditions

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