



City of Somerville

PLANNING BOARD

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

TO: Somerville Planning Board
FROM: Planning & Zoning Staff
SUBJECT: 3 Hawkins Street
POSTED: February 3, 2021

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

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

This specific memo summarizes the application for development review submitted for 3 Hawkins Street, identifies any 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 January 4, 2020. It is scheduled for a public hearing on February 17, 2020. 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

Hawkins St Union Square LLC proposes to construct a 5-story net zero ready apartment building and establish a Household Living principal use for fifty-nine (59) dwelling units in the MR5 zoning district. The proposal requires Site Plan Approval and a Special Permit.

SUMMARY OF PROPOSAL

Hawkins St Union Square LLC is proposing to construct a 5-story Net Zero Ready and LEED Platinum certifiable Apartment Building and to establish a Household Living principal use and a motor vehicle parking accessory use. The proposed development will produce fifty-nine (59) total dwelling units, eleven (11) affordable dwelling units (three with 3-bedrooms), a fractional buyout for 0.8 ADUs, fifteen (15) accessory motor vehicle parking spaces, fifty-nine (59) long-term bicycle parking spaces, six (6) short-term bicycle parking spaces, and the proposed landscape design will earn a compliant Green Score of 0.23.

ADDITIONAL REVIEW NECESSARY

3 Hawkins Street is located in the Mid-Rise 5 (MR5) zoning district in the Union Square neighborhood represented by Ward 2 Councilor J.T. Scott. An apartment building is permitted by site plan approval and establishing a Household Living residential use requires a Special Permit. Site Plan Approval is the administrative review and approval of *conforming* development to address any potential development impacts, if necessary. The Planning Board is the decision-making authority for all (non-Variance) discretionary or administrative permits required by the MR5 zoning district.

BACKGROUND

The application for 3 Hawkins Street was originally submitted under the previous zoning ordinance, but due to case volume was not scheduled for a public hearing and did not receive any permits prior to the adoption of a new zoning ordinance on December 12, 2019 by the Somerville City Council.

Hawkins St. Union Square LLC had already completed the necessary pre submittal steps required under the new zoning ordinance (prior to its adoption) and was credited as such by the Director of Planning & Zoning for this submittal. A new application based on the new zoning ordinance was submitted in February 2020 for a *6-story* building *general* building with a non-conforming upper story step back in the MR5 zoning district, which would require Variances for three regulated dimensions. Variances must be issued first for a building normally permitted by Site Plan Approval, which is the case in the MR5 zoning district, to be considered compliant with zoning because the Variance alters what is permitted. For this reason, Staff review of the proposal was limited to the scope of the Variances. Hawkins St Union Square LLC also awaited the outcome of the Variance decision to produce additional submittal materials required under the new ordinance related to affordable housing, mobility management, and sustainable buildings.

On March 10, 2020, Massachusetts Governor Baker declared a state of emergency due to the outbreak of the 2019 novel coronavirus ("COVID-19"). On March 11, 2020, the Zoning Board of Appeals held an in person public hearing at City Hall to review the proposal and consider the Variances. The Board found it highly unlikely that they could support the necessary findings to grant the Variances. On March 12, 2020 Governor Baker suspended certain provisions of the Open Meeting Law encouraging remote participation of public meetings and on March 15, 2020 Mayor Curtatone declared a state of emergency in Somerville and closed City Hall indefinitely. On April 3, 2020, the MA Legislature passed Chapter 53 of the Acts of 2020: An act to address challenges faced by municipalities [] resulting from COVID-19 which tolled (extended) permitting timelines of MGL 40A (The Zoning Act) until the end of the state of emergency. The City honored this emergency law by tolling and extending timelines associated with the Somerville Zoning Ordinance that are not specifically identified by 40A, which maintained the validity of the steps already taken by Hawkins St Union Square LLC prior to and during the state of emergency. Also, in April, Hawkins St Union Square LLC

informed the City that the proposal would be revised to be a compliant 5-story building and on May 6, 2020 the Zoning Board allowed the Variance request to be withdrawn without prejudice.

At the end of June 2020, Hawkins St Union Square LLC submitted revised plans for a 5-story *apartment* building with 44 dwelling units, a different building type than in prior iterations. The development team also began working with other divisions to comply with affordable housing, mobility management, and building sustainability requirements in the zoning ordinance for this new application. On September 29, 2020, Hawkins St Union Square LLC informed the City that they were revising the proposal to be a 5-story *net zero ready* apartment building with *59 dwelling units* in reaction to changing market conditions. The revision to the proposal required all new collaboration with the other Divisions to confirm compliance with affordable housing, mobility management, and building sustainability requirements in the zoning ordinance.

On October 27, 2020, the Director of Housing received and approved the Applicant's Memorandum of Understanding identifying the proposals affordable housing requirement. On December 15, 2020, the Director of Mobility approved the mobility management plan submitted for 3 Hawkins Street. On January 4, 2021, the Office of Sustainability & Environment received and approved the submittal materials required to demonstrate certifiability with both LEED Platinum and PHIUS+2018. The application was deemed complete on January 4, 2020.

ANALYSIS

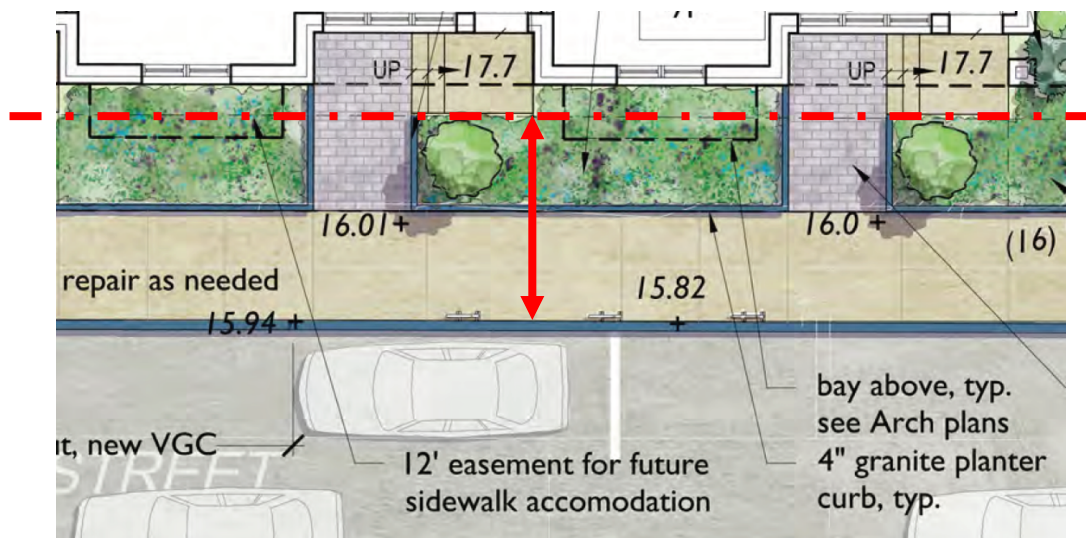
From the beginning, Hawkins St. Union Square LLC worked very closely with the surrounding community to sensitively design the proposed building with respect to concerns raised at neighborhood meetings. Some of the primary points of feedback that are directly incorporated into the proposal includes, but is not limited to, locating the vehicular entrance facing Hawkins rather than Lake Street, the proper projection of bay windows to create shadows and add dimension to the building, synergy between the proposed building and the park space fronting Lake Street that is part of an abutting development, stepping the massing back from the abutting park to increase its sunlight exposure, and integrating vegetation into the site and building as much as possible.

City Staff reviewed the submitted application materials and determined that the proposal is compliant with the Somerville Zoning Ordinance. However, the following minor items should be addressed by the Board:

- Community members expressed concerns over the existing conditions of both of Hawkins Street and Lake Street related to a potential increase in motor vehicle traffic resulting from the development and broader redevelopment of Union Square. It is Staff's understanding that the Applicant has committed to improving the Hawkins and Lake Street intersection and streetscape to improve pedestrian safety, as a benefit to both the future residents of 3 Hawkins as well as neighbors. ***It is within the purview of the Planning Board to require***

improvement of intersections, sidewalks, bicycle infrastructure, and other thoroughfare elements to offset the potential impacts of development. However, the authority to approve a specific design is the purview of City departments. Staff has recommended a condition to address pedestrian safety on lake street within the parameters outlined above.

- The MR5 district requires buildings abutting a sidewalk that is less than twelve (12) feet in width to be setback an additional distance to accommodate the expansion of the sidewalk by the development to at least twelve (12) feet in width. As shown on Dimensional Site Plan (Z-2), First Floor Plan (A-2), and Landscape Plan (L-1), the Applicant proposes to include raised landscape planters within the required sidewalk. The sidewalk section required by the ordinance is a six (6) foot wide furnishing area abutting the roadway and a six (6) foot wide paved walkway abutting development. The submitted plans effectively provides the inverse with vegetation along the building and sidewalk along the roadway. **Authorizing a minor deviation from the zoning ordinance such as this is within the purview of the Planning Board if doing so is found by the Board to improve the site plan and address outstanding concerns.** An alternative would be to require standard compliance to the zoning ordinance, a condition for a pedestrian access easement over the expanded sidewalk on the 3 Hawkins lot, and a condition to provide street trees subject to approval of the Director of Public Space & Urban Forestry.



- Lastly, The Somerville Zoning Ordinance has a number of performance standards that can only be verifiably confirmed closer to time of construction. One example is the minimum Visible Light Transmittance (VLT) and maximum Visible Light Reflectance (VLR) ratings of fenestration glazing. Almost every Site Plan Approval issued is expected to include standard condition language that allows compliance to be confirmed when construction documents are submitted. Another example is outdoor lighting. The submitted Exterior Lighting Plan (A-12) lacks all of the necessary information to determine compliance with the total

lumens of all outdoor lighting permitted by the MR5 zoning district. However, the Staff has recommended a similar condition to the above example that will allow compliance to be confirmed when construction documents are submitted.

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.

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

Information relative to the above 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:

- Preserve and expand [a] mix of safe, affordable and environmentally sound rental [] units for households of all sizes and types [].
 - Encourage the development [] of rental housing throughout Somerville.
- Promote mixed-use, mixed-income transit-oriented development [].
 - Facilitate the development of additional housing in close proximity to transit stations.

The proposal will also help to achieve the following from the Union Square Neighborhood Plan:

- To develop 2,350 new dwelling units within the Union Square plan area (70% rental/30% ownership).

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

The proposal is consistent with the intent of the MR5 zoning district which is, in part, “To create, maintain, and enhance areas appropriate for moderate scale, multi-use, and mixed-use buildings and neighborhood serving commercial uses.”

Site Plan Approval Specific

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

The proposal includes a number of design features in response to community feedback received at previous neighborhood meetings. No other mitigation is proposed due to a perceived lack of remaining negative impacts directly attributable to the proposed development.

Special Permit Specific

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

Planning & Zoning Staff believes the development site is highly suitable for residential uses due to its corner lot location at Hawkins & Lake streets, which are primarily residential streets. Additionally, the site’s characteristics make it less desirable for the development of a new commercial building.

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

The development proposal includes twenty-five (25) studios, twenty-five (25) 1-bedroom, seven (7) 2-bedroom, and two (2) 3-bedroom dwelling units. This diversity of dwelling unit size is consistent with recent housing studies that identified 92% of demand for new market-rate units was from singles, childless couples, empty nesters, and retirees while not neglecting the creation of units for family-oriented households.

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

The development site includes an existing 1-story commercial building and a 2.5 story detached house, neither of which included any affordable dwelling units. The eleven (11) affordable dwelling units provided by the proposed development will be a net increase of eleven (11) ADUs over existing conditions.

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

The proposed development includes fifteen (15) accessory motor vehicle parking spaces, which is a ratio of 0.2542 parking spaces per dwelling unit.

PERMIT CONDITIONS

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

Housing

- All 3-bedroom affordable dwelling units must comply with the Director of Housing's quality standards for 3-bedroom ADU's.
- 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 necessary *Site Plan Approval for the 5-story net zero ready apartment building*, the Planning & Zoning Staff recommends the following conditions:

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 dated October 21, 2020, as approved and conditioned by the Director of Mobility.

Parking

- At least three (3) 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 acknowledgement that residents 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.

Sustainability

- All Step 2 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.

- All Step 3 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- All Step 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- All Step 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.

Transportation Mitigation

- Lake Street and Hawkins Street must be improved with, at least, curb extensions, raised crosswalks, or both to improve pedestrian safety at the vehicular entrance to the building and the Lake Street crosswalk. Final design must be approved by relevant City departments.

Public Record

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

Construction Documents

- Utility meters are not permitted on any facade or within the frontage area of the lot.
- 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 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 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.