



# CITY OF SOMERVILLE

## Office of Strategic Planning & Community Development

### ZONING MAP AMENDMENT • APPLICATION FORM

Per Article 15.6.2 of the Somerville Zoning Ordinance (SZO), an individual property owner or ten (10) registered voters of the City of Somerville may petition the Somerville City Council to change the maps of the Somerville Zoning Atlas in response to changes in City policy or real-world conditions. To submit a map amendment petition to the City Council, the following must be provided:

1. A completed Zoning Map Amendment Application Form.
2. A copy of the appropriate Zoning Atlas map(s) with the proposed change(s) clearly noted.
3. A letter addressed to the City Council including a description of the proposed changes and the purpose for the petition.

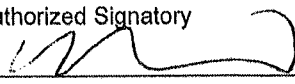
Submit all required documents to:

City Clerk's Office  
1<sup>st</sup> Floor, City Hall  
93 Highland Avenue  
Somerville, MA 02143

Property to be changed

Property Address: 627 Somerville Avenue, Somerville, MA		
Map: 44	Block: 1	Lot: 12
Property Address:		
Map:	Block:	Lot:
Property Address:		
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Map:	Block:	Lot:

For ten (10) registered voters:

Name: 635 Somerville Avenue, LLC	Property Owner, Authorized Signatory
Address: 68 Harrison Avenue, 6th Floor, Boston, MA	Signature: 

By: Mai Lau, Authorized Signatory of 635 Somerville Avenue, LLC

Name:	
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Name:	
Address:	Signature: _____

635 SOMERVILLE AVENUE, LLC  
68 Harrison Avenue, 6<sup>th</sup> Floor, Boston, MA 02111

August 21, 2023  
Via Hand Delivery

2023 AUG 21 P 2: 21

Somerville City Council  
Somerville City Hall  
93 Highland Avenue  
Somerville, MA 02143

CITY CLERK'S OFFICE  
SOMERVILLE, MA

**Re: Zoning Map Amendment to 627 Somerville Avenue  
Changing the Split NR/MR3 Zoning to Entirely MR3**

Dear Councilors of the City of Somerville,

635 Somerville Avenue, LLC (the "Petitioner"), owner of the parcel of land commonly known as 627 Somerville Avenue (the "Lot"), is hereby filing a Zoning Map Amendment (the "Zoning Amendment") to the Somerville Zoning Ordinance for the purpose of correcting/changing the zoning of the northeast corner of the Lot from Neighborhood Residential ("NR") to Mid-Rise 3 ("MR3") so that the entirety of the Lot – which for at least 40 years has been in common ownership as a single lot – will then be entirely and consistently zoned as MR3. Approving this correction/change resolves a number of challenging split-zoning conditions for the Lot, which are that: (i) the Lot cannot pursue any development that would replace the rundown auto-body shops on the Lot unless the Petitioner obtains a variance simply because of the split-zoning condition, (ii) the NR zoning designation is completely at odds with the City's designation of the *entire* Lot under the latest Somerville Comprehensive Plan as an area that is to be "enhanced", and (iii) the NR zoning prevents the Lot from fulfilling City goals by creating new energy efficient housing units and crucially needed affordable housing, which is what the Petitioner is proposing to do on the Lot. These arguments are more thoroughly covered in a legal memorandum (the "Legal Memorandum") attached hereto as **Exhibit A**, but for convenience are summarized below as follows:

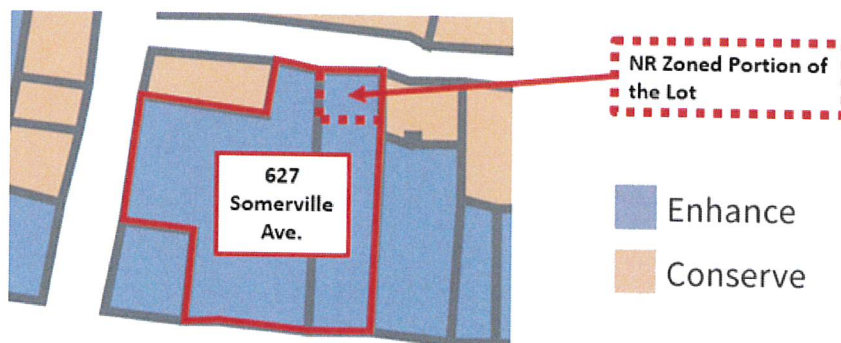
**I. The NR Designation Creates a Lot that Can Only be Developed with a Variance, and Thereby Encourages a Derelict Auto-Body Shop to Remain Within the NR Zoned-Area**

The current split zoning takes what is otherwise a large, well-situated, and well-proportioned over 25,000 sf Lot with almost 300 feet of frontage that is ripe for redevelopment, and makes the entire Lot non-compliant and undevelopable without a variance. As is set forth in more detail in the Legal Memorandum, by zoning a small corner of the lot NR, the current zoning map has made the Lot unbuildable without a variance because it cannot meet the Zoning Ordinance's "Façade Build Out" requirement. Since splitting the Lot would also create lots that could not meet the Façade Build Out requirement, the current zoning map inevitably creates a situation where *any* development of the Lot will require a variance. This irrationally makes the Lot practically undevelopable in current market conditions, and serves only to leave in place on the NR portion of the Lot the existing double-height-single-story-run-down auto body shop that

covers almost the entire NR area of the Lot. Ironically, the current NR zoning serves only to leave in place a use – and a structure – that is wholly incompatible with the NR district. Only by *removing* the NR designation and changing it to MR3 will it be possible to enable the ultimate purpose of the NR district, which is to foster and protect residential uses and neighborhoods.

## **II. The NR Designation is Completely at Odds with Somervision 2040's Development Designation for this Portion of the Lot**

Somerville's newest comprehensive plan – Somervision 2040 – specifically designates the NR-zoned portion of the Lot as an area to be “enhanced”, and enhancement is only possible if the zoning is amended to be MR3. Though the comprehensive plan in effect at the time the zoning map was adopted – Somervision 2030 – only loosely broke down the City into three zones of either “conserve”, “enhance”, or “transform” as a means to guide zoning, in October of 2021 the City released the more detailed Somervision 2040, which showed *precisely* what lots and areas were to be “enhanced”. Pursuant to Somervision 2040, the **entire Lot** is designated as an area to be “enhanced”, making the current NR designation wholly at odds with the City's own comprehensive plan. *See below annotated diagram, with the base drawing taken from Somervision 2040.* As outlined above, by keeping just a small area zoned as NR, the zoning map is actually preventing any enhancement of the Lot, and the Lot can only be enhanced – and therefore can only be consistent with the City's own comprehensive plan – if the NR zoned corner of the Lot is also changed to MR3.



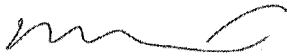
## **III. The NR Zoning Stymies New Housing and Affordable Housing Development, Which Runs Against the City's Stated Policy Goals**

SomerVision 2040 repeatedly references the City's critical need for more housing and affordable housing, and creating modernized housing stock in low energy and resilient buildings. The Petitioner has in fact already come forward with *two* proposed projects that would, in total, create 88 new housing units and 18 affordable housing units on 627 Somerville Avenue and 635 Somerville Avenue (the “Project”). Leaving the current zoning in place will result in no additional housing on the Lot, whereas Petitioner's proposed Zoning Amendment will pave the way to create new housing units – and new affordable units – in an energy efficient and resilient building. Moreover, this Zoning Amendment will not cause genuine displacement because 9 out of 10 of the current residents at both 627 Somerville Avenue and 635 Somerville Avenue –

and every resident of the Lot – have provided letters of support for the Project (with the 10th remaining silent), and (ii) the Zoning Amendment will allow the Project to, in total, replace 10 market rate units with almost *twice* that number of affordable units, thus crucially increasing the City's supply of affordable housing units.

For all of the reasons set forth above – and those enumerated in greater detail in the Legal Memorandum – we respectfully request that the zoning map be corrected so that the entirety of the Lot is zoned MR3. Therefore, we formally request a Zoning Amendment to change the zoning of 627 Somerville Avenue from MR3 *and* NR to entirely MR3.

Thank you for your consideration,



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Name: Mai Luo

Title: Authorized Signatory

Enclosures

**EXHIBIT A**

**LEGAL MEMORANDUM**

*[See attached]*



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To: City of Somerville City Council – Land Use Committee

From: Jennifer R. Schultz, Esq.  
Michael K. Murray, Esq.  
Jordan A. Smith, Esq.

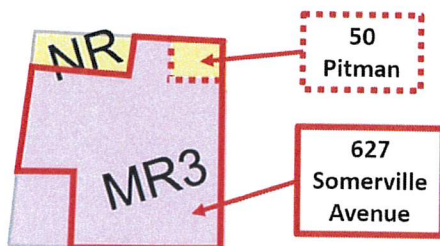
Date: August 21, 2023

RE: 627 Somerville Ave. Zoning Map Amendment Petition – Supporting Legal  
Memorandum

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This memorandum outlines the legal arguments for why the proposed zoning map amendment (the “Zoning Amendment”) submitted to the City Clerk’s office as of the date hereof, should be approved by the Somerville City Council. The Zoning Amendment simply seeks to rezone a very small portion of 627 Somerville Avenue (the “Lot”) – approximately 8% of it – that was rezoned in the 2019 overhaul from a Business-1 District (the same as the rest of the Lot under the same ownership) to NR; in the 2019 zoning overhaul, the remainder of this same single Lot was zoned as MR3. The goal of this Zoning Amendment is to correct this split-zone issue, which is not only completely at odds with SomerVision 2040’s specific designation and goals for this Lot, but also makes it undevelopable under the current City of Somerville Zoning Ordinance (the “Zoning Ordinance”) without a variance. It further seeks to replace the NR designation with MR 3 zoning to be consistent with the rest of this single Lot.

The Zoning Amendment pertains to the following Lot shown outlined in solid red below, and the sliver portion of that Lot (with a street address of 50 Pitman) also shown:



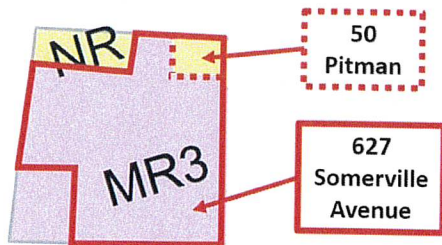
## 1. The Split Zoning Creates a Lot that Cannot Be Made Zoning Compliant

The current split zoning takes what is otherwise a large, well-situated, and well-proportioned Lot with almost 300 feet of frontage that is ripe for redevelopment, and makes the *entire* Lot non-compliant and undevelopable without a variance. Neither attempting to keep the Lot together – with split-zoning – nor creating two distinct legal lots with two different zoning designations, fixes the inability of the Lot (or Lots) to achieve zoning compliance with the “Façade Build Out” requirement of the Ordinance, as discussed further below.

### 1.1 The Lot Cannot Be Developed Without a Variance Because It Cannot Provide Adequate Façade Build Out on Pitman Street

The entire Lot cannot be developed without a variance; not because it is either too small, nor because it *physically* has inadequate frontage, but rather because the unusual split zoning of the Lot as both MR3 and NR prevents the Petitioner from providing compliant “Façade Build Out” along Pitman Street.

As referenced above, in December of 2019, the City of Somerville passed the new Zoning Ordinance and accompanying Zoning Map (“Zoning Map”), which split-zoned the Lot so that what appears to have been an approximately 1,900 sf portion of the Lot with the address of “50 Pitman” was zoned as NR, while the remainder of the Lot was zoned as MR3. *See below portion of the Zoning Map, Plate 14, with the Lot outlined with a solid red line.*

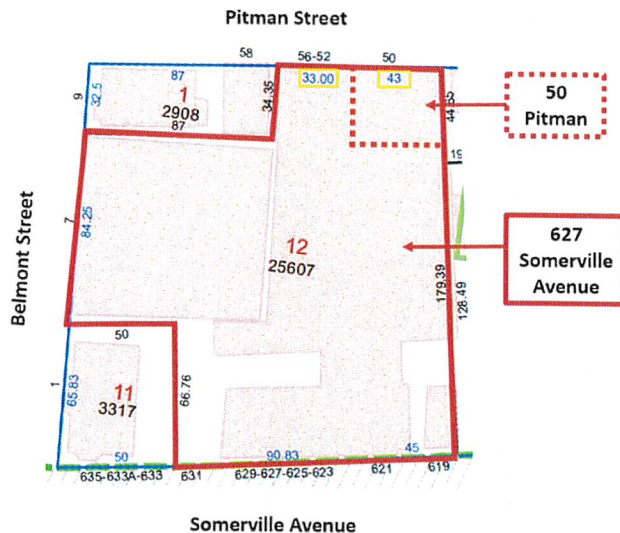


Pursuant to MR3 zoning requirements, any building type must construct at least 65% of a building’s façade along a secondary front lot line between the minimum and maximum front setback. *Section 4.2.7.c* (stating MR3 zoning requirements); *Section 2.3.4.a.i* (defining Façade Build Out).<sup>1</sup> Because there is no building type allowed within the MR3 district that can be built in the NR district – or visa-versa – no building can be built on both the NR and MR3 portions of the Lot. Moreover, since only one principal building can be built on a lot, it is not possible to build two separate principal buildings on the Lot at the same time. *See Sections 4.1.6.a & b, and 3.1.6.a*

<sup>1</sup> For the purpose of this legal memorandum we are taking the most conservative approach by designating the Pitman Street frontage as a secondary lot line rather than arguing that it is a primary lot line. *See Section 2.4.2.a.iii.a* (stating that corner lot owners can choose what front lot line is a primary lot); *Section 2.4.2.a.iii.c* (stating that both front lines of a through lot are primary front lot lines). If Pitman Street were designated a primary lot line, the Façade Build Out requirement would be 80%, and so the Lot would be even further away from being able to obtain zoning compliance for any proposed project.



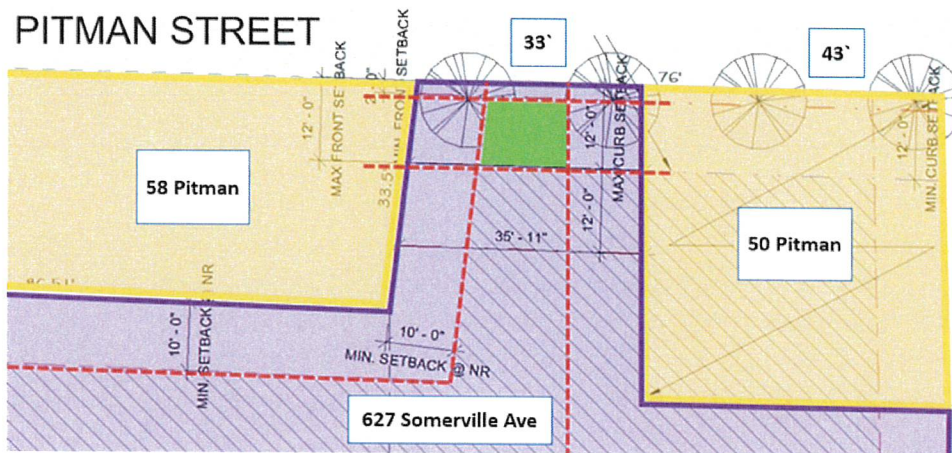
& b. Therefore, since only 43% of the lot line along Pitman Street is zoned for MR3 (33 of the total 76 feet), even without factoring in necessary side setbacks from abutting NR lots, it is impossible for any development on the MR3 portion of the Lot to build out at least 65% of the 76-foot lot line along Pitman Street without a variance. *See below diagram* (showing a portion of Assessor's Map 44, and outlining in yellow the frontage on Pitman Street).



## 1.2 The NR Portion of the Lot Cannot Be Split Off into a Separate Lot Because Both Resulting NR and MR3 Lots Would not Be Zoning Compliant

The Lot also cannot be split into smaller lots to try and comply with the Façade Build Out requirement noted above because doing so would create new non-conforming lots, which is not permitted under the Zoning Code. *Section 14.1.4.b* (“A lot split, lot merger, or lot line adjustment, or subdivision that would result in a new nonconforming lot is prohibited.”). The NR portion of the Lot is only zoned to be approximately 45 feet deep, and so the NR portion of the Lot cannot be split off on its own because no NR lot can have a depth of less than 70 feet deep. *See Section 3.1.7*. Moreover, any attempt to split off the NR portion of the Lot – even if it were made deeper – would still result in a new nonconforming MR3 lot because with the required 10-foot side setbacks from the neighboring NR lots at 58 Pitman Street, and the new 50 Pitman lot, there would still be insufficient frontage on Pitman Street to meet the 65% Façade Build Out requirement (i.e., since the new lot line width would be 33 feet, and a 10 foot side setback is required from both neighboring NR lots, only approximately 40% of the new MR3 Lot in this area can be covered with a building). *See diagram below, showing the limited Façade Build Out area on the MR3 parcel in green*. Therefore, the current zoning takes what is otherwise a prime development site, and by split zoning a small corner of the Lot, makes it wholly non-compliant and undevelopable without a variance.<sup>2</sup>

<sup>2</sup> For the sake of being comprehensive, we simply add that there is also no portion of the Lot along Pitman Street that can be split off as a zoning compliant *non-buildable* lot because the lot line on Pitman Street is north facing. *See Section 13.1.2.a.i* (“Civic spaces are prohibited on lots that have only one (1) north-facing, west-facing, or east-facing front lot line).



## 2. The Zoning Amendment Is Necessary to Correct What Is Otherwise Invalid Zoning as Applied to the Lot

Where zoning as applied to a particular property is irrational or serves no valid zoning purpose, it is invalid. *See Gem Props., Inc. v. Board of Appeals of Milton, 341 Mass. 99, 105-06 (1960)* (zoning cannot be applied to lots in a way that is irrational and would result in no perceptible public benefit; any such application would result in an unlawful “confiscation” of the lots). For the reasons discussed in this section, the zoning that currently applies to the Lot runs counter to the legal basis of zoning and should be corrected because (i) the NR designation on the Lot, and the split zoning, is irrational, (ii) the current zoning runs directly counter to the City’s own comprehensive plans, (iii) the split zoning violates the “uniformity provision”, and (iv) the Zoning Ordinance calls for zoning amendments to correct zoning in these precise situations.

### 2.1 The NR Designation Is Irrational as Applied to the Lot

The NR designation for a very small portion of the Lot has the effect of thwarting the goals for both the NR district and the MR3 district by effectively leaving the entire Lot undevelopable for new multi-family building(s), which is an irrational result that serves no valid zoning purpose.

#### 2.1.1 The NR Designation, as Applied to the Lot, Is Wholly Inconsistent with the Purpose of the NR District

The purposes of the NR district cannot be served by maintaining an NR designation on a portion of the Lot because the purposes of the NR district include (i) enabling improvements to existing residential uses (*Section 3.2.b and c*), and (ii) allowing the development of new housing units (*Section 3.2.a, d, and e*). The portion of the Lot that is designated NR is not, however, being used for residential purposes, nor has it been so used for at least 65 years, and so the NR designation cannot enable improvements to existing residential use. *See Exhibit A* (showing the current commercial building on the Lot as far back as 1955). The existing building in the NR portion of the Site is a double-height-single-story-run-down auto body shop that covers almost the entire NR area of the Lot and has no rear yard or side yard setbacks, and therefore is neither a use – nor a



structure – that is compatible with the NR district. *See below diagram* (showing the auto-body shop fully covering the NR zoned portion of the Lot at 50 Pitman); *Section 3.1.16* (prohibiting auto-repairs and auto-body uses in the NR district); *Section 3.1.1* (stating that residential buildings have moderate floorplates to “help prioritize rear yard space”).



Finally, the NR designation does not encourage the development of any new housing. It would be infeasible to build a single, two, or three family unit on the NR portion of the Lot, as discussed in Section A, and so the NR designation will not encourage the building of any new housing compatible with the NR zoning. Indeed, the ultimate purpose of the NR district, which is to encourage residential uses and neighborhoods, may be served only if the NR designation is *removed*.

#### **2.1.2 The NR Designation, as Applied to the Lot, Prevents the Portion of the Lot that Is Designated MR3 from Being Developed as Intended**

The Zoning Ordinance describes the MR3 district as being “characterized by a variety of moderate floor plate buildings up to three (3) stories in height” (*Section 4.1.1*), and states that the district’s purposes include (i) the “development of multi-unit and mixed-use buildings that do not exceed three (3) stories in height”, and (ii) the “creat[ion] of dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.” *Section 4.1.3.a & c*. However, for the reasons discussed in Section A above, no apartment building – nor any other new building – can be built on the Lot under the current zoning. As applied to the Lot, therefore, the current zoning contravenes the purposes of the MR3 district. In contrast, the Zoning Amendment would further the purposes of the MR3 district by enabling the development of a multi-unit apartment building at three stories in height, which is in line with the general height and uses that are allowed in the NR district.

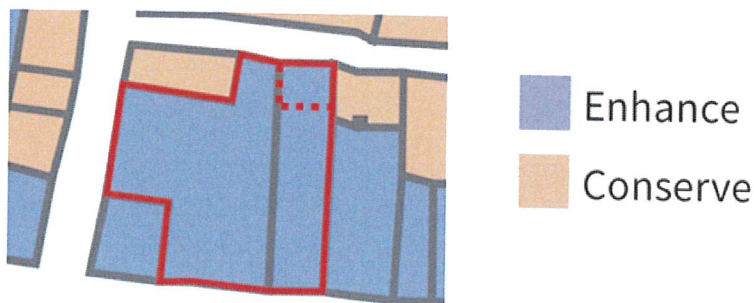
#### **2.2 The NR Designation Runs Directly Counter to the City’s Comprehensive Plan Goals for *This Lot***

The City's most recent comprehensive plan – "SomerVision 2040" – which was passed *after* this Lot was re-zoned, singles out the *entire* Lot to be "enhanced", not "conserved". Because the NR designation prohibits both the NR portion of the Lot and the remainder of the MR3 portion of the Lot from being enhanced, the current zoning is wholly at odds with the City's own guidance for how the Lot should be zoned.

### 2.2.1 The Split Zoning Contravenes the City's Comprehensive Plan for "Enhancing" this Lot

The Zoning Ordinance requires conformity with the most current comprehensive plan. *See Section 1.1.4 a.i & ii and 1.14.b.ii* (noting that the Zoning Ordinance's purposes include "[t]o implement the comprehensive plan of the City of Somerville," "ensure that the limited land area of Somerville is efficiently divided up into block and lot pattern consistent with the comprehensive plan of the City of Somerville," and "permit development and redevelopment according to plans that are collaboratively developed with the Somerville Community"). At the time the Zoning Ordinance was adopted, the comprehensive plan that was in effect had been completed in April of 2012 ("SomerVision 2030"). However, in October of 2021, as the culmination of a substantial and lengthy effort that included extensive community outreach efforts and substantial community input, the City issued a revised comprehensive plan ("SomerVision 2040").

SomerVision 2030 generally broke down the City into three different areas to guide future development efforts, only two of which are relevant here. These designations were either (i) "conserve", which encompasses approximately 76% of the City and covers the residential neighborhoods, or (ii) "enhance", which encompasses only approximately 9% of the City, and focuses on squares and commercial corridors. *SomerVision 2030, pg. 140-141*. SomerVision 2030 designated Somerville Avenue as an area to "enhance," but the comprehensive plan designations at that point were simply diagrammatic. SomerVision 2040 went a step further, however, and identified the specific parcels along Somerville Avenue that are to be enhanced on a *lot-by-lot* basis. Per this new map, a portion of which is shown below, the City designated the *entire* Lot as "enhance", with the red outline of the Lot added for clarity, and the dotted line outlining the NR-zoned portion of the Lot (*SomerVision 2040 at 11*):



Under the current split zoning, however, *no part* of the Lot can be enhanced. *See Section A above*. The current zoning for the Lot, therefore, is inconsistent with SomerVision 2040 and contravenes the Zoning Ordinance's intent to "implement the comprehensive plan" and "permit development

and redevelopment according to plans that are collaboratively developed with the Somerville Community.” *Section 1.1.4.a.*

### **2.2.2 The Lot’s Current Zoning Thwarts the Stated Policy Goals of the City’s Comprehensive Plan**

The current zoning also does not comport with SomerVision 2040 because it prevents the type of improvements that SomerVision 2040 expressly encourages.

On July 19, 2022, the Petitioner submitted an application with the City of Somerville Planning and Zoning department, which was designated as P&Z 22-115 and P&Z 22-116, to replat the 627 Somerville and a smaller abutting MR3 zoned lot located at 635 Somerville into two roughly equal lots so that they could each be developed with 44-unit residential buildings containing 9 affordable units, for a total of 88 new residential units and 18 affordable units in total (collectively, the “Project”).

SomerVision 2040 repeatedly references the City’s critical need for more housing, (including affordable housing), and expressly notes the importance of “encourage[ing] contextual housing infill in the conserve, enhance, or transform areas.” *SomerVision 2040 at pp. 12, 43-50.* Notably, SomerVision 2040 also identifies the following as an “[i]mplementation priorit[y]”: “[*w*ork on zoning amendments to support the goals of SomerVision, especially commercial development and housing.” *SomerVision 2040 at 12 (emphasis added).* Leaving the current zoning in place will result in no additional housing on the Lot. The Zoning Amendment, however, is precisely what SomerVision 2040 encourages, because it would pave the way for a project that will create 88 housing units, 18 of which are affordable. Moreover, this Zoning Amendment will not cause genuine displacement because 9 out of 10 of the current residents at both 627 Somerville Avenue and 635 Somerville Avenue – and every resident of the Lot – have provided letters of support for the Project, and (ii) the Zoning Amendment will allow the Project to, in total, replace 10 market rate units with almost *twice* that number of affordable units, thus crucially increasing the City’s supply of affordable housing units. *Somervision 2040* (stating that to address displacement, the City should “pursue housing affordability”).

In addition, SomerVision 2040 notes the need to “modernize” the existing housing stock with “low energy, resilient, healthy and comfortable” upgrades (*SomerVision 2040 at 48*) and the importance of “[r]eview[ing] the zoning map and examin[ing] opportunities in places with good transit access” (*SomerVision 2040 at 49*). The buildings currently located on the Lot are old and inefficient, and the Lot has excellent transit access. The Zoning Amendment would serve the purposes of the SomerVision 2040 by enabling a project that would eliminate obsolete and inefficient buildings and replace them with a new, energy efficient buildings.

### **2.3 The Split Zoning Violates the Uniformity Provision of the Massachusetts Zoning Act for This Lot**

The Massachusetts Zoning Act’s “uniformity provision” precludes municipalities from treating properties that are within the same zoning district differently. *See G.L. c. 40A, § 4* (“Any zoning ordinance or by-law which divides cities and towns into districts shall be uniform within the district



for each class or kind of structures or uses permitted.”). As the Appeals Court has stated, the uniformity provision guarantees that “if anyone can go ahead with a certain development [in a district], then so can everybody else.” *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101, 107 (1984). However, unlike “everyone else” in an MR3 district, the owner of the Lot cannot, under the current zoning, develop the MR3 portion of the Lot **at all**. The current zoning, therefore, has the effect of treating the Lot owner differently than all other owners of similarly zoned properties, which violates the uniformity provision. Notably, requiring the petitioner to seek a variance would compound the uniformity problem, as it would add an additional layer of discretionary approval that does not apply to any other MR3 properties. *See MLM Realty Trust v. Moroney*, 2012 WL 1392976 (2012) (the uniformity provision is violated where local zoning boards are permitted to exercise discretion with respect to “uses between landowners similarly situated”). Therefore, the Zoning Amendment simply seeks to treat the Lot in a manner consistent with other similarly situated and similarly zoned lots.

#### **2.4 The Zoning Ordinance Contemplates Zoning Amendments under These Precise Circumstances**

The Zoning Ordinance states that zoning amendments are appropriate where, among other considerations, they (i) are made “in response to changes in City policy or real world conditions” (*Section 15.3.a.i*), and (ii) are consistent with the City’s comprehensive plan (*Section 15.3.e.i.a*), the purpose of the Ordinance (*Section 15.3.e.i.b*), and the purpose of the district that would be applied to the property in question (*Section 15.3.e.i.c*). The City’s issuance of SomerVision 2040, which designates the *entire* Lot as an area to be “enhance[d]” and highlights the importance of developing new energy efficient and affordable housing, reflects a change in the City’s policy. In addition, the Applicant’s proposal of a Zoning Amendment that will enable a project that will add to the City’s stock of modern and energy-efficient market-rate and affordable housing is a change in real-world conditions. Therefore, these changes to City policy and real-world conditions support the adoption of the Zoning Amendment which – for all the reasons discussed above – is consistent with, and necessary to ensure the realization of, the purposes of the Zoning Ordinance and the goals identified in the most current comprehensive plan.

### **3. Adopting the Zoning Amendment Would Result in Numerous Public Benefits**

As touched upon above, the Zoning Amendment provides significant benefits to the City by allowing the property owner to revitalize an important area of the City that is slated for improvement. Without a zoning amendment, nothing other than routine maintenance of the existing outdated, inefficient, and nonconforming buildings that are largely designed and used for auto repair use will be permitted. *See Section 14.1.5* (stating that nonconforming structures cannot be modified). The Zoning Amendment, if approved, would take an over 25,000 sf parcel of underutilized land that, in conjunction with abutting 635 Somerville Avenue lot, can be redeveloped with as many as 88 new, energy efficient residential units. Most importantly, such a Project would create 18 new affordable housing units, which is almost *double* the number of housing units that currently exists on both lots combined. Moreover, as numerous letters from current tenants and neighbors demonstrate, members of the community most impacted by the use

and redevelopment of the Lot support a project here that is only possible with the Zoning Amendment.

#### **4. Summary**

The current split zoning of the Lot should be corrected to be consistent so that the entire Lot is zoned for one single MR3 zoning use because:

- 4.1.** Only the unusual split NR/MR3 zoning condition prevents what is otherwise a large parcel designated for enhancement to be undevelopable without a variance;
- 4.2.** The NR designation runs counter to the Zoning Ordinance's stated purpose for NR zones by keeping in place an old auto body shop that completely covers the NR zoned portion of the Lot, and preventing new housing from being developed on the NR portion of the Lot;
- 4.3.** The NR designation of just this one corner of the Lot irrationally prevents the entire Lot from fulfilling the stated Zoning Ordinance objectives and goals for the MR3 portion of the Lot because it precludes the development of any new building or use on the Lot;
- 4.4.** The current zoning runs directly counter to the City's most recent Comprehensive Plan by designating the NR portion of the Lot as an area to be "enhanced", and by preventing the entire Lot from being enhanced with new development – including affordable housing – in a new energy efficient building; and
- 4.5.** The current split zoning violates the uniformity provision of M.G.L. c. 40A s. 4 by treating this Lot, which is slated to be enhanced by the City, differently than all other similar lots by creating a condition where the owner must seek a variance – and therefore highly discretionary permitting – for any redevelopment.

For all these reasons, the Petitioner has come forward with the Zoning Amendment to correct the portion of the Lot shown on the City's Zoning Map from NR to MR3 so that the Zoning Map can be consistent with the rest of the single Lot and brought in line with the stated objectives and goals of the City's Zoning Ordinance and the City's comprehensive plan.

Enclosures

**EXHIBIT A**

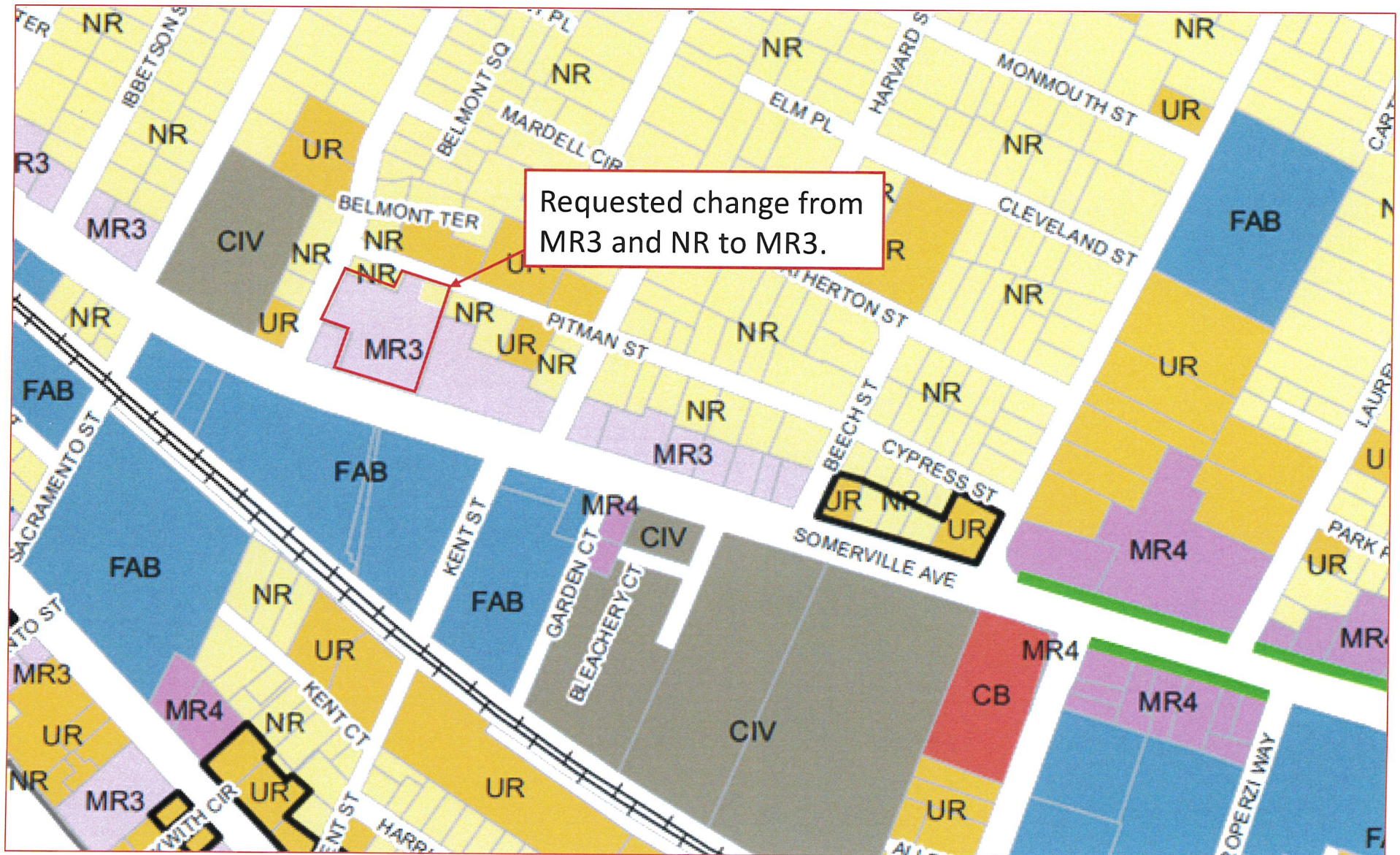
**1955 USGS Satellite Image**



**\*Note:** 1955 USGS Aerial Image of the Boston area, as referenced in the City of Somerville's Historic Preservation Division's Staff Report on 627 Somerville Avenue's Determination of Significance, dated October 18, 2022, at Page 6, and modified by here to mark the outline of the lot in red.



## Proposed Zoning Map Amendment Change to 627 Somerville Avenue



Portion of the City of Somerville Zoning Map, Sheet 14