



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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ELIZABETH MORONEY, *CLERK*
JOSEPH FAVALORO
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.

Case #: PB 2011-10-R1-7/2011
Site: 133 Middlesex Avenue
Date of Decision: September 15, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 21, 2011

PLANNING BOARD DECISION

Applicant Name:	FR Assembly Square, LLC
Applicant Address:	1626 East Jefferson Street, Rockville, MD 20852
Property Owner Name:	FR Assembly Square, LLC
Property Owner Address:	1626 East Jefferson Street, Rockville, MD 20852
Agent Name:	Goodwin Procter, LLP
Agent Address:	Exchange Place, 53 State Street, Boston, MA 02109

Legal Notice: Applicant & Owner FR Assembly Square, LLC seek a revision to Special Permit with Site Plan Review-A # PB 2011-10 in order to remove the loading area from the plan. A waiver is required under SZO §6.4.12 and 16.5.5 for one loading space that is required under §9.16.3 and 9.7. The original permit was for final level approval of a planned unit development under the Planned Unit Development Preliminary Master Plan to construct an approximately 4,500 square foot, single-story building for restaurant with outdoor seating (§7.11.10.1.1.B or 7.11.10.2.2.b) and/or retail (§7.11.9) along with 29 parking spaces.

Zoning District/Ward: Assembly Square Mixed Use District (ASMD); Planned Unit Development Overlay District - A (PUD-A); Waterfront Overlay District (WOD) / Ward 1.

Zoning Approval Sought: §6.4.12, § 16.5.5, §7.11.10.1.1.B, § 7.11.10.2.2.3.B & §7.11.9
Date of Application: July 19, 2011
Date(s) of Public Hearing: September 15, 2011
Date of Decision: September 15, 2011



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Vote:

4-0

Appeal #PB 2011-10-R1-7/2011 was opened before the Planning Board at Somerville City Hall on September 15, 2011. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposal is to remove the one loading area from the previously approved plan. The approved project consists of developing the 32,059 sf area adjacent to the parking lot for a stand alone building that would be used as a restaurant and/or retail space (§7.11.10.1.1.B or 7.11.10.2.2.b or 7.11.9). It is anticipated that two tenants will occupy the building; however, there is a potential for one tenant to occupy the building.

The loading area was located to the west (left) of the dumpster. The Applicant would like to remove the 12 by 35 foot loading area because there is sufficient room in the drive aisle of the parking lot to accommodate delivery vehicles serving the building. The Applicant has worked with Vanasse Hangen Brustlin, Inc. (VHB) as its traffic engineers on the project to ensure safe circulation patterns at the property. The drive aisle is 24 feet wide, which is wide enough for a truck to park and another vehicle to maneuver around it. The times of loading are expected to occur sporadically; however loading will predominately occur in the morning or evening when the parking lot is not heavily used. The estimated duration of loading is less than 20 minutes.

Removing the loading area will alter other elements in the site plan. The sidewalk will be extended towards the dumpster to increase the drop-off area for the building and the walkway from this area to the Assembly Square Drive sidewalk will have a somewhat different path. The vegetated area will increase by approximately 260 sf. The shrubs which were previously proposed to screen the loading space will be removed from the plan and the lawn area will increase.

Compliance with dimensional standards is shown in the table below. The open space percentage will increase from 46.7% to 48.8% and the usable open space will remained the same.

DIMENSIONAL REQUIREMENTS	PUD-A	Approved PUD	Proposed Project Area
Minimum lot size	20,000 sf	66.5 acres	32,059 sf
Maximum Floor area ratio (FAR)	10.0	2.0	0.14
Minimum lot area/per dwelling unit	No minimum	Approx 1379	N/A
Total open space (%)	25%	25.1%	48.8 %
Useable open space (%)	12.5%	18.1%	35.3 %*
Maximum height, feet	70 feet	Varying up to 250 feet	17 feet
Setbacks (front, side, and rear perimeter)	No minimum	Varying	13/19/55

* Labeled incorrectly as 36.3% in the 6/23/11 Staff Report



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FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW-A:

The proposal complies with the standards for issuing revisions. The Certificate of Occupancy has not yet been issued, the proposal otherwise is in accordance with the originally approved plans and conditions, and notice has been given for the public hearing.

Appendix E was added to the attached appendix, which includes required findings for waivers in the ASMD. Appendices A through D that were part of the original SPSR-A are also attached. Additional text in the appendices is underlined.

A. General Application Requirements

Application requirements are identified in Section 16.8 of the SZO. Section 16.8.2H identifies that the general information required for a special permit under Section 5.2 is also required at a preliminary level. The Board finds the SPSR-A meets the application submittal requirements in the above listed sections. Detailed findings are contained in Appendix A.

B. Required Findings of Fact for PUD

Section 16.10.1 of the SZO indicates that PUD preliminary master plan approval shall be considered preliminary approval that recognizes that the plan is in general accordance with provisions of this ordinance. Findings are then required under 16.1, 6.4.1, 6.4.3, 16.4, and 16.7 of the SZO. The ASMD further requires findings to meet development standards and design guidelines under 6.4.7 and 6.4.8. The Planning Board determined that the PMP met the required findings for a PUD PMP, but indicated that some issues would require further review at the SPSR-A submittal. The Board has reviewed these required findings as they relate to the SPSR-A application and find that these findings have now all been met. Detailed findings are contained in Appendix B.

C. Requirements for SPSR (SZO §5.2.5)

The SZO requires that the PMP be reviewed to ensure that projects under the PMP can meet the standards required for SPSR-A in the ordinance. Section 6.4.9 requires that the requirements in Section 6.4.9C as well as parts a-h of Section 5.2.5 must be addressed when SPSR-A requests are submitted. The Board finds that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix C.

D. Requirements for Waterfront Overlay District (SZO §6.1.15)

Section 6.1.15 identifies specific standards that are required in the Waterfront Overlay District. The Board finds that the SPSR-A meets these findings, and they are contained in Appendix D.

G. Requirements for (SZO §6.4.12 and 16.5.5)

Section 6.4.12 identifies specific standards that are required for relief from requirements in the ASMD. Section 16.5.5 identifies a specific standard that is required for waiver of standards of Article 9 (Off-Street Parking and Loading). The Board finds that the SPSR-A meets these findings, and they are contained in Appendix G.



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, James Kirylo and Michael Capuano.

Based on the materials submitted by the Applicant and the attached findings, the Planning Board finds that the application for Special Permit with Site Plan Review–A for final level approval of a planned unit development under the Planned Unit Development Preliminary Master Plan approved by the Planning Board on December 14, 2006 and as amended on August 5, 2010 meets the required findings as addressed in Appendices A, B, C, D and G of this decision. James Kirylo made a motion to approve the request for the loading area waiver. Michael Capuano seconded the motion where for the Planning Board voted 4-0 to APPROVE the request, incorporating the conditions in Appendix X and E and attaching Appendix F.

Appendices A, B, C, D, and G include the required findings and Appendix F is a table to keep track of the following items as additional SPSR-A applications are proposed in the PUD: linkage payments, usable open space, landscaped area, and number of parking spaces.

This approval for a loading dock waiver is based upon the revision to the Special Permit with Site Plan Review-A Application stamped in at the City Clerk's Office on July 19, 2011, including plans:

- C-6 Layout and Materials Plan dated July 28, 2011
- L-1 Planting Plan dated July 28, 2011
- Open Space Plan dated August 25, 2011

The previously approved plans are as follows.

- A1-1 Floor Plan; East and West elevations; rendering all dated June 15, 2011;
- North and South Elevation dated June 22, 2011;
- Neighborhood Context Map 1 and 2; C-4 Overall Site Plan 1; C-5 Overall Site Plan 2; C-9 Detail Sheet 1; C-10 Detail Sheet 2; C-10 Detail Sheet 3; and SL-1 Site Lighting Plan all dated May 20, 2011;
- C-7 Grading, Drainage and Erosion Control Plan; C-8 Utility Plan all dated June 15, 2011 (Note: C-7 and C-8 will be updated to reflect the removal of the loading area before a building permit is issued);
- As well as Proposed Traffic Control Changes Figure 2, dated revised June 16, 2011.



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Attest, by the Planning Board:



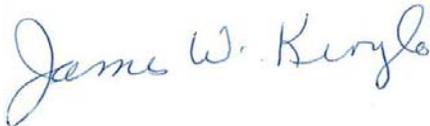
Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.



James Kirylo

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.



CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



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Appendix A: Application Requirements

A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)				
Section	Required Finding	Met	Not Met	Comment
16.8.2.A	A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed PUD upon the area, indicating how the PUD relates to surrounding properties and what measures will be taken to create appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable)	X		Included in PMP application submission
16.8.2.B	A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information	X		Included in PMP application submission
16.8.2.C	Analysis of compliance with regulations as to dwelling units per square feet of lot area, height, building coverage, floor area ratio (FAR) and parking requirements	X		Height, building coverage, FAR and parking requirements were included in the PMP as well as the SPSR application. No dwelling units are proposed for this location
16.8.2.D	Names of all property owners within five hundred (500) feet of the PUD boundary	X		Provided by City Staff
16.8.2.E	Explanation of provisions for the landscaping and maintenance of all open space and drainage areas	X		See Stormwater Management section in Utility Analysis. A plan is included on how the asphalt pavement, catch basins, structural water quality devices, roof drain leaders, and vegetated areas will be maintained.

Section	Required Finding	Met	Not Met	Comment
16.8.2.F	A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level . . .	X		A transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid. The Applicant submitted additional information regarding traffic analysis as part of the SPSR-A application. The use of the site in the PMP was anticipated to be restaurant of 7,000 sf so the trip generation will be less with the current plan for a 4,500 sf building. If the use is retail, the trip generation data indicates that there would be 15 less trips to the site. With the trip generation reduced, the trip distribution remaining the same as that in the PMP, the roadway improvements to Assembly Square Drive, the proposed development should not significantly impact the traffic conditions in the area.
16.8.2.G	A utilities analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall contain an inventory of existing utilities including, but not limited to, storm sewers and drains, sanitary sewers, electrical lines, fire alarm boxes and lines, gas lines/mains, water mains, lighting, curb and gutter, etc. Said inventory shall illustrate utility locations, sizes, diameters, carrying capacity and present load on the system. The engineer's report shall state if the current system is capable of adequately serving the proposed development. If the current utility system is found to be inadequate for the proposed development, the report shall confirm the deficiencies and make recommendation(s) as to the infrastructure improvements necessary to properly service the proposed development and maintain the existing service. The report shall also present a formal plan for infrastructure improvements, documenting timing, funding mechanisms and coordination with the City	X		See Utility Analysis
16.8.2.H	All applicable information required for special permit with site plan review (See Article 5 of this Ordinance). This information may be submitted at a preliminary level, in consideration that PUD approval is a preliminary approval	X		See section A2, below
16.8.2.I	Any other supportive information the applicant feels may be beneficial to the City of Somerville in the evaluation of the request	X		Additional information provided in the PMP application includes design guidelines. The application materials are sufficient to evaluate the SPSR-A

Section	Required Finding	Met	Not Met	Comment
A.2: General Information Required for SPSR Applications (SZO 5.2)				
Section	Required Finding	Met	Not Met	Comment
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	X		Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	X		See Existing Conditions Plan (sheet SV-1)
5.2.3.3	scaled site plans certified by a registered land surveyor, architect, landscape architect or engineer showing present and proposed use of land and existing buildings, if any; dimensions of existing and proposed structures; location and dimensions of any easements and public or private rights of way; and at grade parking and loading areas.	X		The use of the building is proposed to be a restaurant and/or retail space. The Block 10 building and site is shown on the Overall Site Plan, Layout and Materials Plan, Grading and Drainage Plan, and the Utility Plan. The building height is shown on the elevation. A zoning summary chart is listed on the Layout and Materials Plan. A 10-foot wide existing electrical easement that will be revised or abandoned exists in the project area as shown on the Existing Conditions Plan of Land. <u>The parking, drive aisles and sidewalks are to scale on the Layout and Materials Plan. A waiver was sought for the loading requirements.</u>
5.2.3.4	brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable	X		The Block 10 building will be tenanted as a restaurant and/or retail use of 4,500 sf including outdoor patio area in the northern, western and eastern sides of the building. The tenants are anticipated to create approximately 10 new jobs. The hours of operation will be set when a tenant is selected.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	X		The floor area will be 4,500 sf and the project area is 32,000 sf. The ground coverage will be approximately 14%.
5.2.3.6	front, side, and rear elevations	X		Provided elevations of each side of the building. Block 10 is not specifically called out in the Design Guidelines for general development strategy for building elevations.
5.2.3.7	existing and proposed contour elevations in two foot increments	X		The Existing Conditions Plan of Land shows one-foot contour intervals and spot grades. The proposed site elevations range from elevation 11 to 14 feet with an average between 11 and 12 feet.
5.2.3.8	provisions for vehicular and pedestrian circulation	X		Sidewalks are existing or proposed along the perimeter of the project area that connect with a network of sidewalks. The width of the sidewalks vary from 6 to 10 feet.

Section	Required Finding	Met	Not Met	Comment
5.2.3.9	color, materials, and exterior features of proposed structures	X		The materials will primarily be white brick, large glass panels, and Azec (synthetic wood). The large windows will maximize daylight and provide views of the Mystic River.
5.2.3.10	landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials	X		A landscape plan details the location and types of landscaping proposed. The Assembly Square edge of the site will have an urban feel with a row of trees and patio. Planter boxes will line the patio. Heavily planted areas will be on the eastern and southern portions of the site. A signature tree will be planted in the western side yard, which is the predominate location for those accessing the site from Assembly Square Drive.
5.2.3.11	measures taken to preserve and protect natural resources	X		Project complies with Waterfront Overlay District. There are no existing unspoiled natural resources on the site. The soil on the site will be remediated and the applicant is considering seeking LEED certification. The LEED worksheet that was completed indicates that a Platinum status could be achieved.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities	X		There will be two additional 35-foot poles that match the existing lighting in the parking lot. The average lighting in the parking lot will be 5 foot-candles which is consistent with the current situation in the other areas of the parking lot. The fixtures cast light in a downward direction. Lighting on the building will include sconces at the entrances, lighting of the signage, and small decorative lighting on the rooftop panel.
5.2.3.13	dimensions and locations of signs, proposed and existing	X		The proposed signage location can be found on the elevations in the following locations: on the end of the canopy above the main entry doors, centered above the garage doors at the end of the building, on awnings along the storefront systems and on spandrel panels in the top section of the storefront systems. The signs are proposed to be solid individual channel letters pin mounted and back lit (halo lit) or externally illuminated with a goose-neck overhead fixture or reasonably similar fixture and mounting. The other proposed sign technology is internally illuminated individual channel letters, which as conditioned must be approved by Planning Staff. The dimensions of the signs will have to comply with the Zoning Ordinance regulations or the Applicant must seek a special permit in the future to waive the requirements. City recommends that the development team provide a design guideline for signs to City staff and DRC prior to submittal of first SPSR-A application in Phase IA.

Section	Required Finding	Met	Not Met	Comment
5.2.3.14	location and significance of historic structures	X		No properties on the National Register of Historic Places are located in Assembly Square and there are no Local Historic Districts in this area.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities	X		Solid waste will be handled by a licensed private contractor. The disposal facilities including a dumpster and compactor will be located east of the proposed building and will be screened by a fence and vegetation.
5.2.3.16	description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, and satellite dishes	X		The electrical and mechanical equipment will be located on the roof behind a screen enclosure. The transformer will be located in the southwestern portion of the site and will be screened by vegetation. Recycling bins will also be onsite and the contents will be brought to the appropriate recycling centers periodically.
5.2.3.17	locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows	X		The existing utilities are shown on the Existing Conditions Plan of Land. The proposed utilities and drainage system are shown on the Grading, Drainage and Erosion Control Plan and on the Utility Plan. The water, sewer, and drainage improvements within Assembly Square Drive have been built to accommodate the full build out of the PMP. The utility infrastructure is sufficient to serve the proposed structure and use.
5.2.3.18	demolition and construction procedures including impact mitigation measures; an estimate of the time period required for completion of the development	X		No demolition is required because there are no structures in the project area. The estimated construction time for the "core and shell" of the building is 4 to 5 months.
5.2.3.19	a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is twenty-five thousand (25,000) square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer	X		The transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid. Individual projects will not require additional study of off-site traffic impact if total impacts remain within the established thresholds. The amount of square footage that is proposed to be constructed at Block 10 is below what was originally anticipated and therefore the trip generation figures have been reduced from the PMP phase. A change from a restaurant to a retail use would generate less trips to the site. No additional information is required at this time.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	X		A 10-foot wide existing electrical easement that will be revised or abandoned exists in the project area as shown on the Existing Conditions Plan of Land.

Section	Required Finding	Met	Not Met	Comment
5.2.3.21	wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated thereunder, 310 CMR 10.00	x		See Existing Conditions Plan. There are areas prone to flooding on the project area. The project area appears to be located more than 100 feet from the Mystic River. If work is required within 100 feet of the Mystic River, the Applicant must submit a Letter of Intent to the Conservation Commission.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	x		Included in application submission
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	x		Included in application submission. Staff generated a current list.
5.2.3.24	such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations	n/a		n/a

Appendix B: Required Findings of Fact

<u>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</u>				
Section	Required Finding	Met	Not Met	Comment
16.9	The SPGA shall review and determine whether a PUD application is complete and place special emphasis in its review as to PUD compliance with provisions of Article 16 herein, including compliance with the purpose and general requirements/features of a PUD	X		See Appendix A. Applicant has provided a complete PMP application. See the remainder of Appendix B which establishes that Applicant has provided an application that is in compliance with the provisions of Article 16 and complies with the purpose, general requirements and features of a PUD.
16.9	The SPGA shall . . . determine whether the proposal is consistent with the most suitable development of the City, and conduct a review in accordance with the requirements for special permit with site plan review as set forth in Article 5 of this Ordinance. The PUD shall comply with all requirements of this Ordinance unless a deviation from these strict requirements is authorized herein in Article 16	X		The proposal to reuse a brownfield next to the Orange Line for a transit-oriented mixed-use, green development is consistent with the most suitable development in the City. It is based upon a long-term set of principles established by the City for redevelopment of the Assembly Square area in the ASD Plan. The applicant received two waivers in the PMP phase, which do not relate to Block 10. <u>The current application is for a waiver for the loading dock requirement at Block 10.</u>
16.1	The purpose of a Planned Unit Development, or PUD, is to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed . . . to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should be a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development context . . . Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.	X		The proposed project has benefitted from an additional 4 years of work by the applicant in collaboration with the City and community stakeholders since the original 2006 PMP. The result is a plan for a vibrant, mixed use, urban neighborhood and commercial center providing 9,000 new jobs, increased tax revenues, market rate and affordable housing, improved access to transportation, improvements to regional stormwater systems and enhanced open space amenities. The project mixes uses, provides urban densities, develops according to environmental constraints and opportunities on the site, while creating a group of urban blocks that concentrate development with the highest densities near the transit station, mid-rise buildings fronting on the Mystic River parks, and expanded open space. The project meets this finding.

Section	Required Finding	Met	Not Met	Comment
<u>B.2: Consistency Findings (SZO Section 6.4)</u>				
Section	Required Finding	Met	Not Met	Comment
6.4.1	Purpose. The Assembly Square Mixed-Use District (ASMD) has been enacted to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The ASMD zoning is designed to allow the district to reach these goals.	X		See comments under Section 6.4.4 below.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Planning Study</u> dated October 2000	X		The Assembly Square Planning Study prepared by the Cecil Group in 2000 created a framework for development in the Assembly Square area over the next twenty years and beyond. This Planning Study encouraged mixed- use development, but also recognized that a certain amount of big box retail would be the most feasible use in Assembly Square in the immediate future. The Planning Study specifically supported the redevelopment of the Assembly Square Mall and the proposed new IKEA store to improve Assembly Square’s visibility and image, helping to pave the way for more intensive office development in the future. While the ASD Plan’s site layout was based upon the ownership arrangement before the IKEA land swap, the general principles and concepts of the plan are supported by the proposed PMP amendment, and this PMP includes all of the physical characteristics, values and goals that were addressed in the Planning Study.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Revitalization Plan</u> dated 2002	X		The Assembly Square Revitalization Plan is an approved Urban Renewal Plan under MGL 121B. The 2002 plan is a Major Plan Change to the 1980 Assembly Square Revitalization Plan -- the City’s urban renewal plan for Assembly Square. The Major Plan Change built on the foundation of the Cecil Group’s Planning Study. The Major Plan Change envisioned a mixed use district with office, retail, residential, cinema, hotel, and restaurant uses – a vibrant 24-hour district with a density somewhere between Boston’s density and level of density in nearby suburbs. The Major Plan Change also envisioned the redevelopment of the Assembly Square Mall and a new IKEA store. The PMP revision is consistent with the overall vision of the Revitalization Plan. Upon approval of this revised Master Plan, the Redevelopment Authority intends to amend the Revitalization Plan to reflect the latest redevelopment plan as outlined in this PMP and the FEIR.

Section	Required Finding	Met	Not Met	Comment
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Design Guidelines for the Public Realm</u> dated 2002	X		Overall, the revised PUD PMP is consistent with the Public Realm Guidelines. The PUD's four key principles closely align with the goals of the Public Realm Guidelines; both encourage design that supports the PUD's public spaces and achieves sense of place, multi-modal functionality, and 24-hour activity. Both documents give streetscapes and public spaces high priority, stressing the role these spaces play in the framework of the PUD. Both establish street hierarchies and district gateways for orientation. The PUD PMP is also consistent in its recognition of the Mystic River as a regional amenity, maximizing pedestrian accessibility to the waterfront. The Public Realm Guidelines generally include a greater level of streetscape and building detail, while the PUD PMP establishes complementary detailed design guidelines to drive decisions made at the SPSR-A phase and during streetscape design. For example, the Public Realm Guidelines call for a unified signage system that considers elements like sign character, placement, materials, and typestyle. This issue is addressed through inclusion of a condition that a sign design guideline be established. The Public Realm Guidelines also place emphasis on creating physical and visual connections between the PUD and its surrounding neighborhoods. The Applicant is undertaking several significant transportation improvements to enhance multi-modal access to the site. These efforts are especially important along the PUD's outer edges.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Transportation Plan</u> dated 2003	X		The Assembly Square Transportation Plan generally calls out for development of a street grid within the mixed-use area. That grid has changed with the relocation of IKEA, but the overall transportation strategy in the PMP meets the spirit of the original Transportation Plan.
<u>B.3: General Requirements of a PUD (SZO Section 16.4)</u>				
Section	Required Finding	Met	Not Met	Comment
16.4a	a designated tract of land meeting the minimum lot size requirements of Section 16.5.1.a for the PUD district	X		The parcel size is 2,896,740 s.f., or approximately 66.5 acres. This exceeds the 20,000 SF minimum lot size required for the PUD-A in the ASMD.

Section	Required Finding	Met	Not Met	Comment
16.4b	developed in a comprehensive, design-integrated manner, according to an overall master plan, with two (2) or more types of use	X		The Applicant has submitted a revised Master Plan with supporting plans showing buildings and roadways prepared by the architectural firm of Streetworks, Inc. and the engineering firm of Vanasse Hangen Brustlin, Inc. The PUD includes the following uses: retail (including restaurant and cinema), commercial (including office, R&D, and other commercial uses), residential, hotel, and parking. This revision to the Preliminary Master Plan is addressing the third phase of the development with the IKEA site and the Marketplace having received prior SPSR-A approval. The two prior phases have been approved based on the original Master Plan which has allowed the project to be developed in a comprehensive, design-integrated manner and this current application would improve the original plan and provide further clarity and regarding the Assembly Row development.
16.4c	consistent with the objectives of this Ordinance;	X		The Applicant has utilized the increased height and FAR allowed under the PUD Ordinance, proposing buildings ranging from 8 to 23 stories with a maximum height of 250 feet. By contrast, the maximum height permitted as of right is only 40 feet. The proposed PUD has been designed so that each phase, the Marketplace, IKEA and Assembly Row functions well on its own and also in relation to other phases. With Assembly Row, the applicant has the flexibility to design and construct residential, retail and/or commercial, or a mix of all, in response to the market and to other development taking place in Assembly Square.
16.4d	consistent with the goals, objectives and plans of the City for the general subject area	X		The goals, objectives, and plans of the City for Assembly Square have been expressed in various public documents. Section B2 of these findings identifies in more detail how the proposed PUD is consistent with the these documents. The previous PUD approval in 2006 met the goals and objectives of these documents and this revision is a refinement of the original PUD approval. Recently, the DRC reviewed the Design Guidelines for Assembly Row which provide greater clarity regarding the future development to take place on the site. The DRC's comments have been included in this report.

Section	Required Finding	Met	Not Met	Comment
16.4e	developed so as to locate or cluster development sites, especially buildings, in a manner that provides usable open space, preserves natural or historic features, and preserves views of such features to the maximum extent possible	X		The PUD is oriented around a series of open spaces connected by pedestrian friendly streets. Main Street has been oriented to preserve a view of the Mystic River. The Applicant will widen the existing DCR park as part of the PUD, and this new, expanded park will serve as an anchor to the north end of Main Street. The new park will be lined with a cluster of residential/retail buildings to give it an active edge and it is expected to serve as a place for public enjoyment of the river. Throughout the site, the Applicant proposes to construct a series of additional passive pocket parks for residents, shoppers, office workers, and visitors. Other than the riverfront, Assembly Square does not have any important natural or historic features to be preserved. This proposal for Block 10 places maximizes views and proximity to the waterfront. The usable open space is largely on the sides of the building that have views of the river. Also the patio area, which is not included in the usable open space calculation, but will provide a space for patrons to enjoy being close to the river. Large are proposed to provides views from inside of the building.
16.4f	an efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife	X		The existing site is relatively flat, except for the area near the water, where the land slopes to the river. Although there are some former tidelands in Assembly Square (which will subject the project to Chapter 91 review), there are no significant wetlands, floodplains, or wildlife. The most important natural feature is the Mystic River, and the PUD will enhance passive recreational elements of the DCR park, as expanded, with landscaping, public artwork, and associated improvements consistent with a first-class commercial standard for urban public space. Finally, the PUD has been designed to locate the tallest buildings furthest away from the Mystic River.

Section	Required Finding	Met	Not Met	Comment
16.4g	an efficient use of land demonstrating full coordination of its own site development including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure	X		<p>The Master Plan demonstrates that full consideration has been given to site development as a whole. The project has been phased such that the proposed uses and their associated roadways, parking, and infrastructure are developed in a coordinated manner. Pedestrian access to Block 10 will be provided around and through the site. There are sidewalks proposed around the edge of the project area and a walkway from Assembly Square Drive through the site for people approaching the site from the Mystic River or the future Assembly Row. The location of this path was dictated by the grading on the site. There will be a cross walk across the newly created circulation drive to connect pedestrians from the subject site to the existing Marketplace.</p> <p>Vehicular access will be through the existing circulation aisle in front of the Marketplace. The new parking row will create another entry onto the main driveway, which will be located just before the intersection at the corner of the building where the Christmas Tree Shop is located. Traffic and Parking has approved the proposed changes to the signage at the intersection to function safely.</p>
16.4h	linked and coordinated with surrounding land uses, off-site public facilities, infrastructure and roadway access where appropriate, in a manner that is safe, efficient and non-injurious to the public, and an improvement or benefit to the public where possible	X		<p>The Applicant has linked the residential buildings with the existing parkland that abuts the site and has designed a network of roadways and sidewalks which constitute an improvement to the existing conditions and a benefit to the public. Access to Block 10 will be at the intersection of the newly configured Assembly Square Drive off of Route 28 and the storefront circulation aisle that runs in front of the Marketplace. Pedestrian access will be via sidewalks along Assembly Square Drive and on along the proposed 5 foot sidewalk on the western edge of the project area. There is a newly improved signalized pedestrian crossing at the Route 28 and Middlesex Ave intersection to provide access to the neighborhood on the other side of the major roadway.</p>

Section	Required Finding	Met	Not Met	Comment
16.4i	designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD	X		A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package for the PMP. The applicant is claiming that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. The City Traffic engineer concluded that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. The Block 10 proposal reduces the service demand of the PUD because only 4500 sf of the originally proposed 7000 sf will be built on the site.
16.4j	inclusive of provisions for the ownership and maintenance of usable open space as appropriate (see Sec. 16.6 of this Article)	X		The Applicant will be required to maintain the usable open space within the PUD subject to a maintenance agreement that must be developed as a condition of this approval.
16.4k	inclusive of appropriate deed restrictions or covenants requiring compliance of all development with the PUD master plan, and any architectural or other guidelines or standards	X		The Block 10 proposal complies with the PUD Master Plan and the guidelines and standards of the District. The only deed restriction or covenant required is for the usable open space on this site.
16.4l	when inclusive of a proposed use allowable under this Ordinance only within a PUD setting, that said use is integrated into the proposed development in terms of function and service to other users of the PUD site and/or to the immediately surrounding area	n/a		<u>Not applicable.</u> This finding is not applicable in the ASMD District because all uses in the PUD align with the underlying district.

B.4: PUD Design Guidelines (SZO Section 16.7)

Section	Required Finding	Met	Not Met	Comment
16.7a	PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site	X		Block 10 is a stand-alone block on the edge of the existing parking field for the Marketplace. The building design meets the intent of having a small signature building at the gateway to the future Assembly Row development and the goal of providing a restaurant venue for patrons and employees of the Marketplace (assuming that a restaurant tenant is secured). The Design Review Committee felt that the level of quality and attention to detail of this building was consistent with the development that will follow in Assembly Row.

Section	Required Finding	Met	Not Met	Comment
16.7b	Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space	X		The building contains operable garage doors on the ends of the building that would open up directly onto patios. A condition of approval will be that if roll-up garage doors are replaced with store-front systems, there will be a door in the system to access the side patios. There are also large storefront systems and doors that would open onto a patio on the waterfront side of the building. Doors proposed for all four sides of the building.
16.7c	When a building is proposed to exceed the base district height limit, it is intended that buildings be of slender proportions emphasizing the vertical dimension	X		The building proposed for Block 10 will only be 17 feet tall at the height of the roof and 22 feet tall at the top of the mechanical screen.
16.7d	It is strongly encouraged that landscaped space, and particularly usable open space, be designed and located to connect as a network throughout the PUD. It is also generally intended that said space be designed and located to connect with existing off-site usable open space, and provide potential for connection with future open space by extending to the perimeter of the PUD, particularly when a plan exists for the location and networking of such future open space	X		Since Block 10 is a stand-alone site, the landscaped area only connect directly with the landscaping proposed along Assembly Square Drive.
16.7e	It is intended that no non-residential structure cause a casting of any shadow on any residential lands between 10:00 AM and 2:00 PM, solar time, on the vernal equinox (March 21); and that any shadow cast by a PUD structure on public usable open space be of minimal impact on the desired functional use of said open space, particularly in the period from March 21 to September 21	X		Block 10 is not located near a current or future residential structure. The orientation of the building limits the structure's shadow on the usable open space, which is primarily to the west, south and east of the building.
16.7f	Vehicular access to and from public roads is intended to be consolidated. Vehicular access to PUD lands from a public roadway shall generally be limited to one (1) access point, particularly when PUD frontage along said roadway is three hundred (300) feet or less. When a PUD has more than six hundred (600) feet of frontage on a public road, separation between existing, approved, and proposed curb cuts, whether on or off-site, shall average a minimum of two hundred (200) feet. Consolidation to a minimal number of access points is strongly encouraged	X		Vehicular access to this area is primarily provided though Assembly Square Drive, but also through New Road/IKEA Way and Foley Street by way of Middlesex Avenue. The PUD guidelines encourage consolidation of access points to and from PUD lands and a minimum of 200 feet between access points. This proposal meets this guideline while still offering optimal transportation access to the site, and a robust street grid to handle traffic within the site.

Section	Required Finding	Met	Not Met	Comment
16.7g	Internal PUD streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall meet the standards of the City's Director of Traffic and Parking.	X		The internal street layout is proposed in a grid pattern with local and collector streets. The main retail street travels north/south through the center of the Assembly Row development between IKEA Way and the park land adjacent to the Mystic River, supporting a robust street grid that can handle traffic within the site. Other internal streets provide connections to Assembly Square Drive, the MBTA station and perimeter locations. As these streets will be dedicated to the public these streets will be conditioned to meet City standards or better pursuant to review by the Director of Traffic and Parking and City Engineer.
16.7h	PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Alight streets to give building energy-efficient orientations.	X		Block sizes are larger than typically found in Somerville to accommodate buildings much larger than are typical in the City. Though the blocks are larger, the ground floor retail uses proposed and pedestrian friendly architectural elements and designs that would be required during the Special Permit review process will offset the negative effects of the above average block sizes and provide a scale appropriate for pedestrians.
16.7i	The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.	X		The natural features of the site have been substantially altered over the years as an industrial and commercial site. This proposal would expand and improve vegetation on the site as well as expand the open space existing along the Mystic River.
16.7j	The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.	X		Though this a predominantly urban development and, where possible, the applicant has maximized pervious surfaces. Block 10 will include 46% landscaped area, much of which will be pervious surfaces. The stormwater management analysis indicate that there will be no increase in peak runoff rates between the current condition and after construction. There will be a reduction in flows during 2-, 10- and 25-year storm events. Stormwater from the site will continue to utilize the existing 30-inch drain connection to the MWRA 84-inch SMC.
16.7k	PUDs should maximize pedestrian transit-oriented development. Specifically they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts and alternatives to travel along high-volume streets, and emphasize safe and direct pedestrian connections to transit stops and other commercial and/or employment nodes; provide long-term, covered, bicycle parking areas; provide well-lit, transit shelters; incorporate transit-oriented design features; and establish Travel Demand Management programs at employment centers.	X		Traffic calming measures have been included in the roadway designs that feature combination pedestrian/vehicle streets and open spaces, traffic circles, paver cross walks, intersection bumpouts and street trees. Pedestrians and bicyclists have alternative networks to access the project without travel on the high volume streets and can bypass the entire project on a dedicated bike/pedestrian path around the perimeter of the site. The highest intensity development will be proximate to the MBTA station which will promote rapid transit ridership and is in line with ideals of Transit Oriented Development.

Section	Required Finding	Met	Not Met	Comment
16.7I	Make shopping centers and business parks into all-purpose activity centers.	X		The proposal calls for a wide array of uses that would create a vibrant and sustainable community with amenities and activities that will serve the residents of the development and the surrounding areas. This project is much more integrated than a typical shopping center or business park, allowing for a new community to be developed adjacent to the new T station. Block 10, as a restaurant, will provide patrons and employees of the Marketplace with an opportunity to access food within walking distance which will contribute to the all-purpose activity center goal. As a retail store the building will provide a unique retail space for the area.
<u>B.5: ASMD Development Standards (SZO Section 6.4.7.A)</u>				
Section	Required Finding	Met	Not Met	Comment
6.4.7.A.1	<i>Transportation Analysis.</i> All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.	X		A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package. The applicant has provided data indicating that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. Block 10 was included in the Transportation Study with more floor area than is proposed and therefore the roadway improvements will be more than adequate to accommodate the traffic impacts of the project. Pedestrian connections will be improved because Block 10 will have a sidewalk on the western edge of the site that will tie into the larger network of sidewalks.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	X		The use requires 9 spaces if it is all used as a restaurant and 5 spaces if it is all used as retail (1 per 500 nsf of restaurant and 1 per 1000 sf of retail). 28 parking spaces are proposed as was originally anticipated in the PMP. There will be 2 accessible spaces. The spaces will be added by extending the existing Marketplace parking lot. The last row of parking will be extended to the length of the other parking rows and four parking spaces will be located in front of the proposed building. Under §9.16.5 surface parking is allowed at this site because the building is under 50,000 square feet in size and it is being constructed in an area of existing surface parking and along an existing street. The maximum parking requirements are not applicable for this case because the new MBTA station is not yet constructed.

Section	Required Finding	Met	Not Met	Comment
6.4.7.A.3	<i>Landscaping Requirements.</i> Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.	X		The landscape plan complies with the requirements set forth in Article 10. 20 trees will be in the project area, which exceeds the requirement for 1 tree for every 1,000 sf of required landscaping. The varying types of vegetation exceeds the minimum requirement for two types of landscape cover. The landscaping in the parking lot meetings the requirements related to its location and size.
6.4.7.A.4	<i>Pedestrian Connections.</i> Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support improved access between the ASMD and the Ten Hills and East Broadway neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.	X		The project incorporates sidewalks throughout, connecting all parts of the development including to and from the proposed MBTA T stop, the Mystic River and the Assembly Square Marketplace. In addition, a shared use path is planned along the Orange Line right of way that will connect pedestrians along the length of the project to the riverfront. The enhanced riverfront park also provides enhanced and new pedestrian connections to Draw 7 Park and to points within the site. The Proponent has previously provided \$100,000 to the City for the design of a new Mystic River pedestrian/bicycle walkway underneath Route 28 connecting Assembly Square and the Ten Hills neighborhood. The Proponent has also committed to fund construction of the new Mystic River pedestrian/bicycle walkway underneath Route 28 as part of an up to \$2 million commitment to fund pedestrian/bicycle/riverfront park enhancements on DCR land, in addition to other mitigation being constructed by the Proponent in conjunction with the Project. The Design Review Committee suggested that the pedestrian path through the site be closer to the building and steps could be introduced in

B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)

Section	Required Finding	Met	Not Met	Comment
Note: The applicant has provided, of its own volition, additional Design Review Guidelines to address the design and massing of the proposed blocks and buildings. The of quality in material and design that will achieve the goal of creating a diverse and vibrant mixed-use neighborhood they in no way represent the only viable or acceptable				
6.4.7.B.1	<i>Street and Sidewalk Design.</i> Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.	X		The design of streets and sidewalks will respond appropriately to the Street and Sidewalk design criteria. To the extent that is known at this time, the streets and sidewalks appear to be designed to meet the expectations of the Design Guidelines. Block 10 does not require the construction of new streets. The ASQ Public Realm Design Guidelines contemplate sidewalk design for streets in the heart of Assembly Row. The sidewalks around Block 10 do incorporate elements of the guidelines including having sidewalks on both sides of the street, planter boxes along the patio next to part of the sidewalk, and crosswalks with the minimum crossing distance necessary.

Section	Required Finding	Met	Not Met	Comment
6.4.7.B.2	<i>Building Design.</i> Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot.	X		The DRC recommended approval of the design of the building. They thought that the building looked elegant and they were supportive of the material chosen. One material that they questioned as the Azek, synthetic wood. This material can be conditioned to return to the Commission for review and approval. The orientation of the building was chosen to create an interesting view for people entering the Assembly Square area via Assembly Square Drive. Also, the orientation ensures that the building is outside of the 150-foot boundary from the Mystic River.
6.4.7.B.2a	Buildings should be located to create a presence on existing street edges or along major internal circulation routes and have maximum building setbacks of five feet except in special circumstances, where greater setbacks would enhance the pedestrian friendly experience of the ASMD, such as dedicated open space; and buildings should be located to reinforce both existing and future circulation patterns that may serve more than one Site.	X		The building is oriented to create a street edge along Assembly Square Drive. The building is setback more than 5 feet. Despite the setback, the patio and landscaped area should create a pedestrian friend experience along the site.
6.4.7.B.2b	Buildings should have interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, should be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances should be clearly defined, through the use of elements such as canopies, porticos, overhangs, peaked roof forms, arches. Entries set back from the street should have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting.	X		The main entrances to Block 10 are on the side of the building that will be highly visible from the Marketplace and the parking lot. Doors will also be located on other sides of the building. A patio is proposed around three sides of the building and although the sidewalks will not directly connect to the patios, they provide visual interest and layering of the site from the sidewalk to the building. The entries will have canopy structures, signage that sits on the canopy and medallions above the doors.
6.4.7.B.2c	There should be a clearly defined pattern of bays, rhythms, and dimensions that create continuous visual interest and variety in the design of all facades.	X		The storefront systems and roll-up garage doors provide rhythm and interest to all sides of the building. Infill panels in the storefront systems to accommodate will be conditioned so that there is not a large expanse of the solid material.
6.4.7.B.2d	The overall scale of development should be broken down to respond to the pedestrian scale use of open space.	X		The one-story building with landscaping that meets the sidewalk is in a scale that is comfortable for a pedestrian.
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.	X		White brick is proposed to compliment but not mimic the red brick that is so dominant on the Marketplace building.

Section	Required Finding	Met	Not Met	Comment
6.4.7.B.2f	Building equipment and service areas should be located away from public streets or major interior circulation routes and provide screening. All storage of items for sale or related inventory should be enclosed unless completely screened from public view with architectural elements meeting the §6.4.7 guidelines.	x		The rooftop mechanical equipment will be hidden from view by a decorative screen. The dumpster and transformers will be screened from view.
6.4.7.B.2g	Preference should be shown for vertical integration of uses. Developments should ensure that development patterns provide active uses on the ground floor that take advantage of the waterfront views and open spaces, and that add presence to public ways and sidewalks.	n/a		Block 10 is proposed to be a one-story building and so the vertical integration of uses is not possible. There will be active uses on the ground floor as a restaurant or retail space and large expanses of glass facades will allow people to take advantage of the waterfront views and add presence to the public ways and sidewalks.
6.4.7.B.2h	The façade of a building should not have any uninterrupted or unfenestrated length exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the façade.	x		The longest length of uninterrupted façade on the proposed building will be less than 35 feet. The storefront systems provide a for interesting views into the building. The amount of spandrel panels needed to screen the utility space in commercial units will be conditioned so that this guidelines is met. The building is not longer than 100 feet and does not require projections or recesses to create depth.
6.4.7.B.2i	All Ground Floor facades that face public ways or the Mystic River should have windows providing visual access to the interior of a space, arcades, display windows, entry areas, awnings, or other such features along no less than seventy percent (70%) of their horizontal length. Forty percent (40%) of this activated facade area on the ground floor of building walls along primary and secondary streets shall consist of windows or doors meant for public entry and exit.	x		The north and east elevations face Assembly Square Drive and the Mystic River. Both of these elevations meet the 40% requirement to have activated facades consisting of windows and doors. The doors would be accessible for patrons of the establishments but may not be accessible to the public because the lead to patios that may have barriers to satisfy liquor license requirements. The north elevation satisfies the 70% requirement for visual access to the interior of the space. The east elevation is just shy of this guideline, which is acceptable as there are large roll-up glass doors that make up a large portion of the wall. The amount of glazing and white brick looks proportional and still provides views through the majority of this facade.
6.4.7.B.3	<i>Parking Lot Design.</i> Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.	x		As noted above the parking requirements under 9.15 are met. Also as noted above the landscaped area in the parking lot meets the requirements of Section 10.4. Bicycle parking is satisfied by a rack that will provide space for 6 bicycles (space for one is required).
6.4.7.B.4	<i>Open Space.</i> Landscape strips required in parking areas shall not apply to UOS calculations. Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD.	x		The usable open space for Block 10 does not include landscape strips in the parking area.

Section	Required Finding	Met	Not Met	Comment
6.4.7.B.5	<p><i>Efficiency of Design.</i> Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.</p>	X		The Applicant submitted a LEED worksheet that indicates that the site could achieve LEED Platinum certification.
6.4.7.B.6	<p><i>Contributions.</i> Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.</p>	X		The Applicant has committed to contributions and mitigation under contracts with the City and the SPGA shall take that into consideration. A list of contributions can be found on page 13 of the zoning compliance narrative in the Applicant's submission materials. The Applicant will enter into maintenance agreements for useable open space. No other contributions are specific to Block 10.
6.4.7.B.7	<p><i>Loading Spaces.</i> To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.</p>	X		<p><u>The Applicants are seeking a waiver from the one loading area that is a requirement of a restaurant between 4,000 to 6,000 sf. There is a 24 foot drive aisle in front of the building in the parking lot that will be sufficient for loading and provide sufficient space for vehicles to pass. Eliminating the loading area would satisfy this finding as loading will occur away from major public ways and the proposed design will reduce the negative visual impact of the additional pavement that would be needed for a designated loading area.</u></p>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>Comment</i>
<u>B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)</u>				
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>Comment</i>
6.4.8.D.1	Transportation Analysis. Large Developments shall provide a Transportation Access and Impact Study. The Director of Traffic and Parking shall approve the geographic scope and content of the study in consultation with the Executive Director of the Planning Department and the Traffic Commission. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the Development Site. If the Transportation Access and Impact Study indicates a significant impact to the transportation network in the specified study area, the Applicant shall include in the study proposed mitigation measures to address those impacts.	X		A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package. The applicant has provided data indicating that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. A Transportation Demand Management (TDM) Plan was also prepared. For this restaurant/retail use, the bicycle racks provide an opportunity for employees and/or patrons to bike to and safety store bikes at the site. There will be dedicated bike lanes on Assembly Square Drive to improve the bicycling experience near the site. Another future option is the new MBTA Orange Line Station that is coming closer to fruition as the project was recently put out to bid for construction. Buses provide another alternative to personal vehicle travel mode to the site.
6.4.8.D.2	<i>Large Retail Projects.</i> Any Large Development in which any single Retail Use is more than fifty thousand (50,000) square feet of gross floor area shall also be deemed a Large Retail Project. A). Nonretail Component --“No Large Retail Project ... shall be permitted in the ASMD unless permitted as part of a PUD-A which includes 1.5 net square feet of non-retail uses for every square foot over 50,000 net square feet of Retail Use in the Large Retail Project.” B). Ground Level Retail Size Cap-- “In a Large Retail Project, not more than 50,000 square feet of Gross Floor area of any single Retail Use shall be located on the Ground Floor of any Building included in the PUD-A.”	X		The restaurant/retail building proposed for Block 10 is only 4,500 sf so this guideline does not apply.
6.4.8.D.3	<i>Landscaping.</i> A minimum of fifty (50) percent of the Landscaped Area in a new Large Development shall be Usable Open Space. The SPGA shall have final discretion in deciding if land constitutes Open Space for the purposes of determining whether this requirement has been met. The Open Space requirement may be met with land that is part of the Large Development, or with land that is outside of the Large Development area but is located within the ASMD that was not already Useable Open Space, provided that the conditions of paragraph 2 of Section 16.6.1 of the Ordinance relating to public dedication of such Usable Open Space are met.	X		The usable opens space accounts for 18.1% of the site and includes grass and planted areas that will not be fenced off. The patio is not included in the usable open space calculation, although it will function as usable open space for people that are patronizing the restaurant or retail space.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>Comment</i>
<u>B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)</u>				
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>Comment</i>
6.4.8.E.1	<i>Structured Parking.</i> Due to the size and scope of Large Developments, every effort shall be made to provide as much parking as possible underground and/or in structures	X		Over 85% of parking spaces are located in parking structures in the PUD. Structured parking is not a requirement of the proposed building as noted above.

Appendix C: Requirements for SPSR-A

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>Comment</i>
6.4.9.C.1	Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan	X		A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package for the PMP. The applicant is claiming that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. The Block 10 proposal reduces the service demand of the PUD because only 4500 sf of the originally proposed 7000 sf will be built on the site. The bicycle racks proposed and access to the bus system and future MBTA Orange line station provide alternative modes of transportation to and from the site.
6.4.9.C.2	The application (should) reflect an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4	X		The applicant has provided proposed Design Guidelines as Section I of the document. See Appendix B for assessment of the guidelines for consistency with the Design Guidelines set out in 6.4.7B and 6.4.8E of the SZO. The Block 10 building and site is in accordance with the submitted Design Guidelines.
6.4.9.C.3	The application (should) promote the following objectives: mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses' economic benefits and employment opportunities' structured parking; pedestrian and bicycle access; affordable housing units and project mitigation contribution; view corridors to the Mystic River; enhanced and activated Open Space' creation of new Open Space or enhancement of existing Open Space; and, . . . support transit service at (the MBTA Station).	X		The overall development meets these objectives. Block 10 contributes to the Marketplace by providing a restaurant near the shops or if it is a retail space, the square footage is quite smaller than the stores in the small so it will be a unique shopping experience. 15 jobs are anticipated to be generated by the new business(s). Pedestrian and bicycle access and the view of the Mystic River have been carefully considered.
6.4.9.C.4	Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations as noted in 6.4.9.C.4	X		These additional findings address submittal requirements, criteria for review, impact on public services, site surface drainage, access to buildings, utilities, signage, transformers, screening, and shadow impacts. The proposed Block 10 development address these additional findings and determinations as explained throughout the findings of this report.
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3	X		Complete

Section	Required Finding	Met	Not Met	Comment
5.2.5.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review	X		The proposal meets the individual SPSR-A findings as identified in this Appendix C.
5.2.5.c	<i>Purpose of district.</i> Is consistent with the intent of the specific zoning district as specified in Article 6	X		The overall plan is consistent with the intent of the specific zoning district. The Block 10 proposal is consistent with the PMP, except that retail as well as restaurant uses are being requested and the building will be smaller than originally proposed. The project is consistent with the intent of the zoning district.
5.2.5.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area	X		The overall plan is compatible with natural features and character of the surrounding area as explained in the findings of Appendix B.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction	X		The Block 10 building and site meets the functional design standards as a restaurant or retail space. The patio will be constructed if retail tenants initially occupy the building. The patio can be used for outdoor seating and/or limited outdoor sales.
5.2.5.f	<i>Impact on Public Systems.</i> Will not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic	X		The applicant has adequately addressed that the overall project, with agreed-upon public service upgrades, and will have adequate public services. Since Block 10 will be smaller than planned, the services required will be less than was originally proposed and will be sufficient for this development.
5.2.5.g	<i>Environmental impacts.</i> Will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area	X		The applicant has adequately addressed that the overall project mitigates adverse environmental impacts, cleans an existing brownfield and redevelops a waterfront site with future transit access. Furthermore, upgrades to DCR parkland will provide off-site open space for the project as well as the surrounding neighborhood.
5.2.5.h	<i>Consistency with purposes.</i> Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections	X		The Block 10 proposal is consistent with the purposes of the Ordinance and the various section of the Ordinance.

Appendix D: Standards and Guidelines for Waterfront Overlay District

B: Specific District Standards and Guidelines under Section 6.1.15.B				
Section	Required Finding	Met	Not Met	Comment
6.1.15.B.1	All development should be designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture, landscaping and screening. Building materials of masonry brickwork, stone, wood, and glass are encouraged, to reflect the natural setting of the Mystic River. Pre-cast concrete panels and large expanses of glass facade are generally discouraged.	X		The materials include white brick as a quality product that will compliment but not mimic the red brick of the Marketplace, architectural block at the base of the brick, and painted Azek (synthetic wood) that the Applicant said will appear as wood. The building feels nautical in nature and provides an attractive building as the gateway building into the future Assembly Row Development. Details include a nautical light fixture at the entry doors, decorative medallion panels, lighting at the ends of the rooftop screen, a decorative fascia board, and metal c channels above the main doors. The large expanses of plan are found to be appropriate as detailed in the elevations.
6.1.15.B.2	New structures and additions to existing structures within the Waterfront Overlay District shall be reviewed by the SPGA for effects of wind shadows, and other conditions at ground level insofar as they affect the users of the Mystic River and adjoining parkland. In this review, the SPGA shall determine if the public benefits provided by enhancements and activation of the Open Space in the Waterfront Overlay District outweigh the public detriments associated with ground level effects due to the proposed Development.	X		The one-story building will not cast shadows or create a wind tunnel. The building will provide a venue for people to enjoy that are visiting the waterfront.
6.1.15.B.3	No structures, with the exception of park buildings in the waterfront parkland which provide direct support of public access and use of that parkland, shall be located within one hundred fifty (150) feet of the bank of the Mystic River as defined in 310 CMR 10.54.2.(c). Construction of new surface parking facilities within two hundred (200) feet of the bank of the Mystic River shall not be allowed.	X		The building is not within 150 feet of the bank of the River and there are no parking spaces that are located within 200 feet of the River.
6.1.15.B.4	Street and roadways will be allowed but must include sidewalks and landscaping to provide an attractive connection for pedestrian use, and to complement adjacent parkland.	X		Sidewalks will be constructed so that pedestrians will have access around the site. The Assembly Square Driveway sidewalk creates an urban experience with the row of trees and the patio. Other part of the site have larger planted area adjacent to the sidewalk.

Section	Required Finding	Met	Not Met	Comment
6.1.15.B.5	A detailed landscape plan shall be submitted as a part of site plan approval for development in the Waterfront Overlay District, at the same scale as the submitted site plan. Special emphasis shall be given to designing and implementing landscape improvements and Usable Open Space along the Mystic River side of the property. It is intended that landscaping soften the impact of buildings and paved areas as seen from the river, adjacent public open space, and adjacent vehicular thoroughfares. Landscaping utilizing indigenous or naturalized plant materials is encouraged.	X		A comprehensive landscape plan was submitted that addresses this guideline.
6.1.15.B.6	There shall be at least one (1) pedestrian sidewalk connection between any parcel in the ASMD and the adjacent Mystic River Reservation and public open space. The sidewalk shall be a minimum eight (8) feet in width, be of concrete or other all-weather paved surface, and have minimal slope, changes in grade level, or stairs, so as to be accessible and usable to the greatest number of people. Other pedestrian ways, small plazas and gazebos, sitting areas and like improvements are strongly encouraged.	X		Sidewalks will be provided around the project area that connect with the larger network of sidewalks in the area.
6.1.15.B.7	It is intended to encourage buildings with an orientation to the Mystic River, with ingress/egress to the structure opening onto the site's landscaped area and Mystic River Reservation. In addition, it is intended that new buildings have a visual and functional orientation to other like buildings. Developers are strongly encouraged to place major points of entry to their buildings in a manner facing and visible to the points of entry of nearby buildings, affording opportunity for the space between such buildings to be developed as useable open space and/or pedestrian connections.	X		Block 10 is a stand-alone building that is on an existing triangularly shaped piece of land. Doors and windows will be provided on all sides of the structure so that this structure that is highly visible on all sides does not have a back.

Section	Required Finding	Met	Not Met	Comment
6.1.15.B.8	Where practical, grade levels of parking structures should be used for purposes other than vehicle storage. Retail, restaurant and other uses generating pedestrian traffic are encouraged. This is expected to be most applicable to those portions of a garage immediately adjacent to and facing usable open space — particularly when facing the Mystic River reservation or landscaped corridors leading to the reservation — or when facing a public street with retail uses located on parcels fronting and oriented to said street and adjacent to the Development in question. Views into parking structures should be screened if possible, and in all cases at least softened through use of landscaping and/or an architectural/ornamental treatment approved by the SPGA. Lighting within a parking garage shall not be directed towards the exterior of the structure, and shall not cause glare or excessive reflection beyond the structure itself.	X		Block 10 only includes surface parking.
6.1.15.B.9	Structures should be oriented so that a visual wall is not created along the Mystic River, and designed so that views to the river from other nearby properties are maintained. As an aid to satisfying this intent, landscaped area and/or usable open space corridors of a minimum fifty (50) feet in width shall be provided on all lots within the Waterfront Overlay District, and shall extend through the full three hundred (300) foot width of the District. A developer or applicant may deviate from these strict standards if he/she can demonstrate to the SPGA full compliance with the intent herein to preserve river views and open space, and that an alternative plan will fulfill this intent in a manner at or exceeding these standards.	X		The building was designed with the maximum amount of glazing possible to facilitate view of the Mystic River. The landscaping and patio areas are on the western, northern, and eastern sides of the structure so that view of the River can be seen from these locations.

Appendix E: Block 10 Conditions

#	Condition	Completed	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<i>This list of conditions includes the conditions that were part of the PUD PMP that relate to this SPSR phase.</i>						
A. General						
1	Approval is for a Special Permit with Site Plan Review under SZO Article 16 & 6.4.15 to construct a 4,500 sf building at could be occupied by a restaurant or retail space and a site with usable open space, 28 parking spaces <u>and no loading area</u> .		Planning Director	Continuous		
2	Applicant will work with the City to develop the long term maintenance agreement for the Useable Open Space as required in Article 17 of the SZO. The agreement shall specify the requirements for public access and private maintenance of useable open space in the plan, as required by the SZO. The applicant shall build out and maintain all of the open space and allow public access to all of the useable open space in the plan as required by the SZO. The applicant will submit 100% construction plans for open space to the City for review and comment.		Planning Director / City Engineer / DPW	Installation of Usable Open Space		
B. Transportation / Traffic Circulation						
3	The bicycle rack shall be embedded in the concrete pad. The rack shall match the product used on Assembly Square Drive.		Planning Director	Certificate of Occupancy		
4	<u>Loading at the site shall only occur in the parking lot adjacent to the building. Delivery trucks shall be parked such that vehicles can maneuver around them.</u>		ISD/Traffic & Parking	Continuous		
C. Water Systems						
5	Design and construction phasing of the water system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.		City Engineer	Building Permit		
D. Sanitary Sewer Systems						
6	Design and construction phasing of the sanitary sewer system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.		City Engineer	Building Permit		
E. Stormwater Management System						
7	Design and construction phasing of the stormwater management system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.		City Engineer	Building Permit		
8	Applicant shall provide the Planning Board with a status report on the receipt of necessary permits from MWRA.		Planning Director	Continuous		
9	Applicant shall meet with DCR and obtain any and all necessary permits from DCR. Applicant shall furnish the Planning Board with copies of these permits.		Planning Director	Continuous		
10	Activities within the jurisdiction of the Somerville Conservation Commission shall be conducted subject to applicable requirements of the Commission.		Con. Comm.	Continuous		If work is required within 100 feet of the river bank for this project
F. Urban Design and Design Guidelines						
11	The applicant shall provide to the DRC, at a public meeting prior to the issuance of the building permit material samples for the trim and rooftop screening panel. The DRC shall provide guidance to the Planning Staff who shall retain final sign-off on these elements.		Planning Director	Prior to Building Permit		

#	Condition	Completed	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
12	Signage shall be limited to the areas indicated on the elevations. Signs shall be limited to solid individual letters pin mounted and back lit (halo lit) or externally illuminated with a goose-neck overhead fixture or reasonably similar fixture and mounting. Individual letters that are internally illuminated may be used provided that the sign design is submitted to Planning Staff for review and approval. Internally illuminated roadway and box signs shall not be allowed. If the signage does not comply with SZO section 12.4, the Applicants shall seek a waiver from the Planning Board.		Planning Director	Prior to Building Permit for Signage		
13	Metal infill panels in the storefront systems shall be limited to the maximum extent possible. 40% of the northern and southern facades shall consist of windows or doors meant for entry and exit. If the roll-up garage doors on the western and eastern facades are replaced with storefront systems, there shall be at least one door on these sides for entry and exit.		Planning Director	Prior to Building Permit		The doors will provide access for patrons. The general public may not be able to access the patios directly if a barrier is constructed it satisfy liquor license requirements.
14	Applicant shall depict the locations and design of handicapped accessible curb ramps for review and approval by the City Engineer.		City Engineer	Prior to installation		
15	The transformer shall be screened by vegetation that blocks views of it.		Planning Director	Certificate of Occupancy		
G. Trash and Recycling						
16	Trash and recycling storage outside is typically not allowed in the PUD. This site is unique in that it is a small building on a retail pad by the existing Marketplace. Trash and recycling may be located outside in the area indicated on the site plan. These receptacles must be screened by a wood fence and vegetation that blocks view of them.		Planning Director / DPW	Certificate of Occupancy		
H. Maintenance of Facilities						
17	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, publicly assessable open space, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.		Planning Director	Continuous		
I. Demolition/Construction						
18	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.		Planning Director	Certificate of Occupancy		
19	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.		Traffic & Parking	During Construction		
J. Fire Prevention						
20	A code compliant fire alarm and fire suppression systems shall be installed.		Fire Prevention	Certificate of Occupancy		
J. Final Planning Signoff						
21	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.		Planning Director	Sign-off		

Appendix F: Linkage/Usable Open Space/Parking Space Tracker

<i>Date</i>	<i>Project Description</i>	<i>Land Area</i>	<i>Square Footage</i>	<i>Linkage Paid</i>	<i>SF of Usable Open Space</i>	<i>% of Required Landscaped Area</i>	<i># parking spaces</i>
Jun-11	Block 10	32,059	4,500	no	11,325	35%	28
Total		32,059	4,500		11,325	35%	28

Appendix G: Standards for Waivers

Section	Required Finding	Met	Not Met	Comment
16.5.5	Waiver of Standards of Article 9 (Off-Street Parking and Loading), Article 10 (Landscaping and Screening), and Article 12 (Signs). In a proposed PUD, relief from the standards of SZO Article 9 (Off-Street Parking and Loading), Article 10 (Landscaping and Screening), and Article 12 (Signs) may be granted solely through a waiver from the SPGA, and only upon making the required determinations in Section 16.5.4. The standards are: (a) such a waiver would result in a better site plan than strict compliance with the stated standards; (b) the proposed PUD design furthers the Purpose and PUD Design Guidelines of this section; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood.	X		<u>The applicant is requesting one waiver from the loading standard in Section 9.7 as referenced in Section 9.16.3 . The waivers would allow the elimination of the loading area for Block 10. The waiver meets the required findings as follows: a) removing the loading area would result in a better site plan by reducing the amount of pavement at the site, increasing the amount of landscaping, and using a drive aisle in the parking lot for loading which is a sufficient width to accomodate a truck and a passing vehicle; b) the waiver furthers the design and purpose of the PUD by locating the loading away from major Public Ways, the Mystic River and other highly visible locations and acheives the goal of making every effort to incorporate creative design to reduce the negative visual impacts of loading spaces; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood as loading will be able to occur safely in the parking lot.</u>
6.4.12.a.1	Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;	X		<u>Keeping the additional paved area that is not practically needed for loading to this building that is adjacent to a parking lot would be counter to the objectives of the ASD Plan.</u>
6.4.12.a.2	The application is substantially consistent with the objectives of the ASD Plan and advances the objectives of the ASD Plan;	X		<u>Removing the loading area will help to improve the water quality of the Mystic River and the character of the waterfront by increasing the amount of pervious surface at the site.</u>
6.4.12.a.3	In the case of any Alteration of a Nonconforming Structure, a Change of Nonconforming Use, or a Major Amendment to an Approved PUD, such alteration, change or amendment shall conform, to the extent feasible, to the objectives of the ASD Plan	n/a		<u>This finding does not apply in this case.</u>
6.4.12.a.4	In the case of waivers from landscaping requirement, the SPGA must determine that such a level of landscaping is incompatible with the objectives of the ASD Plan.	n/a		<u>This finding does not apply in this case.</u>