



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

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LORI MASSA, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: PB 2014-34
Date: January 29, 2015
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: Assembly Row Block 5 – 400-498 Assembly Row

Applicant Name: SRI Assembly Row B5, LLC
Applicant Address: 1626 East Jefferson Street, Rockville, MD 20852
Property Owner Name: SRI Assembly Row B5, LLC
Property Owner Address: 1626 East Jefferson Street, Rockville, MD 20852
Agent/Attorney: Robert A. Fishman, Esq.
Agent Address: 155 Seaport Boulevard, Boston, MA
Alderman: Matthew McLaughlin

Legal Notice: Applicant and Owner, SRI Assembly Row B5, LLC, seek a Special Permit with Site Plan Review–A, final level approval of “Block 5” (identified as MBL 85-A-12) of the Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on December 14, 2006 and as revised on August 5, 2010 and June 19, 2014. Applicant and owner seek approval under SZO Article §16.8.3 and §5.2 to construct a mixed-use building with approx. 20,000 sf retail/restaurant space, 155 residential units, 104 hotel units and approx. *. 181 parking spaces. The uses include those approved in the PUD-PMP. The residential development is subject to inclusionary housing requirements.

The Applicant and Owner also seek waivers (S.Z.O. §6.4.12 & 16.5.5) for fewer loading spaces than required under §9.16.3 and §9.7, submission of a landscape and screening plan under §5.3.2.10, the Planning Board’s right of first refusal or option to purchase the inclusionary units under §13.3.5 and from regulations of forthcoming zoning amendments as permitted by §16.10.2 of the SZO.

Assembly Square Mixed Use District (ASMD); Planned Unit Development Overlay District - A (PUD-A) / Ward 1

Dates of Public Hearing: Planning Board: February 5, 2015

* There was a typo in the application – the application includes 104 residential units and 155 hotel rooms.



I. BACKGROUND & PERMITTING PROCESS

On December 14, 2006, the Planning Board granted Planned Unit Development-A-Preliminary Master Plan (PUD-PMP) approval, subject to certain conditions, for a development area that includes the subject property. On August 5, 2010 and June 19, 2014, the Board granted revisions to the PUD-PMP. Subsequent minor amendments and subdivisions have been filed that do not substantially impact this site. The PMP is for a mixed-use, transit-oriented development with approximately 5.7 million square feet of total development including 2.8 million square feet of commercial space (including but not limited to office, research and development, laboratory, medical office, manufacturing, etc.), 637,000 square feet of retail space including restaurants, cinema and health club, 1,840 residential units, up to a 170-room hotel, the existing Assembly Square Marketplace and approximately 10,066 parking spaces. The revised PMP included much of the same overall development program and the replacement of IKEA with office and retail space. The site plan changed include adjustments to improve the urban design relationship of uses, the quality of the open space along the Mystic River, pedestrian and bicycle circulation, and the financial feasibility of the Project. Design Guidelines were adopted to complement the guidelines in §16.7. The guidelines establish façade hierarchies, district gateways, and key building elements to promote a cohesive PUD while still allowing for flexibility and creativity in design.

The Planning Board has issued Special Permits with Site Plan Review-A, the second phase of approvals after the PUD-PMP for the Marketplace (Phase 1AAA), for IKEA (Phase IAA) - which will not be developed as planned, for Phase IA Blocks 10, 1, 4, 3, 2A, 2B, 11, 6 (in chronological order), and temporary uses for Blocks 5, 6 and 7.

A. Review Requirements under the Somerville Zoning Ordinance

This application is for a Special Permit with Site Plan Review-A (SPSR-A) for the development of parcel 85-A-12. As set forth in §16.8 of the Somerville Zoning Ordinance (SZO), “Application for PUD is a type of special permit with site plan review [SPSR], requiring two (2) stages of review. A PUD Applicant shall first file a preliminary master plan demonstrating a comprehensive land use plan for the entire PUD tract. Upon approval of this plan, the Applicant may then submit special permit with site plan review applications for definitive plans of each portion or phase of development of the PUD tract.”

The Applicant is seeking SPSR-A final level approval of a planned unit development under the revised Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on June 19, 2014. The PUD-PMP conditions and findings provide the basis for the review of this type of application. A subset of the requirements are required findings for each SPSR-A. The fulfillment of the required findings is indicated as such in the attached Appendixes.

B. Organization of Report

The present report includes the following sections:

- Description of the Property;
- Description of the Proposal;
- Department Comments;
- Public Comments;
- Staff Findings for Special Permit with Site Plan Review-A; and
- Staff Recommendation for Board vote, including recommended conditions of SPSR-A approval.

II. DESCRIPTION OF PROPERTY***A. Site***

The total land area of the Master Plan is 2.67 million square feet or 61.3 acres and the area of Block 5 is 115,382 square feet or approximately 2.65 acres. Block 5 is bounded by Assembly Row, Foley Street, Grand Union and Canal Street. The land is currently used as a parking lot with 206 parking spaces to serve the retail uses in Blocks 1, 3, and 4. At the northwest corner of the lot there are four shipping containers comprising retail and restaurant space with hours of operation between 7am and 2pm.

B. Surrounding Area

The area surrounding the proposed site contains Draw 7 Park on the opposite side of the MBTA Orange Line tracks and the developments of the Assembly Row Blocks 1, 2, 3 and 4 which are nearing completion of construction and occupancy. Block 11 is under construction. Block 6 will continue to be a temporary parking lot; however, this parcel is scheduled to be under construction this spring. Block 7 will continue to be a temporary parking lot and Blocks 8 and 9 will remain vacant until these blocks are built upon as approved in the PUD.

III. DESCRIPTION OF PROPOSAL***A. Overall***

The plan for Block 5 is a phased proposal. The current application is for the first phase and future phases will require additional SPSR-A applications. Phase one comprises approximately a third of the depth of the lot with a 218,700 net square foot building. Uses include 22,000 square feet of retail and restaurants, 104 residential units and 155 hotel rooms. There will be 95 underground parking spaces and 86 surface spaces.

Compliance with dimensional standards is shown in the table below.

DIMENSIONAL REQUIREMENTS	PUD-A	Approved PUD	Proposed Project *
Minimum lot size	20,000 sf	66.5 acres	115,382 sf (2.5 acres)
Frontage	-	-	~300 ft
Front yard setback	No minimum	-	6.4 ft
Side yard setback (left)	No minimum	-	10.0 ft
Side yard setback (right)	No minimum	-	9.2 ft
Rear yard setback	No minimum	-	242.2 ft
Maximum Floor area ratio (FAR)	10.0	2.0	1.9 (net)
Maximum height, feet/stories	70 feet up to 250 feet	Varying up to 250 feet	157 ft 10 in / 13 story tower
Minimum lot area/per dwelling unit	No minimum	Approx 1379	1,109
Total open space (% & sf)	25%	27.8% / 743,568 sf	9.1 % / 10,499 sq
Useable open space (% & sf)	12.5%	21.2% / 565,983 sf	6.4 % / 7,384 sf

* The dimensional requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the dimensional requirements.

B. Site Design and Access

The project area is rectangular in shape. The address for the building will be the 400 block of Assembly Row. When the retail space is subdivided addresses for each occupant will be established. The entrance to the below grade parking is located on Canal Street. There are entrances to the at grade parking on Canal Street and Foley Street.

Pedestrian access will be around the site on the sidewalks. There is an entrance to the residential units on Canal Street and an entrance to the hotel on Foley Street. The retail entrances will be directly off of the sidewalks.

The current application is only for phase 1 of the block; however, the design guideline for the block shows that the vehicular entrances proposed with this application would remain the same and one additional entrance as proposed along Grand Union Boulevard.

C. Building Shape and Placement

The design guideline for Block 5 was approved in the latest Master Plan amendment to be submitted with the SPSR-A application; therefore, the building space and placement matches the design guideline. The proposal is for a thirteen story building along Assembly Row that wraps the corner onto Canal Street. The building steps down to five-stories and then two-stories at the corner of Assembly Row and Foley Street.

D. Uses

The use of the building is proposed to be 104 residential units, 155 hotel rooms, and 22,000 square feet of restaurants and retail. A list of specific uses from the Somerville Zoning Ordinance use table was approved as part of the PUD-PMP and the building could contain a mix of those approved uses. The ground floor is currently broken up into six retail units ranging in size from 1920 to 4150 square feet. There is a hotel lobby, pool and fitness center also on the ground floor. The hotel rooms are on floors two through five along with two meeting rooms and an outdoor terrace on the second floor that overlooks Foley Street. The residential units are on floors six through thirteen. There is a rooftop terrace on the sixth floor for residents. Appendix G provides information on the square footage of each use that was permitted through the Master Plan approval and how many square feet of each use has been constructed to date.

E. Linkage

The City, the Somerville Redevelopment Authority, IKEA, and Federal Realty Investment Trust have entered into a development covenant from 2006 that establishes that linkage will be paid after the first 300,000 square feet of space is constructed in the PUD PMP, excluding the existing Mall. This threshold has been reached as outlined in Appendix G and linkage will be required for the square footage of this building as in outlined in the attached conditions.

F. Inclusionary Housing

Thirteen residential units will be affordable units as specified in the SZO and the Affordable Housing Implementation Plan (AHIP) that the Applicant will enter with the City. The Applicants are seeking a waiver from the right of first refusal requirement that grants the SPGA or its designee the right of first refusal or option to purchase the affordable units under Section 13.3.5 of the Zoning Ordinance. The Applicants are providing additional information on why this is requested for the units since they will be sold as condominiums.

G. Landscaping and Open Space

Block 5 will be built out as an urban block and will not contain landscaping beyond planter boxes on the sidewalk. Landscaping across the Assembly Row site is concentrated in publically accessible well programmed spaces.

The usable open space on the site is around the building adding to the width of the sidewalks. Larger areas of usable open space will be on other parcels where they are consolidated to make larger spaces that will connect the Assembly Row development to the waterfront. The overall calculation of useable open space in the PUD is 21.2 percent. The private terrace areas are not counted in the usable open space calculation, although they will function as usable open space for the tenants of the building. Under §16.6.1 of the SZO, the usable open space must be permanent, made accessible to the public at a minimum from 9:00 am to 5:00 pm, and protected through a covenant or other appropriate legal instrument.

H. Parking, Loading and On-site Circulation

The minimum and maximum parking requirements are outlined in the table below. Assuming a use mix of 11,000 square feet of retail, 11,000 square feet of restaurant space, 104 residential units, and 155 hotel rooms the minimum requirement is 214.5 and maximum is 377. The number of spaces that will be provided, 181, is slightly less than the minimum. The parking requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the parking requirements. For phase 1 the underground parking will be for the residents and the at grade parking will be for the hotel and retail as well as shared parking with uses on surrounding blocks.

PARKING REQUIREMENTS	Square Feet	Minimum Requirement	Minimum # Spaces	Maximum Requirement	Maximum # Spaces*
Retail	11000	1/1000sf	11	1/500sf	22
Restaurant	11000	1/500sf	22	1/250sf	44
Residential	104 units	1/unit	104	1.5/unit	156
Hotel	155	0.5/unit	77.5	1/unit	155
Total			214.5		377

* The parking requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the parking requirements.

The bicycle parking requirement is 1 for every 10 parking spaces for the commercial uses and a ratio of one bicycle parking space for every three additional residential units above seven. Eighty-six commercial parking spaces will be provided and therefore 9 bicycle parking spaces are required. Thirty-two residential bicycle parking spaces are required. The total required bicycle parking spaces on the site is 41.

Based on the Applicant’s assumptions of the number and size of the retail and restaurant tenants anticipated 3 loading docks parking spaces are required. The requirements are: 2 for between 20,001 and 35,000 square feet of retail and 2 for between 6,001 - 16,000 square feet of restaurant. The users of the buildings will be able to share loading docks including the residential tenants when moving into or out of the building. A waiver is being requested to provide 2 docks. Loading will occur mid block at the ground floor of the building. Trucks will enter and exit via Canal Street. Trucks are able to ingress and egress the site in the forward direction.

I. Form and Design of the Building

The design guidelines lay out the form and key elements of the Blocks of the Preliminary Master Plan (PMP) that were adopted as part of the revised PMP approval. As part of the June 19, 2014 Preliminary

Master Plan approval the specific guidelines for Block 5 were approved to be submitted with the SPSR application.

The design guidelines provides a logical strategy that fits into the plan for the rest of the neighborhood. The building massing responds to massing and open space on other blocks. The taller portion of the site will be back from Assembly Row and separated from the tower on Block 6. The scale of the building steps down to address the median park between blocks 7 and 8 and will provide a view of this significant corner from the park and from the walk from the T-station to Assembly Row.

The value of the facades are strategically placed. The first floor around the building will be primary elevations or areas of architectural emphasis which are most impactful for how pedestrians perceive the building. The residential tower also has significant areas on floors twelve and thirteen to provide a base, middle and top to the building. The significant corners will be on the two-story portion of the building that wraps the corner from Assembly Row to Foley Street and the southwestern corner to give prominence to the commercial tenant.

J. Signage

The retail signage will be located along the first floor where the retail storefronts exist. Staff will review and approve retail signage based on the Assembly Row Storefront and Signage Design Standards. Plans that are inconsistent with the Standards will require review from the Design Review Committee and approval from the Planning Board. Signage proposed outside of the retail area is not shown on the plans and will require a Special Permit in the future if it does not comply with the signage standards in the ASMD.

K. Waivers & Other Relief Requests

The Applicant is requesting waivers from the requirements of the Zoning Ordinance under §9.16.3 and §9.7 for fewer loading spaces than is required, under §5.3.2.10 for submission of a landscape and screening plan, under §13.3.5 for the Planning Board's right of first refusal or option to purchase the inclusionary units and under §16.10.2 from regulations of forthcoming zoning amendments as permitted by of the SZO.

- The loading space requirement is dependent on the breakdown of retail versus restaurant space in the mixed use building. Since the breakdown has not yet been determined, the Applicant calculated that the maximum number of loading docks required is 3 and 2 will be provided. The rationale for providing less than the maximum number of loading spaces is that allocating less ground floor space to loading results in more square footage for retail and restaurant uses that enliven the district. Moreover, two loading spaces will be sufficient for the proposed uses. Several of the tenants will likely use vans for deliveries and two vans can fit in a loading area designated for a larger truck. The site will be managed to minimize conflicts.
- The landscaped plan is not needed as a part of this application because the only landscaping onsite at full build out will be planters. There is currently landscaping including a rain garden that will remain. The loading area will be screened by a wall and a condition of approval will be to review the design of it. The service and utility areas of the building will be internal as part of the phase 2.
- The third waiver is related to the SPGA's right of first refusal to purchase the affordable units. The applicant is submitting additional information on the need for this waiver. The Planning Board approved this waiver for Blocks 1, 4 and 6; however, this application differs from those sites because Block 5 will be condominiums and not apartments. The waiver is to eliminate the right of first refusal of the SPGA to purchase the affordable units and work with a nonprofit entity

to manage the units as affordable rental units. With or without the waiver, the affordable units would conform to the requirements of the SZO Article 13 and the Affordable Housing Implementation Plan between the Applicant and the City.

- The final waiver is from applying the proposed zoning ordinance to the development that has been advertised for a public hearing. Section 16.10.2 states that in general it is intended that amendments to the Ordinance subsequent to approval of a PUD shall apply to the PUD; however, due to the long-term, comprehensive nature of a PUD, the owner may seek a waiver of any new zoning regulation through the SPSR process. In granting a waiver the SPGA shall be fully satisfied that the PUD is in full compliance with the intent of the Ordinance and being developed in a manner that meets or exceeds the level of compliance effective at the time of PUD preliminary master plan approval.

IV. CITY DEPARTMENT/COMMITTEE COMMENTS

Design Review Committee

The Citywide Design Review Committee (DRC) reviewed the proposal at a public meeting on January 8, 2015. The minutes, as noted by Planning Staff are copied below:

The DRC made the following recommendations on the design.

- The DRC appreciate the porosity/lightness as the building gets taller.
- There is precedent for the step down corners in Assembly Square but the 4-story and 2-story step downs are more of a barnacle than a cohesive design. There needs to be more acknowledgement of these pieces building part of the development.
- The materials chosen make this development look like what has already been built. The development team noted that this is the last building proposed that will be using the same materials as the other Assembly Row projects.
- The two story element should be incorporated into the base of the building and should be given more weight.

The Applicant incorporated the design suggestions into the current proposal and reviewed the changes with Planning Staff.

Traffic and Parking

Traffic and Parking has the following comments concerning Assembly Row Block 5. These comments pertain to the Transportation Narrative and the section concerning Grand Union Boulevard and Foley Street.

The last sentence in this section needs to be revised to properly reflect circumstances. This sentence should be changed to the following “In the summer of 2014 the City of Somerville converted this location/intersection to a four-way stop controlled intersection based on a memorandum submitted to the City of Somerville by VHB on July 7, 2014 stating that the intersection complied with the warrants for a four way stop as required by the Manual of Uniform Traffic Control Devices.”

Also as stated in this section, since the subsequent construction of Block 11A and the full occupancy of Blocks 1-4 and Block 6 a traffic signal will be warranted at this location, traffic mitigation is to be provided by FRIT in the form of the construction/installation of an operable traffic signal with a traffic controller(s) capable of providing four way flashing red signals is required.

Engineering

The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.

Also, a full set of as built plans shall be submitted to the Office prepared and stamped by a Registered Licensed Surveyor in the State of MA prior to final sign off. This Office shall review submitted as built and at its discretion require additional information if needed.

All sidewalks and handicapped ramps shall be ADA compliant and a letter of compliance prepared by a professional engineer registered in the State of MA shall be submitted to this office prior to final sign off.

The utilities were addressed in prior permitting; however, the design and construction of the sanitary sewer system shall be provided to Engineering for this building. If alterations are to be made to existing site utilities, a full review and approval by this Office must be made prior to construction.

Fire Prevention

The Fire Department is mandating outside fire strobes to be placed in front of each retail space. The Applicant shall meet with the Fire Prevention regarding radio master boxes, fire alarm panels and sprinkler plans. These systems will require Fire Prevention review and approval prior to the issuance of any construction permits.

Housing

The applicant shall meet the obligations required by Article 15, Linkage. All covenants, contractual agreements and other documents necessary to ensure compliance with this Article shall be executed prior to the issuance of a building permit. The first project mitigation payment shall be made prior to the issuance of a certificate of occupancy. The final square footage shall be determined at the time of issuance of a building permit.

The Applicant shall contact the Housing Division to work on the Affordable Housing Implementation Plan and Marketing Plan.

Lights & Lines

Lights & Lines has preliminarily reviewed the plans and may submit comments or conditions prior to the hearing.

Ward Alderman

Alderman McLaughlin is aware of the proposal and has not submitted comments at this time.

V. PUBLIC COMMENTS

As of January 29, 2015, Planning Staff has not received any comments directly related to the SPSR-A application.

VI. STAFF FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW–A

A. General Application Requirements

Application requirements are identified in Section 16.8 of the SZO. Section 16.8.2 and 16.8.3 identifies the general information required for a preliminary PUD PMP approval and final level approval. Section 16.8.2.H and 16.8.3 identifies that the Special Permit with Site Plan Review requirements in Section 5.2 are required for both phases of approval. Staff 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 the Somerville Zoning Ordinance (SZO). 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 Staff 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 and 5.1.4)

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 Staff finds that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix C.

D. Waiver Standards

Upon written request by the applicant, the SPGA may waive submission of any of the required information for Special Permit with Site Plan Review applications, if the SPGA finds the information is not applicable to the project, per Section 5.2.3, 6.4.12 & 16.5.5. Staff find that the requested waiver from the loading bay requirements (§9.16 & 9.7) and providing a landscape and screening plan §5.3.2.10 are acceptable.

Staff need additional information before making a recommendation on the request for a waiver of the right of the SPGA to purchase the affordable units since the units will be condominiums. For past approvals for other blocks, the waiver has been void when the units were sold as condominiums.

Staff find that the request to waive the proposed regulations of forthcoming zoning amendments are reasonable. The proposed zoning ordinance has been advertised but the standards of the code will likely change as a result of the public hearing and future meetings with the Planning Board and Board of Aldermen. The Applicants have done their due diligence under the existing zoning ordinance and are ready to move forward with development of the block.

The Staff finds that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix D.

VII. STAFF RECOMMENDATION

Based on the materials submitted by the Applicant and the attached findings, the Planning Staff finds that the application for Special Permit with Site Plan Review–A for final level approval of a planned unit development under the Preliminary Master Plan approved by the Planning Board on December 14, 2006 and as amended on August 5, 2010 and June 19, 2014 meets the goals of the City for this site, the purposes of the district, and the provisions and purposes of the Ordinance. Therefore, the Staff recommends CONDITIONAL APPROVAL of the requested Special Permit with Site Plan Review-A.

Approval constitutes an approval of Phase 1 of the site including 218,700 net square foot building with 22,000 square feet of retail and restaurants, 104 residential units, 155 hotel rooms, 95 at underground parking spaces and 86 surface spaces.

Planning staff recommends approval of the waivers for the number of loading docks, submission of a landscape and screening plan and compliance with the proposed zoning ordinance. Planning Staff needs additional information to give a recommendation on the waiver of the SPGA's right of first refusal.

To mitigate any potential negative impacts and to provide the best project possible, the Staff recommends attaching to the SPSR-A the CONDITIONS in Appendix E. In order to complete this project, the attached PMP-PUD conditions in Appendix F need to be satisfied within the designated timeframe for compliance.

Appendix G addresses the PUD-PMP thresholds that will adjust as the Assembly Row project is built out.

Approval does not include the design of the storefronts or first floor retail signs, which are subject to the Assembly Row Signage and Storefront Standards that are currently before the Planning Board for approval. The storefront design and signage are subject to staff review to ensure that the design is consistent with the standards. Wayfinding signs will be subject to design standards that the Owner submits.

The recommendation is also based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

