



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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GERARD AMARAL, (ALT.)

Case #: PB 2017-05
Site: ASQ Block 5B
Date of Decision: April 20, 2017
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 2, 2017
Corrected for Scribner's Errors: June 6, 2017
Refiled with City Clerk: June 9, 2017

PLANNING BOARD DECISION

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 Name:	Robert A. Fishman, Esq.
Agent Address:	155 Seaport Blvd, Boston, MA 02210

Legal Notice: Applicant and Owner, Street Retail Inc., seek a Special Permit with Site Plan Review-A, final level approval of "Block 5B" (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 build an approx. 237,600 sf office space, 489 structured parking spaces for shared use with Block 5A. The uses include those approved in the PUD-PMP.

The Applicant and Owner also seeks waivers (S.Z.O. §6.4.12 & 16.5.5) for unarticulated façade length at the garage enclosure under §6.4.7 and fewer loading spaces than required under §9.16.3 and §9.7.

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

Zoning Approval Sought:



Date of Application: February 22, 2017
Date(s) of Public Hearing: 4/6 & 4/20/17
Date of Decision: April 20, 2017
Vote: 5-0

#PB 2017-05 was opened before the Planning Board at Somerville City Hall on April 6, 2017. 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:

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 for Block 5B is currently used as a construction laydown area for the mixed-use building at Block 5A. 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. The containers will be removed or relocated and the construction lay down areas will be cleared to a vacant lot prior to construction of Block 5B building.

B. Surrounding Area

The area surrounding the proposed site contains Assembly Square Marketplace across Grand Union Boulevard, Draw 7 Park on the opposite side of the MBTA Orange Line tracks, and the developments of the Assembly Row Blocks 1, 2, 3, 4 and 11 which are nearing full occupancy. Block 6 is nearing construction completion. Blocks 7 and 9 will continue to be temporary parking lots, but are well suited for additional mixed-use development that can include additional substantial commercial tenants.

III. DESCRIPTION OF PROPOSAL

A. Overall

The plan for Block 5 is a phased proposal. The Planning Board approved the first phase (Block 5A) on February 5, 2015. This proposal (Block 5B) comprises approximately two thirds of the depth of the block with a 540,757 net square foot of building. Uses include 29,731 square feet of retail and restaurants and 237,656 square feet of office. There are 489 structured parking spaces, with 10 handicap spaces, and 36 bicycle parking 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	71,952 sf (1.65 acres)
Frontage	-	-	270.59 ft
Front yard setback	No minimum	-	0.28 ft
Side yard setback (left)	No minimum	-	0.01 ft
Side yard setback (right)	No minimum	-	1.25 ft
Rear yard setback	No minimum	-	0.06 ft
Maximum Floor area ratio (FAR)	10.0	2.0	7.51 (net)
Maximum height, feet/stories	70 feet up to 250 feet	Varying up to 250 feet	190 ft 10 in / 12-story tower



DIMENSIONAL REQUIREMENTS	PUD-A	Approved PUD	Proposed Project *
Minimum lot area/per dwelling unit	No minimum	Approx. 1379	n/a
Total open space (% & sf)	25%	27.8% / 743,568 sf	16.4 % / 11,805 sf
Useable open space (% & sf)	12.5%	21.2% / 565,983 sf	9.8 % / 7,042 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 Grand Union Boulevard. When the retail space is subdivided addresses for each occupant will be established. The entrance to the parking (above grade) is located on Foley Street. There are entrances to the loading areas from Foley Street and an exit only on Grand Union Boulevard.

Pedestrian access will be around the site on the sidewalks and the entrance to the office lobby is on Grand Union Boulevard. The retail entrances will be directly off of the sidewalks – on Grand Union Boulevard, Canal Street, and Foley Street. The access points match the design guideline for Block 5 that was approved in a prior Master Plan amendment.

The design guideline shows vehicular entrances that are in the same locations as the proposal and where they exist for the parking lot on the block today. The site plan for Block 5B was submitted as part of the Block 5A application so that there was context in evaluating the entire Block 5 design. This Block 5B plan shifts a loading access point from Canal Street to Foley Street.

C. Building Shape and Placement

The design guideline for Block 5 was approved in the 2014 Master Plan amendment which was submitted at the same time as the first SPSR-A application, and therefore, the building space and placement matches the design guideline. The proposal is for a twelve story building along Grand Union Boulevard at the corner of Foley Street. The building steps down to five-stories at the corner of Grand Union Boulevard and Canal Street.

D. Uses

The use of the building is proposed to be 237,656 square feet of office space and approximately 29,731 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 four retail units ranging in size from 1,679 to 17,112 square feet. The garage occupies the majority of the building's footprint on floors three through five with approximately 11,000 square feet of office space on each floor. There are two rooftop terraces on the sixth floor for the commercial tenant.

E. Linkage

The City, the Somerville Redevelopment Authority, and Federal Realty Investment Trust have entered into a development covenant from 2006 that establishes the schedule for linkage payments. Linkage payments for all developments in Assembly Row, including this project, will be provided according to the schedule.

F. Inclusionary Housing

There are no residential units in this proposal so there are no inclusionary housing requirements.

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 publicly 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 22 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 19,821 square feet of retail, 9,910 square feet of restaurant space, and 237,656 square feet of office space the minimum requirement is 276 and maximum is 552. The number of spaces that will be provided, 489, is less than the maximum. 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	19,821	1/1000sf	20	1/500sf	40
Restaurant	9,910	1/500sf	20	1/250sf	40
Office	237,656	1/1000sf	236	1/500sf	472
Total			276		552

* 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 where over 200 vehicle spaces are required is 20 spaces plus 1 for every additional 20 parking spaces over 200 for the commercial uses. Four hundred and eighty-nine total parking spaces will be provided and therefore 35 bicycle parking spaces are required. $(20 \text{ plus } 489 - 200 = 289 / 20 = 14.45 \text{ for } 34.45 \text{ spaces})$

Based on the Applicant’s assumptions of the number and size of the retail and restaurant tenants anticipated 4 loading docks spaces are required. The requirements are: 1 for between 5,001 and 20,000 square feet of retail, 2 for between 6,001 - 16,000 square feet of restaurant, and 1 for between 50,001 - 100,000 square feet of office. The users of the buildings will be able to share loading docks. A waiver is requested to provide 2 docks. Loading will occur mid-block at the ground floor of the building. Trucks will enter via Foley Street and exit via Grand Union Boulevard. 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.

Ground floor street frontage is almost entirely devoted to retail uses with the exception of some building services - the electrical transformer will be located in an enclosed vault within the ground floor loading area. Most of the mechanical equipment such as air handlers, energy recovery units, generators, exhaust fans and cooling towers, will be located on rooftops and mostly screened. The Block 5B office tower is integrated with the ground floor at the south west corner where it is allowed to terminate at the ground floor. The office entry has been given particular attention so that it draws your eye up towards the tower massing above.

The proposed design of Block 5B has been carefully designed to fit within the built context. Its corner location provides an opportunity to reinforce Grand Union Boulevard as a major thoroughfare and to define the corner at Foley Street. The Grand Union façade is carefully layered breaking down the overall massing into three distinct



forms. The decorative garage screen wall and retail storefront reinforce the existing street wall while the richly textured upper building façade which steps back from the street wall and compliments the diversity of window types in both scale and materials. The steel and glass façade sets back from the main façade, further reinforcing the corner. This gesture creates a distinct architectural form which turns up Foley Street. The Foley Street façade celebrates the diversity of both form and materials clearly articulating each one, reducing the height away from the corner. The design of Block 5B embodies the spirit of Assembly Row by including both similar architectural elements and massing strategies found throughout Assembly Row.

J. Signage

The street level façades on Grand Union, Foley, and Canal Streets are mostly dedicated to retail, with storefronts awaiting tenant selection. For Block 5B, the retail signage will be located along the first floor where the retail storefronts exist. The Board 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 following items are being sought for relief from the Somerville Zoning Ordinance by the Applicant:

- **Section 6.4.7.B.2.h** *Not have any uninterrupted or unfenestrated length of its façade exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.*

The current building design responds to the general intent of this guideline. Setbacks of distinct façade planes exceed three (3) percent of the length of the façade and extend greater than twenty (20) percent of the length of the façade in all cases relative to the perimeter building facades that define the street frontage. However, each individual plane of each façade does not incorporate projections and recesses measuring three (3) percent of its own length. So, technically speaking the design does not meet the specific requirements as written.

- **Section 9.16. Parking Space and Loading Area Requirements in the Assembly Square Mixed-Use District (ASMD) and the PUD-A District.**

The Applicant is seeking a waiver from the loading bay requirement stated in Section 9.16 and Section 9.7, and described in Section 16.5.5. As encouraged in Section 9.16.3, the Applicant is proposing a shared loading approach for the retail, restaurant, office, and Block 5A hotel uses. The Project design includes incorporating two existing loading bay spaces to be located in the interior of the building, appropriately screened from the public right of way, each of which complies with the minimum dimensional requirements of 12-foot wide and 30-foot long. The total number of loading bays required for Block 5B varies depending on the mix of retail, restaurant and office space within the building. The Applicant has calculated that the maximum loading need for the Block 5B building would be 4 loading spaces through a combination of retail and restaurant uses. The two loading bays will be constructed prior to Block 5B as part of the previously permitted Block 5A building. Both buildings on Block 5 will utilize the loading bays.

From a functional perspective, this amount of loading spaces in a shared approach to loading is practical based on several factors. Individual tenant use of the loading bays by the primary uses will be for supply deliveries and may be from smaller trucks rather than longer trailer trucks. Accordingly, some shorter-term deliveries will be able to occur with two small vans simultaneously utilizing a loading area only allocated for one larger truck per the zoning standards. Most deliveries will likely occur in the weekday morning hours. As part of the overall site management, deliveries being made to Block 5B will be scheduled to help minimize any shared loading conflicts.



FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW–A & SPECIAL PERMIT:***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. 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 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. Detailed findings are contained in Appendix B.

C. Requirements for SPSR (SZO §5.2.5 and 5.1.4), Revisions (§5.3.8) & SP (§9.13)

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.

6.4.7.B.2.h Fenestration

The current building design responds to the general intent of this guideline. Setbacks of distinct façade planes exceed three percent (3%) of the length of the façade and extend greater than twenty percent (20%) of the length of the façade in all cases relative to the perimeter building façades that define the street frontage. However, each individual plane of each façade does not incorporate projections and recesses measuring three percent (3%) of its own length. For example; the screen wall of the garage. As the DRC requested redesign and review of this elevation element, Staff recommends approval with the condition for additional DRC review and Planning Division staff approval.

9.16 Loading

Staff find that the requested waiver from the loading bay requirements (§9.16) is acceptable.

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

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Dorothy Kelly Gay, Rebecca Lyn Cooper and Gerard Amaral with Michael Capuano absent. Upon making the above findings, Kevin Prior made a motion to



approve the request for a Special Permit. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

Based on the materials submitted by the Applicant and the attached findings, the Board finds that the application for the revision to the 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, June 19, 2014, ~~and~~ February 18, 2016, and April 6, 2017 meets the goals of the City for this site, the purposes of the district, and the provisions and purposes of the Ordinance. Therefore, the Board grants **CONDITIONAL APPROVAL** of the requested revision to the Special Permit with Site Plan Review-A. Approval constitutes an approval of the second phase of the Block 5 (5B) site including a 267,387 square feet building with 29,731 square feet of restaurants and retail, 237,656 square feet of office space, and approximately 489 structured parking spaces.

The Board grants **APPROVAL** of the waivers requested, per Appendix D.

To mitigate any potential negative impacts and to provide the best project possible, the Board 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.

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.

This recommendation is based upon the Special Permit with Site Plan Review-A Application stamped in at the City Clerk's Office on February 22, 2017, including

- C-1 Legend and General Notes
- C-2.1 & C-2.2 Neighborhood Context Map 1 & 2
- C-3.1 & C-3.2 Overall Site & Key Plan 1 & 2
- C-4 Layout and Materials Plan
- C-5 Grading, Drainage, and Erosion Control Plan
- C-6 Utility Plan
- C-7.1 – 7.3 Site Detail
- 1 Landscape Material Plan
- Architectural Block 5B Plans & Elevations – Ground Floor Plan, 2nd Floor Plan/Parking 1, 3rd Floor Plan/Parking 2, 5th Floor Plan/Parking 5, 6th Floor Plan, 7th-11th Floor Plan, 12th Floor Plan/Roof Plan, North Elevation, West Elevation, East Elevation, South Elevation

The recommendation is also based upon a technical analysis by the Board 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 Board during the public hearing process.

Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro


Dorothy A. Kelly Gay

Rebecca Lyn Cooper



Gerard Amaral

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 _____



Appendix A: Application Requirements

A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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		X	Included in 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		X	Included in 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		X	See Overall Site Plan (C-3.1-3.2)
16.8.2.D	Names of all property owners within five hundred (500) feet of the PUD boundary	X		X	Included in application submission
16.8.2.E	Explanation of provisions for the landscaping and maintenance of all open space and drainage areas	X		X	See Stormwater Management Supplemental Memo. A detailed Stormwater O&M program has been prepared for the Project.
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		X	A transportation study was completed with 2006 plan and an updated analysis was submitted as part of this application. The analysis indicates that the overall project trip generation will decrease on weekends, and on a weekday daily basis. The capacity analysis conducted indicates that the additional traffic generated by the project during the weekday morning and evening commuter peak hour can be accommodated by the surrounding transportation infrastructure that has been implemented. The only remaining significant infrastructure improvement to be built is the new Mystic Avenue u-turn connection. That mitigation is planned to be constructed during the 2017 construction season.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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		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		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 includes architectural plans and elevations, architectural renderings, and a shadow studies.
<u>A.2: General Information Required for SPSR Applications (SZO 5.2)</u>					
Section	Required Finding	Met	Not Met	To Address in SPSR-A	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		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		X	See Existing Conditions Plan SV1-17.
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		X	The proposed Block 5B building and its associated site improvements, are shown on the Overall Site Plan, Layout and Materials Plan, Grading and Drainage Plan, and the Utility Plan, all certified by Dale Horsman, PE. The existing easements and rights of way are shown on the Existing Conditions Plan of Land.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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		X	Project description, general use mix and development strategy is provided in Section C of PMP.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	X		X	Scaled Overall Site Plan with max proposed FAR is provided.
5.2.3.6	front, side, and rear elevations	X		X	See Design Guidelines for general development strategy and the Architectural Elevations.
5.2.3.7	existing and proposed contour elevations in two foot increments	X		X	See Grading, Drainage, and Erosion Control Plan. Existing contour elevations are shown in one foot increments and with spot grade
5.2.3.8	provisions for vehicular and pedestrian circulation	X		X	See Overall Site Plan and Design Guidelines for basic information and the Transportation Evaluation for detailed information on pedestrian and vehicle circulation for review by the City Engineer and Traffic Engineer.
5.2.3.9	color, materials, and exterior features of proposed structures	X		X	See Design Guidelines, Architectural Elevations, and Renderings.
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 Materials Plan is provided. The Project will include landscaping in the form of street trees and raised planting beds. Parking and service areas will be entirely within the proposed building, screening of such elements from the public way will be achieved.
5.2.3.11	measures taken to preserve and protect natural resources	X			There are no unspoiled natural resources located within the Site. Remediation of several current Brownfield areas by virtue of this Project is a clear environmental benefit of the Project.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities	X			Outdoor lighting associated with the Project is proposed as street lighting along the three perimeter streets and lighting the exterior of the building facade. Details of street lighting were approved in a previous submission to the city staff. Lighting along the exterior of the building façade will include wall wash lighting elements strategically placed for a variety of functions such as to accent key monument features, cornices, entries, walkways and loading and service areas.
5.2.3.13	dimensions and locations of signs, proposed and existing			X	The Planning Board approved the Assembly Row Storefront and Signage Design Standards on March 12, 2013, as amended May 8, 2014. Any signage outside of these guidelines will need approval from the Planning
5.2.3.14	location and significance of historic structures	X			This has been addressed in the 2005 VHB study and included in the original PMP document.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities			X	Solid waste disposal will be handled by licensed private contractors, presenting no additional burden to the City. Disposal facilities (dumpsters and compactors) will be located within the proposed building and screened from public view.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 transformer will be located in an enclosed vault within the 1st floor loading area - service areas are interior to the building. Most of the mechanical equipment such as air handlers, energy recovery units, generators, exhaust fans and cooling towers, will be located on rooftops and mostly screened.
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		X	The proposed utilities and drainage systems for the Project are shown on the Grading, Drainage and Erosion Control Plan and on the Utility Plan. The utility infrastructure improvements (water, sewer, drainage) within Grand Union Boulevard, Canal Street and Foley Street have been designed to accommodate the full build out of the Master Plan and have been constructed under previous local and state approvals. The constructed utility infrastructure is sufficient to service Block 5B.
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		X	The Project does not involve any building demolition. The estimated completion date for the project is Summer/Fall 2018.
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		X	The transportation study was completed with 2006 plan and an updated analysis was submitted as part of this application. The analysis indicates that the overall project trip generation will decrease on weekends, and on a weekday daily basis. The capacity analysis conducted indicates that the additional traffic generated by the project during the weekday morning and evening commuter peak hour can be accommodated by the surrounding transportation infrastructure that has been implemented, or is soon to be including the new MBTA station or planned Mystic Ave signalized at-grade u-turn connection.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	X		X	The existing easements and rights of way are shown on the Existing Conditions Plan of Land.
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		X	Existing resource areas are shown on the Existing Conditions Plan of Land. There are no wetlands or lands subject to flooding on the project area.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	X		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		X	Included in application submission
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	n/a			n/a
<u>A.3: Denial Letter Requirement (SZO 16.12)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.12	All applications for a preliminary Master Plan Approval shall be required to include a so-called 'denial letter' from the Inspectional Services Department indicating which aspects of the proposed PUD require approvals from the SPGA	X			After submission of the initial Preliminary Master Plan application, no further denial letter shall be required for modifications to, or phases of, the Master plan, or for any permit application (including an SPSR-A) related to the PUD.

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 in PUD	Not Met	Met in SPSR-A	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 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	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 and the City's Comprehensive Plan, SomerVision to transform and bring jobs and housing to this area. The Master Plan is based upon a long-term set of principles established by the City for redevelopment of the Assembly Square area in the ASD Plan.
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 benefited from an additional 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 more than 4,500 new jobs, increased tax revenues, 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.
<u>B.2: Consistency Findings (SZO Section 6.4)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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 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 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 and the removal of IKEA from the plan, 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 removal of the IKEA store allows for a larger mixed use district and the revised PMP 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

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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 6.4.4 phase and during streetscape decision. 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				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 and removal of IKEA, but the overall transportation strategy in the PMP meets the spirit of the original
<u>B.3: General Requirements of a PUD (SZO Section 16.4)</u>					
Section	Required Finding	Met	Not Met	To Address in SPSR-A	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 2.67 million square feet or approximately 61.3 acres. This exceeds the 20,000 SF minimum lot size required for the PUD-A in the ASMD.
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.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 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 continued through revisions approved by through on April 6, 2017. 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.
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. Assembly Row 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 expanded park will serve as an anchor to the north end of Assembly Row. 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
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

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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			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. During the Special Permit process for developments within Assembly Row, the architecture, open space and pedestrian networks, vehicular access and circulation, roadways, and infrastructure will be reviewed in appropriate detail.
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			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.
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 and amended for this revision. 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 Recommendations for traffic mitigation and additional analysis are included in the Conditions section of this report.
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(s).
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			There is an Easement Agreement with the City that is conditioned to be amended to reflect this PMP amendment. Deed restrictions for specific parcels not yet developed will be addressed in subsequent submission for special permits with site plan review. In addition, the PUD has urban renewal district and some of the key parcels were acquired from the Somerville Redevelopment Authority via land disposition agreements containing covenants and restrictions ensuring that the goals and objectives of the City as expressed in the Major Plan Change will be adhered to. The existing covenant from December 2006 remains in
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 in PUD	Not Met	Met in SPSR-A	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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	The building has a cohesive identity while providing variety in the façade to break up the massing of the building. The building conforms to the design guidelines, which ensures that it is built to be consistent with the PUD-PMP. Details of how the building conforms to the guidelines can be found in the form and design section of the staff report.
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 usable open space on Block 8 is located around the building and on the sidewalks. The entrances to the retail spaces will be on the northern, western, and southern sides of the building along the usable open space. The closest large usable open space area is on Block 11 at the Partners Healthcare 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 Design Guidelines submitted in the application adhere to the height requirements outlined in the ASMD dimensional requirements with specific height limits based on the distance from the Mystic River bank and the MBTA station. There is a tower portion of the building that has slender proportions. The tower is 12 stories and 203 feet tall.
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			see 6.4.7.A.4
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			Shadow studies were submitted for the block for 10am and 2pm on Mar 21, Jun 21, Sept 21, Dec 21. In March, September and December in the afternoon there will be some shadowing of different sections of Block 5A, which has the hotel on the upper floors. Shadows do not impact residential structures at these times in June. From the extent of the shadow studies it appears no open spaces will be shadowed by Block 5B but Block 5B will be impacted by future development on Block 7. The tall buildings envisioned for Assembly Square will have some shadows and this block appears to be minimally impactful.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	X			This was achieved in the master plan approval.
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 a grid pattern with local and collector streets. The main retail street travels north/south through the center of the Assembly Row development between Block 11 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 Grand Union Boulevard, 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
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 offset the negative effects of the above average block sizes and provide a scale appropriate for pedestrians. The reason for the proposed building footprint and portal design to achieve this findings can be found the Building Shape and Placement and Site Design and Access sections of the staff report.
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	The development must comply with the City's Stormwater Management policy.
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, Median Park 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 in PUD	Not Met	Met in SPSR-A	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
B.5: ASMD Development Standards (SZO Section 6.4.7.A)					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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			The Transportation section included with this application considers the traffic impacts associated with the Project. The findings of the analysis are that the Block 5B office and retail/restaurant uses will generate traffic volumes that are consistent with those anticipated for this area to date. The recently completed roadway improvements throughout Assembly Square will be more than adequate to accommodate the expected traffic impacts associated with the project without the need for
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	X		X	The number of parking spaces is between the minimum and maximum allowed.
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			X	This Block does not contain substantial landscaping because it is going to be an urban block. Other portions of the site will have lush landscaping that will meet the landscaping requirement for the PUD.
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
B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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. While the plans and images within this document represent a minimum acceptable standard 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 solution.					
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 Project does not include construction of any new street. Streets were previously designed, approved and constructed. The sidewalks proposed as part of the Project match previously designed, approved and constructed sidewalks at Assembly Square. Details regarding the new sidewalks surrounding Block 5B are included in the application.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	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 design has been reviewed by the Design Review Committee and Planning Board and it complies with the design guidelines as detailed in
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 will have a presence on the street. It will be constructed within a few feet of the sidewalk.
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	X			Retail storefronts that must meet the Assembly Row Storefront Standards will line the sidewalks. The main entrance to the residential portion of the building will be clearly defined with glazing and a canopy.
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 facades of the building are broken up into sections with different treatment to create an interesting building.
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 base of the building is five stories, which is an appropriate pedestrian scale for the width of the Canal Street right of way. The tower is setback so that it is not imposing to pedestrians.
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.	X			Two buildings in the Assembly Square area were inventoried by the Massachusetts Historical Commission and were not deemed to have historic merit. Two buildings were previously demolished.
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 electrical transformer will be located in an enclosed vault within the 1st floor loading area - service areas are interior to the building. Most of the mechanical equipment such as air handlers, energy recovery units, generators, exhaust fans and cooling towers, will be located on rooftops and mostly screened.
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.			X	Ground Floor street frontage is almost entirely devoted to Retail uses. The Block 5B office tower is integrated with the ground floor at the south west corner where it is allowed to terminate at the ground floor. The office entry has been given particular attention so that it draws your eye up towards the tower massing above.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 current building design responds to the general intent of this guideline. Setbacks of distinct façade planes exceed three (3) percent of the length of the façade and extend greater than twenty (20) percent of the length of the façade in all cases relative to the perimeter building facades that define the street frontage. However, each individual plane of each façade does not incorporate projections and recesses measuring three (3) percent of its own length. For example; the screen wall of the garage. As the DRC requested redesign and review of this elevation element, Staff recommends approval with the condition for additional DRC meetings (see Appendix E).
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	This guideline is met. Storefronts will line the buiding along Grand Union Boulevard, Canal Street, and Foley Street and have windows and displays that will complish this goal.
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	The Project does not propose any surface parking lots. All parking spaces located on the Site are located within an enclosed parking garage.
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 Project does not propose any surface parking, therefore there are no landscaping strips.
6.4.7.B.5	<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.			X	The Applicant completed a LEED worksheet and included the worksheet in the application booklet. The LEED worksheet reflects current design assumptions and may be revised slightly as design progresses.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.6	<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			X	The Applicant has committed to contributions and mitigation under contracts with the City and the SPGA shall take that into consideration. The applicant will enter into maintenance agreements for useable open space and a portion of the public infrastructure as well.
6.4.7.B.7	<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			X	The loading areas are located within the building and have been consolidated to 2 if the waiver for the loading area reduction is granted.
<u>B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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		X		The trip generation for Block 5B is expected to be comparable to that which was estimated during the original PUD approval process. Other prior traffic studies, including the recent 2014 evaluation for the nearby Block 11A development, show no notable changes to the Block 5B trip generation and trip distribution. The new MBTA Assembly Square Orange Line Station opened in September 2014 and should help to further reduce the burden on the roadway network. A TDM Plan has not yet been provided but is conditioned in Appendix E to be required prior to Building Permit.
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 proposed Block 5B building does not contain a Large Retail Project. Details regarding design of ground floor retail uses will be included in a future submission for city review.
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			X	Open Space and Usable Open Space requirements within the Assembly Square Mixed Use District are 25% and 12.5% respectively. The proposed configuration of the full-build Block 5 building was anticipated at the time of the last PUD Amendment. As a result, the amount of Open Space and Usable Open Space within the Master Plan has increased from the previously reviewed PUD at 28.5%, and the Usable Open Space at 22.2%. Open Space is 16.4% of the total proposed Block 5B building project area and Usable Open Space is 9.8% of the total proposed Site.

<i>Section</i>	<i>Required Finding</i>	<i>Met in PUD</i>	<i>Not Met</i>	<i>Met in SPSR-A</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 in PUD</i>	<i>Not Met</i>	<i>Met in SPSR-A</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		X	Above ground structured parking for 489 spaces is provided for the office and retail spaces.

Appendix C: Future Requirements for SPSR-A

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	Traffic analysis of the full build-out of Assembly Row has been conducted and the latest version for Block 11A included the proposed build-out of Block 5B. With the analysis complete, roadway improvements complete and MBTA station open, Block 5B will not significantly impact traffic conditions in the area.
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 part of the PUD-PMP. 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. Projects developed in accordance with the submitted Design Guidelines should be able to meet the general provisions of these sections and this project complies with the design guidelines for the master plan.
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 retail, restaurant and upper floor offices will provide a mix of uses. Pedestrian and bicycle access will be provided via sidewalks. Project linkage payments will be required. The creation of usable open space on the Block will not be substantial but will contribute to the active open spaces in the PUD. The building will provide active uses along Foley Street, Canal Street, and Grand Union Boulevard.
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. These materials were submitted as part of the application for the Block.
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3			X	Applicants submitted all required information for SPSR-A applications.
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	Applicants meet 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 compatible with natural features and character of the surrounding area. The project is consistent with the PMP and therefore meets this finding. The proximity to the MTBA station, solar orientation, and existing street grid and were considered when designing the site.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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. Projects that are consistent with the PMP should be able to meet this finding. Projects that deviate from the PMP will need review within the SPSR-A review process to ensure they remain compatible with the natural features of the area.
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 building and site meets functional standards of the SZO.
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, will have adequate public services. Projects will be addressed in the SPSR-A process to ensure that their utility impact remains consistent with the PMP and does not have any adverse impacts within the development site.
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.
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 project meets the purpose of the Ordinance in encouraging the most appropriate use of the land and increasing the amenities of the municipality. The project also meets the purpose of Article 5 for the Board to evaluate the findings and determinations and provisions of the Ordinance and attach conditions to mitigate concerns.
5.2.5.w	<i>SomerVision Plan:</i> Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.			X	The proposal complies with the applicable goals, policies and actions of SomerVision. The Plan calls for all of Assembly Square to share 29% of the City's growth, increase the number of jobs by 8,500, and develop 3 million square feet of commercial space. The Assembly Row Master Plan area makes up approximately half of the Assembly Square area. Phase 1 of this Block will achieve more than half of the number of jobs planned for this area. The Block will also contribute 6.7 acres of open space towards the goal of creating 125 acres of new open space across the transformational areas in the City.
<u>C2: Requirements for SP for Signage</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.1.4.a	<i>Information supplied.</i>			X	Complies with the information requirements of Section 5.1.2 x Applicants submitted all required information for SP for signage

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.1.4.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			X	Section 6.4.14 allows for the SPGA to waive signage requirements based on the findings in 16.5.4 & 16.5.5. See Appendix D for findings.
5.1.4.c	<i>Consistency with purposes.</i> Is consistent with: (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles			X	The signage plan is consistent with the purpose of the Ordinance in encouraging the most appropriate use of the land. This is a large building that meets the mixed use and redevelopment goals of the district. The large signs that are taller than 35' are strategically placed to provide direction to parking areas and to screen parking garages.
5.1.4.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 built and unbuilt surrounding area, including land uses.			X	The signage was designed to be integral with the design of the building. The signs will have unique designs and are strategically located to be visible to provide direction to the parking garages. The garage screening signs will be a mesh material that, as conditioned, would only contain retail signage tenants in the building or for Assembly Row.

Appendix D: Standards for Waivers

D.1 Not have any uninterrupted or unfenestrated length of its façade exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.

Section	Required Finding	Met	Not Met	Comment
16.5.4 & 16.5.5	<i>Waiver of dimensional standards.</i> In order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (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		The current building design responds to the general intent of this guideline. Setbacks of distinct façade planes exceed three percent (3%) of the length of the façade and extend greater than twenty percent (20%) of the length of the façade in all cases relative to the perimeter building façades that define the street frontage.
6.4.12.a.1	Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;	x		Each individual plane of each façade does not incorporate projections and recesses measuring three percent (3%) of its own length. For example; the screen wall of the garage. As the DRC requested redesign and review of this elevation element, Staff recommends approval with the condition for additional DRC meetings.
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		This finding does not apply in this case.
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		This finding does not apply in this case.

D.2 Parking Space and Loading Area Requirements in the Assembly Square Mixed-Use District (ASMD) and the PUD-A District.

Section	Required Finding	Met	Not Met	Comment
16.5.4 & 16.5.5	<i>Waiver of dimensional standards.</i> In order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (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		The Applicant is seeking a waiver from the loading bay requirement stated in Section 9.16 and Section 9.7, and described in Section 16.5.5. As encouraged in Section 9.16.3, the Applicant is proposing a shared loading approach for the retail, restaurant, office, and Block 5A hotel uses. The maximum loading need for the Block 5B building would be 4 loading spaces through a combination of retail and restaurant uses. The two loading bays will be constructed prior to Block 5B as part of the previously permitted Block 5A building. Both buildings on Block 5 will utilize the loading bays. Staff find that the requested waiver from the loading bay requirements (§9.16) is acceptable.

6.4.12.a.1	Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;	x		The ASD Plan encourages below ground parking and discourages surface parking. Reducing the footprint of the ground floor of the building to build more loading space that is not practically needed for loading to this building would be counter to the objectives of the ASD Plan.
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		This finding does not apply in this case.
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		This finding does not apply in this case.

Appendix E: Assembly Square Block 5B 2017

#	Condition	Complete	Timeframe for Compliance	To Be Evaluated By:	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 based upon the Block 5B application submitted by Vanasse Hangen Brustlin, Inc. stamped in at the City Clerk's office on February 22, 2017, including C-1, C-2.1 - 2.2, C-3.1 - 3.2, C-4 - C-6, C-7.1 - 7.3, 1 Landscape Material Plan, dated February 22, 2017, Sv-1 through Sv-17 dated November 6, 2014, Open Space Plan dated February 22, 2017, and Architectural Block 5B Plans & Elevations – Ground Floor Plan, 2nd Floor Plan/Parking 1, 3rd Floor Plan/Parking 2, 5th Floor Plan/Parking 5, 6th Floor Plan, 7th-11th Floor Plan, 12th Floor Plan/Roof Plan, North Elevation, West Elevation, East Elevation, South Elevation. Any changes to the submitted application material that are not de minimis must receive Planning Board approval, unless such changes are designed only to establish compliance with one of the conditions of this PMP approval.	-	Continuous	Planning Director		
B. Transportation / Traffic Circulation						
2	Applicant shall participate in the review of parking supply to be completed annually by the developer of Assembly Row, providing parking utilization data to the Traffic and Parking Division and Planning Division staff on an annual basis. Based on the data, the Applicant shall work with the Planning Division staff in circumstances where parking is not being used, to encourage shared parking in Assembly Square	-	1 year after CO and annually thereafter	Planning Director / Traffic and Parking Director		
3	Applicant will supply a minimum of 35 bicycle parking spaces that should be within the building and on the sidewalk. Less than 50% of the racks supplied may be for hanging bikes. The applicant shall provide a plan of bike parking locations on the sidewalk to Planning Staff for review and approval.	-	Plans - prior to BP for vertical construction /installation of parking -CO	Planning Director		
4	Prior to building permit for the project, the Applicant shall have selected the manager for the TDM plan that is identified in previous case approvals at Assembly Row, and begin implementation of the TDB plan requirements. An executed TDM Plan agreement in accordance with MEPA requirements must be presented to the Planning Director for approval at the time of Building Permit application - ISD will not grant the Building Permit without a letter from the Planning Director confirming receipt and execution of the agreement. Any waiver of this	-	Addressed with each SPSR-A application	Planning Director & T&P		
C. Design						
5	All storefronts and retail signage shall be consistent with the Assembly Row Storefronts and Signage Design Standards. Storefronts or retail signage that is inconsistent with the guidelines shall be provided to DRC and Planning Board for review and approval.	-	Building Permit for retail unit and retail signage	Planning Director		

#	Condition	Complete	Timeframe for Compliance	To Be Evaluated By:	Verified (initial)	Notes
6	This approval does not constitute approval for any signage on the building above the retail level except for the garage directional and garage screening signage in the size and location as shown on the signage elevation plans (N, S, E, W). The design of these signs shall be submitted to Planning Staff for review and approval. This approval does not constitute approval for any of the roof signs or signs at the top of the residential tower that are on the plans.	-	Building Permit for Signage	Planning Director		
7	Off premises advertising is not permitted on this site and is subject to all applicable state and local permit requirements.	-	Continuous	Planning Director		
8	The rooftop screening design shall be submitted to Planning Staff for review and approval. Screening shall be made as least visible and possible and it should tie into the design and color scheme of the building.	-	Building Permit	Planning Director		
9	Applicant shall make design revisions based on the initial DRC meeting and review the changes with the Planning Staff. A second DRC meeting to review the revised design will be required prior to Building Permit application. The third, and final, DRC meeting will be required to review the materials and colors prior to construction.		Prior to BP/construction for Block 8	Planning Director /DRC		
10	Applicant shall provide information regarding the final material and colors for siding, trim, windows and doors and an onsite mockup of each building segment for DRC review and Planning Staff review and approval prior to construction.	-	Completion of Steel Erection	Planning Director		
11	The further refinement of the design of the façade of the building, including but not limited to, the garage screen, shall be reviewed by the DRC and reviewed and approved by Planning Staff.	-	Completion of Steel Erection	Planning Director		
12	Per section 6.4.8.D.2.b of the SZO, not more than 50,000 square feet of Gross Floor area of any single Retail Use shall be located on the Ground Floor of the building.	-	CO for retail	Planning Director		
<u>D. Trash and Recycling</u>						
13	Trash and recycling storage shall be contained in the designated areas that are internal to the block. The Applicant shall provide convenient recycling to commercial and residential tenants.	-	Continuous	Planning Director /DPW		
<u>E. Maintenance of Facilities</u>						
14	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.	-	Continuous	Planning Director		
15	Applicant shall submit a new or amended Usable Open Space Agreement to be reviewed and approved by Planning Staff for the open space on Block 5B.	-	CO	Planning Director		
16	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward (except for uplit trees) and must not intrude, interfere or spill onto neighboring properties.	-	Continuous	Planning Director		
<u>F. Linkage and Inclusionary Zoning</u>						

#	Condition	Complete	Timeframe for Compliance	To Be Evaluated By:	Verified (initial)	Notes
20	The applicant shall meet the obligations required by Article 15 of the SZO. 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 beyond the foundation permit.	-	Building Permit / CO	Planning Director / Housing Director		
G. Demolition/Construction						
21	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	-	CO	Planning Director / Housing Director		
22	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.	-	During construction	Traffic & Parking		
23	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	-	CO	Planning /OSE		
H. Site Plan/Utilities						
24	Applicant shall submit the Site Plan Review Checklist and submit it along with the applicable documents to Engineering Staff for review and approval. The plans must comply with the City's Stormwater Management Policy.	-	BP	City Engineer		
25	A full set of as built plans shall be submitted to Engineering 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.	-	CO	City Engineer		
26	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.	-	CO	City Engineer		
27	If alterations are to be made to existing site utilities, a full review and approval by the City Engineer must be made prior to construction.	-	BP	City Engineer		
I. Fire Prevention						
28	Outside fire strobes shall 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. Plans for these systems shall be provided to Fire Prevention for review and approval prior to the issuance of any construction permits.	-	Building Permit for vertical construction	City Engineer		
I. Fire Prevention						
29	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.	-	Sign-off	Planning Director		