

APPENDIX E: Final Staff Report

Final Staff Report with Approved Planning Board Conditions (April 5, 2018)



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2017-27
Site: 845 McGrath Hwy & 74 Middlesex Ave
Date of Decision: April 5, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 19, 2018

PLANNING BOARD DECISION

Applicant Name: 845 Riverview LLC
Applicant Address: 200 Broadway, Suite 103, Lynnfield, MA 01940
Property Owner Name: 845 Riverview LLC
Property Owner Address: 200 Broadway, Suite 103, Lynnfield, MA 01940
Agent Name: McDermott, Quilty & Miller, LLP
Agent Address: 28 State Street, Suite 802, Boston, MA 02109

Legal Notice: Owner/Applicant, 845 Riverview LLC, is seeking a Planned Unit Development – Preliminary Master Plan (PUD-PMP) under Article 16 and Section 6.4 of the Somerville Zoning Ordinance (SZO) for 0.85 acres in the Assembly Square Mixed-Use District (ASMD) to develop a transit-oriented mixed-use development of two buildings. Applicant also seeks relief under Section 6.4.12.A for additional building height. One building will be 147' to the top of roof containing up to 180 hotel rooms, and the other, 235' high containing approximately 215 residential units. Both supported by 9,515 square feet of ground floor retail and restaurant space, with parking relief for 293 structured spaces.

Zoning District/Ward: ASMD zone. PUD-A Overlay District. Ward 1.
Zoning Approval Sought: Planned Unit Development – Preliminary Master Plan (PUD-PMP)
Date of Application: October 17, 2017
Date(s) of Public Hearing: January 4th, March 8th, & April 5th, 2018
Date of Decision: April 5th, 2018
Vote: 5-0



Appeal #PB 2017-27 was opened before the Planning Board at Somerville City Hall on January 4th, 2018. 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 three hearings of deliberation, on April 5th, 2018, the Planning Board took a vote.

DESCRIPTION:

The project proposes to redevelop the site at the edge of the Assembly Square area with a transit-oriented, mixed-use development that consists of two buildings - constructed over one floor of below-grade parking - with up to 215 residential units, approximately 9,515 square feet of ground floor retail and restaurant space, a hotel of up to 180 rooms, and approximately 293 structured parking spaces.

On the eastern portion of the site fronting Middlesex Avenue, up to 215 residential units will be located in the "Residential Building". The Residential Building includes approximately 9,515 sf of ground floor retail, three (3) floors of above-grade, architecturally-screened parking, and approximately 249,203 sf for residential uses. The Residential Building rises 21 stories, to a height of approximately 235 feet from grade to the top of the highest occupiable floor.

On the western portion of the site adjacent to the elevated highway, up to 180 hotel rooms will be located in the "Hotel Building". The Hotel Building includes a lobby and three (3) floors of above-grade, architecturally-screened parking, and approximately 108,542 sf of hotel use. Additional amenity space for the hotel, condominium, and apartments will be incorporated into the fifth floor of the hotel building with a terrace shared by both buildings. The Hotel Building rises 13 stories, to a height of approximately 147 feet.

The Project will benefit the Assembly Square area by redeveloping an underutilized site into a hub of residential and retail activity, and helping knit together the gap in the fabric of Middlesex Avenue between commercial uses to the north and south and the residential and commercial uses to the east. The Project will also diminish the visual impact of the elevated roadway and highway ramps from Assembly Square. This will further the strategy created with the storage building – but providing a visual barrier between the elevated highway and the mixed-use project.

Design and Compatibility:

The project envisions removing Kensington Avenue to create a new 15,826 sf off-site public open space (the "Urban Park"). The Urban Park is not included in the PUD boundary, and is considered an off-site improvement to City owned land that extends from the site southeast to the edge of the existing Public-Storage Facility on Middlesex Avenue. The Urban Park will create an attractive gateway into the Assembly Row development and will provide generous pedestrian and bicycle infrastructure that connects the Kensington Underpass below I-93, to the Stop and Shop, and Garfield Avenue neighborhood to the southwest to the MBTA station along Foley Street. The space is envisioned as a passive park with lawn, shade trees, and ornamental plantings. Pedestrian pathways will be defined with seatwalls and lighting will create an active and safe space at all times of the day.

The Urban Park will blend with the open space provided by the adjacent storage building when it was permitted. Both the storage building open space and the urban park are also designed to reserve enough right-of-way to be used as a vehicular connection under I-93 at Kensington. Currently, a pedestrian underpass is located in this area, and that underpass could benefit from upgrades to lighting and design. The long-term plan for Assembly Square is designed to reserve access for a vehicle connection as well, in the event that traffic congestion requires it. But, such a connection would require splitting the Urban Park, redesigning and rebuilding the 28/38 off-ramp from I-93 North (to create enough vertical clearance) replacing the supports under I-93 (to align them with the roadway) and new connections in an intersection on the East Somerville side of I-93.

The Hotel and Residential buildings create an interior courtyard over the underground parking. This multifunctional courtyard (approximately 10,613 sf of publicly accessible open space including 8,542 sf of useable open space) will serve as a convenient public passage through the Site, a prominent gathering area for ground level commercial



space, and as an entry for the hotel. The courtyard opens to the proposed Urban Park to the east, and connects under the garage bridge to McGrath Highway, establishing permeability throughout the Site and important pedestrian connections to the surrounding neighborhood.

The courtyard is designed as a grid of decorative pavers accented with an informal arrangement of curbed planters. The planting plan will utilize contrasting textures and colors of grasses, perennials and shrubs accented with small flowering trees (to be fully designed and articulated in the future SPSR-A applications). Fixed and flexible seating will be provided for hotel guests and public users of this space. The courtyard design will extend around the Hotel and along the proposed pedestrian way (and emergency vehicle access) that will replace Kensington Avenue.

The Applicant will be responsible for maintenance of the open space and public realm improvements on the project site and will work closely with the City regarding details for the maintenance of the proposed off-site improvements to City-owned property. A final open space and landscaping plan will be provided during the SPSR-A process.

Access and Circulation:

The Project Site has convenient public transit access, including; one (1) MBTA station within a quarter mile (0.25) mile, the Orange Line station at Assembly Square, and three (3) bus routes with stops near the site along Middlesex Avenue and Mystic Avenue which provides opportunities to minimize vehicle trips and encourage alternative modes of travel.

The project site also has excellent vehicular access and visibility from I-93. The primary vehicular point of entry will be at the intersection of Middlesex Avenue and McGrath Highway (note that this which one block long remnant of the original “McGrath Highway” in this location will need to be renamed). On-site structured vehicle parking, short-term hotel drop-off and valet parking, and service and loading areas will all be accessible from the McGrath Highway spur and Kensington Avenue along the side of I-93. Above-grade structured parking in both buildings (on floors two through four) will be connected by an elevated garage bridge - the “Garage Connector”.

The project’s design strategy focuses on creating pedestrian-oriented sidewalks and streets surrounding the site. Existing sidewalks will be expanded and improved with new street trees (some in raised planters), benches, street lights and bicycle racks, dramatically improving the pedestrian experience, while maintaining existing circulation patterns. The Kensington Avenue Pedestrian Street will provide between a 17’ and 24’ clear right-of-way to accommodate the proposed open space, emergency vehicles, and for occasional vehicular circulation needs that support maintenance and park events.

Impact on Affordable Housing:

Consistent with the City of Somerville Inclusionary Housing Policy, the Project will provide approximately 43 affordable units (20 percent of the total residential units). As currently designed, the anticipated breakdown of the affordable units is approximately as follows:

- a. Eight (8) One-bedroom units;
- b. Twenty-four (24) two-bedroom units;
- c. Three (3) two-bedroom plus study units; and
- d. Eight (8) three bedroom units.

This distribution assumes a total residential unit allocation for the project of approximately 39 one-bedroom units, 119 two-bedroom units, 17 two bedroom + Study Units, and 40 three-bedroom units which is subject to change as the building design and program is refined.

Affordable units will be provided on-site in the Residential Building. Affordable housing units will be intermixed with the market rate units, dispersed throughout the building, and will be comparable to market-rate units in every respect, including location, quality and character, room size, and external appearance. Additional details on affordability and bedroom distribution shall be provided in subsequent SPSR applications.



The commercial portions of the development will trigger the requirement for payment of housing linkage and jobs linkage.

SomerVision Plan:

The Project is consistent with the goals of SomerVision, as it is located within an identified opportunity area of Somerville. As proposed, the project will enhance connections to the Assembly Row development from residential areas located in East Somerville on the southern edge of the ASMD.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	215
<i>Affordable Units:</i>	0	43
<i>Commercial Sq. Ft.:</i>	5,506	108,542 hotel plus 9,515 retail
<i>Estimated Employment:</i>	20 (to remain in Dunkin Donuts)	175 jobs (approx. 900 construction)
<i>Parking Spaces:</i>		293 structured
<i>Publicly Accessible Open Space:</i>		8,542

FINDINGS FOR SPECIAL PERMIT (SZO §5.2.5, §6.4, and Article 16):

In order to grant a Special Permit with Site Plan Review for a Planned Unit Development Preliminary Master Plan, the SPGA must make certain findings and determinations as outlined in §5.2.5, §6.4, and Article 16 of the SZO. The attached Appendices go through these sections in detail.

Appendix A: Application Requirements

- A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)
- A.2: General Information Required for SPSR Applications (SZO 5.2)
- A.3: Denial Letter Requirement (SZO 16.12)

Appendix B: Required Findings of Fact

- B.1: General Findings under Section 16 (SZO 16.9 and 16.1)
- B.2: Consistency Findings (SZO Section 6.4)
- B.3: General Requirements of a PUD (SZO Section 16.4)
- B.4: PUD Design Guidelines (SZO Section 16.7)
- B.5: ASMD Development Standards (SZO Section 6.4.7.A)
- B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)
- B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)
- B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)

Appendix C: Future Requirements for SPSR-A

Appendix D: Standards for Waivers

DECISION:

SPECIAL PERMIT with SITE PLAN REVIEW for a PLANNED UNIT DEVELOPMENT – PRELIMINARY MASTER PLAN (PUD-PMP) under Article 16

Based on the materials submitted by the Applicant, the above findings the Board has provided an analysis of findings in Appendix A, B, C, and D (attached) and subject to the conditions in Appendix E (attached), the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **PLANNED UNIT DEVELOPMENT – PRELIMINARY MASTER PLAN**.



Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Rebecca Lyn Cooper, and Gerard Amaral with Dorothy Kelly Gay absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Evaluated by:	Timeframe for compliance	Notes
A. General				
1	Approval is based upon the Preliminary Master Plan submitted by Vanasse Hangen Brustlin, Inc. dated October 20, 2017 and stamped in at the City Clerk's office on October 19, 2017, including Chapters 1-6 and the Appendices A-C and including additional information received by Planning Staff: the report from Allied Consulting Engineering Services titled "Fresh Air Filtration and Indoor Air Quality Management Design Concepts" dated December 27, 2017, a memo responding to questions with additional information dated January 1, 2018, and Design Guidelines submitted digitally to Planning Staff (16101-Assembly's Edge Design Guidelines.pdf) on March 1, 2018. 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. The approval of this PMP does not incorporate any of the following items: a) Any interior layout of buildings; b) Locations of and specifications for elements of the public right of way to be covered in the maintenance agreement per Condition #3 and #4; c) Design details within individual open spaces to be reviewed per Condition #5; d) Any off-site design, including the Urban Park.	Planning	Continuous	
2	The approval of this PMP shall be considered to be approval of the width of roadway and rights-of-ways. For each street, 100% street design plans, consistent with the PMP, must be filed with the City Engineer, Traffic and Parking Director, and Planning Director for review and compliance with city standards and sound engineering practices.	Planning/ Engineering /T&P	Continuous	
3	Applicant will work with the City to develop the long term maintenance agreement that will provide for the Applicant's commitments to the City relative to maintenance of the elements of the public right of ways and the Urban Park including, but not limited to, sidewalk treatments, street trees, landscaping , finishes, street furniture and other amenities. The City will not maintain anything that is not consistent with City standard, unless otherwise approved by the City Engineer.	Planning/ Engineering	BP	
4	Pursuant to #3 above, design of sidewalk treatments, street trees, landscaping , finishes, street furniture and other amenities that are to be maintained by the Applicant within the PUD boundary shall be submitted to the City Engineer and Planning Director for comment. Applicant should be creative in the approach to landscape design and consider a full 3-dimensional environment similar to that found at Boston's Post Office Square Park. Instead of just a grass lawn area	Planning/ T&I/ Engineering	Prior to approval of first SPSR-A	



	with trees, adding greenery in vertical and overhead layers (through the use of espalier, hedges, arbors, trellises and hanging planters) should be adopted as a useful tactic for providing greenery and screening on this site.			
5	Applicant will work with the City to develop the long term maintenance agreement for the Useable Open Space as required in Article 17 of the SZO. The agreement shall specify the requirements for public access and private maintenance of useable open space of the Urban Park and Courtyard, as required by the SZO. The applicant shall build out and maintain all of the open space and allow public access to all of the useable open space in the plan as required by the SZO. The applicant will submit 100% construction plans for open space to the City for review and comment.	Planning/ Engineering	BP	
6	Applicant shall, per the agreement made with the OSPCD Economic Development Director, sign a covenant prior to SPSR approval, which indicates that the applicant will provide \$5.90 per square foot (a minimum of \$2,166,834) towards public benefits and improvements. This is in addition to any required linkage payments per Article 15, on-site inclusionary zoning per Article 13, and the required provision and maintenance on land owned by the applicant. The covenant shall indicate that a portion of the total improvement, not to exceed \$750,000 may be provided by the applicant completing in-kind work. Unless otherwise permitted by the covenant, in-kind work shall be limited to: a) repaving work around the project on McGrath Highway and Kensington Street; b) building a passive public park on the portion of Kensington Ave to be abandoned; and, c) parking and traffic improvements on Middlesex Street near the project. The remainder of the funds shall be dedicated to infrastructure upgrades of public property in and around Assembly Square, and shall include a substantial portion of the funding towards: a) improvements to Draw 7 and/or Foss Park; b) lighting and other improvements to the Kensington Underpass; c) highway sound barriers; and, d) improvements to transit infrastructure.	Planning/ Econ. Dev.	Prior to submission of first SPSR-A	
7	The Applicant must design both buildings to have no operable windows and a 2-stage filtration for the HVAC system. The primary filter will be at the outdoor intake for the entire building located on the roofs and are required to be MERV 16 filters (intended dust spot efficiency ANSI/ASHRAE Std. 52.1 of 98% for particle sizes between 0.30-1.0 µm). The individual spaces will require a minimum of MERV 13 filters in the air recovery units. The system shall be designed and installed according to the agreed performance standards at the time of construction and initial certificate of occupancy. The building shall be available for future study of air quality standards. The Applicant will commission an indoor-outdoor test for particle count in the air during a period post-construction and pre-occupancy to demonstrate that the system is operating within expected parameters.	Planning/ ISD	BP	
8	The Applicant will design the buildings with indoor finishes of low volatility throughout. In the residential building, no fireplaces or gas stoves will be permitted. All kitchens will be provided with exhaust in accordance with the requirements of the 2105 edition of the International Mechanical Code.	Planning/ ISD	BP	



8A	With each subsequent SPSR application/submittal, the Applicant will provide documentation that lists testing details, maintenance standards, and a required schedule for such procedures to ensure that the air quality is continuously maintained to the standards specified in conditions #7 and #8 above.	Planning/ ISD	SPSR	
9	Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division: a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.	Planning/ ISD	Demolition Permit	
10	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	OSE/FP/ BOH	At time of release	
11	Prior to acceptance by the City, any civic space, thoroughfare, or utility and the land upon which or within which it is located that is to be conveyed to the city must be certified by the Applicant to meet all Federal, State, and local environmental laws and other standards as they are applied at the time of conveyance. The Applicant is responsible for the preparation of all documentation necessary for the conveyance of these facilities to the City.	Planning/ ISD	CofO	
12	The Applicant must contact the Engineering Department to obtain a street address prior to an SPSR-A application for the individual buildings.	Engineering	Prior to submission of first SPSR-A	
12A	The Applicant will coordinate a public meeting with the Ward Alderman regarding the renaming of the "urban Park" and the remnant of McGrath Highway adjacent to the project. The neighborhood should have active involvement in the selection of the names and be involved in the design of the expanded civic space.	Board of Alderman/ Planning/ Engineering	CofO	
13	Applicant shall be required work with the City Engineer, and the Fire Chief as necessary, to rename the one block length of McGrath Highway. The Applicant may suggest names but should note that street names that are the same or similar to names already used in Somerville shall not be permitted.	Engineering/ Planning	Prior to submission of first SPSR-A	
14	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	Planning	During construction	
15	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Planning	Continuous	



16	The Applicant, its successors or assigns, shall be responsible for maintenance of both the buildings and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well-kept and in good and safe working order.	Planning	Continuous	
17	SPSR-A applications under the PMP shall include information required to ensure compliance with this PMP decision, including but not limited to information noted as required in the findings (Appendix A, B, C and D)	Planning	Addressed with each SPSR-A application	
<u>B. Transportation / Traffic Circulation</u>				
18	Applicant must identify a location for a future bike share station and provide a diagram of the larger bike network – including new infrastructure on Revolution Drive, Grand Union, and Foley Street.	T&I/T&P/ Planning	SPSR-A	
19	As a part of the continued effort to shift travel away from private cars, the Applicant shall provide sheltered and secure bike storage facilities in strategic locations, with each SPSR-A application.	Planning/ T&I	SPSR-A	
20	Screening of above-ground parking from any thoroughfare, access easement, sidewalk, civic space, or open space by walls, screening, artwork, fences, planting or other means, must be specified in detail and approved by Planning Staff and the DRC.	Planning	SPSR-A	
21	The Applicant and the Applicant's engineering team must participate in a future meeting between the Director of Traffic & Parking and the Director of Transportation & Infrastructure to review the intersection at Lombardi and Mt. Vernon as the TIS shows the LOS dropping. This meeting should also address potentially adding a video system (similar to Revolution Drive) to the signals at Middlesex and Foley, and any other outstanding coordination issues deemed necessary by either the Director of Traffic & Parking or the Director of Transportation & Infrastructure.	T&I/T&P	SPSR-A	
22	All mitigation involving traffic signal upgrades must include specific discussion and documentation of the ability of all controllers to be left in place to fulfill the functions required of them by proposed mitigation.	T&P/ Engineering	SPSR-A	
23	All City of Somerville traffic control equipment and roadway elements must meet City specifications and standards unless they are otherwise approved by the City Engineer and are maintained by the Applicant under the maintenance agreement.	T&P/ Engineering	Continuous	
24	Applicant shall provide street lights that meet City standards on all public streets where lights are to be maintained by the City.	Engineering/ DPW	Continuous	
25	The Applicant will be responsible for the cost of parking meters and the construction/installation of the parking meters at the on-street reverse-in angled parking on Middlesex Avenue in coordination with and to the standards of the Director of Traffic & Parking and the City Engineer.	T&P/ Engineering	SPSR-A	
26	Any Hotel use must have access to a shuttle van or bus, and provide complementary scheduled or on-demand guest shuttle services between the hotel and Logan Airport in order to reduce automobile trips between the airport and the hotel. Conceptual plans for the operation of this service must be approved by the Director of Transportation & Infrastructure prior to the issuance of the Certificate of Occupancy for the Hotel. Revisions to operations at any time	T&I	CofO	



	require approval by the Director of Transportation & Infrastructure.			
27	Prior to granting of Building Permit, the Applicant must have a signed agreement to actively participate in the Assembly Square mobility management plan (or TMA) established by Federal Realty and others.	Planning/ T&I	BP	
28	Annual Reporting to track, assess, and report on the implementation of the Mobility Management program as required by the Somerville Zoning Ordinance and the Planning Board's Mobility Management Plan Submittal Standards must be conducted at the same time each year, as determined by the CofO for the first building, subject to the approved Mobility Management Plan.	Planning/ T&I	Continuous	
28A	For the purpose of reducing daily peak-hour vehicle trips, the Property Owner shall to the extent practicable, work with leasees and the community to develop strategies to advertise employment opportunities and seek qualified candidates that live within walking or biking distance from to the project. The applicant shall provide to OSPCD annual reports of data on the compliance with this condition, including but not limited to employee's daily trip place of origin data (i.e. home city/town), as required by the Director of Transportation & Infrastructure.	Planning/ T&I	Continuous	
29	Approved Mobility Management Plans are transferable by and among private parties, contingent upon the new owner agreeing to continue to operate in accordance with the previously approved Mobility Management plan, as conditioned. Should the developer elect to transfer some portion or all of the development subject to this Mobility Management Plan, commitment to the previously approved Mobility Management Plan is required by the new property owner.	Planning/ T&I	Continuous	

C. Infrastructure

30	Infrastructure must be designed to meet all requirements and standards of the City of Somerville and its relevant departments (including, but not limited to, the City Engineer, Department of Public Works, Inspectional Services, Traffic & Parking, Fire Department, and the divisions of the Mayor's Office of Strategic Planning and Community Development) and all other legal requirements for the installation of services within public rights-of-way. DSPR application must include reasonable written evidence establishing that such infrastructure is sufficient to support the proposed development, that all details are designed to City standards, that installation, unless otherwise included in capital project work of the City, is done without cost to the City, and that installation will be functionally adequate and completed at the appropriate time in the course of the phases of development.	various	SPSR-A	
31	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.	T&I/T&P/ Engineering/ DPW	SPSR-A	
32	Applicant shall conduct additional hydraulic analyses to ensure that the City's system is capable of meeting the adjusted demands throughout the project. Applicant shall meet fire flow requirements while maintaining a minimum pressure of 20 psi at the fire location. In accordance with DEP guideline, a minimum pressure of 35 psi shall be maintained throughout the distribution system during normal demand conditions.	Engineering/ Fire	BP	



33	Applicant shall provide individual calculations to determine the sizes necessary for the water connections to each property. The proposed service connections to each of the new buildings shall be shown on further design drawings.	Engineering	SPSR-A	
34	Design and construction phasing of the stormwater management system shall be subject to review and approval by Engineering and the Director of Sustainability & Environment to ensure compliance with City standards and best practices for design and ongoing maintenance. The design approach should be to have the site “be a sponge” with on-site storage and re-use of stormwater.	Engineering/ OSE	SPSR-A	
35	Applicant shall provide a detailed soil erosion control plan with each SPSR-A application and prior to construction.	Engineering/ ISD	SPSR-A/BP	
36	The Applicant is responsible for the installation of all necessary private infrastructure and utility improvements (such as electrical, telephone, data, CATV, and natural gas utilities), both on and off site, needed to support the development proposed and its constituent phases, as approved and conditioned, and such lines and equipment shall be placed underground from the source or connection.	Wiring Inspector	Installation of Utilities	
37	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	Engineering	BP	
38	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 standards.	Engineering	CofO	
39	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.	T&P/DPW	During construction	

D. Urban Design and Design Guidelines

40	Each individual building provide interior disposal and storage systems for trash and recycling with locations clearly indicated on site plans. Storage areas shall be inside of the structure and screening or loading dock doors must be designed as an integral part of the architecture and the building elevation and remain closed unless in active use.	Planning Director/ DPW	Addressed with each SPSR-A application	
41	Any transformers should be located as not to impact the buildings or landscaped area, and shall be fully screened to the extent permissible by code.	Planning/ ISD/DPW	SPSR-A	
42	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3 installed and maintained in compliance with the American Nurserymen’s Association Standards and in accordance with the City Arborist.	Planning/ T&I	SPSR-A	
43	Signage shall be subject to separate review and approvals by the Design Review Committee and the Planning Board, as required and customary.	Planning	SPSR-A	



44	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	Planning	SPSR-A	
45	As part of each site plan review submittal, the Applicant shall calculations showing that the percentage of open space and usable open space meets the zoning requirement for a PUD-A within the ASMD.	Planning	SPSR-A	
46	Applicant shall ensure that all trees meet the species, caliper, well size, and planting specifications of the City Arborist.	T&I	SPSR-A	
46A	Applicant shall be responsible for replacing dead or damaged street trees in response to annual inspection by the City Arborist.	T&I	Perpetual	
47	Each subsequent SPSR-A application submitted under this PUD-PMP must identify vulnerabilities and/or risk for each parcel based on the City's Climate Change Vulnerability Assessment. The application should clearly identify the extent and nature of planning/design interventions necessary to mitigate those risks. To ensure effective strategies for resiliency by preparing for weather and flooding impacts, the Director of the Office of Sustainability & Environment shall define specific appropriate expectations for responses to this condition, and the applicant shall provide these responses with each PUD-PMP application.	OSE/ Planning	SPSR-A	
48	Each subsequent SPSR-A application submitted under this PUD-PMP must document how the proposed development, including civic spaces, public realm improvements, and buildings, will help to reduce the urban heat island, assist in the City's stated objective to be Net Zero by 2050, and assess whether the infrastructure presents an opportunity for reducing demand and/or district energy solutions.	OSE/ Planning	SPSR-A	
49	Applicant shall provide material and color samples for all exterior cladding, trim, windows, and doors to Planning Staff and the Design Review Committee for review, comment, and approval as part of the review required with each SPSR-A application. Materials shall respect the unique and historic character of the Assembly Square neighborhood. Large expanses of highly mirrored glass surfaces are discouraged.	Planning	SPSR-A	
50	Applicant shall provide an on-site mock-up or final building material samples (including color and texture) to Planning Staff and the Design Review Committee for review, comment, and approval prior to the issuance of a Building Permit.	Planning	BP	
51	Where sides or backs of buildings face a civic space, they must incorporate (physically or visually) strategies that address the public frontage and impact of these spaces. These strategies need not be related to retail spaces or functional entrances, and can be small in scale. But, these spaces should be ambitious, active and should encourage creativity and engagement. These spaces may include, but are not limited to, public art installations or display cases for artwork, large scale supergraphics or murals, green walls, and/or artist/maker space, etc.	Planning	SPSR-A	
E. Affordable Housing				
52	A draft Affordable Housing program must be provided by the Applicant showing the anticipated affordable units - types and sizes -	Planning	SPSR-A	



	in each DSPR application.			
53	The AHIP must be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit.	Housing	BP	
54	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	Housing	CO	
55	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	Housing	CO	

F. Linkages

56	Affordable Housing Linkage Fee payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued as required by Section 15 of the SZO as amended.	Housing	CO	
57	Jobs Creation and Retention Linkage Fee shall be paid to the Somerville Municipal Job Creation and Retention Trust before a CO is issued as required by Section 15 of the SZO as amended.	Econ. Dev.	CO	
58	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	Engineering	CO	



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 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

<u>A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)</u>					
Section	Required Finding	Met	Not Met	To Address 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			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			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			Included in application submission - see Section 3
16.8.2.D	Names of all property owners within five hundred (500) feet of the PUD boundary	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 section in Utility Analysis. Other landscaping/maintenance details be addressed in SPSR-A. Condition is recommended relative to preparation of Maintenance Agreement.
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 as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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			Included in application submission - see Section 6 Utility Analysis
16.8.2.H	All applicable information required for special permit with site plan review (See Article 5 of this Ordinance). This information may be submitted at a preliminary level, in consideration that PUD approval is a preliminary approval	X			See section A2, below
16.8.2.I	Any other supportive information the applicant feels may be beneficial to the City of Somerville in the evaluation of the request	X		X	Additional information provided includes 3-dimensional renderings and supplemental detail on individual plans to later be submitted for SPSR-A review
<i>A.2: General Information Required for SPSR Applications (SZO 5.2)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	X			Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	X			Included in application submission - see Fig. 3.3 Existing Conditions Plan
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	See Figures 3.1-3.22. Plans are scaled but no dimensions labled for individual buildings.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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 3 of PMP. The general project description is provided and this is sufficient at this time, before individual SPSR-A's are submitted.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	X		X	Detail for each building is not provided at this time, but will be required with each SPSR-A submittal.
5.2.3.6	front, side, and rear elevations			X	To be provided with SPSR-A application.
5.2.3.7	existing and proposed contour elevations in two foot increments	X		X	See Grading, Drainage and Utility Plans
5.2.3.8	provisions for vehicular and pedestrian circulation	X		X	See Fig. 3.5 and Section 5 for basic information. Detailed information on pedestrian and vehicle circulation will need to be provided with SPSR-A applications for review by the City Engineer and Traffic Engineer.
5.2.3.9	color, materials, and exterior features of proposed structures	X		X	To be provided with SPSR-A application. See Design Guidelines for general development strategy for building features.
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		X	A general Site Plan is provided but much more detail will be required with the SPSR-A applications. All trees will be reviewed by Planning Director, City Arborist, and City Engineer prior to infrastructure construction.
5.2.3.11	measures taken to preserve and protect natural resources	X		X	Some SPSR-A applications may require approval of Conservation Commission and environmental remediation in accordance with MA DEP requirements.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities			X	Lighting on development site is to be addressed in SPSR-A applications. Lighting on City streets will need approval by City Engineer/Public Works prior to infrastructure construction.
5.2.3.13	dimensions and locations of signs, proposed and existing			X	To be addressed in SPSR-A application.
5.2.3.14	location and significance of historic structures	X			Included in application submission.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities			X	Individual sites will need to provide complete trash and recycling strategies with SPSR-A applications.
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	To be addressed in SPSR-A applications.
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			Included in application submission. See Existing Conditions Plan; Utility Analysis; Layout and Materials Plans
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	To be addressed in SPSR-A applications. Demolition permits will require approval of ISD.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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			A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
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	See Existing Conditions Plan - additional information may be required at SPSR-A.
5.2.3.21	wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated thereunder, 310 CMR 10.00	X			See Existing Conditions Plan - none on site.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	X			Included in application submission
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	X			Included in application submission
5.2.3.24	such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations	n/a			n/a
<u>A.3: Denial Letter Requirement (SZO 16.12)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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	n/a			n/a

Appendix B: Required Findings of Fact

<i>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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 Article 16	X			The proposal to re-use an under-utilized parcel for a mixed-use development is consistent with the most suitable development in the City. It is based upon a long-term set of principles established by the City for redevelopment of the Assembly Square area in the ASD Plan. The applicant is requesting five waivers, which are addressed in Appendix D, and a waiver from the requirement to submit a three-dimensional model, which is addressed in this decision.
16.1	The purpose of a Planned Unit Development, or PUD, is to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed . . . to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should be a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development context . . . Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.	X			The proposed project has benefitted from collaboration by the Applicant with the City and community stakeholders. The result is a plan for a mixed use urban block providing new jobs, increased tax revenues, market rate and affordable housing, improved access to transportation, improvements to regional stormwater systems, and enhanced open space amenities. The project mixes uses, provides urban densities, develops according to environmental constraints and opportunities on the site. The project meets this finding.
<i>B.2: Consistency Findings (SZO Section 6.4)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.1	Purpose. The Assembly Square Mixed-Use District (ASMD) has been enacted to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The ASMD zoning is designed to allow the district to reach these goals.	X			See comments under Section 6.4.4 below.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Planning Study</u> dated October 2000	X			The Assembly Square Planning Study prepared by the Cecil Group in 2000 created a framework for development in the Assembly Square area over the next twenty years and beyond. This Planning Study encouraged mixed- use development, but also recognized that a certain amount of big box retail would be the most feasible use in Assembly Square in the immediate future.nThe 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. The general principles and concepts of the plan are supported by this PUD-PMP and 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 was a Major Plan Change to the 1980 Assembly Square Revitalization Plan -- the City’s urban renewal plan for Assembly Square. This PUD-PMP is consistent with the overall vision of the Revitalization Plan.
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 three key principles closely align with the goals of the Public Realm Guidelines and the ASMD; 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 Public Realm Guidelines generally include a greater level of streetscape and building detail, while the PUD PMP establishes complementary detailed design guidelines to drive decisions made at the SPSR-A phase and during streetscape design.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
					The Public Realm Guidelines also place emphasis on creating physical and visual connections between the PUD and its surrounding neighborhoods. The Applicant is undertaking several significant transportation improvements to enhance multi-modal access to the site. These efforts are especially important along the PUD's outer edges.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Transportation Plan</u> dated 2003	X		X	The Assembly Square Transportation Plan generally calls out for development of a street grid within the mixed-use area. The overall transportation strategy in the PUD-PMP meets the spirit of the original Transportation Plan and will continue to be refined in subsequent SPSR-A applications.
<i>B.3: General Requirements of a PUD (SZO Section 16.4)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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 37,075 s.f., or approximately 0.85 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 application materials showing buildings and roadways prepared by the architectural firm of KDI, Inc. and the engineering firm of Vanasse Hangen Brustlin, Inc. The PUD includes the following uses: retail (including restaurants), residential, hotel, and parking.
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 13 to 21 stories with a maximum height of 235 feet.
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 these documents.
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		X	The PUD is oriented around a series of open spaces connected by pedestrian friendly streets. The Applicant proposes to construct a Courtyard between the two buildings and an adjacent Urban Park. During SPSR-A review for each component of the Master Plan, the provision of usable open space and the preservation of views will continue to be monitored by the Planning Board, and this Decision includes conditions regarding the Applicant's obligation to submit detailed information for each SPSR-A application.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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 and there are no significant wetlands, floodplains, or wildlife. The most important natural feature of the larger district is the Mystic River, and the PUD will provide pedestrian connections to the riverfront. This PUD locates the tallest buildings in the district furthest away from the Mystic River.
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 district development as a whole. The project proposes uses and their associated roadways, parking, and infrastructure developed in a coordinated manner. During the SPSR-A process for building development, the architecture, open space and pedestrian networks, vehicular access and circulation, roadways, and infrastructure will be reviewed in appropriate detail, and this Decision includes conditions to ensure that these issues are more fully addressed during the SPSR-A process.
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		X	The Applicant has linked the residential buildings with the existing underpass that abuts the site and has designed a network of open spaces, roadways, and sidewalks which constitute an improvement to the existing conditions and a benefit to the public. During the SPSR-A process, links with surrounding land uses, off-site public facilities, infrastructure, and roadway access will be reviewed in appropriate detail. Conditions have been attached to this Decision to ensure that these issues will be fully addressed.
16.4i	designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD	X			A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
16.4j	inclusive of provisions for the ownership and maintenance of usable open space as appropriate (see Sec. 16.6 of this Article)	X			The Applicant will be required to maintain the usable open space within the PUD subject to a maintenance agreement that must be developed as a condition of this approval.
16.4k	inclusive of appropriate deed restrictions or covenants requiring compliance of all development with the PUD master plan, and any architectural or other guidelines or standards			X	The PUD project is in too preliminary a stage to determine what deed restrictions will be required and this will be addressed in subsequent submission for SPSR-A.
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.
<u>B.4: PUD Design Guidelines (SZO Section 16.7)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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	Architectural review will occur during the SPSR-A process, using the Design Guidelines in the PMP and SZO as a basis for discussion about architectural design within the PUD area.
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	While the highest quality (primary) facades tend to be oriented towards the open spaces, specific openings and architectural elements would be decided during the SPSR-A process.
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	From the information provided at this conceptual level appears to meet this finding. Further detail and architectural elements that also accentuate the verticality of the buildings would be reviewed during the SPSR-A process.
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			Included in application submission - see Appendix B. The shadow studies may be refined as design is finalized and adjusted through the SPSR-A process.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.7f	Vehicular access to and from public roads is intended to be consolidated. Vehicular access to PUD lands from a public roadway shall generally be limited to one (1) access point, particularly when PUD frontage along said roadway is three hundred (300) feet or less. When a PUD has more than six hundred (600) feet of frontage on a public road, separation between existing, approved, and proposed curb cuts, whether on or off-site, shall average a minimum of two hundred (200) feet. Consolidation to a minimal number of access points is strongly encouraged	X			Vehicular access to this area is primarily provided by way of Middlesex Avenue. The PUD guidelines encourage consolidation of access points to and from PUD lands and a minimum of 200 feet between access points. As this proposal is only one urban block, this guideline is met.
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			There are no internal streets within this block but the existing surrounding streets will be improved. As these streets will be dedicated to the public, these streets will be conditioned to meet City standards or better pursuant to review by the Director of Traffic and Parking and City Engineer.
16.7h	PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Alight streets to give building energy-efficient orientations.	X			The block size is defined by existing streets. However, block sizes are larger than typically found in Somerville to accommodate buildings much larger than are typical in other parts of the City. Though the blocks are larger, the ground floor retail uses proposed and pedestrian friendly architectural elements and designs that would be required during the SPSR-A process will offset the negative effects of the above average block sizes and provide a scale appropriate for pedestrians.
16.7i	The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.	X			The natural features of the site have been substantially altered over the years as an industrial and commercial site. This proposal would expand and improve vegetation on the site by including well-designed and maintained civic spaces.
16.7j	The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.			X	The Applicant states that "stormwater management system will be designed to release flows less than or equal to the existing condition". Staff recommends including a condition that requires coordination with the Director of Sustainability & Environment and approval by the Director of Engineering to determine the appropriate stormwater management mitigations. Drainage would be updated to address the non-pervious surfaces and would include natural features to limit stormwater runoff including swales and rain gardens. Specific measures to increase pervious surfaces will be addressed in the SPSR-A process.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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, paver cross walks, intersection bumpouts, and street trees. The site is directly adjacent to Foley Street for a direct pedestrian connection to the MBTA station which will promote rapid transit ridership and is in line with ideals of Transit Oriented Development.
16.7l	Make shopping centers and business parks into all-purpose activity centers.	n/a			There are no shopping centers or business parks in this proposal.
<u>B.5: ASMD Development Standards (SZO Section 6.4.7.A)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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		X	A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	X		X	A waiver for parking requirements is requested to provide 293 spaces.
6.4.7.A.3	<i>Landscaping Requirements.</i> Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.			X	Landscaping requirements will be reviewed during the SPSR-A process for each building and/or phase.
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 open space, pedestrian pathways and sidewalk connections provided as part of the project will be designed to complete and improve connections with the existing network of parks and pathways in the vicinity, including improving the connection between Assembly Row and the Mystic River, and the residential and commercial neighborhoods of East Somerville to the west of the I-93 Off-Ramp via the Kensington Underpass.
<u>B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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	To the extent that is known at this time, the streets and sidewalks appear to be designed appropriately. Full engineering plans will need to be provided for review to ensure that streets meet City engineering standards.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
6.4.7.B.2b	Buildings should have interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, should be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances should be clearly defined, through the use of elements such as canopies, porticos, overhangs, peaked roof forms, arches. Entries set back from the street should have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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 application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
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.	n/a			There are no surface parking lots proposed in this application. The only exposed vehicle parking will be the reverse-in diagonal spaces along Middlesex Avenue which have been reviewed and conceptually approved by Traffic & Parking. A recommended condition has been added so the Applicant is responsible for the cost of acquisition and installation of parking meters for these spaces in accordance with City standards

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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	This application is for a Planned Unit Development Preliminary Master Plan approval. Applicant has met the requirement to provide open space and Usable Open Space (UOS). The final design of the open space within the mixed use component has not been completed. It is the Applicant's commitment that they will maintain the open space and plantings throughout the PUD. The open space areas will be reviewed in greater detail by planning staff when it is further developed within the context of the Maintenance Agreement that is to be written. No further action by the SPGA is anticipated with regard to open space within the street ROW. Landscaping on individual development sites will be subject to SPGA review and approval as a part of SPSR-A review.
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	This application is for a Planned Unit Development Preliminary Master Plan approval. The Applicant shall comply with this section during each SPSR-A process and submit the necessary LEED worksheets.
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 for a Special Permit.	X		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. Specific contributions that may be required as a part of individual SPSR-A projects will be reviewed with each SPSR-A.
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 space.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. A waiver is requested for the number of loading docks provided - see Appendix D. The final design of the proposed buildings has not been completed and therefore, the loading spaces are not finalized. The loading spaces will be reviewed during each SPSR-A process.
<u>B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.8.D.1	Transportation Analysis. Large Developments shall provide a Transportation Access and Impact Study. The Director of Traffic and Parking shall approve the geographic scope and content of the study in consultation with the Executive Director of the Planning Department and the Traffic Commission. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the Development Site. If the Transportation Access and Impact Study indicates a significant impact to the transportation network in the specified study area, the Applicant shall include in the study proposed mitigation measures to address those impacts.	X		X	A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
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	Section A) The proposed PUD meets this requirement as indicated in the Overall Site Plan breakdown of the proposed uses. Section B) The Applicant received a waiver from this requirement with the 2006 approval of the PMP for the TJ Maxx Store and the Christmas Tree Shop. Otherwise, the proposed PUD meets this requirement and no additional waivers from this provision are requested at this time.
6.4.8.D.3	<i>Landscaping.</i> A minimum of fifty (50) percent of the Landscaped Area in a new Large Development shall be Usable Open Space. The SPGA shall have final discretion in deciding if land constitutes Open Space for the purposes of determining whether this requirement has been met. The Open Space requirement may be met with land that is part of the Large Development, or with land that is outside of the Large Development area but is located within the ASMD that was not already Useable Open Space, provided that the conditions of paragraph 2 of Section 16.6.1 of the Ordinance relating to public dedication of such Usable Open Space are met.	n/a		X	Not applicable.
<u>B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address 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			All parking spaces are located in parking structures, with the exception of the on-street spaces.

Appendix C: Future Requirements for SPSR-A

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.9.C.1	Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan			X	Individual SPSR-A projects will be assessed for any additional traffic impacts that they may create, above and beyond what was anticipated in the original traffic study, with any appropriate mitigation planned accordingly. Review of pedestrian and vehicle entries and exits will be subject to review by the Traffic Engineer and the SPGA before project approval.
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	See Appendix B for consistency with the Design Guidelines set out in 6.4.7B and 6.4.8E of the SZO.
6.4.9.C.3	The application (should) promote the following objectives: mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses' economic benefits and employment opportunities' structured parking; pedestrian and bicycle access; affordable housing units and project mitigation contribution; view corridors to the Mystic River; enhanced and activated Open Space' creation of new Open Space or enhancement of existing Open Space; and, . . . support transit service at (the MBTA Station).			X	The overall development meets these objectives. Individual projects will need review to ensure they are consistent with the PMP and these objectives.
6.4.9.C.4	Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations as noted in 6.4.9.C.4			X	These additional findings address submittal requirements, criteria for review, impact on public services, site surface drainage, access to buildings, utilities, signage, transformers, screening, and shadow impacts. The overall development plan does not show any apparent inconsistencies with these objectives. Individual projects will need review to ensure they are consistent with these required additional findings and determinations.
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3			X	Applicants will need to submit 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 will need to 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 consistent with the intent of the specific zoning district. 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 purpose of the district.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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	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	Individual buildings will need to be reviewed during the SPSR-A process to ensure that the functional design meets acceptable standards
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. Individual projects will need review under SPSR-A for consistency with the PMP as well as any unanticipated environmental impacts.
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 described in the PMP meets this finding, but individual developments in the SPSR-A process will also need to establish that they continue to meet this finding.

Appendix D: Standards for Waivers

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
	<p><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.</p>				<p>1. A waiver is requested for exceeding the maximum height limit for the proposed Project. Per Section 6.4.6 – ASMD Table of Dimensional Requirements, the site is located more than 350 feet from the Mystic River Bank and more than 1,000 feet from an MBTA Orange Line entrance, therefore the maximum building height requirement for “all other locations” is 125 feet. Relief is sought for both buildings, which currently exceed the maximum building height.</p> <p>2. A waiver is requested for allowing the proposed multi-family residential dwelling use for the proposed project. Within the ASMD and per Section 7.11 – Table of Permitted Uses – Use 1(c), the proposed multi-family residential dwelling use of more than seven (7) units will require relief in the form of a Special Permit with Site Plan Review.</p> <p>3. A waiver is requested for allowing the proposed hotel use for the proposed Project. Within the ASMD and per Section 7.11 – Table of Permitted Uses – Use 10-5(b), the proposed hotel dwelling use of more than 10,000 square feet of gross floor area will require relief in the form of a Special Permit with Site Plan Review.</p> <p>4. A waiver is requested as the proposed project will not meet the parking requirements set forth in Section 9.16. Per Section 9.16 – Parking Space and Loading Area Requirements in the ASMD and the PUD-A District, the proposed project will not meet the minimum parking spaces requirement of 1.0 spaces per residential use unit, 0.5 spaces per hotel unit and 1 space per 1,000 square feet for the retail use. Zoning requires the Project to provide a total of 315 parking spaces but the project currently proposes 293 total structured parking spaces on site. Relief is sought for all three (3) proposed uses.</p>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.5.4		X			<p>5. A waiver is requested 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, hotel and residential uses. The total number of loading bays required for the Project varies depending on the mix of retail, restaurant and residential space within the building. Based on the zoning requirements, the maximum loading need for the Project would be 5 loading spaces through a combination of retail, residential and hotel uses. The project includes three (3) loading bay spaces located off of McGrath Highway, appropriately screened from the public right of way, each of which complies with the minimum dimensional requirements of 12-feet wide, 30-feet long.</p> <p>The granting of the above waivers would result in a better site plan that furthers the purpose of the ASMD and will not cause detriment to the surrounding neighborhood. 1. Given the distance from the river and the adjacency to the highway, Staff recommends the increased building heights - 137' for the hotel and 235' for the residential building. Waiver requests 2 and 3 add to the mixed-use goals of the district and are supported by Staff. 4. Staff supports the waiver request as the project is within a quarter mile or 5-minute walk of the Assembly Orange Line MBTA Station. The project has easy access to multiple bus routes and will provide a location for a bike share station along with ample bicycle parking for residents, employees, and visitors. 5. From a functional perspective, this amount of loading spaces should not be necessary based on several factors. Individual tenant use of the loading bays by the three 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 the Project or residents moving in and out of the building will be scheduled to help minimize any shared loading conflicts.</p>
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. The first waiver achieves this objective of the ASD plan. Placing this parking at the surface is not physically possible on this site and would not achieve the objectives of the plan.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
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			All waivers combine to create a development that is part of a true mixed-use program, creating a series of new pedestrian oriented public spaces, and creating high-rise buildings incorporating the nearby transit that is in context with the rest of the district.
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.