



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** PB2018-09  
**Date:** May 15<sup>th</sup>, 2018  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 845 McGrath Highway & 74 Middlesex Avenue

**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

**Alderman:** Matt McLaughlin

Legal Notice: Owner/Applicant, 845 Riverview LLC, is seeking a Special Permit with Site Plan Review-A (SPSR-A) final level approval of "Assembly's Edge" of the Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on April 5, 2018. Owner/Applicant seek approval under Somerville Zoning Ordinance (SZO) Article §16.8.3 and §5.2 to develop a transit-oriented mixed-use development build on 0.85 acres in the Assembly Square Mixed-Use District (ASMD) consisting of 368,030 square feet in two buildings. One building will be 147' containing up to 180 hotel rooms, and the other, 235' high containing approximately 210 residential units. Both supported by ground floor retail and restaurant space, with structured parking of approximately 290 spaces. The uses include those approved in the PUD-PMP. The residential development is subject to inclusionary housing requirements.

Assembly Square Mixed Use District (ASMD). PUD-A Overlay District. Ward 1.

Dates of Public Hearing: May 15<sup>th</sup>, 2018

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**I. BACKGROUND & PERMITTING PROCESS**

On April 5, 2018, the Planning Board granted Planned Unit Development-A-Preliminary Master Plan (PUD-PMP) approval, subject to certain conditions, for the subject property.

***A. Review Requirements under the Somerville Zoning Ordinance***



This application is for a Special Permit with Site Plan Review–A (SPSR-A) for the development of parcels 87-B-3 (845 McGrath Highway), and 87-B-1 & 2 (74 Middlesex Avenue). As set forth in §16.8 of the Somerville Zoning Ordinance (SZO), “Application for PUD is a type of special permit with site plan review [SPSR], requiring two (2) stages of review. A PUD Applicant shall first file a preliminary master plan demonstrating a comprehensive land use plan for the entire PUD tract. Upon approval of this plan, the Applicant may then submit special permit with site plan review applications for definitive plans of each portion or phase of development of the PUD tract.”

The Applicant is seeking SPSR-A final level approval of a planned unit development. The PUD-PMP conditions and findings provide the basis for the review of this type of application and a subset of the requirements are required findings for each SPSR-A. The fulfillment of the required findings is indicated as such in the attached Appendixes.

### ***B. Organization of Report***

The present report includes the following sections:

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

## **II. DESCRIPTION OF PROPERTY**

### ***A. Site***

Located in the Assembly Square Area of Somerville, the approximately 0.85 acre project site is bounded by McGrath Highway to the north, Middlesex Avenue to the east, Kensington Avenue and the elevated Interstate 93 off-ramp (the “Off-Ramp”, “I-93”), to the west and an existing Public Storage building to the south. Kensington Avenue cuts through the middle of the Project Site and creates a vehicular and pedestrian connection between Middlesex Avenue and McGrath Highway. The portion of the Project Site to the north of Kensington Avenue includes a vacant lot consisting of pavement remnants and broken pavement, and a 5,506 gross square foot (sf) structure and parking lot associated with the existing Dunkin Donuts and Caribbean Restaurant.

### ***B. Surrounding Area***

The Assembly Square Mixed-use District (ASMD) encompasses the area bounded by the Mystic River, the Boston City Line (excluding the property east of the Rockport/Newburyport commuter rail line), the I-93/Route 38 corridor and Route 28.

The Planned Unit Development Preliminary Master Plan (PUD-PMP) for Assembly Row, approved in 2006 and amended in 2010 and 2014, is to redevelop approximately 56.2 acres of land in the Assembly Square area of Somerville, Massachusetts with a new transit-oriented mixed-use development consisting of approximately 1,843 residential units, 2.8 million square feet of commercial uses permitted under the SZO including, but not limited to office, research & development, laboratory, medical office, manufacturing, etc., 585,000 SF of retail space (including restaurants and cinema), a health club, and an up to 170-room hotel. The Project also includes the continued use and occupancy of the retail uses at the existing building known as the Assembly Square Marketplace. Construction of the Project is planned in multiple phases to be constructed over ten to fifteen years.

The self storage / café building adjacent to the site was also approved through a PUD-PMP process. Prior to the Assembly Edge application, these are the two master plan projects that have been proposed in Assembly Square.

### **III. DESCRIPTION OF PROPOSAL**

#### ***A. Overall***

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.

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.

#### ***B. Site Design and Access***

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'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.

#### ***C. Building Shape and Placement***

The block is trapezoidal in shape and the development is roughly a U-shape within the property so some of the building angles are not 90 degrees. The two towers are placed on the street frontage at Middlesex Avenue and Cummings Street/Kensington Avenue with the narrow widths at the street face on McGrath Highway. The “garage link” that forms the podium also lines McGrath Highway on the upper floors but allows for the pedestrian through-block courtyard at the street level. Given the irregular shape of the block, the building and site design does manage to do a good job at placemaking.

#### ***D. Uses***

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.

### ***E. Linkage***

The commercial portions of the development will trigger the requirement for payment of Affordable Housing Linkage Fees and the Jobs Creation and Retention Linkage Fee. Inflow & Infiltration payment will also be required.

### ***F. Inclusionary 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. Along with the requirement of an Affordable Housing Implementation Plan, additional details on affordability and bedroom distribution shall be provided prior to any building permit application.

### ***G. Landscaping and Open Space***

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 condition is recommended to be added to any approval that requires a meeting between the City's Transportation & Infrastructure parks & open space team and the Applicant's qualified landscape designer prior to any additional permit applications are submitted.

#### ***H. Parking and On-site Circulation***

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".

#### ***I. Form and Design of the Building***

The Project has been designed based on a holistic approach that promotes livability and economic development, while simultaneously mitigating the external impacts of energy, water, waste, and emissions. The Applicant has also committed to implement a state of the art indoor air quality system in both buildings, which will provide a benchmark in Somerville for constructing and maintaining a healthful indoor environment in a building with a challenged site.

The design guidelines approved with the Preliminary Master Plan lay out the form and key elements of the project. The guidelines have been met with this SPSR-A application and the Applicant pro-actively worked with Staff to provide more information and revise drawings.

#### ***J. Signage***

The retail signage will be located along the first floor where the retail storefronts exist. Any building signage beyond address numbers at entry doors will need to be submitted as a separate application package with more detailed information in accordance with the Assembly Row Design Standards for Storefronts & Signage.

#### ***K. Waivers & Other Relief Requests***

The waivers were approved with the Preliminary Master Plan. The requested relief granted included exceeding the maximum height of 125', reduction of parking requirement, shared loading bays, multi-family residential use over 7 units, and the hotel larger than 10,000sf.

#### **IV. CITY DEPARTMENT COMMENTS**

The City Departments had no additional comments beyond those listed and conditioned in the Preliminary Master Plan.

#### **V. PUBLIC COMMENTS**

Planning Staff wrote this report prior to the May 15<sup>th</sup> Planning Board meeting when the case will be first heard. Public comments, Board discussion issues, and any revisions or edits will be incorporated into the report and the conditions, if applicable.

There was a neighborhood meeting was held on February 14<sup>th</sup>, 2018 in the Community Room of the Public Storage building adjacent to the development site. The discussion was primarily regarding health concerns from particulate matter affecting the residential uses and open space adjacent to Interstate 93. An agreement was reached between the neighbors in attendance and the design team that MERV 16 filters will be required at the building air intakes on the roofs. The residences will have no operable windows and additional filters will be required at the air recovery units in the apartments to continually clean the indoor air. Annual testing will also be completed and all these items were included as conditions to the PUD-PMP approval as well as proposed conditions in this SPSR-A staff report.

#### **VI. ADDITIONAL ITEMS ADDRESSED IN THE PUD-PMP FOLLOW-UP LETTER**

Staff addressed some concerns of the PUD-PMP in a follow-up memo on April 5, 2018. Some of the relevant points from this memo are reviewed below for the benefit of the Board and the public, to establish the circumstances under which the staff has determined that this project is an appropriate and effective use of the development parcel:

##### Site Challenges:

This is a particularly difficult site to develop, relative to other potential development sites in the ASMD. Consider that:

- No developer had been able to secure both parcels until this development team came along. The rear parcel was aggressively marketed for sale, but with no frontage on Middlesex Avenue, it led to a series of proposals, mainly residential towers directly abutting the highway, that were rejected by Planning Staff.
- The adjacent parcel area has been developed as a self-storage building. This project took many years to permit, and required a zoning amendment. The project is an attractive gateway building, but it provides few jobs and generates a total of approximately \$200,000 in annual tax revenue for a property nearly an acre in size.
- As attractive as it is, this part of Assembly Square is generally not a huge job center. Commercial office or lab developers would be more likely to look at areas closer to the Orange Line and the existing Assembly Row project. Assembly Row Block 2 and Partners Healthcare are successful office buildings, within the walkable core of Assembly Row. Block 5B is a commercial building site in Assembly Row with all permitting approved. Assembly Row Blocks 7 and 9 can provide over 1 million square feet of additional commercial development if a tenant is available. On the site at 5 Middlesex Avenue, the staff is working with the new owners to put together a thoughtful plan that will include substantial additional commercial development sites that are well designed for office or lab uses. Each of these sites is far more desirable to an office or lab tenant than the site at Assembly Edge. This is because:
  - The site is farther from transit than these other more attractive Assembly Square area parcels.

- The Middlesex Avenue side of the site is opposite the rear of the Kmart in the Assembly Square Marketplace, and the adjacent loading dock – not exactly a front door for an office use.
- The site is of a size and shape that creates challenges for office development and is too small for lab development.

#### Air Pollution:

A primary concern about this site was the need to address air pollution impacts for residents. As a result, any applicant needs to provide upgraded air circulation systems and place a residential use farther from the highway – which can only be accomplished by developing the location by the highway with a non-residential use, and placing the residential tower further from the highway. This proposal achieves that goal:

- The residential structure is behind the hotel, shielded from the highway by the hotel. Where it is taller than the hotel, it is beyond the height that these particulates typically travel from the road.
- The air intake from the residential building is high on the roof at the furthest point from the highway.
- The applicant has agreed to install higher intensity filtration at the site.

These steps are incorporated into the conditions of the project, and have been reviewed and endorsed by the research team at Tufts University that is working on air pollution and its impacts. Somerville cannot afford to choose not to develop all our property in close proximity to the highway. So, we must continue to address these issues through technological strategies such as this. This is the seventh building that we have permitted near the highway in recent years, and while all have air pollution conditions on their zoning approvals, the conditions on this building are more specific and are designed to address the circumstances of this particular site. We will continue to work with the Board on holistic zoning solutions to the air pollution issue near highways. But, the strategy for this building is the effective solution for this building.

#### Land Use Program and Fiscal Impacts:

The staff has worked to address questions about the mix of uses and the potential for other uses on the site, as well as their fiscal impacts:

- The project mixes two uses that are in demand in this area: housing and a hotel. It also includes retail, parking and open space. During the hearing, we didn't hear concern about the hotel use, but mainly concern about the residential use. There were questions about the ability of the applicant to scrap this plan and to seek office and/or lab uses instead. The Applicant had originally desired to build commercial office on this site but market studies suggested that the site is too far from the T station to make that use viable without being treated as a suburban solution with over-parked surface lots. An urban office building would likely not be possible here until after development of office uses reaches this site, after buildout on ASQ lots 5B, 7, 9 and the property at 5 Middlesex Ave.
- The combined lots have 37,075 square feet in total land area. Lab buildings are generally 40,000sf floor plates or larger. With 25% of the site required for open space uses, the floorplate of a building on this site is essentially capped at 27,800sf. Therefore, this is not a site for lab development. Offices can operate on this site. But the office use would not work on the limited floorplate of the proposed housing building. If an office building were to develop in an urban character on this site, it would need to completely replace the current plan, and therefore would require removing the hotel and the housing.
- The staff, using a realistic office alternative, requested a fiscal impact analysis based upon the current situation, the proposed project, and a realistic office development (although still not likely to be marketable on this site until the sites listed above are developed). That project would include:

- 12 stories of development
- Retail and some parking on the first floor
- A parking deck on the 2<sup>nd</sup> through 5<sup>th</sup> floor
- Office uses on floors 6 through 12 (a total of 175,000 square feet of office space)
- Similar sized open space to the current proposal
- The results of that study are on the chart below:

<b>SUMMARY OF CUMULATIVE FISCAL IMPACTS</b>			
<b>ASSEMBLY EDGE FISCAL IMPACT ANALYSIS</b>			
	<b>SCENARIO</b>		
	<b>Proposed</b>	<b>Office Only</b>	<b>Current</b>
<b>REVENUE</b>	<b>Assembly Edge</b>		<b>Situation</b>
Total General Fund Revenue	\$26,758,444	\$19,204,098	\$1,872,219
Total Special Revenue	\$19,486	\$12,980	\$1,263
<b>TOTAL REVENUE</b>	<b>\$26,777,930</b>	<b>\$19,217,077</b>	<b>\$1,873,482</b>
<b>EXPENDITURES</b>			
Total City General Fund Operating Expenditures	\$4,352,776	\$4,823,641	\$205,619
Total City Special Revenue Fund Expenditures	\$0	\$0	\$0
Total Public Schools Operating Expenditures	\$1,134,350	\$0	\$0
Total City Capital Expenditures	\$238,455	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$5,725,581</b>	<b>\$4,823,641</b>	<b>\$205,619</b>
<b>NET CUMULATIVE FISCAL IMPACT</b>	<b>\$21,052,349</b>	<b>\$14,393,436</b>	<b>\$1,667,863</b>
<b>AVERAGE ANNUAL IMPACT</b>	<b>\$1,052,617</b>	<b>\$719,672</b>	<b>\$83,393</b>

Based upon this chart, the proposed project has a greater net fiscal impact than an office use on this site, even if such a use could be built on this site at this time.

**VII. STAFF FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW-A**

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

**VIII. STAFF RECOMMENDATION**

Based on the materials submitted by the Applicant, the analysis of findings in Appendix A, B, C, and D (attached), the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT WITH SITE PLAN REVIEW**.

The recommended **CONDITIONAL APPROVAL** incorporates the conditions in Appendix E (attached).

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