



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

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ELIZABETH MORONEY

Case #: PB 2012-13
Site: ASQ Block 5 (C Street)
Date of Decision: October 4, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 18, 2012

PLANNING BOARD DECISION

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

Legal Notice: Applicant Street Retail, Inc. & Owner FR Assembly Sq, LLC- Assembly Square Mall, Federal Realty Investment Trust & others seek Special Permit with Site Plan Review-A under SZO §7.11.11.10 for a parking lot with approx 206 spaces to serve retail in Blocks 1, 3 & 4. ASMD, PUD-A Zones. Ward 1.

<u>Zoning District/Ward:</u>	ASMD, PUD-A/Ward 1
<u>Zoning Approval Sought:</u>	§7.11.11.10
<u>Date of Application:</u>	July 2, 2012
<u>Date(s) of Public Hearing:</u>	8/2, 8/16, 9/20 & 10/4/12
<u>Date of Decision:</u>	October 4, 2012
<u>Vote:</u>	5-0

Appeal #PB 2012-13 was opened before the Planning Board at Somerville City Hall on August 2, 2012. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.



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DESCRIPTION:

The proposal consists of creating a temporary parking lot on Blocks 5. Block 5 will contain 207 parking spaces. The lots will serve the retail uses in Blocks 1, 3, and 4. The parking will be free; however, it will be access controlled to ensure that it is not used as a commuter lot or the residents of Blocks 1 and 4.

Blocks 1, 3, and 4 are anticipated to be complete in the first quarter of 2014. The proposed parking lots are expected to be completed in the fourth quarter of 2013 before the opening of these buildings. At that time, Blocks 7 and 8 are expected to temporary function as green space.

Once there is demand to build out Block 5, it will be constructed with a mixed use building as approved in the PUD-PMP. Once these plans come to fruition, retail patrons of Blocks 1 3, and 4 will park either on-street or in the garages on each of the blocks as was originally anticipated. Blocks 5 was approved in the PMP to be a 250 foot building with retail on the ground floors, residential above as well as a parking garage.

FINDINGS FOR SPECIAL PERMIT (SZO §5.2 & 7.11.11.10):

A. General Application Requirements

The Board finds that the SPSR-A meets the application submittal requirements in SZO section 5.2. Detailed findings are contained in Appendix A.

B. Requirements for SPSR and SP (SZO §5.2.5)

The SZO requires that applications for SPSR-A meet the standards required in the ordinance. Section 6.4.9 requires that the requirements in Section 6.4.9C as well as parts a-h of Section 5.2.5 to be addressed when SPSR-A requests are submitted. Also the development standards and guidelines in Section 6.4.7 and 6.4.8 need to be met. The Board finds that projects submitted for SPSR-A meets the findings required as identified in Appendix B as a short-term use and will be conditioned as such.

C. Requirements for Open Parking Lots in ASMD (SZO §9.9 and 10.4)

The ASMD requires that parking lots meet the layout requirements of SZO Section 9.9 and the landscape requirements of Section 10.4. The Board finds that the projects meet these requirements as identified in Appendix C.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request.

To mitigate any potential negative impacts and to provide the best project possible, the Board attached the CONDITIONS in Appendix D.

The approval allows for the use of Block 5 to be a temporary parking lot with approximately 207 parking spaces. The lot will temporarily serve the retail uses in Blocks 1, 3, and 4. The parking will be free; however, it will be access controlled to ensure that it is not used as a commuter lot or the residents of Blocks 1 and 4.



Attest, by the Planning Board:



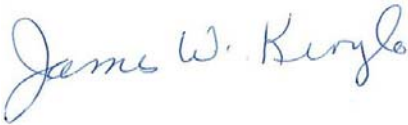
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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

CLERK'S CERTIFICATE

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

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

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

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

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

FOR VARIANCE(S) WITHIN

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

FOR SPECIAL PERMIT(S) WITHIN

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

Signed _____ City Clerk Date _____



Appendix A: Application Requirements

General Information Required for SPSR Applications (SZO 5.2)			
Section	Required Finding	Met	Comment
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	x	Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	x	The Layout and Materials Plan, certified by Richard Mathews, PE depicts boundaries, angles and dimensions for the proposed Block 5 and 6 project area.
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	See Overall Site Plan, Layout and Materials Plan, Grading and Drainage Plan, and Utility Plan. The parking layout and rights of way are shown on the Layout and Materials Plan along with a zoning summary chart.
5.2.3.4	brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable	x	The proposed parking lot on Block 5 is going to serve retail customers associated with Blocks 1, 3 and 4. The parking lot will be monitored to ensure that it is not a "park and ride" lot for commuters taking public transportation.

5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	x	This proposed temporary plan does not include structures.
5.2.3.6	front, side, and rear elevations	x	This proposed temporary plan does not include structures.
5.2.3.7	existing and proposed contour elevations in two foot increments	x	The ground elevations are shown in one-foot intervals on the Grading and Drainage Plan. The project is generally flat with elevations ranging from 12 feet to 15 feet for both sites. The lots at the same relative elevation as the surrounding area.
5.2.3.8	provisions for vehicular and pedestrian circulation	x	See Layout and Materials Plan for basic information. Detailed information regarding the design of streets and sidewalks are conditions of approval for the PUD for review by the City Engineer and Traffic Engineer. The sidewalks are varying widths along the perimeter of the project but are generally 5 feet wide. Vehicular access is via "D Street" and Foley Street.
5.2.3.9	color, materials, and exterior features of proposed structures	x	This proposed temporary plan does not include structures.
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	The lot is currently vacant and none of these features are present on the land. The Planting Plan shows the location of the vegetation and rain gardens and the detail sheet shows the plant names and sizes.
5.2.3.11	measures taken to preserve and protect natural resources	x	The site is currently a brownfield and the remediation of the soil for the redevelopment is an improvement to the environment.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities	x	The lighting is shown on the site plans. It will be in the middle of the parking lot in landscaped islands and along the sidewalks as was originally planned. The details about the light fixtures for the parking lot can be found on sheet C-13, Detail Sheet.
5.2.3.13	dimensions and locations of signs, proposed and existing	x	There is no existing signage at the site. The signage for the parking lot will be minimal and would be located near the parking control devices at the entrances to the lots.

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5.2.3.14	location and significance of historic structures	x	This has been addressed in the 2005 VHB study and included in the original PMP document. No properties included in the State or National Registers of Historic Places are located within the project limits.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities	x	There will not be disposal facilities on-site.
5.2.3.16	description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, and satellite dishes	x	The location of the transformer and light control cabinets are shown on the Layout and Materials Plan. They are located in the landscaped area along Foley Street.
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	See Grading and Drainage Plan as well as the memo dated April 13 regarding stormwater management and the Storm Drain and Outfall Notice of Intent from 2008. The stormwater management system design remains consistent with the stormwater management plan outlined in the previous submission.
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	The proposal does not require demolition. The estimated completion date for the project is Fall 2013.
5.2.3.19	a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is twenty-five thousand (25,000) square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer	x	The transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid. Since the use of the site will be parking and the traffic pattern is not changing from the original approval, a traffic study for these sites is not needed.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	x	Required private utility easements will be coordinated with the corresponding private utility company when final alignments are confirmed and are not shown on the plans at this time. Required access and other easements will be granted under a recorded declaration of covenants, conditions and restrictions.

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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		See Existing Conditions Plan. There are no wetlands on the project area.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	x	Included in application submission
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	x	Included in application submission. Staff generated a current list.
5.2.3.24	such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations		n/a

Appendix B: Required Findings for SPSR-A

<u>B1: Requirements for SPSR-A (SZO Section 6.4.9.C)</u>			
Section	Required Finding	Met in SPSR-A	Comment
6.4.9.C.1	Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan	x	The transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid. Since the use of the site will be parking and the traffic pattern is not changing from the original approval, a traffic study for these sites is not needed.
6.4.9.C.2	The application (should) reflect an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4	x	The Design Guidelines are detailed below.
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 temporary use of the Blocks as parking lots will support the mixed use buildings on Blocks 1, 3, and 4 before there is demand to build out Block 5 as planned. The future use of the sites will provide economic benefits, employment opportunities and structured parking.
6.4.9.C.4	Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations as noted in 6.4.9.C.4	x	These additional findings address submittal requirements, criteria for review, impact on public services, site surface drainage, access to buildings, utilities, signage, transformers, screening, and shadow impacts. These materials were submitted as part of the application for the Block.

B2: Requirements for SPSR (SZO Section 5.2.5)			
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3	x	Applicants submitted all required information for SPSR-A applications.
5.2.5.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review	x	The proposed open lot parking must parking must comply with the development standards in the ASMD and the requirements of Sections 9.9, Driveways, Access and Lighting Requirements, and Article 10, Landscaping and Screening. See 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 ASMD zoning district by providing a temporary use of Blocks that are not yet ready for development. The temporary plan is designed in a way that does not preclude the more intensive planned use of the site from happening. A condition will be placed on the permit so that it will expire after a particular timeframe so that the Board has an opportunity to reevaluate the use of the site and economic conditions in the near future. The sites would not be consistent with the purpose of the district is they remained parking lots for the long-term.
5.2.5.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area	x	The current site is a flat, brownfield site with no existing natural features to preserve. No building is proposed at this time.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction	x	The building and site meets functional standards of the SZO. The parking lot requirements can be found in Appendix C.

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 project will not create adverse impacts on the public systems. The temporary project does not include new sanitary sewer or water supplies. The stormwater management memo details the system that has been designed to capture all of the stormwater runoff.
5.2.5.g	<i>Environmental impacts.</i> Will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area	x	The applicant has adequately addressed that the overall project mitigates adverse environmental impacts, cleans an existing brownfield and redevelops a waterfront site with future transit access. Furthermore, upgrades to DCR parkland will provide off-site open space for the project as well as the surrounding neighborhood. No unanticipated environmental impacts have arisen since the PMP approval that would cause concern for the development of the Block.
5.2.5.h	<i>Consistency with purposes.</i> Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections	x	The project meets the purpose of the Ordinance in encouraging the most appropriate use of the land and increasing the amenities of the municipality. The project also meets the purpose of Article 5 for the Board to evaluate the findings and determinations and provisions of the Ordinance and attach conditions to mitigate concerns.

B.3: ASMD Development Standards (SZO Section 6.4.7.A)			
Section	Required Finding	Met in SPSR-A	Comment
6.4.7.A.1	<i>Transportation Analysis.</i> All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.	x	A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package and no new traffic impacts are anticipated from this project. The traffic patterns will remain generally consistent with the approved PUD PMP.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	x	The proposal provides parking for Blocks 1, 3, and 4 beyond the requirements. Parking requirements are not applicable to the parking lot use, which is the primary use of the lots.
6.4.7.A.3	<i>Landscaping Requirements.</i> Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.	x	The 25% landscape requirement will be exceeded. Blocks 5 will contain approximately 8,138 sf of landscaping (43%) with 58 trees. The parking lot landscape requirements are met as outlined in Appendix C.
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	Block 5 will contain sidewalks around the entire perimeter of the block to allow for pedestrian connections to the surrounding streets and sidewalks. The proposed sidewalks provide sufficient pedestrian access to the MBTA station

B.4: ASMD Design Guidelines (SZO Section 6.4.7.B)			
Section	Required Finding	Met in SPSR-A	Comment
6.4.7.B.1	<i>Street and Sidewalk Design.</i> Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.	x	The design of streets and sidewalks will respond appropriately to the Street and Sidewalk design criteria. To the extent that is known at this time, the streets and sidewalks appear to be designed to meet the expectations of the Design Guidelines. Full engineering plans will need to be provided for review and approval prior to a building permit being issued for the block to ensure that streets meet City engineering standards. There are not existing buildings that need to be demolished to construct the streets around the site.
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	A building is not proposed for the site at this time.
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	A building is not proposed for the site at this time. The landscaping on the site was designed to enhance the pedestrian experience along the open parking lots.
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	A building is not proposed for the site at this time.

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	A building is not proposed for the site at this time.
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	A building is not proposed for the site at this time. There is a large amount of open space on the site with trees and other vegetation to create a pedestrian friendly edge to the parking lots.
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.	x	A building is not proposed for the site at this time.
6.4.7.B.2f	Building equipment and service areas should be located away from public streets or major interior circulation routes and provide screening. All storage of items for sale or related inventory should be enclosed unless completely screened from public view with architectural elements meeting the §6.4.7 guidelines.	x	The location of the transformer and light control cabinets are shown on the Layout and Materials Plan. They are located in the landscaped area along Foley Street. Screening this equipment may draw more attention to it and since there will not be a structure on the lot, it can not be placed inside.
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	The future use of the blocks will have vertical integration of uses with retail on the first two floors.
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	A building is not proposed for the site at this time.

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	A building is not proposed for the site at this time.
6.4.7.B.3	<i>Parking Lot Design.</i> Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.	x	See Appendix C. The parking lots are broken up by landscaped islands.
6.4.7.B.4	<i>Open Space.</i> Landscape strips required in parking areas shall not apply to UOS calculations. Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD.	x	The usable open space on Blocks 5 will be 36.1%. The usable open space is surrounding the perimeter of the parking lot to improve the pedestrian experience. Other sites in the development contain larger open spaces where people can gather.

6.4.7.B.5	<p><i>Efficiency of Design.</i> Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.</p>	x	<p>A building is not proposed for the site at this time. The parking lot will contain rain gardens that provide a more environmentally friendly stormwater management system than the traditional drainage systems that pipe water to the sewer system.</p>
6.4.7.B.6	<p><i>Contributions.</i> Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.</p>	x	<p>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.</p>
6.4.7.B.7	<p><i>Loading Spaces.</i> To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.</p>	x	<p>Loading spaces are not required for parking lots.</p>

Appendix C: Required Findings for Open Parking Lot

<i>C.1: Driveways, Access and Lighting Requirements (SZO Section 9.9)</i>			
<i>Section</i>	<i>Required Finding</i>	<i>Met in SPSR-A</i>	<i>Comment</i>
9.9.a	<i>Access Via Driveway and Maneuvering Aisle.</i>	x	The parking spaces are connected by maneuvering aisles and driveways to the street, which are located entirely on the subject lots. No easements are required.
9.9.b	<i>Driveway Dimensions.</i>	x	The driveway dimensions entrances are 12 feet and maneuvering aisles are 24 feet, complying with the SZO required dimensions.
9.9.c	<i>Driveway/Curbcut Location.</i>	x	The number of curb cuts is 2. They are located in the same location as is planned for the future development of these blocks. The location minimizes conflict with traffic on the streets and has high visibility.
9.9.d	<i>Lighting of Parking Areas.</i>	x	The lighting is shown on the site plans. It will be in the middle of the parking lot in landscaped islands and along the sidewalks as was originally planned. The details about the light fixtures for the parking lot can be found on sheet C-13, Detail Sheet. They will be directed downward such that the parking lot lighting will fall within the parking area and not spill onto neighboring properties.
9.9.e	<i>Emergency Access.</i>	x	The entrances will be 12 feet which complies with the SZO's requirement for emergency vehicles.

C.2: Landscape and Screening Parking Lot Requirements (SZO Section 10.4)

Section	Required Finding	Met in SPSR-A	Comment
10.4	<i>Some of the minimum landscaped area shall be located so that there shall be landscaped areas within the parking lot and/or immediately adjacent to and within 5 feet of the perimeter of said parking area in the minimum amount of 24 sf per parking space.</i>	x	There is landscaping along the perimeter of the parking lot and in the middle of the parking lot on islands. The requirement for 24 sf of landscaping per parking space equates to 10,440 sf of landscaping. The requirement will be met and exceeded with the plan to provide 89,161 sf of landscaping.
10.4	<i>No space shall be located more than 90 feet from a landscaped area.</i>	x	The parking spaces are layout such that some spaces will be just less than 90 feet from a landscaped area.
10.4	<i>There shall be at least some plant material meeting the specifications of Section 10.6 within each landscaped area, preferably trees.</i>	x	There will be a mix of vegetation in each landscaped area. Approximately 120 trees will be planted around the perimeter of the lots.
10.4	<i>Some form of water facility or irrigation should be provided to establish and maintain the plants within the parking lot area.</i>	x	No irrigation is proposed for the site. The plans state that the contractor shall provide complete maintenance of the lawns and plantings and supplemental watering for new lawns and plantings during the one year plant guarantee period.

Appendix D: Block 5 Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
A. General						
1	Approval is based upon the application stamped in at the City Clerk's office on July 2, 2012, including the following plans dated June 15, 2012: <ul style="list-style-type: none"> • C-1 Legend and General Notes • C-2 & C-3 Neighborhood Context Map 1 & 2 • C-4 & C-5 Overall Site Plan 1 & 2 • C-6 & C-7 Layout and Materials Plan Block 5 • C-8 & C-9 Grading and Drainage Block 5 • C-10 & C-11 Utility Plan Block 5 • C-12 & C-13 Detail Sheets • P-1-P-5 Planting Plans • P-6 Detail Sheet 		Planning Director	Continuous		
2	The Applicant shall submit an operating plan to Planning Staff for review and approval. The plan shall ensure that the use of the parking lot is limited to retail customers.		Plng.	Prior to use of the parking lots		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
3	<p>The Planning Board and Applicant understand that the intent of the parking areas is for them to be temporary until such time as the applicant is able to build the structures that are permitted under the PUD (Case #2006-59). The permit for parking on Block 5 will remain valid until such time as the applicant secures all approvals and commences construction of a building on Block 5 consistent with the PUD master plan. Should such construction not commence prior to January 1, 2015, on or before that date the applicant shall appear before the Planning Board to provide an update on the status of constructing a building on block 5. Thereafter, the applicant shall return to the Planning Board every 12 months to provide an update on the status of constructing a building on this Block until such time as construction has commenced on the Block, provided the Planning Director may waive the requirement for the applicant to return to the Planning Board every twelve months as deemed appropriate.</p>		Plng.	January 1, 2015 and annually unless waived by Planning Director until construction of a building commences		
4	<p>The Applicant, its successors and/or assigns, shall be responsible for maintenance of 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.</p>		ISD	Continuous		
5	<p>Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.</p>		ISD	Continuous		
6	<p>The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.</p>		Planning Director	Sign-off		