



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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JAMES KIRYLO
ELIZABETH MORONEY
GERARD AMARAL (ALT)

Case #: PB 2013-12

Site: 201 Assembly Square Dr., Assembly Square Block 7 (300-398 Foley St.), and Assembly Square Block 8 (400-498 Foley St.)

Date of Decision: June 6, 2013

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: June 7, 2013

PLANNING BOARD DECISION

Applicant Name:	Cavalía USA, Inc.
Applicant Address:	145 Pine Haven Shores Rd, Suite 1121, Shelburne, VT 05482-7703
Property Owner Name:	IKEA Property, Inc. FR Sturtevant Street LLC, a Delaware Limited Liability Company Street Retail Inc, a Maryland Corporation SRI Assembly Row B2, LLC, a Delaware Limited Liability Company SRI Assembly Row B3, LLC, a Delaware Limited Liability Company SRI Assembly Row B5, LLC, a Delaware Limited Liability Company SRI Assembly Row B6, LLC, a Delaware Limited Liability Company SRI Assembly Row B7, LLC, a Delaware Limited Liability Company SRI Assembly Row B8, LLC, a Delaware Limited Liability Company SRI Assembly Row B9, LLC, a Delaware Limited Liability Company
Property Owner Address:	420 Alan Wood Road, Conshohocken, PA 19428 (IKEA) 1626 East Jefferson Street, Rockville, MD 20852 (Street Retail Inc)
Agent Name:	Street Retail, Inc.
Agent Address:	1626 East Jefferson St. Rockville, MD 20852
<u>Legal Notice:</u>	Applicant Cavalía USA, Inc. and Owners IKEA Property, Inc. and FR Sturtevant Street LLC, a Delaware Limited Liability Company, Street Retail Inc, a Maryland Corporation, SRI Assembly Row B2, LLC, a Delaware Limited Liability Company, SRI Assembly Row B3, LLC, a Delaware Limited Liability Company, SRI Assembly Row B5, LLC, a



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Delaware Limited Liability Company, SRI Assembly Row B6, LLC, a Delaware Limited Liability Company, SRI Assembly Row B7, LLC, a Delaware Limited Liability Company, SRI Assembly Row B8, LLC, a Delaware Limited Liability Company, SRI Assembly Row B9, LLC, a Delaware Limited Liability Company seek a Special Permit with Site Plan Review–A for “Phase IAA” of a Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on December 14, 2006 and as revised on August 5, 2010. Applicant and owner seek approval under SZO Article §7.11.6.4.B, §7.11.11.10.B, §16.8.3, §5.2, to establish and maintain a public assembly use for up to 6 months at one time, ancillary interim parking facilities, including temporary structures of up to 85,700 sf and 125 ft in height along with temporary accessory structures. ASMD zone. Ward 1.

<u>Zoning District/Ward:</u>	ASMD / Ward 1
<u>Zoning Approval Sought:</u>	Special Permit with Site Plan Review – A
<u>Date of Application:</u>	May 15, 2013
<u>Date(s) of Public Hearing:</u>	June 6, 2013
<u>Date of Decision:</u>	June 6, 2013
<u>Vote:</u>	5-0

Appeal #PB 2013-12 was opened before the Planning Board at the Visiting Nurse Association on June 6, 2013. 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 (1) hearing(s) of deliberation, the Planning Board took a vote.

DESCRIPTION:

A. Sites

The property comprising the previously proposed IKEA consists of approximately 11.9 acres of developed land, with varied historical use. Most recently, the portion of the site proposed for the IKEA store has been home to for-profit recreational facilities (Good Times, Boston Paintball), industrial uses (Yard 21, Spaulding Brick, Amerigas Propane), and support buildings (sheds and garages). The site has few if any natural features and is generally considered both unsightly and underdeveloped. The building has been razed (with approximately 80% of materials expected to be diverted from landfills) and the site cleaned in preparation for the approved IKEA development.

Blocks 7 and 8 as part of the Planned Unit Development Preliminary Master Plan (PUD PMP) are planned to contain buildings of between 61 and 244 feet and 60-245 feet consecutively. The buildings will likely be multi-use and multi-tenanted. The uses in the building could be any of the approved uses that were part of the Preliminary Master Plan as long as the upper limit of each use is not reached on other blocks in the PUD before these buildings are built. The land is currently vacant and will be developed in the second or third phase of the project as the market will dictate. The interim use of the sites, after the temporary use is complete as outlined in the proposal section below, will be passive landscaping.



B. Surrounding Area

The area surrounding the proposed site contains Draw 7 Park on the opposite side of the MBTA Orange Line tracks to the east, Home Depot and the vacant Circuit City building to the south, the offices at 5 Middlesex Avenue to the west and the Assembly Square Marketplace to the north. Assembly Square Drive roadwork and landscaping that were part of the Phase IAA approval are complete. The subdivision of land that corresponds to the Blocks approved in the PUD is complete and was recorded on December 28, 2011 and the new streets have names. The street that was previously labeled Main Street is Assembly Row, A- and G-Street are both Great River Road, C-Street is Artisan Way, D-Street is Canal Street, and E-Street/Foley Street will remain as Foley Street.

DESCRIPTION OF PROPOSAL

The proposal is to establish and maintain a public assembly use for up to 6 months at one time on the Phase IAA parcel where IKEA was planned. This is a temporary use that would terminate when the IKEA parcel is built upon. The current Applicant that would like to operate at the site from July to September or October is Cavalia USA; however, the permit would be valid for other operators that fall under the public assembly use and are able to comply with attached conditions if approved. Other types of exhibitions could operate at the site, if this SPSR is approved, although there are no other potential operators besides Cavalia at this time.

A description of the Cavalia show and operation from the Company is below.

Since 2003, Cavalia our first production has been performed in excess of 2000 times before. There have been more than 3.5 million spectators throughout the world, making it a unique success story.

In 2011, our brand new creation Odysseo, a veritable revolution in live performance, started touring in North America.

Odysseo is a dream of freedom, complicity and harmony; a moving and spectacular tribute to the bond between man and horse. Our new show is unprecedented. The creators have completely redefined the space in order to explore and showcase, like never before, the symbiotic relationship between human and horse.

Odysseo is a unique combination of equestrian arts, multimedia, dance and acrobatics. It is a journey into a world of profound beauty; an unforgettable adventure, visually breathtaking and charged with pure emotion.

Odysseo was created by Normand Latourelle, one of the pioneers of Cirque du Soleil. Creator, producer and entrepreneur, Normand Latourelle is renowned for his adventurous productions. Under Odysseo's cutting edge touring big top, horses and humans share the stage in dream-like virtual settings, created by panoramic projections and special effects.

Here are some of the details of Cavalia's Odysseo:

- *Maximum of approximately 7 shows per week;*
- *Potential of approximately 140,000 spectators per city over a 10 week run;*
- *Up to 2,000 people and 700 cars per show;*
- *The show lasts 2.5 hours, including a 30 minute intermission with staggered preperformance event times;*
- *Typical show schedule is as follows: from Tuesday to Friday, one show is presented per evening. On Saturday, there are two performances, a matinee performance and an evening performance. On Sunday, there typically is only a matinee performance. Final performance schedule and times to be confirmed and agreed;*



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- *Up to 120 employees on tour including 55 artists, acrobats, dancers and riders;*
- *More than 60 horses representing 11 different breeds;*
- *Presented under the world's most cutting edge touring big top, a majestic white structure rising some 124 feet above the ground;*
- *Odysseo presentations create up to 200 local jobs;*
- *Significant investments with local suppliers for the logistics, presentation and the promotion of the show;*
- *As part of the marketing campaign, considerable effort is invested in enhancing tourism in the City;*
- *Considerable economic impact from tourism spending and on local hospitality businesses;*
- *The presence of Cavalia represents more than 7,000 room nights, of which 3,500 are from Cavalia's team alone;*
- *As a show that promotes the bond between the horse, the human and nature, Cavalia is dedicated to offer an environmentally friendly and educational experience to all patrons;*
- *As part of any run, we also always create select opportunities for charities, children, and community groups to attend the show. Cavalia will commit to offer last minute complimentary tickets, to be allocated on a charitable basis to the City of Somerville to benefit various community groups, organizations and non-profits.*

The site plan for this operator includes four tents – the big top which is 49,768 square feet and 110 to 125 feet in height, a warm-up and artistic tent which is 11,973 square feet, a stable tent which is 16,298 square feet and a VIP tent that is 7,700 square feet. Cavalia will temporarily bring plumbing and electrical to the site for the production and to provide bathrooms.

There will be a total of 731 temporary parking spaces on the IKEA site, on the future right of way between this parcel and Blocks 7 and 8 and on Blocks 7 and 8. The parking areas will be gravel or dirt.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.6.4.B, §7.11.11.10.B, §16.8.3, and §5.2):

This application is for a Special Permit with Site Plan Review–A (SPSR-A) for a temporary use of a public assembly and special permit for accessory temporary parking lots on parcels 99-A-8, 99-A-13 and 99-A-14 under the revised Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on August 5, 2010. 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 current application is not for a definitive plan but for a temporary plan to use the land while the definition plan is being formulated.

The PUD-PMP conditions and findings provide the basis for the review of this type of application. A subset of the requirements are required findings for each SPSR-A. The fulfillment of the required findings is indicated as such in the attached Appendixes.

A. Uses

Both the public assembly and parking lot uses were listed on the PUD PMP application as a potential future use within the PUD and both uses require a SPSR-A in the Assembly Square Mixed Use District in order to establish at the proposed size. SZO §7.11.6.4.B is a theater, cinema or other public assembly of 10,000 square foot or more



gross floor area. SZO §7.11.11.10.B is a structured or open lot (outdoor) motor vehicle parking where the parking spaces are not accessory to a principal use on the same lot and where no sales or service take place of 5,000 square feet or more of gross floor area.

B. Dimensions

The definition of “building” in the SZO includes tents and therefore tents need to comply with the dimensional requirements in the Assembly Square Mixed Use District PUD-A. The Special Permit with Site Plan Review approval would allow temporary structures of up to 85,700 square feet and 125 feet in height along with temporary accessory structures. Cavalia’s tents meet the dimensional requirements and future temporary structures for other short-term public assembly uses would have to comply with the dimensional controls.

Compliance with dimensional standards is shown in the table below.

DIMENSIONAL REQUIREMENTS	PUD-A	Approved PUD	Proposed Project*
Minimum lot size	20,000 sf	66.5 acres	~518,300 sf (11.9 acres)
Frontage	-	-	-
Front yard setback	No minimum	-	-
Side yard setback (left)	No minimum	-	-
Side yard setback (right)	No minimum	-	-
Rear yard setback	No minimum	-	-
Maximum Floor area ratio (FAR)	10.0	2.0	0.17
Maximum height, feet	70 feet up to 250 feet	Varying up to 250 feet	125 ft
Minimum lot area/per dwelling unit	No minimum	Approx 1379	N/A
Total open space (%)	25%	25.2%	N/A for a temporary structure
Useable open space (%)	12.5%	17.7%	N/A for a temporary structure

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

C. Form and Design of the Building

The PUD-PMP revision in 2010 was approved with Design Guidelines for each block in Phase 1A to ensure that individual proposals meet the general form and design that was envisioned in the PMP. Since the IKEA building was already designed, the subject parcel was not included in the document. Future permanent structures on this site will likely require updating the Design Guidelines to include the parcel. At this time, since the Guidelines would not be practical for temporary structures that have a predetermined form, there is no document on which to base the design of the tents.

D. Parking

The parking requirement for a public assembly use falls into the “all other permitted uses” category in the parking requirements. The requirement is “as needed, not to exceed 1 per 500 square feet”. Cavalia would have 731 parking



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spaces which is above the 171 requirement for this use but below the maximum of 10,066 spaces allowed in the PUD-A. The parking spaces are allowed in a combination of below- and above-grade garages and on- and off-street spaces. The current parking count for Blocks 1, 2, 3, 4, 5, 6, and the Marketplace is 2,803. IKEA was permitted for 1,121 parking spaces.

Interim surface parking lots were anticipated in the PMP and require Special Permit approval from the Planning Board.

E. Waivers & Other Relief Requests

A waiver is for a submission requirement to provide a 3-D model of the site and traffic access and impact study.

DECISION:

Present and sitting were Members Kevin Prior, Michael A. Capuano, Esq., Joseph Favaloro, James Kirylo, and Elizabeth Moroney. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit with Site Plan Review-A. Michael A. Capuano, Esq. 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.



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Attest, by the Planning Board:



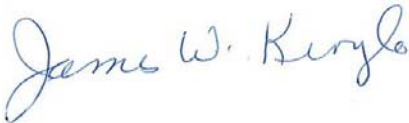
Kevin Prior, Chairman



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.



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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

<u>A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.A	A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed PUD upon the area, indicating how the PUD relates to surrounding properties and what measures will be taken to create appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable)	x			Included in PUD application submission
16.8.2.B	A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information	x		x	
16.8.2.C	Analysis of compliance with regulations as to dwelling units per square feet of lot area, height, building coverage, floor area ratio (FAR) and parking requirements	x		x	See project description in staff report.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.D	Names of all property owners within five hundred (500) feet of the PUD boundary	x			
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 for maintenance of drainage areas. There is a Maintenance Agreement for the PUD. These sites will be maintained per a condition of approval. The temporary uses will not provide formal landscaping but the land will be maintained and drainage will be addressed per conditions of approval.
16.8.2.F	A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level . .	x		x	A transportation study was completed with 2006 plan. 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. The temporary use approval is seeking a waiver from this requirement due to the temporary nature of the application, the local traffic network that was designed to handle traffic for IKEA, and anticipated flow of traffic with staggered pre-performance event start times.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.G	A utilities analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall contain an inventory of existing utilities including, but not limited to, storm sewers and drains, sanitary sewers, electrical lines, fire alarm boxes and lines, gas lines/mains, water mains, lighting, curb and gutter, etc. Said inventory shall illustrate utility locations, sizes, diameters, carrying capacity and present load on the system. The engineer's report shall state if the current system is capable of adequately serving the proposed development. If the current utility system is found to be inadequate for the proposed development, the report shall confirm the deficiencies and make recommendation(s) as to the infrastructure improvements necessary to properly service the proposed development and maintain the existing service. The report shall also present a formal plan for infrastructure improvements, documenting timing, funding mechanisms and coordination with the City	x		x	See Utility Analysis for the PUD. The land is currently vacant. There will be temporary sewer, water and electrical systems to provide bathrooms and services for the patrons and utilities for the performance. Generators will be onsite. Fire Prevention and Engineering will be reviewing and approving detailed plans as they see fit.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.H	All applicable information required for special permit with site plan review (See Article 5 of this Ordinance). This information may be submitted at a preliminary level, in consideration that PUD approval is a preliminary approval	x		x	See section A2, below
16.8.2.I	Any other supportive information the applicant feels may be beneficial to the City of Somerville in the evaluation of the request	x			
<u>A.2: General Information Required for SPSR Applications (SZO 5.2)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	x		x	Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	x		x	The General Site Plan prepared by Cavalia USA Inc depicts boundaries, angles and dimensions for the proposed project area.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.3	scaled site plans certified by a registered land surveyor, architect, landscape architect or engineer showing present and proposed use of land and existing buildings, if any; dimensions of existing and proposed structures; location and dimensions of any easements and public or private rights of way; and at grade parking and loading areas.	x		x	The existing site is vacant. Elevations and floor plans for the temporary structures and the General Site Plan show their location and parking and the surrounding rights of way.
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	"- Maximum of approximately 7 shows per week; - Potential of approximately 140,000 spectators per city over a 10 week run; - Up to 2,000 people and 700 cars per show; - The show lasts 2.5 hours, including a 30 minute intermission with staggered preperformance event times; - Typical show schedule is as follows: from Tuesday to Friday, one show is presented per evening. On Saturday, there are two performances, a matinee performance and an evening performance. On Sunday, there typically is only a matinee performance. Final performance schedule and times to be confirmed and agreed; - Up to 120 employees on tour including 55 artists, acrobats, dancers and riders. Up to 200 local jobs.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	x		x	The FAR of 0.17. The temporary use with temporary structures will not require formal landscaping and useable open space.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.6	front, side, and rear elevations			x	See Tent Plans dated 5/16/13: G-101, G-102, S-101, S-102, S-103, S-104, S-105, S-106, S-107, S-108, S-109, S-110, S-111, S-112, S-113, S-201, S-202, S-203, S-301, S-302, S-303, S-401, S-402, S-403, S-501, S-601.
5.2.3.7	existing and proposed contour elevations in two foot increments	x		x	The ground elevations for the PUD are shown in one-foot intervals on the Drainage and Grading Plan. The project is generally flat. The site is at the same relative elevation as the surrounding area.
5.2.3.8	provisions for vehicular and pedestrian circulation	x		x	Pedestrian walks have been planned through the site and the parking area will provide vehicular access off of Assembly Square Drive and New Road to the parking area directly adjacent to the tent area.
5.2.3.9	color, materials, and exterior features of proposed structures	x		x	The tents will be high quality in material.
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	The lot is currently vacant and no formal landscaping will be required for the temporary uses.
5.2.3.11	measures taken to preserve and protect natural resources	x		x	There are no unspoiled natural resources to preserve. Remediation of the brownfields is an environmental benefit.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities			x	Outdoor lighting will be provided for patrons safety after the show.
5.2.3.13	dimensions and locations of signs, proposed and existing			x	There is no existing signage at the site. The temporary signage will be minimal and directional as the tent will provide the visual for where the performance will occur.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.14	location and significance of historic structures	x		x	Based on a Historical Survey conducted by Vanasse Hangen Brustlin in 2005, no properties included in the State or National Restiers 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	A licensed private contractor will pick up solid waste disposal and recycling.
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 Fire Department will be reviewing the specifics of the generators onsite. The wiring inspector will review mechanical and electrical systems that he sees fit.
5.2.3.17	locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows	x		x	See Existing Conditions Plan; Utility Analysis; Layout and Materials Plans. The utility infrastructure improvements (water, sewer, drainage) within the streets have been designed to accommodate the full build out of the Master Plan and have been constructed under previous local and state approvals.
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	There are no buildings to demolish. The temporary uses will be allowed for up to 6 months at a time and will expire when construction commences for permanent uses and structures.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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. The temporary use approval is seeking a waiver from this requirement due to the temporary nature of the application, the local traffic network that was designed to handle traffic for IKEA, and anticipated flow of traffic with staggered pre-performance event start times.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	x		x	The easements for the PUD are shown on the Layout and Materials Plan.
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. There are no wetlands or land subject to flooding on the project area.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	x		x	An aerial is provide in the staff report.
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	x		x	Staff generated a current list.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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

Appendix B: Required Findings of Fact for PUD

<u>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.9	The SPGA shall review and determine whether a PUD application is complete and place special emphasis in its review as to PUD compliance with provisions of Article 16 herein, including compliance with the purpose and general requirements/features of a PUD	x			See Appendix A. Applicant has provided a complete application. See the remainder of Appendix B which establishes that Applicant has provided an application that is in compliance with the provisions of Article 16 and complies with the purpose, general requirements and features of a PUD.
16.9	The SPGA shall . . . determine whether the proposal is consistent with the most suitable development of the City, and conduct a review in accordance with the requirements for special permit with site plan review as set forth in Article 5 of this Ordinance. The PUD shall comply with all requirements of this Ordinance unless a deviation from these strict requirements is authorized herein in Article 16	x			The proposal to reuse a brownfield next to the Orange Line for a transit-oriented mixed-use, green development is consistent with the most suitable development in the City. 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 subject property complies with the requirements of the Ordinance.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.1	<p>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 contextDevelopment should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.</p>	x			<p>The revised PMP-PUD has benefited from an additional 4 years of work by the applicant in collaboration with the City and community stakeholders since the original 2006 PMP. The result is a plan for a vibrant, mixed use, urban neighborhood and commercial center providing 9,000 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, while creating a group of urban blocks that concentrate development with the highest densities near the transit station, mid-rise buildings fronting on the Mystic River parks, and expanded open space. The project meets this finding.</p>

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.2: Consistency Findings (SZO Section 6.4)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.1	Purpose. The Assembly Square Mixed-Use District (ASMD) has been enacted to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The ASMD zoning is designed to allow the district to reach these goals.	x			See comments under Section 6.4.4 below.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Planning Study</u> dated October 2000	x			The Assembly Square Planning Study prepared by the Cecil Group in 2000 created a framework for development in the Assembly Square area over the next twenty years and beyond. This Planning Study encouraged mixed- use development, but also recognized that a certain amount of big box retail would be the most feasible use in Assembly Square in the immediate future. The Planning Study specifically supported the redevelopment of the Assembly Square Mall and the proposed new IKEA store to improve Assembly Square’s visibility and image, helping to pave the way for more intensive office development in the future. While the ASD Plan's site layout was based upon the ownership arrangement before the IKEA land swap, the general principles and concepts of the plan are supported by the proposed PMP amendment, and this PMP includes all of the physical characteristics, values and goals that were addressed in the Planning Study.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Revitalization Plan</u> dated 2002	x			The Assembly Square Revitalization Plan is an approved Urban Renewal Plan under MGL 121B. The 2002 plan is a Major Plan Change to the 1980 Assembly Square Revitalization Plan -- the City's urban renewal plan for Assembly Square. The Major Plan Change built on the foundation of the Cecil Group's Planning Study. The Major Plan Change envisioned a mixed use district with office, retail, residential, cinema, hotel, and restaurant uses – a vibrant 24-hour district with a density somewhere between Boston's density and level of density in nearby suburbs. The Major Plan Change also envisioned the redevelopment of the Assembly Square Mall and a new IKEA store. The PMP revision is consistent with the overall vision of the Revitalization Plan. Upon approval of this revised Master Plan, the Redevelopment Authority intends to amend the Revitalization Plan to reflect the latest redevelopment plan as outlined in this PMP and the FEIR.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Design Guidelines for the Public Realm</u> dated 2002	x			Overall, the revised PUD PMP is consistent with the Public Realm Guidelines. The PUD's four key principles closely align with the goals of the Public Realm Guidelines; both encourage design that supports the PUD's public spaces and achieves sense of place, multi-modal functionality, and 24-hour activity. Both documents give streetscapes and public spaces high priority, stressing the role these spaces play in the framework of the PUD. Both establish street hierarchies and district gateways for orientation. The PUD PMP is also consistent in its recognition of the Mystic River as a regional amenity, maximizing pedestrian accessibility to the waterfront. The Public Realm Guidelines generally include a greater level of streetscape and building detail, while the PUD PMP establishes complementary detailed design guidelines to drive decisions made at the SPSR-A phase and during streetscape design.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
					For example, the Public Realm Guidelines call for a unified signage system that considers elements like sign character, placement, materials, and typestyle. This issue is addressed through inclusion of a condition that a sign design guideline be established. The Public Realm Guidelines also place emphasis on creating physical and visual connections between the PUD and its surrounding neighborhoods. The Applicant is undertaking several significant transportation improvements to enhance multi-modal access to the site. These efforts are especially important along the PUD's outer edges.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Transportation Plan</u> dated 2003	x			The Assembly Square Transportation Plan generally calls out for development of a street grid within the mixed-use area. That grid has changed with the relocation of IKEA, but the overall transportation strategy in the PMP meets the spirit of the original Transportation Plan.
<u>B.3: General Requirements of a PUD (SZO Section 16.4)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4a	a designated tract of land meeting the minimum lot size requirements of Section 16.5.1.a for the PUD district	x			The parcel size is 2,896,740 s.f., or approximately 66.5 acres. This exceeds the 20,000 SF minimum lot size required for the PUD-A in the ASMD.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4b	developed in a comprehensive, design-integrated manner, according to an overall master plan, with two (2) or more types of use	x			The Applicant has submitted a revised Master Plan with supporting plans showing buildings and roadways prepared by the architectural firm of Streetworks, Inc. and the engineering firm of Vanasse Hangen Brustlin, Inc. The PUD includes the following uses: retail (including restaurant and cinema), commercial (including office, R&D, and other commercial uses), residential, hotel, and parking. This revision to the Preliminary Master Plan is addressing the third phase of the development with the IKEA site and the Marketplace having received prior SPSR-A approval. The two prior phases have been approved based on the original Master Plan which has allowed the project to be developed in a comprehensive, design-integrated manner and this current application would improve the original plan and provide further clarity and regarding the Assembly Row development.
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 1 to 23 stories with a maximum height of 250 feet. By contrast, the maximum height permitted as of right is only 40 feet. The proposed PUD has been designed so that each phase, the Marketplace, IKEA and Assembly Row functions well on its own and also in relation to other phases. With Assembly Row, the applicant has the flexibility to design and construct residential, retail and/or commercial, or a mix of all, in response to the market and to other development taking place in Assembly Square.
16.4d	consistent with the goals, objectives and plans of the City for the general subject area	x			The goals, objectives, and plans of the City for Assembly Square have been expressed in various public documents. Section B2 of these findings identifies in more detail how the proposed PUD is consistent with these documents. The previous PUD approval in 2006 met the goals and objectives of these documents and this revision is a refinement of the original PUD approval. Recently, the DRC reviewed the Design Guidelines for Assembly Row which provide greater clarity regarding the future development to take place on the site. The DRC's comments have been included in the PMP revision report.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4e	developed so as to locate or cluster development sites, especially buildings, in a manner that provides usable open space, preserves natural or historic features, and preserves views of such features to the maximum extent possible	x			The PUD is oriented around a series of open spaces connected by pedestrian friendly streets. Main Street has been oriented to preserve a view of the Mystic River. The Applicant will widen the existing DCR park as part of the PUD, and this new, expanded park will serve as an anchor to the north end of Main Street. The new park will be lined with a cluster of residential/retail buildings to give it an active edge and it is expected to serve as a place for public enjoyment of the river. Throughout the site, the Applicant proposes to construct a series of additional passive pocket parks for residents, shoppers, office workers, and visitors. Other than the riverfront, Assembly Square does not have any important natural or historic features to be preserved. 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 Special Permit application.
16.4f	an efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife	x			The existing site is relatively flat, except for the area near the water, where the land slopes to the river. Although there are some former tidelands in Assembly Square (which will subject the project to Chapter 91 review), there are no significant wetlands, floodplains, or wildlife. The most important natural feature is the Mystic River, and the PUD will enhance passive recreational elements of the DCR park, as expanded, with landscaping, public artwork, and associated improvements consistent with a first-class commercial standard for urban public space. Finally, the PUD has been designed to locate the tallest buildings furthest 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 site development as a whole. The project has been phased such that the proposed uses and their associated roadways, parking, and infrastructure are developed in a coordinated manner. During the Special Permit process for developments within Assembly Row, the architecture, open space and pedestrian networks, vehicular access and circulation, roadways, and infrastructure will be reviewed in appropriate detail, and this Decision includes conditions to ensure that these issues are more fully addressed during the Special Permit process.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4h	linked and coordinated with surrounding land uses, off-site public facilities, infrastructure and roadway access where appropriate, in a manner that is safe, efficient and non-injurious to the public, and an improvement or benefit to the public where possible	x			The Applicant has linked the residential buildings with the existing parkland that abuts the site and has designed a network of roadways and sidewalks which constitute an improvement to the existing conditions and a benefit to the public. During the special permit 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 full Traffic Impact and Access Study was prepared for the project and was included in the original submission package. The applicant is claiming that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. The City Traffic engineer concluded that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Recommendations for traffic mitigation and additional analysis are included in the Conditions section of this report.
16.4j	inclusive of provisions for the ownership and maintenance of usable open space as appropriate (see Sec. 16.6 of this Article)	x			The Applicant will be required to maintain the usable open space within the PUD subject to a maintenance agreement 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	No deed restrictions or additional covenants beyond the maintenance and open space covenants are required for this site. The existing covenant from December 2006 remains in effect.
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.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.4: PUD Design Guidelines (SZO Section 16.7)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.7a	PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site			x	The PUD-PMP revision in 2010 was approved with Design Guidelines for each block in Phase 1A to ensure that individual proposals meet the general form and design that was envisioned in the PMP. Since the IKEA building was already designed, the subject parcel was not included in the document. Future permanent structures on this site will likely require updating the Design Guidelines to include the parcel. At this time, since the Guidelines would not be practical for temporary structures that have a predetermined form, there is no document on which to base the design of the tents.
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	Usable open space will not be a requirement of the temporary uses and structures.
16.7c	When a building is proposed to exceed the base district height limit, it is intended that buildings be of slender proportions emphasizing the vertical dimension			x	The tallest tent will be 111 feet tall - it complies with the height limit.
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

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	There are no residential lands or usable open space surrounding the site and therefore a shadow study is not required.
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 though Assembly Square Drive, but also through New Road/IKEA Way and Foley Street 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. This proposal meets this guideline while still offering optimal transportation access to the site, and a robust street grid to handle traffic within the site.
16.7g	Internal PUD streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall meet the standards of the City's Director of Traffic and Parking.	x			The internal street layout is proposed in a grid pattern with local and collector streets. The main retail street travels north/south through the center of the Assembly Row development between IKEA Way and the park land adjacent to the Mystic River, supporting a robust street grid that can handle traffic within the site. Other internal streets provide connections to Assembly Square Drive, the MBTA station and perimeter locations. As these streets will be dedicated to the public these streets will be conditioned to meet City standards or better pursuant to review by the 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			Block sizes are larger than typically found in Somerville to accommodate buildings much larger than are typical in the City. Though the blocks are larger, the ground floor retail uses proposed and pedestrian friendly architectural elements and designs that would be required during the Special Permit review process will offset the negative effects of the above average block sizes and provide a scale appropriate for pedestrians.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.7i	The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.	x			The natural features of the site have been substantially altered over the years as an industrial and commercial site. This proposal would expand and improve vegetation on the site as well as expand the open space existing along the Mystic River.
16.7j	The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.			x	Stormwater runoff from the rooftops in the PUD will receive water quality treatment in conformance with the Best Management Standards and is described in the FEIR and Roadway Notice of Intent. Runoff from the roofs and sidewalks surrounding the PUD buildings will discharge directly to the roadway stormwater management system. Runoff from the project site will require review and approval from the City Engineer.
16.7k	PUDs should maximize pedestrian transit-oriented development. Specifically they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts and alternatives to travel along high-volume streets, and emphasize safe and direct pedestrian connections to transit stops and other commercial and/or employment nodes; provide long-term, covered, bicycle parking areas; provide well-lit, transit shelters; incorporate transit-oriented design features; and establish Travel Demand Management programs at employment centers.	x			Traffic calming measures have been included in the roadway designs that feature combination pedestrian/vehicle streets and open spaces, traffic circles, paver cross walks, intersection bumpouts and street trees. Pedestrians and bicyclists have alternative networks to access the project without travel on the high volume streets and can bypass the entire project on a dedicated bike/pedestrian path around the perimeter of the site. The highest intensity development will be proximate to the MBTA station which will promote rapid transit ridership and is in line with ideals of Transit Oriented Development.
16.7l	Make shopping centers and business parks into all-purpose activity centers.	x			The proposal calls for a wide array of uses that would create a vibrant and sustainable community with amenities and activities that will serve the residents of the development and the surrounding areas. This project is much more integrated than a typical shopping center or business park, allowing for a new community to be developed adjacent to the new T station.
<u>B.5: ASMD Development Standards (SZO Section 6.4.7.A)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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. The applicant has provided data indicating that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. The Traffic Engineer indicated that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Recommendations for traffic mitigation and additional analysis are included in the Conditions section of this report.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	x		x	The parking requirement for a public assembly use falls into the “all other permitted uses” category in the parking requirements. The requirement is “as needed, not to exceed 1 per 500 square feet”. Cavalia would have 731 parking spaces which is above the 171 requirement for this use but below the maximum of 10,066 spaces allowed in the PUD-A. The parking spaces are allowed in a combination of below- and above-grade garages and on- and off-street spaces. The current parking count for Blocks 1, 2, 3, 4, 5, 6, and the Marketplace is 2,803. IKEA was permitted for 1,121 parking 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	A landscape plan will not be required for this temporary use and structures.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.A.4	<p><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.</p>	x			<p>The project incorporates sidewalks throughout, connecting all parts of the development including to and from the proposed MBTA T stop, the Mystic River and the Assembly Square Marketplace. In addition, a shared use path is planned along the Orange Line right of way that will connect pedestrians along the length of the project to the riverfront. The enhanced riverfront park also provides enhanced and new pedestrian connections to Draw 7 Park and to points within the site. The Proponent has previously provided \$100,000 to the City for the design of a new Mystic River pedestrian/bicycle walkway underneath Route 28 connecting Assembly Square and the Ten Hills neighborhood. The Proponent has also committed to fund construction of the new Mystic River pedestrian/bicycle walkway underneath Route 28 as part of an up to \$2 million commitment to fund pedestrian/bicycle/riverfront park enhancements on DCR land, in addition to other mitigation being constructed by the Proponent in conjunction with the Project.</p>

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<p>Note: The applicant has provided, of its own volition, additional Design Review Guidelines to address the design and massing of the proposed blocks and buildings. The document's of quality in material and design that will achieve the goal of creating a diverse and vibrant mixed-use neighborhood they in no way represent the only viable or acceptable solution. Where design solutions deviate significantly from these guidelines, the Somerville DRC and Planning Board would determine if the solution is within the spirit of the document. If adopted by the Planning Board, these Design Guidelines will become part of the vision and expectation of the project from here forward.</p>					
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 have been approved by the City as a part of the 'Assembly Row at Assembly Square Phase 1B Roadway and Streetscape Improvements' plan. Revolution Drive (the extension of New Road) will extend through where the temporary parking structures will be located when the site is developed. This road is not required until the IKEA site, Block 7 or Block 8 are constructed.
6.4.7.B.2	<i>Building Design.</i> Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot.			x	The tents are temporary and the site plan has been designed in a way that allows the performance venue to function well based on the Companies past experience in other locations.
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	N/A for temporary structure

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	N/A for temporary structure
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	N/A for temporary structure
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	N/A for temporary structure
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.			x	N/A for temporary structure
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	N/A for temporary structure

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	N/A for temporary structure
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	N/A for temporary structure
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	N/A for temporary structure

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.3	<i>Parking Lot Design.</i> Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.			x	The parking spaces and maneuvering aisles are conditioned to comply with the standards in the Ordinance. Landscaping will not be required in these interim parking lots. The parking lot surface will be temporary.
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	N/A for temporary structure

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	The development is less than 10,000 sf and therefore a LEED worksheet is not required.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.6	<i>Contributions.</i> Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder 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 entered into maintenance agreements for useable open space and a portion of the public infrastructure as well.
6.4.7.B.7	<i>Loading Spaces.</i> To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.			x	No formal loading docks are required. There is sufficient space in the parking areas and around the tents for loading.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.8.D.1	Transportation Analysis. Large Developments shall provide a Transportation Access and Impact Study. The Director of Traffic and Parking shall approve the geographic scope and content of the study in consultation with the Executive Director of the Planning Department and the Traffic Commission. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the Development Site. If the Transportation Access and Impact Study indicates a significant impact to the transportation network in the specified study area, the Applicant shall include in the study proposed mitigation measures to address those impacts.	x		x	A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package. The applicant has provided data indicating that neither the underlying traffic conditions near Assembly Square nor the Project impact itself, have changed to the degree that a new Traffic Impact and Access Study is required. The Traffic Engineer indicated that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Therefore, additional transportation analysis data is not necessary. The Assembly Square roadway improvements will be readily available to accommodate traffic generated by these temporary uses that were designed to handle traffic for IKEA.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.8.D.2	<p><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.”</p>			x	<p>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. The proposal project is not considered large retail.</p>
6.4.8.D.3	<p><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.</p>			x	<p>As required, the proposed PMP includes greater than 15% usable open space. This project does not contribute to the usable open space for the development; however, as a whole the development will exceed the requirement and locate usable open space in strategic locations.</p>

B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.8.E.1	<i>Structured Parking.</i> Due to the size and scope of Large Developments, every effort shall be made to provide as much parking as possible underground and/or in structures	x		x	The parking will be on surface lots but they are temporary.

Appendix C: Requirements for SPSR-A

<u>C1: Requirements for SPSR-A</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.9.C.1	Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan			x	There will be no additional traffic impacts created, above and beyond what was anticipated in the original traffic study.
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	N/A for a temporary structure.
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 proposed project will add to the vibrancy of Assembly Square and provide a use of land that is not yet viable for the current owners to development.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 except for the shadow analysis for which is waiver is requested.
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 for temporary uses.
5.2.5.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review			x	Applicants meet individual SPSR-A findings as identified in this Appendix C.
5.2.5.c	<i>Purpose of district.</i> Is consistent with the intent of the specific zoning district as specified in Article 6			x	The overall plan is consistent with the intent of the specific zoning district and this project is consistent with the PMP. The project advances the district's goals of creating a place with a variety of uses and economic benefit for the City.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.5.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area			x	N/A for a temporary structure.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction			x	The building and site meets functional standards of the SZO.
5.2.5.f	<i>Impact on Public Systems.</i> Will not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic			x	The public systems will be temporary and the site will be required to remove all improvements to the site that would impede another operator from utilizing it or from the redevelopment of the land

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 for this site whose owners are not yet positioned to develop it with permanent uses. 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.

Appendix D: Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
A. General						
1	<p>Approval is based upon the application stamped in at the City Clerk's office on May 15, 2013. The current proposal includes the following plans; however, another operator at the site will be required to submit site plans and elevations for their operation to Planning Staff for review and approval to ensure that the proposal meets the conditions of this approval.</p> <ul style="list-style-type: none"> · Site Plans dated 5/21/13: Site Plan General, Site Evacuation Plan, Inventory Plan, Marking Plan, Tent Details – BigTop, Tent Details – VIP, Tent Details -Warmup/Artistic, Tent Details – Stable · Tent Plans dated 5/16/13: G-101, G-102, S-101, S-102, S-103, S-104, S-105, S-106, S-107, S-108, S-109, S-110, S-111, S-112, S-113, S-201, S-202, S-203, S-301, S-302, S-303, S-401, S-402, S-403, S-501, S-601. <p>Any changes to the approved plans that are not de minimis must receive SPGA approval.</p>	-	Planning Director	Continuous		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
2	The Planning Board and the Applicant/Owner/Agent understand that the intent of the parking areas and public assembly use is for them to be temporary until such time as the applicant is able to building the structures that are permitted under the PUD (Case #2006-59). The parking on Block 7 and Block 8 may only be used to support the temporary uses and may not be used when a temporary public assembly use is not also being either constructed, operated, or dismantled	-	Planning	Continuous		
B. Traffic/Parking						
3	The dimensions of parking spaces and maneuvering aisles shall conform to SZO section 9.11.	-	Planning / Traffic and Parking	Event Operation		
C. Trash and Recycling						
4	Trash and recycling storage shall be contained on the site and taken off-site by a private waste removal company in a timely manner. The Applicant shall provide recycling for patrons.	-	Planning Director / DPW	Continuous		
D. Maintenance of Facilities						
5	The Operator, its successors and/or assigns, shall be responsible for maintenance of both the buildings/tents 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.	-	ISD	Continuous		
6	The Operator shall remove all improvements to the site that would impede another operator from utilizing it or from the redevelopment of the land.	-	ISD/Plng.	Continuous		
E. Demolition/Construction						

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
7	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.	-	Traffic & Parking	During Construction		
<u>F. Fire Prevention</u>						
8	An approved fire alarm system shall be installed if required by the fire department. There may be additional requirements attached to the permits pending review of more specific information before Fire Prevention's approval.	-	Fire Prevention	Certificate of Occupancy		
<u>G. Site Work</u>						
9	Utility, grading, and drainage plans as deemed appropriate by the Engineering Department must be submitted to the Engineering Department for review and approval.		Engineering	Certificate of Occupancy		
10	The Applicant shall provide 17 bicycle parking spaces.	-	Planning	Certificate of Occupancy		
<u>H. Final Planning Signoff</u>						
11	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.	-	Planning Director	Sign-off		