



City of Somerville

# ZONING BOARD OF APPEALS

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Zoning Board of Appeals  
**FROM:** OSPCD Staff  
**SUBJECT:** 299 Broadway Comprehensive Permit (40B), P&Z 22-092 – Proposed Conditions  
**POSTED:** January 27, 2023

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo is supplemental to the primary Staff Memo for 299 Broadway, also dated January 27, 2023, and provides recommended conditions of approval.

## CONDITIONS

### General

Perpetual:

1. Approval is for the redevelopment of the site at 299 Broadway. This Project involves lot splits and line adjustments to existing lots at 299 Broadway and 15 Temple Street to create four (4) separate lots. Lot 1 shall contain one (1) general building and one (1) civic space; Lot 2 shall contain one (1) general building and one (1) civic space; Lot 3 shall be a paved lot providing parking and access to Lot 1; and Lot 4 shall be a vacant lot. The Project will contain a total of 288 residential rental units, six (6) commercial units, one (1) unit to be dedicated to Arts & Creative Enterprise (ACE) uses, and one (1) community room.
2. Approval is based on the application materials and plans submitted by the Applicant and listed in Exhibit 2 of this decision.
3. "Applicant" shall collectively refer to Mark Development LLC, Beacon Communities Services LLC, and RISE Together LLC. The Applicant, its successors and/or assigns, are jointly and severally liable for implementation of, and compliance with, these conditions; provided, however, that if a specific entity is named in a condition, only that entity shall be responsible for compliance with such condition. Conditions assigned to a specific entity shall only be enforced against that entity. Default by a specific entity on a condition for which it is solely responsible shall have no effect on any of the other entities or such other entities' portion of the Project. Upon written notice to and approval by the Director of Planning, Preservation, & Zoning (PPZ), the entities comprising the Applicant may collectively assign responsibility for a certain condition to a single entity, or assign responsibility for a certain condition among entities, whereupon responsibility for such conditions shall no longer be joint and several. Approval of such assignment shall not be unreasonably withheld as long as such assignment is reasonably related to the assigned responsibility for particular buildings, civic spaces, or site improvements as described herein.

4. Approval is subject to the Applicant's continued eligibility for a Comprehensive Permit under M.G.L. Ch40B §§20-24. This decision is not enforceable until the Applicant has received final approval from the Department of Housing and Community Development (DHCD) or another subsidizing agency confirming project eligibility.
5. Any changes to the submitted application material listed under Condition #2 are subject to 760 CMR 56.05(11). The Director of PPZ shall determine whether changes designed only to establish compliance with one of the conditions of this Comprehensive Permit are considered insubstantial.
6. The Board approves the Applicant's request for waivers from the ordinances and regulations listed in Exhibit 1 of this decision. All ordinances and regulations not waived by the Board as part of Exhibit 1 must be complied with. If the Applicant determines that additional waivers are necessary to construct the project, the Applicant may request additions or modifications to the approved waivers list pursuant to 760 CMR 56.05(11).
7. This Decision must be recorded with the Middlesex South Registry of Deeds.
8. This Comprehensive Permit will expire three (3) years from the date of the Board's decision, unless construction of Phase 1 of the Project has commenced. Phase 2 must begin within three (3) years of the issuance of the Certificate of Occupancy for Phase 1. The Applicant may apply to the Board for reasonable extensions to this Comprehensive Permit for good cause. This decision anticipates the phasing of the project as described in Condition #15 and depicted in Exhibit 3 of this decision.
9. Prior to applying for the first building permit, the Applicant shall enter into a Permanent Restriction/Regulatory Agreement with each subsidizing agency (each a "Chapter 40B Regulatory Agreement" and together the "Chapter 40B Regulatory Agreements") and such Agreements shall be in compliance with all applicable 40B guidance including, without limitation, 760 CMR 56.00 et seq, and recorded with the Middlesex South Registry of Deeds. The Chapter 40B Regulatory Agreements must at a minimum require that at least 25% of the units in the project or 72 units (the "Chapter 40B Affordable Units") will remain affordable in perpetuity for households with incomes at or below eighty percent (80%) of the area median income ("AMI") even if the Subsidy defined in 760 CMR 56.02 expires. The Regulatory and Operating Agreement between DHCD and the Applicant would govern all 132 affordable housing units and would guarantee affordability in perpetuity for these units, including the 72 units protected by the Chapter 40B Regulatory Agreement. All units shall remain rental units in perpetuity. The final Agreement shall be provided to the Housing Division prior to the issuance of the first building permit.
10. Prior to any Certificate of Occupancy being issued for the Project, the Applicant shall enter into a Permanent Restriction with the City of Somerville, namely, the City of Somerville Supplemental Regulatory Agreement, which may include one Agreement for each building, and such Agreement(s) shall be recorded with the Middlesex South District Registry of Deeds. The City of Somerville Supplemental Regulatory Agreement(s) will guarantee affordability in perpetuity for the 17 units up to 80% AMI, 99 units up to 60% AMI, and 16 units up to 30% AMI. These 132 units shall remain rental units in perpetuity, even if any other portion of the project is ever converted to condominiums. The Supplemental Regulatory Agreement(s) will include alternative

compliance strategies in the event of a catastrophic event or loss of subsidy for the Project buildings.

11. All 3-bedroom affordable dwelling units must comply with the Director of Housing's quality standards for 3-bedroom ADUs.
12. The City's Housing Division may, at their discretion, determine that some or all of the units in the project be eligible for inclusion in the Commonwealth's Subsidized Housing Inventory.
13. Prior to selling any of the affordable units or transferring the Comprehensive Permit to another party pursuant to 760 CMR 56.05(12)(b), the Applicant must notify the City's Director of Housing.
14. The Applicant shall provide the number and sizes of affordable units as described in "Package 01 Narrative" and repeated here:

**Affordability by Building:**

Unit Type	Building A	Building B	<i>Total</i>
Affordable (<30%AMI)	16	0	<i>16</i>
Affordable (<60%AMI)	99	0	<i>99</i>
Affordable (<80%AMI)	0	17	<i>17</i>
Unrestricted	0	156	<i>156</i>
<i>Total</i>	<i>115</i>	<i>173</i>	<i>288</i>

**Site-wide Unit Size by Affordability:**

Unit Type	Studio	1BR	2BR	3BR	<i>Total</i>
Affordable (<30%AMI)	0	4	8	4	<i>16</i>
Affordable (<60%AMI)	0	33	46	20	<i>99</i>
Affordable (<80%AMI)	2	10	4	1	<i>17</i>
Unrestricted	22	92	38	4	<i>156</i>
<i>Total</i>	<i>24</i>	<i>139</i>	<i>96</i>	<i>29</i>	<i>288</i>

15. The Project will be constructed in two phases. "Phase 1" will include the demolition of two (2) existing buildings, all land platting, and construction of Building B on Lot 2 including all necessary site work, ground improvements, and underground utilities for Building B. "Phase 2" will include the construction on Building A on Lot 1 including all necessary site work, ground improvements, and underground utilities for Building A; the Pocket Park civic space on Lot 1, the Pocket Plaza civic space on Lot 2, all paving and ground improvements to Lot 3. Phase 2 may begin prior to the conclusion of Phase 1. Exhibit 3 is hereby incorporated into this condition as a graphical depiction of the phasing plan. If Phase 2 does not begin prior to the completion of Phase 1, the site work must be completed as shown in Exhibit 3. Individual buildings and civic spaces in each phase will receive their own building/civic space permits and certificates of occupancy and will be subject to the relevant project, phase, and building conditions of this approval.
16. The Applicant shall, at their expense, replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheelchair ramps, granite curbing, etc.) and the entire sidewalk immediately abutting the subject

property if damaged as a result of construction activity due to this project. All new sidewalks and driveways must be constructed to DPW standards.

17. All construction materials and equipment must be stored onsite.
18. If occupancy of the street layout is required, the Applicant must submit an occupancy plan to the Parking Department and Engineering Division and the Tree Warden or Deputy Tree Warden for approval prior to occupancy. The occupancy plan must ensure occupancy is in conformance with the requirements of the Manual on Uniform Traffic Control Devices, and ensure that public shade trees are fully protected. If any tree is ever considered needed to be removed, the Applicant must request a Public Tree Removal Hearing with the Tree Warden.
19. Throughout construction of the project, the Applicant shall provide access to the City Engineer, Building Official, and other members of City staff, acting in their capacity as a City employee, to enter and inspect the project for compliance with the Comprehensive Permit.
20. The Project contributes to the sewer shed that flows and discharges to the MWRA Somerville Marginal Interceptor. Consistent with the City's May 2018 policy, the City will expect the Project to contribute to the City's I&I fund at the rate in effect when the project is under construction.
21. All buildings and structures must be designed and constructed to the applicable building codes in effect at the time of each building's or structure's building permit application.
22. Access to each building unit must comply with 527 CMR 1.00: MA Comprehensive Fire Safety Code.
23. The Applicant and applicable future owners and tenants shall comply with the Mobility Management Plan (MMP) as approved and conditioned by the Director of Mobility on January 25, 2023.
24. Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be filed with this decision. Subject to compliance with Condition #23, this condition shall not apply to units identified as part of the approved Waiver #26, as identified in Exhibit 1 of this decision.
25. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission. Subject to compliance with Condition #23, this condition shall not apply to units identified as part of the approved Waiver #26, as identified in Exhibit 1 of this decision.
26. All buyers, grantees, lessees, renters, and tenants must be notified in writing prior to sale or lease of any dwelling unit that the residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission. Subject to compliance with Condition #23, this condition shall not apply to units identified as part of the approved Waiver #26, as identified in Exhibit 1 of this decision.
27. All buildings associated with the Project shall not have on-site combustion for HVAC system operation and cooking equipment (all electric systems), excluding floor area Eating & Drinking Establishment principal uses, and shall be certifiable as PHIUS+ from the Passive House Institute US or Passive House Institute.

28. Design of all project elements within the public right of way are subject to review and approval by relevant City Staff.

Prior to first (Demolition, Building, Foundation, or Civic Space) Permit application:

29. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, and Zoning Division for the public record.
30. One (1) physical copy of the original application materials and one (1) digital and (1) physical copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record.
31. The Applicant shall submit a Mylar plat plan to the Director of PPZ for Minor Site Plan Approval.
32. The Applicant shall apply to the City Engineer for separate street addresses for the respective Lots. Those street addresses must be used to reference each building/lot in all subsequent applications.
33. The Applicant shall submit a Tree Protection Plan with tree protection details to the Tree Warden or Deputy Tree Warden for review and approval, and must meet with the Tree Warden or Deputy Tree Warden to discuss proper tree protection responsibilities and construction operations plans. The Tree Protection Plan must include strategies to be executed and maintained through the duration of the project to ensure the protection of existing public shade trees adjacent to the site.
34. The Applicant shall submit design and construction phasing of the stormwater management and erosion & sediment control systems to the City Engineer for review and approval to ensure compliance with City standards and best practices for design and ongoing maintenance. All Site Construction Permit rules and regulations must be complied with for Phase 1 and for Phase 2.
35. The Applicant shall submit all design and construction phasing plans for all site utilities (municipal & private) to the City Engineer for review and approval to ensure compliance with City standards and best practices for design and ongoing maintenance. The plans must clearly indicate the work proposed as part of each Phase.
36. The Applicant shall meet with the Director of Sustainability and Environment or their designee to review any updated information on the Passive House design elements of the Project.
37. At least 50% of short-term bicycle parking shall be provided on-site, unless otherwise approved by the Director of Mobility. The Applicant shall submit updated site plans providing the location of short-term bicycle parking shall be provided for review and approval by the Director of Mobility prior to the issuance of any construction permit.
38. The Applicant shall submit a scope for an updated conceptual study of Broadway adjacent to the site for review and approval by the Director of Mobility. The study shall assess future upgrades to the road and public right of way, including but not limited to crosswalk improvements and new crosswalks, and transit and bicycle facility upgrades.

## Prior to first full Building Permit application for Phase 1:

39. The Applicant shall complete and submit to relevant City Staff an updated conceptual study of Broadway adjacent to the site, in compliance with Condition #38, to ensure proposed sidewalk improvements do not preclude relevant upgrades to the road and public right of way. The Mobility and Public Space and Urban Forestry Divisions may require revised streetscape designs, including but not limited to site furnishings and street trees, following the completion of the study.
40. The Applicant shall submit a wayfinding and signage plan for review and approval by the Director of Public Space and Urban Forestry. The plan must, at a minimum, identify public access and connections to the Community Room in Building A on Lot 1, Sewall Park Pocket Park on Lot 1, and the Civic Plaza on Lot 2.
41. The Applicant shall apply to the Traffic Commission to implement their proposal for parking and loading, as shown on the approved plans.

## Prior to the first full Building Permit application for Phase 2:

42. The Applicant shall execute a public access easement agreement with the City relevant to all civic spaces (including the Sewall Park Pocket Park on Lot 1 and the Temple Square Pocket Plaza on Lot 2), the “mews” pedestrian path on Lots 1 and 2, and the pedestrian path from Temple Street to Sewall Park Pocket Park on Lot 1. This public access easement will, at a minimum, dedicate the civic spaces as publicly accessible open space in perpetuity. Final easement language must be approved by the City Solicitor.
43. The Applicant shall work with the City to develop a long-term maintenance agreement for the “mews” pedestrian path. The agreement must specify the requirements for public access and private maintenance of the mews pedestrian path. The Applicant shall build out and maintain all of the mews pedestrian path in the plan as required by the SZO.
44. The Applicant shall establish a system and policy to allow Somerville residents to plan events or use the civic spaces in the same manner that they can reserve space at a Somerville public park at no charge. This policy must be approved by relevant City Staff.

## Prior to application for Certificate of Occupancy for Phase 1:

45. Each unique building unit must be addressed off of a Public Way or Private Way, consistent with City regulations. Unit addressing must be approved by the Somerville Fire Department and the Somerville Engineering Division.
46. The Applicant shall file a signed Mylar plat plan with the Southern Middlesex Registry of Deeds and submit proof of filing to the Director of Inspectional Services and the Director of Planning & Zoning. The Applicant shall include in the submission to the Director of Inspectional Services and the Director of Planning & Zoning evidence that the DCR land required for this project has been conveyed to the Applicant.

## Prior to application for Certificate of Occupancy for Phase 2:

47. As established in the approved Application, the Applicant shall deed Lot 4 to the City of Somerville.

**Building B on Lot 2 (Phase 1)**

## Perpetual:

48. Building B contains a total of 173 units. The units are as follows: twenty-four (24) studio units; one hundred and two (102) 1-bedroom units; forty-two (42) 2-bedroom units; and five (5) 3-bedroom units.
49. Mark Development LLC, their successors, and/or assigns are responsible for maintenance of both the building and all on-site amenities, including but not limited to landscaping, lighting, loading areas, stormwater systems, and for ensuring they are clean, well-kept, and in good and safe working order.
50. Residents of Building A shall receive access to all common amenity areas on the ground floor of Building B.

## Prior to Foundation Permit application:

51. The Applicant shall submit updated elevations that provide full architectural details and materials for review and approval by the Director of PPZ. These elevations should address, at a minimum:
  - a. Full details on all masonry and siding. All masonry shall be full depth architectural masonry units, and shall not be shallow veneer;
  - b. Additional articulation of all facades to limit the amount of blank wall present;
  - c. The sill heights, window size, and glass transparency of the ground floor;
  - d. Full details on fenestration types and details, demonstrating strong articulation and providing surface relief of at least four (4) inches from the average plane of the façade by recessing windows or through other architectural articulation;
  - e. Compliance with signage as required by SZO §4.4.15.b
  - f. Full details on the location of all mechanical equipment, HVAC, and all utilities, and proposed screening, including the use of additional landscaping, building materials, or other features. No wall-mounted mechanical equipment or vents shall be visible from a Pedestrian Street.
52. The Applicant shall submit updated plans showing a revised design to the curb cut on Broadway at the eastern end of the site. The revised design must show zoning compliance and shall be approved by the Mobility and Engineering Divisions prior to the issuance of a Foundation Permit.

## Prior to full Building Permit application:

53. The Applicant shall submit architectural/building materials and color samples for review and approval by the Director of PPZ.
54. The Applicant shall construct an onsite mock-up of the exterior walls of the building components for review and approval by the Director of PPZ and the Director of Inspectional Services to verify architectural quality, such as window details and masonry.
55. The Applicant shall provide a review of interior finishes, appliances, and amenities to be installed in units, demonstrating that market-rate units and affordable units in Building B are comparable in terms of materials, durability, longevity, and performance, for approval by the Director of Housing.

56. Stage 2 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment. A Stage 2 Certificate of Required Materials (CRM) is required prior to the issuance of a building permit.
57. The Applicant shall submit to the Director of Public Space and Urban Forestry for review and approval:
  - a. Landscape and site plans, with design and materials details on all landscaped areas, including the proposed courtyard, and including any utility cabinet locations;
  - b. A wayfinding and signage plan in accordance with Condition #40;
  - c. A planting plan and planting details, including a high percentage of native plants;
  - d. An irrigation plan; and
  - e. An exterior lighting plan and luminaire schedule that complies with SZO §10.7 Outdoor Lighting, and light fixture cut sheets.
58. The Applicant shall submit all required materials for Green Score and approval by relevant City Staff.

Prior to application for Certificate of Occupancy:

59. Stage 3 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment. A Stage 3 Certificate of Required Materials (CRM) is required prior to the issuance of a Certificate of Occupancy.
60. The Project Lottery will include a Local Preference for a minimum of 50% of the affordable units. The Applicant will continue to work with the Director of Housing or their designee and the Department of Housing and Community Development (DHCD) to determine a final minimum percentage of Local Preference for the affordable units, and will make best efforts to increase Local Preference to 70%.
61. The Applicant shall submit a written narrative or descriptive checklist identifying the completion of or compliance with permit conditions to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

### **Building A on Lot 1 (Phase 2)**

Perpetual:

62. Building A contains a total of 115 units. The units are as follows: thirty-seven (37) 1-bedroom units; fifty-four (54) 2-bedroom units; and twenty-four (24) 3-bedroom units.
63. Beacon Communities Services LLC, their successors, and/or assigns are responsible for maintenance of both the building and all on-site amenities, including but not limited to landscaping, lighting, loading areas, stormwater systems, and for ensuring they are clean, well-kept, and in good and safe working order.
64. Residents of Building B shall access to all common amenity areas on the ground floor of Building A.



## Prior to Foundation Permit application:

65. The Applicant shall submit updated elevations that provide full architectural details and materials for review and approval by the Director of PPZ. These elevations should address, at a minimum:
- a. Full details on all masonry and siding. All masonry shall be full depth architectural masonry units, and shall not be shallow veneer;
  - b. Additional articulation of all facades to limit the amount of blank wall present;
  - c. The sill heights, window size, and glass transparency of the ground floor;
  - d. Full details on fenestration types and details, demonstrating strong articulation and providing surface relief of at least four (4) inches from the average plane of the façade by recessing windows or through other architectural articulation;
  - e. Compliance with signage as required by SZO §4.4.15.b
  - f. Full details on the location of all mechanical equipment, HVAC, and all utilities, and proposed screening, including the use of additional landscaping, building materials, or other features. No wall-mounted mechanical equipment or vents shall be visible from a Pedestrian Street.

## Prior to full Building Permit application:

66. The Applicant shall submit architectural/building materials and color samples for review and approval by the Director of PPZ.
67. The Applicant shall construct an onsite mock-up of the exterior walls of the building components for review and approval by the Director of PPZ and the Director of Inspectional Services to verify architectural quality, such as window details and masonry.
68. The Applicant shall provide a review of interior finishes, appliances, and amenities to be installed in units, demonstrating that, to the extent financeable, affordable units in Building A are comparable to the units in Building B in terms of durability, longevity, and performance, for approval by the Director of Housing.
69. Stage 2 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment. A Stage 2 Certificate of Required Materials (CRM) is required prior to the issuance of a building permit.
70. The Applicant shall work with the City to develop a long-term maintenance agreement for the pedestrian path from Temple Street to the Sewall Park Pocket Park. The agreement must specify the requirements for public access and private maintenance of the pedestrian path. The Applicant shall build out and maintain all of the pedestrian path in the plan as required by the SZO.
71. The Applicant shall submit to the Director of Public Space and Urban Forestry for review and approval:
- a. Landscape and site plans, with design and materials details on all landscaped areas, including the proposed courtyard, the pedestrian path from Temple Street to Sewall Park Pocket Park, and the “mews” area, and including any utility cabinet locations;
  - b. A wayfinding and signage plan in accordance with Condition #40;
  - c. A planting plan and planting details, including a high percentage of native plants;

- d. An irrigation plan; and
  - e. An exterior lighting plan and luminaire schedule that complies with SZO §10.7 Outdoor Lighting, and light fixture cut sheets.
72. The Applicant shall submit all required materials for Green Score and approval by relevant City Staff.
73. Pedestrian pathways, including the pedestrian “mews” and landscaped path from Temple Street leading to the Sewall Park Pocket Park shall be constructed to standards that meet or exceed compliance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board’s regulations. Design details must be approved by the Public Space and Urban Forestry Division and Engineering Division prior to the issuance of a Building Permit.

Prior to application for Certificate of Occupancy:

74. Stage 3 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment. A Stage 3 Certificate of Required Materials (CRM) is required prior to the issuance of a Certificate of Occupancy.
75. The Project Lottery will include a Local Preference for a minimum of 50% of the affordable units. The Applicant will continue to work with the Director of Housing or their designee and the Department of Housing and Community Development (DHCD) to determine a final minimum percentage of Local Preference for the affordable units, and will make best efforts to increase Local Preference to 70%.
76. The Applicant shall execute a management and operation agreement with the City for the Community Room in Building A; language for the agreement must be approved by relevant departments.
77. The Applicant shall submit a written narrative or descriptive checklist identifying the completion of or compliance with permit conditions to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

### **Sewall Street Pocket Park on Lot 1 (Phase 2)**

Perpetual:

78. Permanent public access to the Sewall Street Pocket Park shall be required and maintained, in accordance with Condition #42.
79. The Applicant must apply for an Engineering Site Construction – Civic Space Permit.

Prior to first Civic Space Permit application:

80. The Applicant shall submit 100% Landscape Construction Plans and Details for the Sewall Park Pocket Park for relevant City Staff review and approval. Plans shall demonstrate full compliance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board’s regulations. Plans may include but are not limited to:

- a. A landscape layout and materials plan showing the location, design, and materials of all fixtures and landscape features, including, but not limited to, plantings, play equipment, fencing, retaining walls, bicycle facilities, trash receptacles, and outdoor furniture, and including any utility cabinet locations;
- b. A planting plan, including a high percentage of native plants;
- c. A grading and drainage plan that maximizes site activity while ensuring the site remains universally accessible;
- d. A utilities plan inclusive of water, electric connections, and fixtures;
- e. An exterior lighting plan and luminaire schedule that complies with SZO §10.7 Outdoor Lighting.
- f. A wayfinding and signage plan in accordance with Condition #40;
- g. An irrigation plan;
- h. An updated permeability diagram that shows total permeable area; and
- i. A set of landscape construction details for work appearing in the above plan sheets.

Prior to application for a Certification of Occupancy for Phase 2:

81. The Applicant shall submit a long-term Civic Space Landscape Maintenance and Management Plan (LMMP) for the Sewall Street Pocket Park to the Public Space and Urban Forestry Division for review and approval. The agreement must specify the requirements for public access and private maintenance of the Pocket Park.
82. The Applicant must submit a Certified Public Playground Safety Inspection Report for record to demonstrate the play equipment and installation at the Sewall Park Pocket Park is safe for public use.
83. The Applicant shall contact the Public Space and Urban Forestry Division at least (5) five working days in advance of a request for final inspection of the Sewall Park Pocket Park to ensure the proposal was constructed in accordance with the Civic Space Permit.
84. The Applicant shall submit a written narrative or descriptive checklist identifying the completion of or compliance with permit conditions to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

### **Broadway Pocket Plaza on Lot 2 (Phase 2)**

Perpetual:

85. Permanent public access to the Sewall Street Pocket Park shall be required and maintained, in accordance with Condition #42.
86. The Applicant must apply for an Engineering Site Construction – Civic Space Permit.

Prior to first Civic Space Permit application:

87. The Applicant shall work with the City to develop a long-term maintenance agreement for the Pocket Plaza. The agreement must specify the requirements for public access and private maintenance of the Pocket Plaza.
88. The Applicant shall submit 100% Landscape Construction Plans and Details for the Pocket Plaza for relevant City Staff review and approval. Plans shall demonstrate full

compliance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board's regulations. Plans may include but are not limited to:

- a. A landscape layout and materials plan showing the location, design, and materials of all fixtures and landscape features, including, but not limited to, plantings, fencing, retaining walls, bicycle facilities, trash receptacles, and outdoor furniture, and including any utility cabinet locations;
  - b. A planting plan, including a high percentage of native plants;
  - c. A grading and drainage plan that maximizes site activity while ensuring the site remains universally accessible;
  - d. A utilities plan inclusive of water, electric connections, and fixtures;
  - e. An exterior lighting plan and luminaire schedule that complies with SZO §10.7 Outdoor Lighting.
  - f. A wayfinding and signage plan in accordance with Condition #40;
  - g. An irrigation plan;
  - h. An updated permeability diagram that shows total permeable area; and
  - i. A set of landscape construction details for work appearing in the above plan sheets.
89. Prior to application for a Certification of Occupancy for Phase 2:
90. The Applicant shall submit a long-term Civic Space Landscape Maintenance and Management Plan (LMMP) for the Pocket Plaza to the Public Space and Urban Forestry Division for review and approval. The agreement must specify the requirements for public access and private maintenance of the Pocket Plaza.
91. The Applicant shall contact the Public Space and Urban Forestry Division at least (5) five working days in advance of a request for final inspection of the Pocket Plaza to ensure the proposal was constructed in accordance with the Civic Space Permit.
92. The Applicant shall submit a written narrative or descriptive checklist identifying the completion of or compliance with permit conditions to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

### **Lot 3**

Perpetual:

93. The Applicant and applicable future owners shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on January 25, 2023, as it relates to Lot 3.

Prior to first (Building, Foundation, or Civic Space) Permit application for Phase 2:

94. The Applicant shall provide updated plans for Lot 3, including surface treatments that address pedestrian and bicycle circulation needs, for review and approval by the Director of Mobility and Fire Department.
95. The Applicant shall submit updated plans showing a revised design to the curb cuts on Broadway and Temple Street on Lot 3. The revised design must show zoning compliance and shall be approved by the Mobility and Engineering Divisions prior to the issuance of any construction permit for Phase 2.

Prior to application for Certificate of Occupancy for Phase 2:

96. The Applicant shall submit a written narrative or descriptive checklist identifying the completion of or compliance with permit conditions to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.