

## 299 BROADWAY WAIVER LIST

(Preliminary List as of ~~January 19, 2023~~ March 13, 2024\*)

Reference #	Topic	Sub-Topic	Ordinance Section	Requirement	Relevant Lots	Requested Waiver	Details
1	Massing & Height	Story Height	2.4.4.a.viii	(A) The Ground Story is counted as one (1) Story, except that a single Ground Story of twenty-five (25) feet or more is counted as two (2) stories. (B) Interstitial space between stories is counted as an additional Story if the space has a walking surface, permanent lighting, a ceiling height of seven feet six inches (7'6") or more, or is accessed via a stairwell or elevator door.	1	Waiver from the Story Height requirements.	The community room within the Ground Story of Building A on Lot 2 has a height in excess of 25 feet. Interstitial space is located within the four residential units of Building A that are directly accessible from the pedestrian mews.
2	Uses & Features	Ground Story Commercial Space	2.4.5.b.ii	Any building fronting a Pedestrian Street must provide 1 or more Ground Story Commercial Spaces fronting the primary Façade for 100% of the total width of the building, excluding lobbies for Upper Story Uses and other required means of egress.	1	Waiver from the Ground Story Commercial Space along the Temple Street façade of Building A on Lot 1.	In addition to the Arts & Creative Enterprise Space, the façade along the portion of Temple Street that is a Pedestrian Street will include a management office and maintenance/utility room.
3	Lot Dimensions	Lot Width	4.4.8.a; 4.4	In the MR6 district, a minimum Lot Width of 30 feet is required for all building types.	2; 3	Waiver from Lot Width requirement for Lot 2 and Lot 3.	The Grant Street side of Lot 2 has a width of approximately 18 feet. The Temple Street side of Lot 3 has a width of approximately 12 feet.
4	General Building	Building Placement - Building Setbacks in MR6 and MR4 Districts	4.4.8.b; 4.2.8.b	(A) In the MR6 District, the primary front setback is a minimum of 2 feet and a maximum of 15 feet. (B) In the MR6 District, the secondary front setback is a minimum of 2 feet and a maximum of 15 feet. (C) In the MR4 District, the primary front setback is a minimum of 2 feet and a maximum of 15 feet. (D) In the MR4 District, the secondary front setback is a minimum of 2 feet and a maximum of 15 feet.	1; 2	Waiver from Building Setback requirements.	<b>Building A (Lot 1)</b> Portion of building facing Sewall Street is more than 15 feet from the Sewall Street primary front lot line and the portion of the building located north of the Civic Plaza is more than 15 feet from the Broadway primary front lot line. Portion of building facing the Civic Plaza is more than 15 feet back from the lot line, which is a secondary front lot line. <b>Building B (Lot 2)</b> Portion of building facing Grant Street is more than 15 feet back from the Grant Street primary front lot line. A small portion of the north lot line of Lot 2 faces Sewall Park, a civic space, and therefore qualifies as a front lot line. The façade is setback 20 feet to comply with the MR4 rear setback requirements that apply elsewhere on this façade.
5	General Building	Ground Story Height	4.4.8.c; 4.2.8.c	The minimum Ground Story Height in the MR6 District is 18 feet and in the MR4 District is 14 feet.	1; 2	Waiver from the Ground Story Height.	Portions of Building A on Lot 1 and Building B on Lot 2 have Ground Story Heights of residential and commercial components within the MR6 District of less than 18 feet. Portions of Building B on Lot 2 have Ground Story Heights of residential components of less than 14 feet.
6	General Building	Massing and Height-Façade Build Out	4.2.8.c; <u>4.4.8.c</u> ; 2.4.4.a.i.a;	(A) Building Facades must be built parallel to the front lot line for the minimum façade build out specified for each building type and is measured as a percentage of the lot width, measured at the maximum front setback line. (B) In the MR4 <del>-District and MR6 Districts</del> , the Minimum Façade Build Out is 80% on the primary front and 65% on the secondary front.	1; 2	Waiver from minimum Façade Build Out and parallel requirements.	<b>Building A (Lot 1)</b> The upper stories of the building façade facing Sewall Street are not parallel to the Sewall Street front lot line. The part of the building facing Sewall Park has a Façade Build Out of <del>55%</del> , less than the <del>80%</del> required <del>for Primary</del> . <del>Front percentage</del> . <b>Building B (Lot 2)</b> <u>The Façade Build Out along Broadway is also less than the required percentage.</u> A small portion of the north lot line of Lot 2 faces Sewall Park, a Civic Space, and therefore qualifies as a secondary front lot line. The Façade Build Out on this façade is <del>27% less than the required percentage.</del>
7	General Building	Floor Plate - MR 6 and MR 4 Districts	4.4.8.c; 4.2.8.c	The maximum floor plate of a General Building in the MR6 district is 30,000 sf and the in the MR4 district is 15,000 sf.	1; 2	Waiver from the maximum floor plate requirement.	<b>Building A (Lot 1)</b> Building A has a total floorplate of 28,462 sf with 2,601 sf located within the MR4 District and 25,861 sf located within the MR6 District. <b>Building B (Lot 2)</b> Building B has a total floorplate of <del>34,213</del> <u>34,575</u> <del>sf</del> <u>sf</u> , <del>6,845</del> <u>7,429</u> <del>sf</del> <u>sf</u> are located within the MR4 District and <del>27,369</del> <u>27,146</u> <del>sf</del> <u>sf</u> are located within the MR6 District.

8	General Building	Massing & Height - Step Back Requirements	4.4.8.c	In the MR6 District, step backs of a minimum of 10 feet are required for the 5th and 6th stories.	1; 2	Waiver from Step Back requirements for the 5th and 6th stories.	The stepback of Building A and Building B along Broadway occurs at the 6th story and not at the 5th story so the 5th story has a <del>setback</del> <u>stepback</u> of 0 feet. The 6th story has <del>setback</del> <u>stepback</u> of 8 feet. The UDC voted unanimously to support this waiver. <u>The stepback of Building B along Grant Street occurs at the 6th story and not at the 5th story, so the 5th story has a stepback of 0 feet. The 6th story has a stepback of 8 feet.</u>
9	General Building	Uses & Features - Façade Composition	4.4.8.d	In the MR6 District, the Primary Façade Ground Story Fenestration requires a minimum of 70%.	1; 2	Waiver from Ground Story Fenestration requirements for fenestration along Broadway and Temple Street <u>for Building A and along the Plaza and Grant Street for Building B.</u>	<del>The</del> <u>For Building A, the</u> Primary Façade Ground Story Fenestration along Broadway is 67.2% and along Temple Street is 37.5%. <u>For Building B, the Primary Façade Ground Story Fenestration along the Plaza is 63% and along Grant Street is 38%.</u>
10	General Building	Uses & Features - Use & Occupancy	4.2.8.d	The maximum number of Dwelling Units permitted is calculated by dividing the total gross floor area of the building by the density factor. In the MR4 District, a lot with a Lot Area greater than 5,500 sf has a density factor of 1,125.	2	Waiver from density factor for portion of Lot 2 within the MR4 District.	Building B on Lot 2 is located partially within the MR6 District ( <del>151,801</del> <u>152,785</u> gross square area) and partially within the MR4 District ( <del>24,628</del> <u>41,398</u> gross floor area). Using a density factor of 1,125 allows for <del>22</del> <u>36</u> units within the MR4 District. Building <del>A</del> <u>B</u> contains more than <del>22</del> <u>36</u> units within the MR4 District. Using a density factor of 850 allows for 179 units within the MR6 District. Lot 2 contains <del>173</del> <u>201</u> total units, which is less than the <del>201</del> <u>215</u> total units ( <del>22</del> <u>36</u> units in MR4 plus 179 units in MR6) that would otherwise be permitted.
11	General Building	Uses & Features - Ground Story Occupancy	4.4.8.d	Ground Story Entrance Spacing shall not exceed 30 feet.	1; 2	Waiver from Ground Story Entrance Spacing requirements.	Portions of Building A on Lot 1 and Building B on Lot 2 along Broadway will have entrances spaced greater than 30 feet apart.
12	Affordable Dwelling Units	General Building - MR 6 and MR 4 Districts	4.4.8.e; Table 4.4.8.a; 4.2.8.e; Table 4.2.8.a; Section 12.1	Buildings with 4 or more units require that 20% of the units be Affordable Dwelling Units. Affordable Housing is to be provided in the tiers and subject to the requirements set forth in Section 12.1.	1; 2	Waiver from compliance with affordability provisions and tiers set forth in the Zoning Ordinance.	100% of the units within Building A on Lot 1 will be affordable units with 16 units affordable to households with total household income, adjusted for household size, at up to 30% of area median income and 99 units available to households with total household income, adjusted for household size, at up to 60% area median income. <del>17</del> <u>20</u> of the units within Building B on Lot 2 will be affordable to households with total household income, adjusted for household size, at up to 80% of area median income. Specific rental, tenancy and development standards for the affordable units shall be in accordance with the requirements of MGL c. 40B and DHCD.
13	<del>On-Street</del> <u>Vehicular</u> Parking	Commercial Services/ Food & Beverage Service/ Retail Uses	4.4.16; Table 4.4.16; 4.2.15; Table 4.2.15	Specifies vehicular parking requirements for various commercial, retail, and food and beverage uses.	1; 2	Waiver from this requirement for Lot 1 and Lot 2.	No on-site parking is being provided as part of the Project.
14	MR6 District	Architectural Design Guidelines	4.4.13.e	The facade of buildings with five (5) or more stories should be visually divided into, at least, a horizontal tripartite division (a base, middle, and top). The horizontal divisions may not shift up or down across the width of the façade.	1; 2	Waiver from the architectural design guideline to allow horizontal divisions to shift up and down across the width of the facades.	Horizontal divisions shift up and down across the width for Building A on Lot 1 and Building B on Lot 2. The UDC voted unanimously to support this waiver.
15	Arts & Creative Enterprise Uses	General Building - MR 6 District	4.4.14.c	A minimum of 5% of the gross leasable commercial floor area in any Building in the MR6 district must be provided as Leasable Floor Area for Arts & Creative Enterprise Uses.	1; 2	Waiver from this requirement for Lot 2.	The Project as a whole will meet this requirement with 5% of the gross leasable commercial floor area in Building A and Building B will be provided in one aggregated area in Building A on Lot 1.
16	Public Realm	Curb Cuts	4.4.17.b; 11.2.2	A Curb Cut requires a permit from the City Engineer. Curb Cuts are prohibited along all Thoroughfares designated as a Pedestrian Street. Vehicular entrances to Parking Lots are prohibited along any Thoroughfare designated as a Pedestrian Street.	1; 2; 3	Waiver from the need to obtain a Curb Cut Permit from the City Engineer and waiver from prohibition on curb cuts on Pedestrian Streets.	Curb cuts are provided on Broadway to access a loading area for Building 2 and curb cuts are provided on Broadway and Temple Street to the parking lot on Lot 3 serving the adjacent property uses and to provide access and loading for Lot 2.

17	Development Standards	Land Platting - Lots; Through Lots	10.1.4.b	Through lots are prohibited in the Neighborhood Residence District.	1	Waiver from the Through Lot prohibition for Lot 1.	Lot 1 is a Through <del>Lot</del> <u>Lot</u> as it fronts on two (2) or more thoroughfares that do not intersect at the boundaries of the lot. A portion of Lot 1, containing the Sewall Street pocket park, is within the Neighborhood Residence District.
18	Development Standards	Land Platting - Lots; Lot Shape	10.1.4.c	Lots must be platted to be generally rectilinear.	1; 2; 3	Waiver from Lot shape requirement.	Lots 1, 2 and 3 are not rectilinear due to the land that is part of the development.
19	Development Standards	Fences & Walls - Retaining Walls	10.5.2	Retaining Walls located in the Frontage Area may be up to 4 feet in height and successive walls must be built with a minimum horizontal separation distance of four (4) feet.	1; 2; 3; 4	Waiver from the retaining wall height and separation requirements.	The property has significant topographical changes and has frontage zones on multiple sides on multiple streets. Some topographical changes are managed through landscaping which may require higher retaining walls within less separation.
20	Development Standards	Screening - Loading Areas	10.7.2	Outdoor loading facilities, including all docks and areas used for the storage and staging of materials must be screened from view by a wall or fully closed fence between 6 and 12 feet in height, as necessary to sufficiently screen delivery vehicles, and constructed of materials that are compatible with the principal building in terms of texture, quality, and color. Exterior entrances and access to loading facilities that are fully enclosed within a building must have an opaque, self closing door constructed of materials that are compatible with the principal building in terms of texture, quality, and color. Loading facility doors are only permitted to be opened during loading and unloading activities	2	Waiver from screening requirements for loading areas.	The loading area of Building B on Lot 2 is exposed towards Broadway and a gate or fence would be unsightly when not in use and present an operational challenge.
21	Development Standards	Screening - Service Areas	10.7.3	Exterior entrances and Access to service areas that are fully enclosed within a Building must have an opaque, self-closing door constructed of materials that are compatible with the Principal Building in terms of texture, quality and color.	1; 2	Waiver from this screening requirement for service areas.	The service area of Building B on Lot 2 is exposed towards Broadway and a gate or fence would be unsightly when not in use and present an operational challenge.
22	Development Standards	Screening - Wall Mounted Mechanical Equipment	10.7.4.a	Wall mounted mechanical equipment is not permitted on any Façade. Wall mounted mechanical equipment on any surface that is visible from a public Thoroughfare (excluding an Alley) or Civic Space must be screened by landscaping or an opaque screen constructed of materials that are compatible with the Principal Building in terms of texture, quality, and color.	1; 2	Waiver from wall mounted mechanical equipment requirements.	The details of building design have not been finalized but given that neither Building A on Lot 1 or Building B on Lot 2 has a basement area to locate mechanical equipment and some mechanical equipment may be mounted on walls that cannot meet the screening requirements.
23	Development Standards	Screening - Mechanical Equipment	10.7.4.b	Ground mounted mechanical equipment that is visible from a public Thoroughfare (excluding an Alley) or Civic Space must be screened by landscaping, a fence or a wall constructed of materials that are compatible with the Principal Building in terms of texture, quality and color. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.	1; 2	Waiver from screening requirements for ground-mounted mechanical equipment.	The final design of mechanical equipment, including, without limitation, transformers has not been finalized and there may be insufficient space to screen such equipment from the numerous Thoroughfares and the two new Civic Spaces being constructed as part of the Project.
24	Sustainable Development	Green Buildings	10.10.1	New construction of any principal building type greater than 50,000 square feet in Gross Floor Area must be LEED Platinum certifiable.	1; 2	Waiver from LEED Platinum requirement.	Building A on Lot 1 and Building B on Lot 2 will meet Passive House certification, which will achieve many of the same goals as LEED Platinum.
25	Parking & Mobility	Loading Facilities	11.2.5.a	Buildings providing space for uses that regularly receive or distribute large quantities of goods must provide loading facilities as required by the Director of Mobility. Loading facilities must be sufficient to adequately serve the intended use(s).	1; 2	Waiver from need to obtain approvals from Director of Mobility.	Loading facilities for Building A on Lot 1 and Building B on Lot 2 will provide loading facilities as shown on the plans approved by the ZBA.
26	Parking & Mobility	Motor Vehicle Parking - On-Street Parking in Transit Areas	11.2.7; Somerville Traffic Commission Traffic Regulations	Upon adoption of an official policy, prohibits all Dwelling Units, except as set forth in the policy, to participate in the Somerville Residential Permit Parking Program. The Traffic Commission Regulations prohibit the issuance of residential parking permits for new developments on property in Transit Areas. The Director of Parking is authorized to waive the prohibition in certain circumstances, including for residents of deed restricted affordable dwelling units.	2	Waiver to allow up to 50% of the market rate units within Building B on Lot 2 to participate in the Residential Permit Parking Program.	No on-site parking is being provided as part of the Project. The waiver would allow the City to grant up to <del>78</del> <u>91</u> residential parking permits to residents of the market rate units in Building B on Lot 2.
27	Public Realm	Civic Spaces	13.1.1.a	The Development of any Civic Space requires Site Plan Approval followed by a Civic Space Permit.	1; 2	Waiver from Site Plan Approval for the two proposed Civic Spaces.	The Project Site includes two Civic Spaces. The Site Plan Approval will be granted through the Comprehensive Permit.
28	Public Realm	Civic Spaces - Bicycle Parking	13.1.2.k	Bicycle parking within Civic Spaces must be provided as required by the Director of Public Space & Urban Forestry and is subject to the provisions of §12.1 Bicycle Parking.	1; 2	Bicycle parking within the Pocket Plaza and Pocket Park will be provided as shown on the plans approved by the ZBA.	All Project approvals required will be granted through the comprehensive permit process.

29	Public Realm	Civic Spaces - Pocket Park	13.1.3.a	A minimum of 70% and a maximum of 100% of a Pocket Park shall be Landscaped Area.	1; 2	Waiver from the minimum amount of Landscaped Area for the Pocket Park.	The Pocket Park <del>contains 7,714 sf, of which 2,949 sf is Landscaped Area (as such term is interpreted by the City);</del> <u>which is will contain</u> less than the minimum required Landscaped Area of 70%. The City has requested that the Pocket Park contain play areas for children, given the need for active play spaces in the area and the presence of many 2- and 3- bedroom units in the Project. To support active play and to address durability of materials, portions of the Pocket Park will contain permeable pavers, causing less than 70% of the Pocket Park to be Landscaped Area.
30	Public Works; Division of Highways, Electric Lines and Lights	Municipal Code, Chapter 11, Article III, Division 3, Sec. 11-88		Approval of the location of curb cuts	1; 2; 3; 4	Approval of the general location of curb cuts.	Approval of the general location of curb cuts as part of the Comprehensive Permit. Final review of curb cut locations will be conducted at the building permit application stage.
<a href="#">31</a>	<a href="#">General Building</a>	<a href="#">MR4 District - Building Placement - Side Setback - 4th Story Abutting NR or LHD</a>	<a href="#">4.2.8.b</a>	<a href="#">The 4th story of a building abutting an NR District must be 30 feet from the side lot line.</a>	<a href="#">2</a>	<a href="#">Waiver from this requirement for Lot 2 for the portion of the Building within the MR4</a>	<a href="#">The 4th and 5th stories will be approximately 10 feet from the side lot line.</a>
<a href="#">32</a>	<a href="#">General Building</a>	<a href="#">MR4 District - Building Placement - Rear Setback - 4th Story Abutting NR or LHD</a>	<a href="#">4.2.8.b</a>	<a href="#">The 4th story of a building abutting an NR District must be 30 feet from the rear lot line.</a>	<a href="#">2</a>	<a href="#">Waiver from this requirement for Lot 2 for the portion of the Building within the MR4</a>	<a href="#">The 4th and 5th stories will be approximately 20 feet, 6 inches from the rear lot line.</a>
<a href="#">33</a>	<a href="#">General Building</a>	<a href="#">MR4 District - Massing &amp; Height - Main Massing</a>	<a href="#">4.2.8.c</a>	<a href="#">Maximum number of stories allowed in MR4 is 4 stories and the maximum height is 52 feet.</a>	<a href="#">2</a>	<a href="#">Waiver from this requirement for Lot 2.</a>	<a href="#">Portions of Building B within the MR4 district would be six stories and approximately 67 feet, 9 inches as shown on the plans, with no stepback at the 4th and 5th stories and an 8-foot stepback at the 6th story.</a>
<a href="#">34</a>	<a href="#">Building Components</a>	<a href="#">Bay Window</a>	<a href="#">4.4.11.i</a>	<a href="#">A bay window has a maximum width of 16 feet</a>	<a href="#">2</a>	<a href="#">Waiver from this requirement for Lot 2.</a>	<a href="#">Bay windows along the Broadway façade exceed the maximum width.</a>
<a href="#">35</a>	<a href="#">General Building</a>	<a href="#">MR6 District - Building Placement - Side Setback - 4th-6th Story Abutting NR or LHD</a>	<a href="#">4.4.8.b</a>	<a href="#">The 4th-6th story of a building abutting an NR District must be 40 feet from the side lot line.</a>	<a href="#">2</a>	<a href="#">Waiver from this requirement for Lot 2.</a>	<a href="#">A small portion of Building B on the Grant Street side is within the MR6 District and adjacent to a NR District. While the first 3 stories in this area meet the 10-foot side yard setback in 4.4.8.b, the 4th and 5th stories in this area will not meet the 30-foot setback as they are approximately 10 feet from the side lot line.</a>
<a href="#">36</a>	<a href="#">Permitting Uses</a>		<a href="#">Table 4.2.13; Table 4.4.14</a>	<a href="#">Residential Household living requires a Special permit in both the MR4 and MR6 Districts.</a>	<a href="#">1; 2</a>	<a href="#">The Comprehensive Permit serves as the special permit for these uses.</a>	<a href="#">In granting the Comprehensive Permit, the Zoning Board of Appeals approves the Residential Housing Living use.</a>
<a href="#">37</a>	<a href="#">Building Canopies</a>		<a href="#">Somerville Code of Ordinances, §12-14</a>	<a href="#">A canopy over a public way requires a Grant of Location from the City Council</a>	<a href="#">2</a>	<a href="#">Waiver from this requirement for Building B along Broadway</a>	<a href="#">The canopy attached to Building B along the Broadway façade extends over the front property line.</a>

\* This waiver list is preliminary as of [January 19 March 13, 2023 2024](#). The requested waivers may be modified or deleted or additional waivers may be added during the comprehensive permit approval process before the ZBA.