



City of Somerville

# ZONING BOARD OF APPEALS

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

**DECISION** 2025 MAY 22 P 6:15

**PROPERTY ADDRESS:** 299 Broadway  
**CASE NUMBER:** P&Z 22-092-R4  
**APPLICANTS:** Mark Development LLC, 275 Grove St., Suite 2-150, Newton, MA 02466  
Beacon Communities LLC, 2 Center Plaza, Suite 700, Boston, MA 02108  
RISE Together LLC, 12 Ericsson St., Boston, MA 02122  
**OWNER:** 299 Broadway Property Owner, LLC  
275 Grove St., Ste 2-150, Newton, MA 02466  
**DECISION:** Insubstantial Change  
**DATE OF VOTE:** May 14, 2025  
**DECISION ISSUED:** May 22, 2025

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Comprehensive Permit changes submitted for 299 Broadway on May 2, 2025, and updates the findings, conditions of approval, and list of approved waivers for the Comprehensive Permit (P&Z 22-092).

## RECORD OF PROCEEDINGS

On May 2, 2025, the Applicants submitted an application to revise aspects of the previously issued Comprehensive Permit.

On May 14, 2025, the Zoning Board of Appeals held a public meeting and reviewed the proposed revisions. Present and sitting at the public meeting were Board Members: Chair Susan Fontano, Vice-Chair Anne Brockelman, Zachary Zaremba, Alternate (and Acting Clerk) Brian Cook, and Alternate Sisia Daglian. Multiple members of the Applicant team were present, including representatives from Mark Development LLC and Beacon Communities LLC, as well as professionals supporting the project. The Applicant team provided an overview of the progress made since the ZBA last reviewed the project, next steps and expected schedule and the proposed changes, including the following:

1. Design and planting changes to the Building B courtyard, the Civic Plaza, and the Mews
2. Modifications to the unit mix in Building B
3. Fenestration and mechanical (exterior vents) changes to Building B.

The Applicant also requested revisions to the Comprehensive Permit, including the following:

1. Updates to conditions of approval to address proposed and anticipated changes.

2. Modifications to one (1) previously approved waiver, removal of two (2) previously approved and no longer necessary waivers, and one (1) new waiver from the Somerville Zoning Ordinance.

The Board did not have any questions for the Applicant team, and Staff then reviewed certain recommended conditions of approval, including an additional condition of approval proposed during the meeting that permits the Directors of Engineering and Public Space & Urban Forestry to approve certain proposed design and planting changes to the Building B courtyard, the Civic Plaza and the Mews. Following the discussion, Alternate Brian Cook moved to find that the changes are insubstantial and approve the changes to the waivers, and then moved to approve the changes to the Comprehensive Permit, including changes to the conditions of approval.

## PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and reviewed are identified below.

Document	Pages	Prepared By	Date	Revision Date
299 Broadway – Comprehensive Permit – Design Modification Narrative	3	Utile, Inc. Architecture & Planning 115 Kingston St. Boston, MA 02111	May 1, 2025	n/a
299 Broadway Waiver List	12	[unstated, submitted by: Mark Development 275 Grove St, Ste 2-150 Newton, MA 02466]	May 2, 2025	n/a
299 Broadway – Comprehensive Permit May 2025 Modification to Conditions	5	[unstated, submitted by: Mark Development 275 Grove St, Ste 2-150 Newton, MA 02466]	May 8, 2025	n/a
299 Broadway Comprehensive Permit Application Building B – Revision 3 Draft	35	Utile, Inc. Architecture & Planning 115 Kingston St. Boston, MA 02111	April 16, 2025	n/a
299 Broadway Comprehensive Permit Application Civic Plaza	12	Utile, Inc. Architecture & Planning 115 Kingston St. Boston, MA 02111  Future Green 18 Bay Street Brooklyn, NY 11231	November 8, 2022	April 15, 2025
Subdivision Plan of Land Mark Development LLC 299 Broadway & 15 Temple Street	1	Control Point Associates 352 Turnpike Rd Southborough, MA 01772	March 7, 2025	April 23, 2025
Proposed Plot Plans [and Zoning Analysis Tables]	4	Bohler 46 Franklin St, 6 <sup>th</sup> Floor Boston, MA 02110	March 4, 2025	April 24, 2025
Memo from Future Green 299 Broadway – Civic Plaza	4	Future Green 18 Bay Street Brooklyn, NY 11231	Undated, submitted May 2, 2025	n/a
299 Broadway, Building B [Locations of Affordable Units]	6	Mark Development 275 Grove St, Ste 2-150 Newton, MA 02466  Samuels & Associates 136 Brookline Ave Boston, MA 02215	February 15, 2024	May 2, 2025

**DECISION**

Following review of the submitted plans and discussion of the statutorily required considerations, Alternate Brian Cook moved to determine that the proposed changes are **INSUBSTANTIAL** and to **APPROVE** the revised Waiver List (attached to this decision as Exhibit 2). Vice-Chair Anne Brockelman seconded. The Board voted **5-0** in favor of the motion, which subsequently passed.

Alternate Brian Cook then moved to **amend** the Comprehensive Permit decision to **revise the conditions of approval** for the Comprehensive Permit (P&Z 22-092), adding new conditions and modifying other conditions as enumerated in the Staff Memo to the Board dated May 9, 2025, and as discussed during the meeting, noting approval of the submitted Land Plat. Vice-Chair Anne Brockelman seconded. The Board voted **5-0** in favor of the motion, which subsequently passed. The amended Conditions of Approval are attached to this decision as Exhibit 1.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*  
Anne Brockelman, *Vice-Chair*  
Zachary Zarembo  
Brian Cook, *Alternate*  
Sisia Daglian, *Alternate*

**Exhibit 1****Updated Conditions of Approval for Comprehensive Permit #P&Z 22-092**

Proposed updates were submitted May 2, 2025, and approved May 14, 2025. Below is the complete list of Conditions of Approval, with approved changes incorporated.

**CONDITIONS OF APPROVAL****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 five (5) separate lots. Lot 1 shall contain one (1) general building; 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; Lot 4 shall be a vacant lot; and Lot 5 shall contain one (1) civic space. The Project will contain a total of 319 residential rental units, five (5) 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 ("Mark Development"), Beacon Communities Services LLC ("Beacon"), and RISE Together LLC ("RISE"). 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 Executive Office of Housing and Livable Communities ("EOHLC") 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 3 must begin within three (3) years of the issuance of the Certificate of Occupancy for Building A. 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 issuance of the first building permit for Building A, Beacon and RISE shall provide a form MassDocs Tax Credit Regulatory Agreement and Declaration of Restrictive Covenant with a Chapter 40B Rider (Building A Regulatory Agreement) 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. Beacon and RISE shall provide an executed and recorded copy of the final Building A Regulatory Agreement within five (5) business days of its construction loan closing for development of Building A. Prior to issuance of the building permit for Building B, Mark Development shall, provide a form Chapter 40B Regulatory Agreement for Building B from the subsidizing agency ("Building B Regulatory Agreement") and such Agreement shall be in compliance with all applicable 40B guidance including, without limitation, 760 CMR 56.00 et seq, and, upon execution, recorded with the Middlesex South Registry of Deeds. (The Building A and Building B Regulatory Agreements are referred to together as the "Chapter 40B Regulatory Agreements"). Mark Development shall provide an executed and recorded copy of the final Building B Regulatory Agreement within five (5) business days of its construction loan closing for development of Building B. The Chapter 40B Regulatory Agreements must at a minimum require that at least 25% of the units in the project or 79 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 Chapter 40B Regulatory Agreements shall govern all 135 affordable housing units and would guarantee affordability in perpetuity for these units, including the 79 units protected by the Chapter 40B Regulatory Agreement. All units shall remain rental units in perpetuity. The Units shall be allocated between the Buildings as provided in Condition # 14.

10. Prior to any Certificate of Occupancy being issued for the Building B, Mark Development shall enter into a Permanent Restriction with the City of Somerville, namely, the City of Somerville Supplemental Regulatory Agreement, and such Agreement 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 21 units up to 80% AMI. These 21 units shall remain rental units in perpetuity, even if any other portion of the project is ever converted to condominiums. The Supplemental Regulatory Agreement 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 here:

**Affordability by Building:**

Unit Type	Building A	Building B	Total
Affordable (<30%AMI)	16	0	16
Affordable (<60%AMI)	99	0	99
Affordable (<80%AMI)	0	21	21
Unrestricted	0	183	183
Total	115	204	319

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

Unit Type	Studio	1BR	2BR	3BR	Total
Affordable (<30%AMI)	0	4	8	4	16
Affordable (<60%AMI)	0	29	52	18	99
Affordable (<80%AMI)	3	13	4	1	21
Unrestricted	30	116	33	4	183
Total	33	162	97	27	319

15. The Project will be constructed in four phases: Phase 1 will include (a) demolition of existing buildings on the site, (b) land platting, and (c) all necessary site work, ground improvements, and underground utilities for the entire Property, leaving the Property "pad ready." Phase 2 includes construction of Building A on Lot 1, associated site improvements, and completion of Lot 3 paving and ground improvements. Phase 3 includes the construction of Building B on Lot 2 and associated site improvements. Phase 4 includes the remaining Civic Space Work.

Phase 3 may begin prior to the commencement or conclusion of Phase 2. The work in Phase 4 may be completed during or shortly after the construction of Building B in Phase 3, and will also include the completion of any remaining work necessary to achieve the project as proposed to the Board. Exhibit 3 is hereby incorporated into this condition as a graphical depiction of the phasing plan. Building A may receive a Final Certificate of Occupancy prior to completion of Phases 3 and 4. Building B may receive a Temporary Certificate of Occupancy or receive a Final Certificate of Occupancy and issue an appropriate bond, letter of credit, cash or other security in the form satisfactory to the City ensuring completion of Phase 4 if Building B is complete and safe to occupy prior to completion of Phase 4. For avoidance of doubt, Building B may receive a temporary or final Certificate of Occupancy pursuant to the prior sentence prior to the issuance of any Certificate of Occupancy for Building A. Civic Space Permits issued prior to the commencement of Phase 1, shall remain valid through the completion of Phase 3 and Phase 4, which shall constitute continuous and expeditious work towards completion of the civic space work.

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. Beacon & Rise shall be responsible for I&I fees associated with Building A. Mark Development shall be responsible for I&I fees associated with Building B.
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, as the same may be amended and approved and conditioned by the Director of Mobility.
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 prior to the first permit issuance and forwarded to the Somerville Traffic Commission. Subject to compliance with Condition #23, this condition shall not apply to units identified as part of the approved Waiver #29, as identified in Exhibit 2 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 #30, 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 #30, 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.



- 29. Upon written approval by the Director of PPZ, timing requirements for the completion of any conditions attached to this Decision may be reassigned to a different permitting milestone, such as construction or occupancy.
- 29A. Minor landscaping or planting changes that do not substantially impact the design of the landscapes or civic spaces on Lots 1, 2, and 5, as determined by the Director of Public Space and Urban Forestry (PSUF), may be reviewed and approved in writing by the Director of PSUF, and do not require a return to the Board for a Change Request.
- 29B. Minor changes to the internal organization or layout of housing units that do not impact the number and mix of housing units, as determined by the Director of Housing, may be reviewed and approved in writing by the Director of Housing, and do not require a return to the Board for a Change Request.

**Prior to issuance of any permits for Phase 1 or Phase 2**

- 30. As a condition of its financing, Beacon must obtain all permits (demolition, Site Enabling Work, foundation, Civic Space, and full vertical building permit) prior to its construction loan closing. Therefore, Beacon and RISE shall comply with the following conditions number 31 through 42, 67 through 72, 81 through 83, and 90 through 91 prior to any permit issuance. Beacon will provide an as-built foundation survey prior to commencing vertical construction.
- 31. 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.
- 32. 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.
- 33. The Applicant shall submit a Mylar plat plan Board for endorsement by the Chair of the Board evidencing the Board's approval of the plat plan.
- 34. 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.
- 35. 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.

36. 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.
37. 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.
38. 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.
39. 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.
40. 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.
41. The Applicant shall complete and submit to relevant City Staff an updated conceptual study of Broadway adjacent to the site, in compliance with Condition #40, 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.
42. 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.

**Prior to Beacon's financial closing**

43. The Applicant shall apply to the Traffic Commission to implement their proposal for parking and loading, as shown on the approved plans.
44. The Applicant shall execute a public access easement agreement with the City for the Civic Plaza, the pathway within the Mews, and the pedestrian path from Temple

Street to Sewall Park. This public access easement will, at a minimum, provide public access to the Civic Plaza, the pathway within the Mews, and the pedestrian path from Temple Street to Sewall Park in perpetuity. Final easement language must be approved by the City Solicitor.

45. The Applicant shall execute a maintenance agreement with the City for Sewall Park that will include a Landscape Maintenance and Management Plan (LMMP) for Sewall Park and a separate maintenance public access agreement with an LMMP for the Civic Plaza, the pathway within the Mews and the pedestrian path from Temple Street to Sewall Park. The agreement must specify private maintenance of the Civic Plaza, Mews, the pedestrian paths and Sewall Park in the plan as required by the SZO. Final maintenance easement language must be approved by the City Solicitor.
46. The Applicant shall follow the current system and policy to allow Somerville residents to plan events or use the Civic Plaza in the same manner that they can reserve space at a Somerville public park at no charge. Applicant may establish Rules and Regulations for Sewall Park consistent with City ordinances that must also be approved by relevant City Staff.
47. 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.

**Prior to issuance of a Certificate of Occupancy for Building A:**

48. 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.
49. The Applicant shall deed Lot 4 to the City of Somerville, or its designee, for the development of affordable dwelling units. In the event Lot 4 is conveyed to the City's designee, either the Lot 4 deed or an agreement between the City and the designee must include a springing executory interest in favor of the City of Somerville in the event that the Lot is not used for the development of affordable dwelling units.

**Building B on Lot 2 (Phase 3)**

**Perpetual (Building B):**

50. Building B contains a total of 204 units. The units are as follows: thirty-three (33) studio units; one hundred twenty-nine (129) 1-bedroom units; thirty-seven (37) 2-bedroom units; and five (5) 3-bedroom units.
51. Mark Development, 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.

52. Residents of Building A shall receive access to all common amenity areas on the ground floor of Building B.
- 52A. To ensure that the fitness amenity space provided on the ground level of Building B remains visually accessible from the public realm, all exterior windows within the fitness amenity space must be transparent and provide an unobstructed view from the public realm into the fitness amenity space.

**Prior to issuance of Foundation Permit (Phase 3):**

53. Mark Development 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; and
  - (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 shall be visible from a Pedestrian Street. All through-wall and/or wall-mounted vents shall not project more than one (1) inch from the face of the façade and must match the color of the building materials through which the vent penetrates.
54. Mark Development 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. Approval by the Mobility and Engineering Divisions may occur prior to the issuance of a Foundation Permit.

**Prior to issuance of full Building Permit for Building B:**

55. The Applicant shall submit architectural/building materials and color samples for review and approval by the Director of PPZ.

- 56A. 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.
- 56B. Stage 2 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted by Mark Development 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. Mark Development 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 #42;
  - (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. Mark Development shall submit all required materials for Green Score and approval by relevant City Staff.

#### **During construction of Building B**

- 59. Mark Development will construct a building mock-up. Upon completion, Mark Development will notify the City. The City will make best efforts to inspect the mock up within 7 business days of completion for City approval. Approval of the mock-up is required before construction of the exterior façade begins.

#### **Prior to issuance of a Certificate of Occupancy for Building B:**

- 60. Stage 3 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted by Mark Development 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.
- 61. The Building B Lottery will include a Local Preference for a minimum of 50% of the affordable units. Mark Development will continue to work with the Director of

Housing or their designee and the EOHLC to determine a final minimum percentage of Local Preference for the affordable units, and will make best efforts to increase Local Preference to 70%.

62. Mark Development 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 (Building A):**

63. Building A contains a total of 115 units. The units are as follows: thirty-three (33) 1-bedroom units; sixty (60) 2-bedroom units; and twenty-two (22) 3-bedroom units.
64. Beacon, 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.
65. Residents of Building B shall access to all common amenity areas on the ground floor of Building A.

#### **Prior to issuance of any permits for Phase 1 and Phase 2:**

66. As a condition of its financing, Beacon must obtain all permits (demolition, foundation, Civic Space and full vertical building permit) prior to its construction loan closing. Therefore, Beacon and RISE shall comply with the following conditions number 31 through 42, 67 through 72, 81 through 83, and 90 through 91 prior to any permit issuance.
67. The Beacon and RISE 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.
68. The Applicant shall submit architectural/building materials and color samples for review and approval by the Director of PPZ.
  69. 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.
  70. Stage 2 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted by Beacon and RISE to the Office of Sustainability & Environment. A Stage 2 Certificate of Required Materials (CRM) is required prior to the issuance of a building permit.
  71. Beacon and RISE 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, and the Mews, and including any utility cabinet locations;
    - (b) A wayfinding and signage plan in accordance with Condition #42;
    - (c) A planting plan and planting details, including a high percentage of native plants;
    - (d) An irrigation plan; and
    - (e) e. An exterior lighting plan and luminaire schedule that complies with SZO §10.7 Outdoor Lighting, and light fixture cut sheets.
  72. Beacon and RISE shall submit all required materials for Green Score and approval by relevant City Staff.

#### **During construction of Building A**

73. Beacon and RISE shall construct a building mock-up. Upon completion, Beacon & RISE will notify the City. The City will make best efforts to inspect the mock-up within 7 business days of completion for City approval. Approval of the mock-up is required before construction of the exterior façade begins.

**Prior to issuance of a Certificate of Occupancy (Phase 2):**

74. Stage 3 documentation required for PHIUS+ Passive House Certifiability Requirements and LEED Certifiability Requirements must be submitted by Beacon and RISE 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 Building A 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 EOHLC 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. Beacon and RISE 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. Beacon and RISE 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.

**The Civic Space Work****Perpetual:**

78. Permanent public access to the Civic Plaza, the pathway within the Mews, and the pedestrian path from Temple Street to Sewall Park shall be required and maintained, in accordance with Condition 44.
79. Permanent private maintenance of the Civic Plaza, Sewall Park, the pathway within the Mews, and the pedestrian path from Temple Street to Sewall Park shall be required in accordance with Condition 45. The Applicant shall build out and maintain all of the pedestrian paths in the plan as required by the SZO, in accordance with Condition 45.
80. The Applicant must apply for an Engineering Site Construction — Civic Space Permit.

**Prior to issuance of permits for Phase 1 and Phase 2 and the first Civic Space Permit:**

81. Prior to equipment purchase, construction specifications for equipment within public and private civic spaces, including but not limited to gates, must be submitted to the Public Space and Urban Forestry Division and Engineering Division [Department] for review to confirm accessibility compliance.



82. The pathway within the Mews and any other pedestrian path 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.
83. The Applicant shall submit 100% Landscape Construction Plans and Details for the Civic Plaza, Sewall Park, the Mews, and the pedestrian path from Temple Street to Sewall 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 #42;
  - (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 issuance of a Certification of Occupancy for Phase 3:**

84. Prior to completion of conditions #85 through #88, Building B may receive a Temporary Certificate of Occupancy or receive a Final Certificate of Occupancy and issue an appropriate bond, letter of credit, cash or other security in the form satisfactory to the City ensuring completion of Phase 4.
85. The Applicant shall submit a long-term Civic Space Landscape Maintenance and Management Plan (LMMP) for Sewall Park, the Civic Plaza, the pathway within the Mews, and the pedestrian path from Temple Street to Sewall 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 Civic Spaces.

86. The Applicant must submit a Certified Public Playground Safety Inspection Report for record to demonstrate the play equipment and installation at the Sewall Park is safe for public use.
87. 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, the Civic Plaza, and the Mews to ensure the proposal was constructed in accordance with the Civic Space Permit.
88. The Applicant shall submit a written narrative or descriptive checklist identifying the completion of or compliance with permit conditions related to the Civic Spaces to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

### **Lot 3**

#### **Perpetual:**

89. 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 permit issuance for Phase 1:**

90. 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.
91. 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 1.

#### **Prior to issuance of a Certificate of Occupancy for Phase 2:**

92. The Applicant shall submit a written narrative or descriptive checklist identifying the completion of or compliance with permit conditions related to Lot 3 to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

#### **Other:**

93. Approval of Comprehensive Permit Change P&Z 22-092-R4 does not constitute approval of the proposed landscape design changes to the Civic Plaza and Building B Courtyard, including (but not limited to) changes to grading and drainage, lighting, seating and street furniture, and plantings. Such changes, which are recognized as

minor changes but which must be reviewed for compliance with regulations, must be reviewed and approved by the Director of Public Space and Urban Forestry and the Director of Engineering prior to the issuance of a full Building Permit for Building B. Final landscape plans must be submitted to the Zoning Board of Appeals for informational purposes.

**Exhibit 2: Approved Waivers List**  
**Updated Waiver List submitted May 2, 2025, and approved May 14, 2025**

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	General Building	Roof Deck	2.4.4.a.xii(a)	Roof decks are permitted only on flat roofs and must be set back at least five (5) feet from any façade, excluding building components	1	Waiver from roof deck setback to Sewall Park	The roof deck is set back from the façade by less than five (5) feet. 1' - 7/8" provided.
3	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 and along the Broadway façade of Building B on Lot 2.	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.  12/18/24: Modification adds an additional waiver for Building B on Lot 2, where a portion of the façade along Broadway that is a Pedestrian Street will be used for a fitness service area for the exclusive use of tenants of Building A and Building B
4	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.
5	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.	Building A (Lot 1) 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. Building B (Lot 2) 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.
6	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.

7	General Building	Massing and Height - Façade Build Out	4.2.8.c; 4.4.8.c; 2.4.4.a.L.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 and MR6 Districts, 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.	Building A (Lot 1) 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 less than the required percentage. Building B (Lot 2) The Façade Build Out along Broadway is also less than the required percentage. 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 less than the required percentage.
8	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 in the MR4 district is 15,000 sf.	1; 2	Waiver from the maximum floor plate requirement.	Building A (Lot 1) Building A has a total floorplate of 28,482 sf with 2,681 sf located within the MR4 District and 25,861 sf located within the MR6 District. Building B (Lot 2) Building B has a total floorplate of 34,575 sf. 7,429 sf are located within the MR4 District and 27,146 sf are located within the MR6 District.
9	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 5 <sup>th</sup> and 6 <sup>th</sup> stories.	1; 2	Waiver from Step Back requirements for the 5 <sup>th</sup> and 6 <sup>th</sup> stories.	The stepback of Building A and Building B along Broadway occurs at the 6 <sup>th</sup> story and not at the 5 <sup>th</sup> story so the 5 <sup>th</sup> story has a stepback of 0 feet. The 6 <sup>th</sup> story has stepback of 8 feet. The UDC voted unanimously to support this waiver. The stepback of Building B along Grant Street occurs at the 6 <sup>th</sup> story and not at the 5 <sup>th</sup> story, so the 5 <sup>th</sup> story has a stepback of 0 feet. The 6 <sup>th</sup> story has a stepback of 8 feet.
10	General Building	Uses & Features - Façade Composition	4.2.8.d; 4.4.8.d	In the MR6 District and MR4, 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 for Building A and along Broadway, the Plaza, and Grant Street for Building B.	For Building A, the Primary Façade Ground Story Fenestration along Broadway is 47% and along Temple Street is 15%. For Building B, the Primary Façade Ground Story Fenestration along the Plaza is 63% and along Grant Street is 38%.  12/18/24: For Building B, modify waiver to reduce the Primary Façade Ground Story Fenestration along the Plaza to 35% and add a waiver for Primary Façade Ground Story Fenestration of 51%.  5/14/25: For Building A, addition of a waiver for Ground Story Fenestration in the MR4 District along the boundary with the Lot 5 Civic Space, where the Ground Story Fenestration will be 47%.  For Building B, the Primary Ground Story Fenestration along Broadway is 51%, along the Plaza is 33%, and along Grant Street is 48%.
11	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 (152,785 gross square area) and partially within the MR4 District (41,398 gross floor area). Using a density factor of 1,125 allows for 36 units within the MR4 District. Building B contains more than 36 units within the MR4 District. Using a density factor of 850 allows for 179 units within the MR6 District. Lot 2 contains 204 total units, which is less than the 215 total units (36 units in MR4 plus 179 units in MR6) that would otherwise be permitted.  12/18/24: Amended to change the last sentence above, to describe Lot 2 containing 204 units (see struck and redlined language).

12	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.
13	Affordable Dwelling Units	General Building - MR 6 and MR 4 Districts	4.4.8.a; 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. 20-21 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.  12/18/24: Amended to change the second sentence above, to describe Building B on Lot 2 containing 21 affordable units (see struck and redlined language).
14	Lobby entrance on Temple St.	Width and height	4.4.11.g	Minimum lobby entrance width of 15 feet required. Minimum lobby entrance height of 80% of Ground Story Height.	1	Waiver from compliance with dimensional standard for Temple Street lobby entrance	Lobby entrance width is proposed at 9 feet. The lobby entrance height is proposed at 74% of Ground Story Height.
15	Storefront on Broadway	Height	4.4.11.h	Minimum storefront entrance height of 80% of Ground Story Height.	1	Waiver from compliance with dimensional standard for Broadway storefront	Storefront entrance is proposed at 63% of Ground Story Height.
16	Vehicular 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.
17	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 facade.	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.
18	MR6 District	Use Provisions	4.4.14.b.i	This section limits the uses that can be located within ground floor commercial space fronting a pedestrian street.	2	Waiver from the use requirements for a portion of the ground floor commercial space.	A portion of Building B adjacent to the Civic Plaza will be used for an ancillary residential use for a fitness service area for the exclusive use of tenants of Building A and Building B. (New waiver approved 12/18/24)
19	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.
20	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.
20	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 Lot 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.
21	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.

22	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.
23	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.
24	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.
25	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.
26	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.
27	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 certifiability, which will achieve many of the same goals as LEED Platinum.
28	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.

29	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 92 residential parking permits to residents of the market rate units in Building B on Lot 2.  12/18/24: Amended to change the last sentence above, to grant up to 92 residential permits (see struck and redlined language).
30	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.
31	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.
32	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 will contain 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.
33	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.
34	General Building	MR4 District - Building Placement - Side Setback - 4 <sup>th</sup> Story Abutting NR or LHD	4.2.8.b	The 4 <sup>th</sup> story of a building abutting an NR District must be 30 feet from the side lot line.	2	Waiver from this requirement for Lot 2 for the portion of the Building within the MR4	The 4 <sup>th</sup> and 5 <sup>th</sup> stories will be approximately 10 feet from the side lot line.
35	General Building	MR4 District - Building Placement - Rear Setback - 4 <sup>th</sup> Story Abutting NR or LHD	4.2.8.b	The 4 <sup>th</sup> story of a building abutting an NR District must be 30 feet from the rear lot line.	2	Waiver from this requirement for Lot 2 for the portion of the Building within the MR4	The 4 <sup>th</sup> and 5 <sup>th</sup> stories will be approximately 20 feet, 6 inches from the rear lot line.
36	General Building	MR4 District - Massing & Height - Main Massing	4.2.8.c	Maximum number of stories allowed in MR4 is 4 stories and the maximum height is 52 feet.	2	Waiver from this requirement for Lot 2.	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 setback at the 4 <sup>th</sup> and 5 <sup>th</sup> stories and an 8-foot setback at the 6 <sup>th</sup> story.
38	Building Components	Bay Window	4.4.11.i	A bay window has a maximum width of 16 feet	3	Waiver from this requirement for Lot 2.	Bay windows along the Broadway facade exceed the maximum width.
37	General Building	MR6 District - Building Placement - Side Setback - 4 <sup>th</sup> 6 <sup>th</sup> Story Abutting NR or LHD	4.4.8.b	The 4 <sup>th</sup> 6 <sup>th</sup> story of a building abutting an NR District must be 40 feet from the side lot line.	2	Waiver from this requirement for Lot 2.	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 4 <sup>th</sup> and 5 <sup>th</sup> stories in this area will not meet the 30-foot setback as they are approximately 10 feet from the side lot line.



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299 Broadway

38	Permitting Uses		Table 4.2.13; Table 4.4.14	Residential Household living requires a Special permit in both the MR4 and MR6 Districts.	1; 2	The Comprehensive Permit serves as the special permit for these uses.	In granting the Comprehensive Permit, the Zoning Board of Appeals approves the Residential Housing Living use
49	Building Canopies		Somerville Code of Ordinances, §12-14	A canopy over a public way requires a Grant of Location from the City Council	2	Waiver from this requirement for Building B along Broadway	The canopy attached to Building B along the Broadway façade extends over the front property line.
40	Building Canopies	Projection	4.4.11.f	An entry canopy in the MR6 district requires a minimum projection of 3 feet.	2	Waiver from this requirement for Building B along Broadway to allow a minimum canopy projection of 2 feet.	The entry canopy attached to Building B along the Broadway façade has a minimum projection of 2 feet.  12/18/24: This waiver is new as of 12/18/24.
41	Public Realm	Civic Space Standards	13.1.2	Civic spaces are prohibited on lots that only have one north-facing, west-facing or east-facing front lot line.	5	Waiver from this requirement as Lot 5 (Sewall Park) only has one north-facing lot line.	5/14/25: Lot 5 only has one front lot line and it is north-facing.

**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. 15.5.3.

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 COMPREHENSIVE PERMIT(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.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_