4

Zoning Compliance Narrative

This section briefly describes how CDNV Assembly, LLC, (the "Applicant") has fulfilled the various submission requirements as described in Article 5 - Special Permits, Special Permits with Site Plan Review (SPSR), Site Plan Approval and Variances, Article 6.4 – Assembly Square Mixed-Use District (ASMD), and Article 16 - Planned Unit Development of the Somerville Zoning Ordinance adopted March 23, 1990, as amended through September 20, 2017 (the "Ordinance"). It also summarizes various applicable Ordinance provisions from which the XMBLY Development (the "Project") requires zoning relief. The numbering used throughout this chapter follows the section numbering of the applicable Ordinance.

4.1 ARTICLE 5: SPECIAL PERMITS, SPECIAL PERMITS WITH SITE PLAN REVIEW, SITE PLAN APPROVAL AND VARIANCES

5.2.3.1 Name, addresses, and telephone numbers of the applicant, the owner, if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney and the name and address of the proposed project:

The name, address and telephone numbers for the Applicant, Engineer, Architect and Attorney are provided in Section 3.7 in Chapter 3, *Project Summary*, and on the cover sheet of the Preliminary Master Plan Planned Unit Development plan set (the "Plans"), found in Appendix A.

5.2.3.2 Plot plan certified by land surveyor indicating total land area, boundaries, angles and dimensions of the site and a north arrow:

Please refer to the Plan Sv-1 Existing Conditions Plan of Land, found in Appendix A, which contains land areas, boundaries, angles and dimensions of the Site and a north arrow.

5.2.3.3 Scaled site plan(s) certified by a registered land surveyor, architect, landscape architect or engineer showing:

3.a) present and proposed use of the existing land and existing buildings, if any:

The various sheets of the Civil Site Plans (Appendix A) have been certified (stamped) by a registered land surveyor, engineer and/or landscape

architect, as appropriate. The Existing Conditions Plan of Land, shows existing building and uses at the Site. Proposed uses are identified on the Layout and Materials Plan.

3.b) dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footages of all floors:

All existing buildings except for the existing 162,000 SF building identified to be rehabilitated which is located on Block 24 within the south west corner of the Project Site, have been demolished. A Zoning Summary chart for the Project is located in Section 6.4.6 of the Ordinance, Table 4-1 of this Chapter (page 4-7), and on Plan C-3 Layout and Materials Plan, found in Appendix A.

3.c) locations and dimensions of any easements and public or private rights of way, or other burdens, existing and proposed:

Existing easements are shown on the Existing Conditions Plan of Land, found in Appendix A. There will be appropriate easement agreements between the Applicant, the City, and various utility companies. In order to allow for flexibility in building design by future development partners and potential outdoor seating and dining, the Applicant anticipates coordinating proposed access easement and right-of-way dedication with the City through future SPSR Applications of future project phases. Streets within the Project will be dedicated as public ways to the City. The Applicant and the City will execute an easement of use of public sidewalk as outdoor dining and seating, within these right-of-ways. Definitive lotting plans, parcels, plots, and right-of-way dimensions and areas will be provided to the City prior to subsequent SPSR Applications.

3.d) at-grade parking and loading areas showing number, location, and dimensions of the parking and loading spaces, driveways, access and sidewalks:

The locations and dimensions of at grade parking spaces, loading areas, garage ramps and sidewalks are shown on Plan C-3 Layout and Materials Plan in Appendix A. The parking and loading spaces within the structured parking garages are shown in Figures 3.4 and 3.5 in Chapter 3. Table 4-1 below show the ground coverage and total floor areas. Exhibit A below provides a key site plan of each building and roadway location.

Exhibit A – Project Site Key

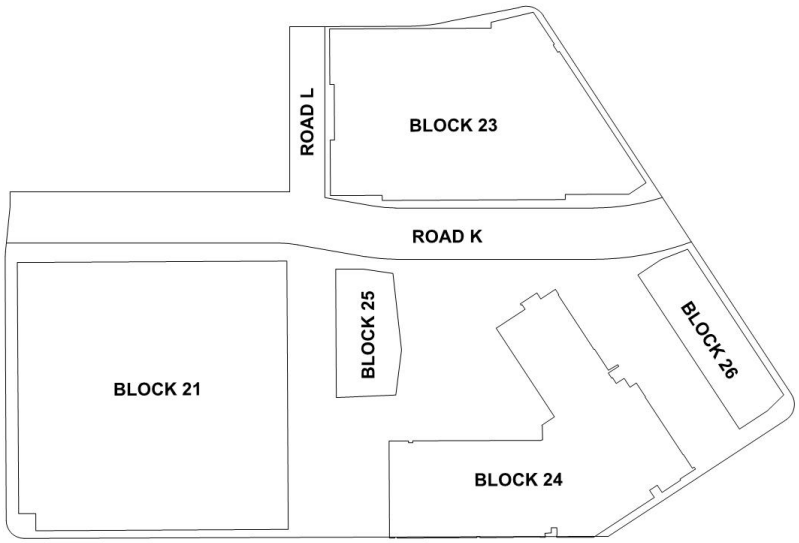

Table 4-1 – Building Coverage and Area

Description	Ground Coverage (SF)	Total Floor Area (SF)
Block 21	98,500±	684,000±
Block 23	62,700±	324,000±
Block 24	52,650±	162,000±
Block 25	10,600±	187,000±
Block 26	13,900±	140,000±

5.2.3.4 A brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees and/or occupants and methods and hours of operation, as applicable:

This application is for PUD-PMP approval and therefore no specific tenants are identified. Please refer to Section 3.2 in Chapter 3 for a description of the proposed Project.

5.2.3.5 The total floor area and ground coverage ratio of each proposed building and structure:

Please refer to the Layout and Materials Plan (Plan C-3) in Appendix A for the program floor area ratio and the size of the proposed uses.

5.2.3.6 Front, side and rear elevations:

Elevations and renderings of the proposed program are contained in the Design Guidelines section of the application submission booklet. This application is for PUD-PMP approval, additional renderings and elevations will be provided in the SPSR approval process.

5.2.3.7 Existing and proposed contour elevations in two foot increments:

Existing contour elevations are shown in one-foot increments and with spot grade elevations on the Existing Conditions Plan of Land (Sv-1). Proposed contour elevations are shown in one-foot increments and with spot grade elevations on the Grading and Drainage Plan in Appendix A.

5.2.3.8 Provisions for vehicular and pedestrian circulation:

Vehicular and pedestrian circulation are shown on Figures 3.9A and 3.9B of Chapter 3.

5.2.3.9 Color, materials, and exterior features of proposed structures:

Anticipated architectural expression for each block is included in the Design Guidelines (see Appendix B) and highlights possible exterior materials, façade articulation and massing to be considered. Building design in detail will be addressed during the SPSR approval process.

5.2.3.10 Landscaping and screening, including trees, stones, walls, fences and other features to be retained and removed as well as color, size and type of landscape surface materials:

More detailed landscape plans will be provided during the SPSR approval process; however, Section 3.2.3 of Chapter 3 includes a general discussion of open space and landscaping improvements, which will be consistent with the attached Design Guidelines found in Appendix B.

5.2.3.11 Measures taken to preserve and protect natural resources:

No natural resources such as wetlands or other water features exist on the Project Site. The Project will minimize environmental impacts by locating the development on previously paved and/or otherwise disturbed land. It is also the intent of the proposed Project to revitalize the natural qualities and landscaping of the Site and increasing the amount of open space to be in excess of the required 25 percent total open space minimum and 12.5 percent useable open space minimum. A comprehensive stormwater management system combined with the new open space features will significantly enhance water quality thereby protecting surrounding natural resources and restoring a natural water cycle.

5.2.3.12 Outdoor lighting, including location and intensity of lighting facilities:

This application is for approval of a PUD-PMP, and as such the lighting design for the Project Site will be addressed during building design and identified in the subsequent SPSR applications.

5.2.3.13 Dimensions and locations of signs, proposed and existing:

This application is for approval of a PUD-PMP and as such specific signage details will be addressed during subsequent SPSR applications.

5.2.3.14 Location and significance of historic structures:

A review of the Massachusetts Historical Commission's ("MHC") Inventory of the Historic and Archaeological Assets of the Commonwealth, available through the Massachusetts Cultural Resource Information System ("MACRIS"), indicated one previously inventoried property located in the Project area. A 1927 service station (SMV.1003) was recorded in 1990 along Middlesex Avenue, but has since been demolished. The property was recorded as part of the Assembly Square Area (SMV.I); in 2002 the MHC opined that the area did not retain enough integrity to be eligible for the National Register, and the area has recently been redeveloped.

5.2.3.15 Method of handling solid waste disposal, and screening of disposal facilities:

Solid waste disposal will be handled by private contractors. The disposal facilities (dumpsters and compactors) will be internal or screened accordingly. Specific measures will be detailed during the SPSR approval processes for each building.

5.2.3.16 Description and location of all proposed mechanical and electrical system components including exhaust and ventilation system, transformers and satellite dishes:

This application is for approval of a PUD-PMP and as such a description of the electrical and mechanical systems will be provided during the SPSR approval process for each building.

5.2.3.17 Locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows:

Please refer to Chapter 6 *Utility Analysis*; the Existing Conditions Plan of Land, the Grading, Drainage, and Erosion Control Plan, and Utilities Plan in the Appendix A.

5.2.3.18 Demolition and construction procedures including impact mitigation measures; an estimate of the time period required for the completion of the development:

Please refer to Section 3.4 in Chapter 3 for a summary of the Project schedule and phasing. Throughout the coming months, the Applicant expects to work diligently with the community and with the City to complete the PUD-PMP and SPSR and approval processes. The Applicant anticipates commencing site preparation and utility relocation work in the summer of 2018. Work for the residential and office buildings is anticipated to be complete by mid-to-late 2020 (approximately 20 months).

5.2.3.19 A traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is 25,000 square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer:

Please refer to Chapter 5, *Transportation*, which includes the Traffic Impact Study has been prepared as part of this PUD-PMP application. The analysis conducted as part of that assessment does indicate that there will be increased trip generation during the weekday morning and evening peak hours because of the proposed development. The study documents how these changes are appropriately accommodated by the surrounding transportation infrastructure.

5.2.3.20 General summary of existing and proposed easements or other burdens now existing or to be placed on the property:

Existing easements are shown on the Existing Conditions Plan of Land, found in Appendix A. There will be appropriate easement agreements between the Applicant, the City, and various utility companies. In order to allow for flexibility in building design by future development partners and potential outdoor seating and dining, the Applicant anticipates coordinating proposed access easement and right-of-way dedication with the City through future SPSR Applications of future project phases. Streets within the Project will be dedicated as public ways to the City. The Applicant and the City will execute an easement of use of public sidewalk as outdoor dining and seating, within these right-of-ways.

5.2.3.21 Wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. chapter 131, Section 40, and rules promulgated there under, 310 C.M.R. 10.00:

There are no wetlands on the Project Site that will be altered by the Project.

5.2.3.22 Photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels:

Please refer to Figures 3.2 and 3.3 for existing conditions Site photographs.

5.2.3.23 Names and addresses of all property owners within three hundred (300) feet of the site boundaries:

Please refer to Section 2.4 in Chapter 2, *Application Forms*, for a copy of the Abutter's list of all property owners within three hundred feet of the Site boundaries.

4.2 ARTICLE 6: ESTABLISHMENT OF ZONING DISTRICTS

6.4.6. Dimensional Requirements. ASMD Table of Dimensional Requirements

The Project Site is located within a PUD-A district and per Section 6.4.6 – Assembly Square Mixed Use District ("ASMD") Table of Dimensional Requirements – the Project Site is located more than 350 feet from the Mystic River Bank. The 1,000-foot setback from an MBTA Orange Line entrance runs through the site, the maximum building height requirement for Block 23 is 250 feet and 125 feet for the rest of the site. Relief is sought for Block 21, 25, and 26 which currently exceed the maximum building height requirement of 125 feet.

Table 4-2 Zoning Compliance Program Table

Requirement	Allowed/Required within a PUD-A	Proposed	Status
Minimum Lot Area	20,000	408,643 (9.38 ± acres)	Complies
Floor Area Ratio	10.0	3.65	Complies
Building Height Block 21A (ft)	125′	250′	*Does Not Comply*
Building Height Block 21B (ft)	125′	200′	*Does Not Comply*
Building Height Block 23 (ft)	250′	85′	Complies
Building Height Block 24 (ft)	125′	54′	Complies
Building Height Block 25 (ft)	125′	220′	*Does Not Comply*
Building Height Block 26 (ft)	125′	135′	*Does Not Comply*
Min Lot Area/Dwelling Unit: 10 or more units (sf)	No Minimum	824	Complies
Total Open Space (sf)	25%	33.9%	Complies
Useable Open Space (sf)	12.5%	21.0%	Complies

Requirement	Allowed/Required within a PUD-A	Proposed	Status
Min. Yard Setbacks	No Minimums	2.75′	Complies
Vehicle Parking	1,487	1,696	Complies
Loading Spaces	19	8	*Does Not Comply*

6.4.7. A ***Development Standards and Design Guidelines for Developments in the ASMD***

A.1) *Transportation Analysis.* All new developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.

A traffic narrative is included as part of this PUD-PMP submission package in Chapter 5, *Transportation*. The updated analysis conducted as part of this submission indicates that the overall Project trip generation will increase on weekends, and on a weekday daily basis. However, the capacity analysis conducted as part of that assessment indicates that the additional traffic generated by the Project during the weekday morning and evening commuter peak hour can be accommodated by the surrounding transportation infrastructure.

A.2) *Parking Requirements.* Developments shall meet the parking requirements set forth in Section 9.16.

The Project as presented in the PUD-PMP will meet the minimum and maximum parking requirements set forth in Section 9.16. The Ordinance requires the Project to provide a minimum of 1,487 total parking spaces. The Project currently proposes 1,662 total structured parking spaces, 34 surface parking spaces resulting in up to 1,696 total Project parking spaces. Though lower than comparable office developments in the near vicinity, the proposed parking ratio (which exceeds the minimum required total) responds to market input and is intended to give Block 21 the flexibility to support leading edge technology, office and life science users. Additional parking is also required for some of the current leases at Block 24. Also, the parking levels at Block 21 have been designed to allow for future conversion to programmable area in the event that the need for parking is reduced. It is possible that these numbers will change slightly as the Project advances, however the Project may require a SPSR from Section 9.16, Parking Space and Loading Area Requirements in the ASMD. Although the total provided parking spaces is greater than the minimum required, the Project does not provide parking spaces to meet the minimum zoning requirement for the Residential Uses. As a result, a parking waiver will be requested during the SPRS-A process for Block 23 and Block 25.

Please refer to Figures 3.4 and 3.5 for a typical below-grade and above-grade garage floor plate. Detailed floor plans, including parking layouts will be provided during the SPSR-A approval processes.

A.3) *Landscaping Requirements*. Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.

Please refer to Section 3.2.2 in Chapter 3 and Figures 3.10 and 3.11 for a general discussion and conceptual plans of open space and landscaping improvements. Specific landscaping requirements will be reviewed during the SPSR-A approval processes.

A.4) *Pedestrian Connections*. Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support improved access.

As described in Sections 3.2.2 and 3.2.3 in Chapter 3, the open space, pedestrian pathways and sidewalk connections to be provided as part of the Project, will be designed to complete and improve connections with the existing network of parks and pathways in the vicinity of the Project Site, including improving the connection between Assembly Row, the Mystic River area and development to the west of the Kensington Underpass and I-93.

B*) Design Guidelines*. In reviewing a Development of more than 10,000 square feet, the SPGA/DRC shall consider the following design guidelines. These guidelines are intended to serve as a general basis for the SPGA and Applicant alike to discuss the design merits of a Development, but are not intended to inhibit design creativity when the application otherwise conforms to all other substantive review criteria. These guidelines are not intended to discourage innovative architectural design solutions. Rather, they provide general standards for the massing, siting and articulation of Buildings for developers and architects to work from. They also provide parameters for dialogue between the Applicant and SPGA on design issues for Developments. These Guidelines are intended to supersede the guidelines set forth in Section 5.2.4. It is understood that existing Buildings and Structures will not be able to comply with all of the following Guidelines:

B.1) *Street and Sidewalk Design*. Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in

such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.

The design of streets and sidewalks will respond appropriately to the Street and Sidewalk Design Criteria of the Assembly Square Public Realm Design Guidelines. The design team has been proactive in researching the recently completed conditions at the nearby Assembly Row and the Assembly Row Design Guidelines. These will be incorporated into the Project as the building design advances. For additional information, please refer to Section 3.2 in Chapter 3.

B.2) *Building Design*. Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot. Specifically, all construction shall:

The final architectural design of the proposed buildings is not complete. Additional details on building design and materials will be provided during the SPSR approval processes. Please refer to Figures 3.12a-b in Chapter 3 for Conceptual Project Renderings.

B.2.a) Be located to create a presence on existing street edges or along major internal circulation routes. Maximum building setbacks of five feet shall be encouraged, except in special circumstances, where greater setbacks would enhance the pedestrian-friendly experience of the ASMD, such as dedicated open space. Buildings shall be located to reinforce both existing and future circulation patterns that may serve more than one Site:

The Project currently contemplates proposed zero (0) foot setbacks and will be located to create a presence on existing street edges and internal circulation routes. The retail spaces along Foley Street and Grand Union Boulevard will be setback five (5) feet, while the upper stories are at a zero (0) foot setback. This provides an opportunity for the retail to engage with the upgraded streetscape as described in Section 3.2 in Chapter 3.

B.2.b) Create interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, shall be part of all street facades and will accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances shall be clearly defined, through the use of elements such as canopies, porticos; overhangs, peaked roof forms, arches. Entries set back from the street shall have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting:

All building entries will be clearly defined via signage and through the intentional use of different materials and elements. Additional details on building entrances will be provided during the SPSR approval processes. Please refer to Figures 3.12a-b for Conceptual Project Renderings.

B.2.c) Clearly define the pattern of bays, rhythms, and dimensions to create continuous visual interest and variety in the design of all faces:

As the design advances, facade treatment will be explored to address the height and massing of the Project, and to break down the scale into separate components that will be consistent with the *Assembly Row Design Guidelines at Assembly Square*. Per the suggestion of the City's Planning Board, the Project's buildings will have a clearly defined base, middle, and top. Additional details on the building composition and orientation will be provided during the SPSR approval processes.

B.2.d) Break down the overall scale of development to respond to the pedestrian-scale use of Open Space:

Anticipated massing and determination of façade hierarchy is shown in Design Guidelines (see Appendix B). A specific description of the building composition and orientation will be provided during the SPSR approval process.

B.2.e) Use materials and colors consistent with traditional Buildings in the area with historic merit:

There are no existing buildings of historic significance or merit in the vicinity of the Project Site. The conditions and materials of nearby developments (existing and approved) will be taken into consideration as the Project design progresses. Please refer to Figures 3.12a-b for Conceptual Project Renderings (highlighting anticipated architectural expression) in Chapter 3.

B.2.f) Locate building equipment and service areas away from Public Ways or major interior circulation routes and provide screening. Enclose all storage of inventory unless it is completely screened from public view with architectural elements meeting these guidelines:

The Project will be carefully designed, well organized or visually screened from its surroundings, and mechanical equipment will be acoustically buffered from neighbors to the extent practicable. Reasonable attempts will be made to avoid exposing rooftop mechanical equipment to public view from City streets. Parapet walls, and mechanical partition screening, will be designed to fit within the character of the overall building design. The Project will comply with the spirit of this design guideline.

B.2.g) Show preference for vertical integration of uses. Developments shall ensure that development patterns provide

active uses on the Ground Floor that take advantage of the waterfront views and open spaces, and that add presence to public ways and sidewalks:

As described in Section 3.2 in Chapter 3, the proposed buildings include active ground floor uses, including ground floor retail and hotel lobby space. Upper floors of the buildings will include above-grade structured parking and residential and office/lab/R&D uses. The above grade parking will utilize architectural or vegetative screening techniques where practicable.

B.2.h) Not have any uninterrupted or un-fenestrated length of its façade exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade; and

The Project will comply with the spirit of this design guideline. A description of the building composition and orientation will be provided during the SPSR approval processes.

B.2.i) Have windows providing visual access to the interior space, arcades, display windows, entry areas, awnings, or other such features no less than seventy (70) percent of their horizontal length on all Ground Floor facades that face Public Ways or the Mystic River. Forty percent (40%) of this activated façade area on the Ground Floor of Building walls along primary and secondary streets shall consist of windows or doors meant for public entry and exit.

The Design Guidelines provided in Appendix B show the percent fenestration anticipated and the required minimum amount of active façade.

B.3) *Parking Lot Design.* Refer to Section 9.16 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.

In an effort to create a pedestrian-friendly environment, the Project includes limited surface parking lots. Only the existing lot adjacent to the existing office building is to remain.

As described in Section 3.2.4 in Chapter 3, the Project will also provide up to approximately 1,662 parking spaces on three (3) below- and above-grade parking garage levels on Blocks 21, 23, and 25. Additional details on parking will be provided during the SPSR approval processes.

4) *Open Space*.

4.a) Landscaping strips required in parking areas (Article 10) shall not apply to Usable Open Space calculations.

As described above, in an effort to create a pedestrian-friendly environment, the Project minimizes on-site surface parking, and only maintains some existing surface loading and parking spaces serving the existing office building at Block 24.

4.b) Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD. These contributions shall be designed and developed with special attention to the provision of wildlife habitat and contiguous migration corridors, and to help reduce the level of stormwater runoff into the Mystic River.

The Project is not located along the Mystic River, but as described in Section 3.2.3. in Chapter 3, *Project Summary*, and as shown in Figures 3.10 – 3.11, it will provide new, ample, and upgraded open space on Site with approximately 145,630 square feet (33.9 percent) of on-site open space. Additional details on landscaping and open space will be provided during the SPSR approval process.

5) *Efficiency of Design*. Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.

A LEED worksheet will be provided during the SPSR approval process for each building.

6) *Contributions*. Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.

The Applicant has begun active conversations with the City regarding on- and off-site contributions to open space and infrastructure. The

Applicant will continue to work closely with the City and provide additional details during the SPSR approval processes.

7) *Loading Spaces*. To the extent possible, loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.

The final locations and dimensions of the loading spaces will be provided during the SPSR approval processes. The Project proposes less loading spaces than the required total and intends to share the loading spaces between the blocks. As a result, a loading waiver request has been included as part of Section 2.3 of Chapter 2.

6.4.12. ***Powers of the SPGA in the ASMD*. In the ASMD the Planning Board shall serve as the Special Permit Granting Authority (SPGA). The SPGA may approve, approve with conditions, or deny any application for a SPSR-A, or a PUD-A after consideration of the criteria set forth above and criteria set forth in any other Sections of this Ordinance referred to herein. The SPGA shall administer Site Plan Approval-A for Priority Permitted Uses as set forth in Subsection 6.4.11 above.**

A) *Relief from Requirements*. Notwithstanding any other provisions of this Ordinance, the SPGA may, as part of an application for a SPSR-A, a PUD-A or Site Plan Approval-A grant relief from Development Standards, and any other requirements of the ASMD outlined in Sections 6.4.6 through 6.4.11. In such cases, in granting such relief, the SPGA must find that:

A.1) Strict enforcement of such standards or requirements would run counter to achieving the objectives of the Assembly Square District Plan (the "ASD Plan");

A list of requested waivers for the Project are included as part of Section 2.3 of Chapter 2.

A.2) The application is substantially consistent with the objectives of the ASD Plan and advances the objectives of the ASD Plan;

The Project will achieve the objectives of the ASD Plan by developing a true mixed-use program, incorporating pedestrian and transit-oriented planning, and creating a series of new pedestrian-oriented public spaces, while minimizing environmental impacts by locating development on previously paved and/or otherwise disturbed land.

Though the heights of the buildings vary from the requirements as defined in the ASD Plan, thought was given to building program, site orientation and adjacent context when determining the building heights. Though further from the MBTA station, Block 21 proposes the tallest building at 250'. Visibility from I-93, views towards the Mystic River and the Boston Skyline, as well as additional opportunities for daylighting will be important to technology, office and life science users. Appropriately sized floor plates to support office and life science uses are provided at Block 21 resulting in increased height and achieving ample separation between buildings. Block 25 also offers significant height at 220'. The increased height allows the building footprint to remain minimal to preserve ample dimension for the site's central open space. To the east, the height of Block 25 is 85' which provides a scale-appropriate edge to the site's "Central Lawn" while also responding to the streetwall condition across Grand Union Boulevard. At 135', Block 26 is slightly taller than the allowable height to provide flexible floor-to-floor heights for commercial use. The culmination of heights offer a diversity in the skyline proposed by this development and as further addressed in the Design Guidelines (see Appendix B).

A.3) In the case of any Alteration of a Nonconforming Structure, a Change of Nonconforming Use, or a Major Amendment to an Approved PUD, such alteration, change or amendment shall conform, to the extent feasible, to the objectives of the ASD Plan; and

This section is not applicable to the Project.

A.4) In the case of waivers from the landscaping requirement, the SPGA must determine that such a level of landscaping is incompatible with the objectives of the ASD Plan.

This section is not applicable to the Project.

B) *Exceptions*. Notwithstanding the foregoing, the SPGA may not grant relief from any of the following standards, guidelines or requirements:

B.1) Section 6.4.8, regarding Large Developments being developed pursuant to the PUD-A provisions of Article 16 unless as part of a Priority Development Process; and

This section is not applicable to the Project.

B.2) Section 6.4.8.D.2 regarding a Large Retail Project providing a non-retail component.

This section is not applicable to the Project.

4.3 ARTICLE 7: PERMITTED USES

7.11. Table of Permitted Uses

The following are uses that the Applicant may request relief with regards to the Project. Please note that a majority of Retail Uses are Allowed Uses in the ASMD at less than 10,000 square feet of gross floor area and a majority of Restaurant Uses are Allowed Uses in the ASMD at less than 5,000 square feet of gross floor area.

- Residential Use – Dwellings, multiple (7 or more units) – Use No. 1-1(c) - SPSR-A - Special Permit with Site Plan Review. Town Houses (4-6) – Use No. 1(d) – SPSR-A – Special Permit with Site Plan Review
- Office Use - 10,000 sf or more of gross floor area – Use No. 7-1(c) - SPSR-A - Special Permit with Site Plan Review
- Retail Use – 10,000 sf or more of gross floor area – Use No. 9-5(c) – Special Permit with Site Plan Review
- Buildings and Uses Owned by the City of Somerville (Fire Station) 10,000 sf or more of gross floor area – Use No. 5-7(b) – Special Permit with Site Plan Review

4.4 ARTICLE 16: PLANNED UNIT DEVELOPMENT (PUD)

16.5.1 *Dimensional Requirements:* Within a PUD-A, refer to the dimensional requirements of Section 6.4.6.

Please refer to Section 6.4.6 of the Ordinance for a summary of the Project's compliance with Dimensional Requirements as well as Table 4-1.

16.5.4. *Waiver of dimensional standards*. In order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (a) such a waiver would result in a better site plan than strict compliance with the stated standards; (b) the proposed PUD design furthers the Purpose and PUD Design Guidelines of this section; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood.

The proposed master plan is seeking a waiver for height requirements. Though the heights of the buildings vary from the requirements as defined in the ASD Plan, thought was given to building program, site orientation and adjacent context when determining the building heights. Though further from the MBTA station, Block 21 proposes the tallest building at 250'. Visibility from I-93, views towards the Mystic River and the Boston Skyline, as well as additional opportunities for daylighting will be important to technology, office and life science users. Appropriately sized floor plates to support office and life science uses are provided at Block 21 resulting in increased height and achieving ample separation between buildings. Block 25 also offers significant height at 220'. The increased height allows the building footprint to remain minimal to preserve ample dimension for the site's central open space. To the east, the height of Block 25 is 85' which provides a scale-appropriate edge to the site's "Central Lawn" while also responding to the streetwall condition across Grand Union Boulevard. Block 26 is consistent with the heights defined in the ASD Plan. At 135', Block 26 is slightly taller than the allowable height to provide flexible floor-to-floor heights for commercial use. The culmination of heights offer a diversity in the skyline proposed by this development and as further addressed in the Design Guidelines (see Appendix B).

16.7 ***PUD Design Guidelines***

PUD design shall comply with the purpose, general requirements and features, and standards for a PUD outlined in this Article, as well as with the special permit with site plan review requirements elsewhere in this Ordinance. The following design guidelines shall also be adhered to:

a) PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site;

The upper floors of the Project's Buildings will be consistent throughout this PUD, providing the buildings with a common base. Additionally, the upper floors of the residential buildings will have individual design elements that respond to each other. The SPSR Application will show the

relationship between the five (5) buildings in more detail as architectural design is refined. Furthermore, the conditions of nearby developments (existing & approved) will be taken into consideration as the Project design progresses.

b) Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space;

As described in Section 3.2.3. of Chapter 3, Block 21, 24, and 25 create an interior open space over below-grade parking. The multi-functional open space will serve as a convenient public passage through the Site, a prominent gathering area for ground level commercial space, and as an entry for the Building. This area establishes permeability throughout the Site and important pedestrian connections to the surrounding neighborhood.

c) When a building is proposed to exceed the base district height limit, it is intended that buildings be of slender proportions emphasizing the vertical dimension;

Though the heights of the buildings vary from the requirements as defined in the ASD Plan, thought was given to building program, site orientation and adjacent context when determining the building heights. Though further from the MBTA station, Block 21 proposes the tallest building at 250'. Visibility from I-93, views towards the Mystic River and the Boston Skyline, as well as additional opportunities for daylighting will be important to technology, office and life science users. Appropriately sized floor plates to support office and life science uses are provided at Block 21 resulting in increased height and achieving ample separation between buildings. Block 25 also offers significant height at 220'. The increased height allows the building footprint to remain minimal to preserve ample dimension for the site's central open space. To the east, the height of Block 25 is 85' which provides a scale-appropriate edge to the site's "Central Lawn" while also responding to the streetwall condition across Grand Union Boulevard. At 135', Block 26 is slightly taller than the allowable height to provide flexible floor-to-floor heights for commercial use. The culmination of heights offer a diversity in the skyline proposed by this development and as further addressed in the Design Guidelines (see Appendix B).

d) It is strongly encouraged that landscaped space, and particularly usable open space, be designed and located to connect as a network throughout the PUD. It is also generally intended that said space be designed and located to connect with existing off-site usable open space, and provide potential for connection with future open space by extending to the perimeter of the PUD, particularly when a plan exists for the location and networking of such future open space;

As described in Section 3.2.3 in Chapter 3, the open space, pedestrian pathways and sidewalk connections to be provided as part of the Project will be designed to complete and improve connections with the existing network of parks and pathways in the vicinity of the Project Site, including improving the connection between Assembly Square, the Mystic River, and development to the east of I-93.

e) It is intended that no non-residential structure cause a casting of any shadow on any residential lands between 10:00 AM and 2:00 PM, solar time, on the vernal equinox (March 21); and that any shadow cast by a PUD structure on public usable open space be of minimal impact on the desired functional use of said open space, particularly in the period from March 21 to September 21;

A shadow study is included as part of this submission (see Appendix D). Final description of shadow analysis for each building is preliminary and will be updated during the SPSR approval processes.

f) Vehicular access to and from public roads is intended to be consolidated. Vehicular access to PUD lands from a public roadway shall generally be limited to one (1) access point, particularly when PUD frontage along said roadway is three hundred (300) feet or less. When a PUD has more than six hundred (600) feet of frontage on a public road, separation between existing, approved, and proposed curb cuts, whether on or off-site, shall average a minimum of two hundred (200) feet. Consolidation to a minimal number of access points is strongly encouraged;

As described in Section 3.2.2 in Chapter 3, the primary vehicular point of entry to the Site will be from Foley Street, Grand Union Boulevard, Middlesex Avenue, and Revolution Drive. As described in Section 3.2.2, and as shown on Figure 3.5 and Plan C-3 Layout and Material Plan (found in Appendix A), on-site structured vehicle parking, and service and loading areas will all be accessible from Foley Street, Grand Union Boulevard, Middlesex Avenue, and Revolution Drive.

g) Internal PUD streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall meet the standards of the City's Director of Traffic and Parking.

Please refer to Plan C-3 Layout and Material Plan in Appendix A. Internal PUD streets “Road K” and “Road L” will be designed in accordance with standard traffic engineering practice and will meet the standards of the City’s Director of Traffic and Parking, to the maximum extent practicable.

h) PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Alight streets to give building energy-efficient orientations.

Please refer to Figure 3.4,Plan C-3 Layout and Material Plan, and the Design Guidelines for more information. The PUD will be divided into blocks to create a pedestrian-friendly scale in street grid and streets will give buildings energy-efficient orientations, to the maximum extent practicable.

i) The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.

The Project will be located on a previously paved and/or otherwise disturbed site, and does not currently contain any natural features to be preserved or enhanced.

j) The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.

This Project will decrease the Site's total impervious surfaces. Under existing conditions, a majority of the site is surface parking with more than 800 parking spaces, landscape areas in poor conditions, demolished buildings, and construction debris. The Project will reduce total volume of runoff from the Site through use of green infrastructure BMPs, such as pervious pavements, raised stormwater planters, and proprietary separators to improve the water quality of runoff from the Project. The reduction in surface parking reduces the potential vehicular pollutants as building roofs do not contribute and their stormwater runoff is not required to be treated for water quality.

k) PUDs should maximize pedestrian transit-oriented development. Specifically they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts and alternatives to travel along high-volume streets, and emphasize safe and direct pedestrian connections to transit stops and other commercial and/or employment nodes; provide long-term, covered, bicycle parking areas; provide well-lit, transit shelters; incorporate transit-oriented design features; and establish Travel Demand Management programs at employment centers.

The Project will provide wide sidewalks for pedestrians as well as access to the nearby commercial and retail spaces. "Road K" contains raised pavement and proposed curvature that acts as traffic calming in its "Festival Street" location. Long-term, covered bicycle parking spaces will be provided on-site. TDM measures will be implemented as part of the Project, and can be found in Chapter 5, *Transportation*.

l) Make shopping centers and business parks into all-purpose activity centers.

This section is not applicable to the Project.

16.8.2 PUD Preliminary Master Plan Contents. Any application for PUD preliminary master plan approval shall be accompanied by the following supportive information:

2.A) Neighborhood Context Plan and Narrative

Please refer to Sections 3.1 and 3.2 in Chapter 3, *Project Summary*, for a summary of the existing Site conditions, neighborhood conditions, and a description of the proposed Project. Please refer to Plan C-2 in Appendix A for a Neighborhood Context Plan.

2.B) Conceptual Site Plan

Please refer to Figure 3.4 for the Conceptual Ground Floor Plan, Plan C-3 Layout and Material Plan in Appendix A, and the Design Guidelines in Appendix B.

2.C) Analysis of Compliance

Please refer to Table 4-1 for a summary of the Project's compliance with applicable zoning requirements and dimensional standards.

2.D) Names of Property Owners within 300 Feet of PUD

Please refer to Section 2.4 in Chapter 2, *Application Forms*, for a copy of the abutter's list of all property owners within three hundred feet of the Site boundaries.

2.E) Narrative on Maintenance of Landscaping, Open Space and Drainage

Please refer to Section 3.2.3 in Chapter 3 and Figures 3.10-11 for a summary of conceptual landscaping and open space to be provided by the Project. Please refer to Section 6.4 in this chapter for a summary of existing and proposed stormwater management strategies. A final open space and landscaping plan, along with a final stormwater management plan will be provided during the SPSR approval processes.

The Applicant (which term shall include each and every successor in interest to the original Applicant) will be responsible for maintenance of the open space and public realm improvements on the Project Site. The Applicant will work closely with the City to provide additional details during the SPSR approval process regarding the maintenance of the proposed off-site improvements to City-owned property.

2.F) Traffic

Please refer to Chapter 5, *Transportation*, which has been prepared and submitted as part of this PUD-PMP application.

2.G) Utility Analysis

Please refer to Chapter 6, *Utility Analysis*, which has been prepared and submitted as part of this PUD-PMP application. Please refer to Plan C-5 Utility Plan and Sv-1 Existing Conditions Plan of Land, found in Appendix A, which show existing and proposed utilities. The utility design will be refined during building design and elaborated with each subsequent SPSR application.