



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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GERARD AMARAL, (ALT.)

Case #: PB 2018-07
Site: 5 Middlesex Avenue
Date of Decision: June 7, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 13, 2018

PLANNING BOARD DECISION

Applicant Name: CDNV Assembly LLC
Applicant Address: 120 Water Street, Boston, MA 02109
Property Owner Name: CDNV Assembly LLC & Somerville Office Associates LP
(AKA. RD Management LLC as listed on the original application)
Property Owner Address: 120 Water Street, Boston, MA 02109
Agent Name: Reimer Braunstein LLP
Agent Address: 700 District Avenue, Burlington, MA 01803

Legal Notice: Applicant, CDNV Assembly LLC, and Owner, CDNV Assembly LLC & RD Management LLC, is seeking a Planned Unit Development-A Preliminary Master Plan (PUD-PMP) under Article 16 and Section 6.4 of the Somerville Zoning Ordinance (SZO) for 9.38 acres (lots 88-A-1 & 99-A-15) in the Assembly Square Mixed-Use District (ASMD) to develop a transit-oriented mixed-use development to include commercial (office/R&D/lab), residential, and retail.

The following waivers are requested:

1. for relief under §6.4.12.A and §16.5.4 for additional building height as follows; a. "Block 21" commercial uses is composed of a 5-story podium and two towers - one building will be 200' to the top of roof, and the other 250' high – with a total of 646,000sf; b. "Block 25" will be a residential tower 220' high containing 167 units; and, c. "Block 26" will be a commercial building 135' high containing approximately 140,000sf.
2. for relief under §16.5.5 to allow 8 loading docks to be shared between uses
3. for relief under §13.3.5 to waive the Planning Board's right of first refusal or option to purchase the inclusionary units.



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Zoning District/Ward: ASMD zone. PUD-A Overlay District. Ward 1.

Zoning Approval Sought: Planned Unit Development-A Preliminary Master Plan (PUD-PMP)

Date of Application: March 15, 2018

Date(s) of Public Hearing: May 15th, 2018, June 7th, 2018

Date of Decision: June 7th, 2018

Vote: 5-0

Appeal #PB 2018-07 was opened before the Planning Board at Visiting Nurse Association, 3rd Floor Community Room (259 Lowell Street) on May 3, 2018. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

I. Subject Property:

The Project Site is a 9.38-acre lot bounded by Foley Street, Middlesex Avenue, Revolution Drive and Grand Union Boulevard in the heart of Assembly Row. The adjacent parcels to the north (across Foley Street) and south (across Revolution Drive) support existing retail uses and surface parking. The adjacent parcels to the north and east (across Grand Union Boulevard) are part of the Assembly Row mixed-use development. The Site is located within walking distance from the Massachusetts Bay Transportation Authority's (MBTA) Orange Line Assembly rail station and multiple bus stops for the MBTA's number 90 and 92 bus lines. The existing site contains an existing four-level 162,000 square foot ("SF") office building, approximately 800 parking spaces within an asphalt paved surface parking lot, and a gravel lot covering land where a demolished building once stood.

On July 25, 2016 Somerville Office Associates applied for a minor subdivision to reconfigure the parcels at 5-7 Middlesex Avenue and Grand Union Boulevard to create two parcels called Block 9 and New Parcel 2 (Case#: PB 2016-12). The subdivision did not create zoning violations and enabled Block 9 of the Assembly Row Master Plan to be developed with a more functional parcel shape. The applicants at Assembly Row will be returning to the Board at a future date to adjust the plan for Block 9 to match the new parcel shape. The subdivision also allowed for future development of the New Parcel 2. This parcel is part of this application that requires approval of a Preliminary Master Plan under the Planned Unit Development-A zoning.

Surrounding Neighborhood:

The Assembly Square Mixed-use District (ASMD) encompasses the area bounded by the Mystic River, the Boston City Line (excluding the property east of the Rockport/Newburyport commuter rail line), the I-93/Route 38 corridor and Route 28.

The Planned Unit Development Preliminary Master Plan (PUD-PMP) for Assembly Row, approved in 2006 and amended in 2010 and 2014, is to redevelop approximately 56.2 acres of land in the Assembly Square area of Somerville, Massachusetts with a new transit-oriented mixed-use development consisting of approximately 1,843 residential units, 2.8 million square feet of commercial uses permitted under the SZO including, but not limited to office, research & development, laboratory, medical office, manufacturing, etc., 585,000 SF of retail space (including restaurants and cinema), a health club, and an up to 170-room hotel. The Project also includes the continued use and occupancy of the retail uses at the existing building known as the Assembly Square Marketplace. Construction of the Project is planned in multiple phases to be constructed over ten to fifteen years.

The self-storage/café building further down Middlesex Avenue was also approved through a PUD-PMP process. These are the two master plan projects that have been proposed and are underway or complete in Assembly

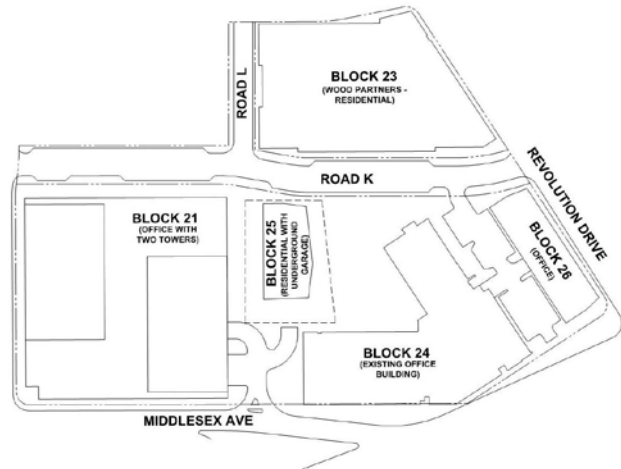


Square. The “Assembly’s Edge” project (845 McGrath Highway and 74 Middlesex Avenue) was recently approved for a PUD-PMP and has submitted a Site Plan application.

2. Proposal:

The Project will consist of approximately 1.5 million square feet (MSF) of residential and commercial uses within five (5) mixed-use buildings, each on its own block, surrounding a central open space:

- Block 21 includes office/lab uses, retail/active use space, and a fire station of 646,000 SF proposed as two towers sitting above a 5-level podium (the lower tower at approximately 190’ and the taller tower at approximately 250’);
- Block 23 includes 6 levels of 329 residential units above a two-story podium of retail/active use space and parking;
- Block 24 is the existing four-level office building;
- Block 25 is proposed to be 220-0” and located in the center of the site with 187,000 SF for 167 residential units; and
- Block 26 is intended to provide 140,000 SF of commercial (office/R&D uses) over 10 levels.



The Project proposes to provide approximately 145,630 square feet of open space and 90,840 square feet of publicly accessible usable open space with a 48,000sf central lawn bounded by Block 21, Block 24 and Road K.

Design and Compatibility:

The project proposes an extension of the overall public realm strategies established at Assembly Row; adapted and evolved to create a series of spaces that are identifiably unique yet intimately connected to the neighborhood at large. To achieve this, special focus has been given to creating a positive pedestrian experience as an extension of the network established at Assembly Row.

The open space design provides approximately 145,630 square feet of open space in a series of landscape experiences. This is achieved through the provision of flexible spaces that can support a broad range of programming; development of landscape spaces at multiple scales to support different levels of social interaction; seamless integration of stormwater best management practices, and climate change planning measures; and includes strategies for addressing adjacent highway impacts. Part of Road K adjacent to the Central Lawn will be a Festival Street. A flush street/sidewalk condition, a woonerf similar to the condition at Point Park in Assembly Square, that allows the vehicular street area to be closed-off and allows the street to be used in conjunction with the streetscape for neighborhood celebrations.

While the design of the buildings located in the northern portion of the Assembly Row vernacular which pays homage to the Site’s rich industrial past, the proposed office developments to the southern portion of Assembly Row as well as the Partner’s Healthcare Headquarters facility have transitioned to a more modern architectural aesthetic. A critical point of emphasis is for each building (for all use types) to express a distinct base, middle, and top, as well as offering a varied expression at the roof line to contribute to the Somerville skyline in this district. While common themes will be emphasized (such as the expression of the structural column grid, scale-appropriate rhythm for openings, and a mix of opaque and

transparent materials) flexibility is given within the design guidelines for the buildings to have a distinct architectural expression, while also encouraging a cohesive relationship with the surrounding neighborhood.

In accordance with the design guidelines created for this development, the proposed buildings are intended to offer a diverse range of architectural expression. These buildings are intended to be designed with a focus on the pedestrian experience, and careful consideration will be given to elements at the ground level (such as canopies, storefronts, and building entrances) to define a comfortable pedestrian scale at the street edge. A high level of transparency will be offered at the ground level to encourage activation and to provide opportunities for a “porous” edge condition.

Access and Circulation:

The proposed street layout to continue the street grid and extend the urban fabric which has been established at Assembly Row (to the east) and to provide future connectivity to the adjacent retail parcels (to the north and south). The pedestrian pathways and sidewalk connections will be designed to be seamless with the existing network street sections and amenities/furnishings in the vicinity. Vehicular connections have been well considered but the priority of the public realm design focuses on the pedestrian.

The existing roadways at Assembly Row are shared-use, promoting the use of bicycle transportation. Road K will continue that emphasis and a shared bike station will be provided within the development area. The site also has convenient public transit access including one (1) MBTA Orange Line station at Assembly Square approximately 1,200 feet to the east, and three (3) bus routes with stops near the Project Site along Middlesex Avenue, Mystic Avenue, and Grand Union Boulevard. These connections provide opportunities to minimize vehicle trips and encourage alternative modes of travel.

Impact on Affordable Housing:

The Applicant is proposing that 20% of the residential units to be constructed as part of the Project will be set aside as affordable units consistent with the Provisions of SZO Article 13 – Inclusionary Housing. Block 23, the 8-story residential building at the intersection of Grand Union Boulevard and Revolution Drive will house 329 dwelling unit and the Block 25 tower will have 160 units for a total of 489. The 98 affordable units will be finalized with the City under the required Affordable Housing Implementation Plan during the subsequent SPSR-A applications.

SomerVision Plan:

The Project is consistent with the goals of SomerVision, as it is located within an identified opportunity area of Somerville. As proposed, the project will enhance connections to the Assembly Row development from residential areas located in East Somerville on the southern edge of the ASMD.

<u><i>SomerVision Summary</i></u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	496
<i>Affordable Units:</i>	0	98
<i>Commercial Sq. Ft.:</i>	162,000	948,000
<i>Estimated Employment:</i>	unknown	unknown
<i>Parking Spaces:</i>	800	1,662
<i>Publicly Accessible Open Space:</i>	0	90,840

Dimensional Requirements:

16.5.1.	Uses within a PUD-A or SPSR-A uses	Provided	Comments
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a. Minimum lot size (s.f.)	20,000	408,643	conforming
b. Maximum FAR	10.0	3.65	conforming
c. Minimum lot area/dwelling unit.			
10 or more units (s.f.)	No minimum	824	
d. Total open space ⁽¹⁾	25%	33% (145,630sf)	conforming
e. Useable open space ⁽¹⁾	12.5%	21% (90,840sf)	conforming
f. Maximum height ⁽²⁾			
All other locations	125 feet	135', 200', & 250' office and 220' residential	waiver requested
g. Setbacks (front, side, and rear perimeter)	No minimum	0'	conforming

3. Green Building Practices:

The Applicant is committed to an integrated, sustainable design approach. The project is currently targeting a goal of Leadership in Energy and Environmental Design® ("LEED") Version 4 Certified rating. The Proponent will provide a LEEDv4 checklist as part of the Special Permit application for each subsequent building.

In recognition of the City's goal to achieve carbon neutrality by 2050, the design team has raised finished floor elevations and the location of the proposed buildings' critical infrastructure for occupiable spaces above the projected flood elevations. Energy modeling will also be employed for each building to examine building performance and to examine opportunities to provide innovative sustainable design solutions focused on reducing GHG emissions.

FINDINGS FOR SPECIAL PERMIT (SZO §5.2.5, §6.4, and Article 16):

In order to grant a Special Permit with Site Plan Review for a Planned Unit Development Preliminary Master Plan, the SPGA must make certain findings and determinations as outlined in §5.2.5, §6.4, and Article 16 of the SZO. The attached Appendices go through these sections in detail.

Appendix A: Application Requirements

- A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)
- A.2: General Information Required for SPSR Applications (SZO 5.2)
- A.3: Denial Letter Requirement (SZO 16.12)

Appendix B: Required Findings of Fact



- B.1: General Findings under Section 16 (SZO 16.9 and 16.1)
- B.2: Consistency Findings (SZO Section 6.4)
- B.3: General Requirements of a PUD (SZO Section 16.4)
- B.4: PUD Design Guidelines (SZO Section 16.7)
- B.5: ASMD Development Standards (SZO Section 6.4.7.A)
- B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)
- B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)
- B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)

Appendix C: Future Requirements for SPSR-A

Appendix D: Standards for Waivers

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay, and Rebecca Lyn Cooper, with Gerard Amaral absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a SPECIAL PERMIT with SITE PLAN REVIEW for a PLANNED UNIT DEVELOPMENT – PRELIMINARY MASTER PLAN (PUD-PMP). Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted **5-0** to **CONDITIONALLY APPROVE** the request. In addition the attached conditions in Appendix E were added.



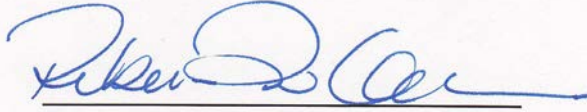
Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro


Dorothy A. Kelly Gay

Rebecca Lyn Cooper



Michael Capuano

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or

_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



Appendix A: Application Requirements

<u>A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)</u>					
Section	Required Finding	Met	Not Met	To Address in SPSR-A	Comment
16.8.2.A	A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed PUD upon the area, indicating how the PUD relates to surrounding properties and what measures will be taken to create appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable)	X			Included in application submission
16.8.2.B	A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information	X			Included in application submission
16.8.2.C	Analysis of compliance with regulations as to dwelling units per square feet of lot area, height, building coverage, floor area ratio (FAR) and parking requirements	X			Included in application submission - see Section 3
16.8.2.D	Names of all property owners within five hundred (500) feet of the PUD boundary	X			Included in application submission
16.8.2.E	Explanation of provisions for the landscaping and maintenance of all open space and drainage areas	X		X	See Stormwater Management section in Utility Analysis. Other landscaping/maintenance details be addressed in SPSR-A. Condition is recommended relative to preparation of Maintenance Agreement.
16.8.2.F	A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level . . .	X		X	A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.8.2.G	A utilities analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall contain an inventory of existing utilities including, but not limited to, storm sewers and drains, sanitary sewers, electrical lines, fire alarm boxes and lines, gas lines/mains, water mains, lighting, curb and gutter, etc. Said inventory shall illustrate utility locations, sizes, diameters, carrying capacity and present load on the system. The engineer's report shall state if the current system is capable of adequately serving the proposed development. If the current utility system is found to be inadequate for the proposed development, the report shall confirm the deficiencies and make recommendation(s) as to the infrastructure improvements necessary to properly service the proposed development and maintain the existing service. The report shall also present a formal plan for infrastructure improvements, documenting timing, funding mechanisms and coordination with the City	X			Included in application submission - see Section 6 Utility Analysis
16.8.2.H	All applicable information required for special permit with site plan review (See Article 5 of this Ordinance). This information may be submitted at a preliminary level, in consideration that PUD approval is a preliminary approval	X			See section A2, below
16.8.2.I	Any other supportive information the applicant feels may be beneficial to the City of Somerville in the evaluation of the request	X		X	Additional information provided includes 3-dimensional renderings and supplemental detail on individual plans to later be submitted for SPSR-A review
<i>A.2: General Information Required for SPSR Applications (SZO 5.2)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	X			Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	X			Included in application submission - see Appendix A Sv-1 Existing Conditions Plan of Land
5.2.3.3	scaled site plans certified by a registered land surveyor, architect, landscape architect or engineer showing present and proposed use of land and existing buildings, if any; dimensions of existing and proposed structures; location and dimensions of any easements and public or private rights of way; and at grade parking and loading areas.	X		X	See Appendix A - Civil Site Plans. Plans are scaled but no dimensions are labeled for individual buildings.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
5.2.3.4	brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable	X		X	Project description, general use mix and development strategy is provided in Section 3 of PMP. The general project description is provided and this is sufficient at this time, before individual SPSR-A's are submitted.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	X		X	Table 4.1 on page 4-3 shows the schematic numbers, and further refinement will be required with each SPSR-A submittal.
5.2.3.6	front, side, and rear elevations			X	Schematic elevations and design guidelines are provided and will be refined with each subsequent SPSR-A application.
5.2.3.7	existing and proposed contour elevations in two foot increments	X		X	See C-4 Grading and Drainage Plans for 1 foot contours
5.2.3.8	provisions for vehicular and pedestrian circulation	X		X	See Fig. 3.4 and Section 5 for basic information. Detailed information on pedestrian and vehicle circulation will need to be provided with SPSR-A applications for review by the Director of Transportation & Infrastructure, City Engineer, and Traffic Engineer.
5.2.3.9	color, materials, and exterior features of proposed structures	X		X	To be provided with SPSR-A application. See Design Guidelines for general development strategy for building features.
5.2.3.10	landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials	X		X	A general Site Plan is provided but much more detail will be required with the SPSR-A applications. All trees will be reviewed by Planning Director, City Arborist, and City Engineer prior to infrastructure construction.
5.2.3.11	measures taken to preserve and protect natural resources	X		X	Some SPSR-A applications may require approval of Conservation Commission and environmental remediation in accordance with MA DEP requirements. No natural resources such as wetlands or other water features exist on the Project Site.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities			X	Lighting on development site is to be addressed in SPSR-A applications. Lighting on City streets will need approval by City Engineer/Public Works prior to infrastructure construction.
5.2.3.13	dimensions and locations of signs, proposed and existing			X	To be addressed in SPSR-A application.
5.2.3.14	location and significance of historic structures	X			Included in application submission.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities			X	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			X	To be addressed in SPSR-A applications.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
5.2.3.17	locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows	X			Included in application submission. See Existing Conditions Plan; Utility Analysis; Layout and Materials Plans
5.2.3.18	demolition and construction procedures including impact mitigation measures; an estimate of the time period required for completion of the development			X	To be addressed in SPSR-A applications. Demolition permits will require approval of ISD.
5.2.3.19	a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is twenty-five thousand (25,000) square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer	X			A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	X		X	See Existing Conditions Plan - additional information may be required at SPSR-A.
5.2.3.21	wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated thereunder, 310 CMR 10.00	X			See Existing Conditions Plan - none on site.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	X			Included in application submission
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	X			Included in application submission
5.2.3.24	such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations	n/a			Renderings and Design Guidelines are included in the application.
<u>A.3: Denial Letter Requirement (SZO 16.12)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.12	All applications for a preliminary Master Plan Approval shall be required to include a so-called 'denial letter' from the Inspectional Services Department indicating which aspects of the proposed PUD require approvals from the SPGA	n/a			n/a

Appendix B: Required Findings of Fact

<u>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.9	The SPGA shall review and determine whether a PUD application is complete and place special emphasis in its review as to PUD compliance with provisions of Article 16 herein, including compliance with the purpose and general requirements/features of a PUD	X			Applicant has provided a complete application. Chapter 3 establishes that Applicant has provided an application that is in compliance with the provisions of Article 16 and complies with the purpose, general requirements and features of a PUD.
16.9	The SPGA shall . . . determine whether the proposal is consistent with the most suitable development of the City, and conduct a review in accordance with the requirements for special permit with site plan review as set forth in Article 5 of this Ordinance. The PUD shall comply with all requirements of this Ordinance unless a deviation from these strict requirements is authorized herein in Article 16	X			The proposal to re-use an under-utilized parcel for a mixed-use development is consistent with the most suitable development in the City. It is based upon a long-term set of principles established by the City for redevelopment of the Assembly Square area in the ASD Plan. The applicant is requesting three waivers, which are addressed in Section 2.3. A fourth waiver was requested "under Section 16.10.2 for the proposed project to be processed and governed by the provisions of the current Somerville zoning ordinance in effect prior to the publication of any legal notice for the proposed recodification of, or amendments to, the Somerville Zoning Ordinance" but is not allowed under recent ordinance amendments.
16.1	The purpose of a Planned Unit Development, or PUD, is to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed . . . to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should be a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development context . . . Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.	X			The proposed project has benefitted from collaboration by the Applicant with the City and community stakeholders. The result is a plan for mixed-use urban blocks providing new jobs, increased tax revenues, market rate and affordable housing, improved access to transportation, improvements to regional stormwater systems, and enhanced open space amenities. The project mixes uses, provides urban densities, develops according to environmental constraints and opportunities on the site. The project meets this finding.
<u>B.2: Consistency Findings (SZO Section 6.4)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.1	Purpose. The Assembly Square Mixed-Use District (ASMD) has been enacted to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The ASMD zoning is designed to allow the district to reach these goals.	X			See comments under Section 6.4.4 below.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Planning Study</u> dated October 2000	X			The Assembly Square Planning Study prepared by the Cecil Group in 2000 created a framework for development in the Assembly Square area over the next twenty years and beyond. This Planning Study encouraged mixed-use development, but also recognized that a certain amount of big box retail would be the most feasible use in Assembly Square in the immediate future. The Planning Study specifically supported the redevelopment of the Assembly Square Mall to improve Assembly Square's visibility and image, helping to pave the way for more intensive office development. The general principles and concepts of the plan are supported by this PUD-PMP and includes all of the physical characteristics, values, and goals that were addressed in the Planning Study.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Revitalization Plan</u> dated 2002	X			The Assembly Square Revitalization Plan is an approved Urban Renewal Plan under MGL 121B. The 2002 plan was a Major Plan Change to the 1980 Assembly Square Revitalization Plan -- the City's urban renewal plan for Assembly Square. This PUD-PMP is consistent with the overall vision of the Revitalization Plan.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Design Guidelines for the Public Realm</u> dated 2002	X			Overall, the revised PUD PMP is consistent with the Public Realm Guidelines. The PUD's three key principles closely align with the goals of the Public Realm Guidelines and the ASMD; both encourage design that supports the PUD's public spaces and achieves sense of place, multi-modal functionality, and 24-hour activity. Both documents give streetscapes and public spaces high priority, stressing the role these spaces play in the framework of the PUD. Both establish street hierarchies and district gateways for orientation. The Public Realm Guidelines generally include a greater level of streetscape and building detail, while the PUD PMP establishes complementary detailed design guidelines to drive decisions made at the SPSR-A phase and during streetscape design.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
					The Public Realm Guidelines also place emphasis on creating physical and visual connections between the PUD and its surrounding neighborhoods. The Applicant is undertaking several significant transportation improvements to enhance multi-modal access to the site. These efforts are especially important along the PUD's outer edges.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Transportation Plan</u> dated 2003	X		X	The Assembly Square Transportation Plan generally calls out for development of a street grid within the mixed-use area. The overall transportation strategy in the PUD-PMP meets the spirit of the original Transportation Plan and will continue to be refined in subsequent SPSR-A applications.
<u>B.3: General Requirements of a PUD (SZO Section 16.4)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.4a	a designated tract of land meeting the minimum lot size requirements of Section 16.5.1.a for the PUD district	X			The parcel size is 408,643 s.f., or approximately 9.38 acres. This exceeds the 20,000 SF minimum lot size required for the PUD-A in the ASMD.
16.4b	developed in a comprehensive, design-integrated manner, according to an overall master plan, with two (2) or more types of use	X			The Applicant has submitted application materials showing buildings and roadways prepared by the architectural firm of Spagnolo Gisness & Associates, Copley Wolff Design Group, and the engineering firm of Vanasse Hangen Brustlin, Inc. The PUD includes the following uses: retail (including restaurants), residential, office, lab/R&D, and parking.
16.4c	consistent with the objectives of this Ordinance;	X			The Applicant has utilized the increased height and FAR allowed under the PUD Ordinance, proposing buildings ranging from 8 to 19 stories with a maximum height of 250 feet.
16.4d	consistent with the goals, objectives and plans of the City for the general subject area	X			The goals, objectives, and plans of the City for Assembly Square have been expressed in various public documents. Section B2 of these findings identifies in more detail how the proposed PUD is consistent with these documents.
16.4e	developed so as to locate or cluster development sites, especially buildings, in a manner that provides usable open space, preserves natural or historic features, and preserves views of such features to the maximum extent possible	X		X	The PUD is oriented around a central open space connected by plazas and pedestrian friendly streets. During SPSR-A review for each component of the Master Plan, the provision of usable open space, and the preservation of views will continue to be monitored by the Planning Board, and this Decision includes conditions regarding the Applicant's obligation to submit detailed information for each SPSR-A application.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.4f	an efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife	x			The existing site is relatively flat and there are no significant wetlands, floodplains, or wildlife. The most important natural feature of the larger district is the Mystic River, and the PUD will provide pedestrian connections to the riverfront. This PUD locates the tallest buildings in the district furthest away from the Mystic River.
16.4g	an efficient use of land demonstrating full coordination of its own site development including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure	x			The Master Plan demonstrates that full consideration has been given to district development as a whole. The project proposes uses and their associated roadways, parking, and infrastructure developed in a coordinated manner. During the SPSR-A process for building development, the architecture, open space and pedestrian networks, vehicular access and circulation, roadways, and infrastructure will be reviewed in appropriate detail, and this Decision includes conditions to ensure that these issues are more fully addressed during the SPSR-A process.
16.4h	linked and coordinated with surrounding land uses, off-site public facilities, infrastructure and roadway access where appropriate, in a manner that is safe, efficient and non-injurious to the public, and an improvement or benefit to the public where possible	x		x	The Applicant has designed a network of open spaces, roadways, and sidewalks which constitute an improvement to the existing conditions and a benefit to the public. During the SPSR-A process, links with surrounding land uses, off-site public facilities, infrastructure, and roadway access will be reviewed in appropriate detail. Conditions have been attached to this Decision to ensure that these issues will be fully addressed.
16.4i	designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD	x			A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
16.4j	inclusive of provisions for the ownership and maintenance of usable open space as appropriate (see Sec. 16.6 of this Article)	x			The Applicant will be required to maintain the usable open space within the PUD subject to a maintenance agreement that must be developed as a condition of this approval.
16.4k	inclusive of appropriate deed restrictions or covenants requiring compliance of all development with the PUD master plan, and any architectural or other guidelines or standards			x	The PUD project is in too preliminary a stage to determine what deed restrictions will be required and this will be addressed in subsequent submission for SPSR-A.
16.4l	when inclusive of a proposed use allowable under this Ordinance only within a PUD setting, that said use is integrated into the proposed development in terms of function and service to other users of the PUD site and/or to the immediately surrounding area	n/a			Not applicable. This finding is not applicable in the ASMD District because all uses in the PUD align with the underlying district.
<u>B.4: PUD Design Guidelines (SZO Section 16.7)</u>					

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.7a	PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site			X	Architectural review will occur in detail during the SPSR-A process. The Design Guidelines submitted with this PUD-PMP show the conceptual massing and architectural intent of all the buildings in the PUD area. These guidelines will be used to review the design and details of each subsequent Site Plan application.
16.7b	Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space			X	While the highest quality (primary) facades tend to be oriented towards the open spaces, specific openings and architectural elements would be decided during the SPSR-A process.
16.7c	When a building is proposed to exceed the base district height limit, it is intended that buildings be of slender proportions emphasizing the vertical dimension			X	From the information provided at this conceptual level appears to meet this finding. Further detail and architectural elements that also accentuate the verticality of the buildings would be reviewed during the SPSR-A process. Block 21 proposes the tallest building at 250' with high visibility from I-93 and provides daylighting into the floorplates that will be important to technology, office, and life science users. Block 25 also offers significant height at 220' allowing the building footprint to remain minimal to preserve ample dimension for the site's central open space.
16.7d	It is strongly encouraged that landscaped space, and particularly usable open space, be designed and located to connect as a network throughout the PUD. It is also generally intended that said space be designed and located to connect with existing off-site usable open space, and provide potential for connection with future open space by extending to the perimeter of the PUD, particularly when a plan exists for the location and networking of such future open space	X			The open space, pedestrian pathways, and sidewalk connections within the Project will be designed to complete and improve connections with the existing network of parks and pathways in the vicinity - including improving the connection between Assembly Square, the Mystic River, and development to the east of I-93.
16.7e	It is intended that no non-residential structure cause a casting of any shadow on any residential lands between 10:00 AM and 2:00 PM, solar time, on the vernal equinox (March 21); and that any shadow cast by a PUD structure on public usable open space be of minimal impact on the desired functional use of said open space, particularly in the period from March 21 to September 21.	X			Included in application submission - see Appendix D. The central open space remains in sun for most of the year but will be in shadow in the winter months when it will be least occupied due to outdoor temperatures any way. The shadow studies may be refined as design is finalized and adjusted through the SPSR-A process.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.7f	Vehicular access to and from public roads is intended to be consolidated. Vehicular access to PUD lands from a public roadway shall generally be limited to one (1) access point, particularly when PUD frontage along said roadway is three hundred (300) feet or less. When a PUD has more than six hundred (600) feet of frontage on a public road, separation between existing, approved, and proposed curb cuts, whether on or off-site, shall average a minimum of two hundred (200) feet. Consolidation to a minimal number of access points is strongly encouraged	X			The primary vehicular points of entry to the Site will be from Foley Street, Grand Union Boulevard, Middlesex Avenue, and Revolution Drive. On-site structured vehicle parking, service access, and loading areas will all be accessible from Road L, Road K, Foley Street, and Middlesex Avenue only.
16.7g	Internal PUD streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall meet the standards of the City's Director of Traffic and Parking.	X			Internal PUD streets "Road K" and "Road L" will be designed in accordance with state-of-the-art transportation planning and traffic engineering practice. Sections and details should be approved by the City's Director of Transportation and Infrastructure.
16.7h	PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Alight streets to give building energy-efficient orientations.	X			The PUD will be divided into blocks to create a pedestrian-friendly scale in street grid and create blocks that are similar in size to those of Assembly Row.
16.7i	The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.	X			The natural features of the site have been substantially altered over the years as an industrial and commercial site. This proposal would expand and improve vegetation on the site by including well-designed and maintained civic spaces.
16.7j	The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.			X	This project will decrease the site's total impervious surfaces and will reduce total volume of runoff through use of green infrastructure BMPs, such as pervious pavements, raised stormwater planters, along with proprietary separators to improve the water quality of runoff. Staff recommends including a condition that requires coordination with the Director of Sustainability & Environment and approval by the Director of Engineering to determine the appropriate stormwater management mitigations.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
16.7k	PUDs should maximize pedestrian transit-oriented development. Specifically they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts and alternatives to travel along high-volume streets, and emphasize safe and direct pedestrian connections to transit stops and other commercial and/or employment nodes; provide long-term, covered, bicycle parking areas; provide well-lit, transit shelters; incorporate transit-oriented design features; and establish Travel Demand Management programs at employment centers.	x			Traffic calming measures have been included in the roadway designs that feature combination pedestrian/vehicle streets and open spaces, paver cross walks, intersection bumpouts, and street trees. The site is directly adjacent to Foley Street for a direct pedestrian connection to the MBTA station which will promote rapid transit ridership and is in line with ideals of Transit Oriented Development. The Project will provide wide sidewalks for pedestrians as well as access to the nearby commercial and retail spaces. Long-term, covered bicycle parking spaces will be provided on-site and TDM measures will be implemented as part of the project.
16.7l	Make shopping centers and business parks into all-purpose activity centers.	n/a			There are no shopping centers or business parks in this proposal.
<u>B.5: ASMD Development Standards (SZO Section 6.4.7.A)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.A.1	<i>Transportation Analysis.</i> All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.	x		x	A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	x		x	The Ordinance a minimum of 1,487 total parking spaces should be provided but the project currently proposes 1,659 total structured parking spaces and 34 existing to remain surface spaces. The increased parking is required for the current leases at Block 24 and Block 21 responds to market input to support leading edge technology, office and life science users. The parking levels in the garage have been designed to allow for future conversion to programmable area in the event that the need for parking is reduced. Although the total provided parking spaces is greater than the minimum required, the project does not meet the minimum zoning requirement for the residential uses. Additional detailed floor plans, including parking layouts, will be required during the SPSR-A approval processes.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.A.3	<i>Landscaping Requirements.</i> Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.			X	The conceptual plans of open space and landscaping improvements have been provided with the application and more specific requirements will be provided and reviewed during the SPSR-A individual approval processes. Staff recommends including a condition that requires the Civic Space (Festival Streetscape, Pergola Plaza, Central Lawn, Gathering area, Rain Garden, Filtration Grove, and Promenade) to be submitted as a separate SPSR-A application and not included with any of the buildings' application packages. Final design and details must be coordinated with the Director of Transportation & Infrastructure.
6.4.7.A.4	<i>Pedestrian Connections.</i> Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support improved access between the ASMD and the Ten Hills and East Broadway neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.	X			The open space, pedestrian pathways, and sidewalk connections will be designed to complete and improve connections with the existing network of parks and pathways in the neighborhood. Including; improving the connection to Assembly Row, access to the Mystic River parks, and East Somerville via the Kensington Underpass at I-93.
<u>B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.B.1	<i>Street and Sidewalk Design.</i> Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.			X	The design of streets and sidewalks will respond appropriately to the Street and Sidewalk Design Criteria of the Assembly Square Public Realm Design Guidelines. To the extent that is known at this time, the streets and sidewalks appear to be designed appropriately. Full engineering plans will need to be provided for review to ensure that streets meet City infrastructure and engineering standards.
6.4.7.B.2	<i>Building Design.</i> Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.B.2a	Buildings should be located to create a presence on existing street edges or along major internal circulation routes and have maximum building setbacks of five feet except in special circumstances, where greater setbacks would enhance the pedestrian friendly experience of the ASMD, such as dedicated open space; and buildings should be located to reinforce both existing and future circulation patterns that may serve more than one Site.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The project currently proposes zero (0) foot setbacks with the retail spaces along Foley Street and Grand Union Boulevard setback five (5) feet. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
6.4.7.B.2b	Buildings should have interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, should be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances should be clearly defined, through the use of elements such as canopies, porticos, overhangs, peaked roof forms, arches. Entries set back from the street should have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. 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.
6.4.7.B.2c	There should be a clearly defined pattern of bays, rhythms, and dimensions that create continuous visual interest and variety in the design of all facades.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. 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. The project's buildings will have a clearly defined base, middle, and top as shown in the proposed Design Guidelines (Appendix B of the application package). The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
6.4.7.B.2d	The overall scale of development should be broken down to respond to the pedestrian scale use of open space.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. Anticipated massing and determination of façade hierarchy is shown in Design Guidelines (see Appendix B of the application package). The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
6.4.7.B.2f	Building equipment and service areas should be located away from public streets or major interior circulation routes and provide screening. All storage of items for sale or related inventory should be enclosed unless completely screened from public view with architectural elements meeting the §6.4.7 guidelines.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. Building equipment and service areas will be visually screened from the surroundings, and mechanical equipment will be acoustically buffered from neighbors. Reasonable attempts will be made to avoid exposing rooftop mechanical equipment to public view from City streets, and parapet walls or mechanical partition screening will be designed to fit within the character of the overall building design. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
6.4.7.B.2g	Preference should be shown for vertical integration of uses. Developments should ensure that development patterns provide active uses on the ground floor that take advantage of the waterfront views and open spaces, and that add presence to public ways and sidewalks.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. 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 final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases
6.4.7.B.2h	The façade of a building should not have any uninterrupted or unfenestrated length exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the façade.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.
6.4.7.B.2i	All Ground Floor facades that face public ways or the Mystic River should have windows providing visual access to the interior of a space, arcades, display windows, entry areas, awnings, or other such features along no less than seventy percent (70%) of their horizontal length. Forty percent (40%) of this activated facade area+ on the ground floor of building walls along primary and secondary streets shall consist of windows or doors meant for public entry and exit.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The Design Guidelines provided in Appendix B of the application package show the percent fenestration anticipated and the required minimum amount of active façade but the final design of the proposed buildings has not been completed. The description and composition of the buildings will be reviewed with each SPSR-A for the individual buildings and phases.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.B.3	<i>Parking Lot Design.</i> Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.	n/a			Only the existing lot adjacent to the existing office building is to remain. A recommended condition has been added so the Applicant is responsible for the cost of acquisition and installation of parking meters for these spaces in accordance with City standards. Additional details on parking will be provided during the SPSR-A approval processes.
6.4.7.B.4	<i>Open Space.</i> Landscape strips required in parking areas shall not apply to UOS calculations. Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. Applicant has met the requirement to provide open space and Usable Open Space. The final design of the open space within the mixed use component has not been completed. It is the Applicant's commitment that they will maintain the open space and plantings throughout the PUD. Staff recommends including a condition that requires the Civic Space (Festival Streetscape, Pergola Plaza, Central Lawn, Gathering area, Rain Garden, Filtration Grove, and Promenade) to be submitted as a separate SPSR-A application and not included with any of the buildings' application packages. Final design and details must be coordinated with the Director of Transportation & Infrastructure. Landscaping on individual development sites will be subject to SPGA review and approval as a part of SPSR-A review.
6.4.7.B.5	<i>Efficiency of Design.</i> Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. The Applicant shall comply with this section during each SPSR-A process and submit the necessary LEED worksheets along with narratives explaining the methods of compliance with each point achieved.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.7.B.6	<i>Contributions.</i> Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.	X		X	The Applicant has committed to contributions and mitigation under contracts with the City and the SPGA shall take that into consideration. The Applicant will enter into maintenance agreements for useable open space and a portion of the public infrastructure as well. Specific contributions that may be required as a part of individual SPSR-A projects will be reviewed with each SPSR-A.
6.4.7.B.7	<i>Loading Spaces.</i> To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.			X	This application is for a Planned Unit Development Preliminary Master Plan approval. A waiver is requested for the number of loading docks provided - see Appendix D. The final design of the proposed buildings has not been completed and therefore, the loading spaces are not finalized. The loading spaces will be reviewed during each SPSR-A process.
<u>B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.8.D.1	Transportation Analysis. Large Developments shall provide a Transportation Access and Impact Study. The Director of Traffic and Parking shall approve the geographic scope and content of the study in consultation with the Executive Director of the Planning Department and the Traffic Commission. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the Development Site. If the Transportation Access and Impact Study indicates a significant impact to the transportation network in the specified study area, the Applicant shall include in the study proposed mitigation measures to address those impacts.	X		X	A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.
6.4.8.D.2	<i>Large Retail Projects.</i> Any Large Development in which any single Retail Use is more than fifty thousand (50,000) square feet of gross floor area shall also be deemed a Large Retail Project. A). Nonretail Component --"No Large Retail Project ... shall be permitted in the ASMD unless permitted as part of a PUD-A which includes 1.5 net square feet of non-retail uses for every square foot over 50,000 net square feet of Retail Use in the Large Retail Project." B). Ground Level Retail Size Cap-- "In a Large Retail Project, not more than 50,000 square feet of Gross Floor area of any single Retail Use shall be located on the Ground Floor of any Building included in the PUD-A."	n/a			There is no Large Retail Project included in this PUD-PMP.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.8.D.3	<i>Landscaping.</i> A minimum of fifty (50) percent of the Landscaped Area in a new Large Development shall be Usable Open Space. The SPGA shall have final discretion in deciding if land constitutes Open Space for the purposes of determining whether this requirement has been met. The Open Space requirement may be met with land that is part of the Large Development, or with land that is outside of the Large Development area but is located within the ASMD that was not already Useable Open Space, provided that the conditions of paragraph 2 of Section 16.6.1 of the Ordinance relating to public dedication of such Usable Open Space are met.	X		X	This requirement has been met, but will be further reviewed as the open space network is designed in relation to the individual buildings in the SPSR-A phase.
<u>B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)</u>					
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.8.E.1	<i>Structured Parking.</i> Due to the size and scope of Large Developments, every effort shall be made to provide as much parking as possible underground and/or in structures	X			Most of the proposed parking spaces are located in parking structures, with the exception of the on-street spaces. A small surface parking lot will remain adjacent to the existing building until the last phase.

Appendix C: Future Requirements for SPSR-A

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
6.4.9.C.1	Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan			X	Individual SPSR-A projects will be assessed for any additional traffic impacts that they may create, above and beyond what was anticipated in the original traffic study, with any appropriate mitigation planned accordingly. Review of pedestrian and vehicle entries and exits will be subject to review by the Director of Transportation & Infrastructure and the SPGA before project approval.
6.4.9.C.2	The application (should) reflect an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4			X	See Appendix B for consistency with the Design Guidelines set out in 6.4.7B and 6.4.8E of the SZO. The application package in Design Guidelines by which the future SPSR-A submissions will be reviewed.
6.4.9.C.3	The application (should) promote the following objectives: mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses' economic benefits and employment opportunities' structured parking; pedestrian and bicycle access; affordable housing units and project mitigation contribution; view corridors to the Mystic River; enhanced and activated Open Space' creation of new Open Space or enhancement of existing Open Space; and, . . . support transit service at (the MBTA Station).			X	The overall development meets these objectives. Individual projects will need review to ensure they are consistent with the PMP and these objectives.
6.4.9.C.4	Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations as noted in 6.4.9.C.4			X	These additional findings address submittal requirements, criteria for review, impact on public services, site surface drainage, access to buildings, utilities, signage, transformers, screening, and shadow impacts. The overall development plan does not show any apparent inconsistencies with these objectives. Individual projects will need review to ensure they are consistent with these required additional findings and determinations.
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3			X	Applicants will need to submit all required information for SPSR-A applications.
5.2.5.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested Special Permit with Site Plan Review.			X	Applicants will need to meet individual SPSR-A findings as identified in this Appendix C.

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Comment</i>
5.2.5.c	<i>Purpose of district.</i> Is consistent with the intent of the specific zoning district as specified in Article 6			X	The overall plan is consistent with the intent of the specific zoning district. Projects that are consistent with the PMP should be able to meet this finding. Projects that deviate from the PMP will need review within the SPSR-A review process to ensure they remain compatible with the purpose of the district.
5.2.5.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area			X	Projects that are consistent with the PMP should be able to meet this finding. Projects that deviate from the PMP will need review within the SPSR-A review process to ensure they remain compatible with the natural features of the area.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction			X	Individual buildings will need to be reviewed during the SPSR-A process to ensure that the functional design meets acceptable standards.
5.2.5.f	<i>Impact on Public Systems.</i> Will not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic			X	The applicant has adequately addressed that the overall project, with agreed-upon public service upgrades, will have adequate public services. Projects will be addressed in the SPSR-A process to ensure that their utility impact remains consistent with the PMP and does not have any adverse impacts within the development site.
5.2.5.g	<i>Environmental impacts.</i> Will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area			X	The applicant has adequately addressed that the overall project mitigates adverse environmental impacts. Individual projects will need review under SPSR-A for consistency with the PMP as well as any unanticipated environmental impacts.
5.2.5.h	<i>Consistency with purposes.</i> Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.			X	The project described in the PMP meets this finding, but individual developments in the SPSR-A process will also need to establish that they continue to meet this finding.

Appendix D: Standards for Waivers

Section	Required Finding	Met	Not Met	To Address in SPSR-A	Waiver	Comment
16.5.4	<p><i>Waiver of dimensional standards.</i> 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.</p>	X			<p>1. A waiver is requested for exceeding the maximum height limit for the proposed Project. 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 and more than 1,000 feet from an MBTA Orange Line entrance, therefore the maximum building height requirement for “all other locations” is 125 feet. Relief is sought for the buildings at Blocks 21, 25, and 26, which are proposed to exceed the maximum building height by 125 feet, 95 feet, and 10 feet, respectively.</p>	<p>Given the distance from the river and the adjacency to the highway, Staff recommends the increased building heights - 250' for the commercial towers on Block 21, 220' for the residential building called Block 25, and 135' for the commercial Block 26. The combination of heights offer a diversity in the skyline proposed by this development. The impact on surrounding properties is limited. Placing the taller commercial buildings at the corner of the site allows for an overall site design that maintains the largest block on the site for the purpose of office/lab uses.</p>
		X			<p>2. A waiver is requested from the loading bay requirement stated in Section 9.16 and Section 9.7, and described in Section 16.5.5. As encouraged in Section 9.16.3, the Applicant is proposing a shared loading approach. Based on the zoning requirements, the maximum loading need for the project would be 20 loading spaces through a combination of retail, residential restaurant and office/lab/research & development uses.</p>	<p>The Project design includes four (4) loading bay spaces located in Block 21, on-street timerestricted loading bay spaces located adjacent to Block 23 and Block 25, 2 existing loading bay spaces are to remain in use on Block 24. Staff recommends approving the reduced number of loading docks to accommodate a shared service approach. Individual tenant use of the loading bays by the primary uses will be for supply deliveries and some shorter term deliveries will be able to occur with two small vans simultaneously utilizing one loading area only allocated for one larger truck per the zoning standards.</p>
		X			<p>3. The Applicant is seeking a waiver of any right of first refusal or option to purchase the Planning Board might have under Section 13.3.5 of the Zoning Ordinance, or otherwise, in connection with the Project. The Applicant requests that the Planning Board's approval of the Project's Special Permit with Site Plan Review also approve such waiver and that the Planning Board, upon such approval, execute the Waiver of Right of First Refusal.</p>	<p>The project will provide the required 20% affordable housing required by Section 13. The applicant is only seeking a waiver of a provision in Section 13.3.5. This provision of Section 13.3.5 was to purchase units to maintain affordable rentals in the event that a) individual residential units are sold as condominiums, either up completion of the project or at some future time; and b) the City determines that it will be better to maintain these units as rental units. This becomes a particularly challenging issue when a project converts to condos at a later date. The City may want to maintain these units as rental, by exercising this right, especially as it may allow the City to maintain the units at affordable rental rates (50%/80%/110% of AMI) rather than shifting to the higher affordable ownership rates (80%/110%/140%). Staff understands that this provision makes it difficult to finance projects at the start, as it is written in a way that permits the City to exercise a purchase right at any time.</p> <p>The staff is supportive of this waiver if it is limited as follows: a. In the circumstance where the applicant proposes and builds a condominium building with individual units for sale upon completion of the building, the staff recommends reviving the appropriateness of a waiver on a case by case basis. b. In the circumstance where the applicant proposes a building that is used as rental apartments when first opening: the staff supports the waiver, with the exception under item (c); c. In the event that the a rental building is converted to condominium use at a future date: 1. the waiver will expire; 2. the applicant will be expected to maintain the units at the affordable rental rates that were available prior to the conversion, either by selling them under Section 13.3.5 at a price that will permit the continued use of the units as affordable rental units at current rental rates, or by working with the OSPCD Housing Division on an alternative strategy to meet this condition.</p>

<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>To Address in SPSR-A</i>	<i>Waiver</i>	<i>Comment</i>
					Regarding all waivers:	The granting of the above waivers would result in a better site plan that furthers the purpose of the ASDM and will not cause detriment to the surrounding neighborhood.
6.4.12.a.1	Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;	x			Regarding all waivers:	Limiting density (by restricting height) on a site so close to the T station and requiring the full number of loading docks would be in conflict with the ASD Plan objectives. The right of first refusal waiver is necessary to make it possible to finance the project with the affordable housing intended by the ASD plan and the City's zoning
6.4.12.a.2	The application is substantially consistent with the objectives of the ASD Plan and advances the objectives of the ASD Plan;	x			Regarding all waivers:	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. All waivers will work to make this project more effective, improve its overall design, and ensure that affordable housing can be provided.
6.4.12.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	n/a			n/a	This finding does not apply in this case.

Appendix E: XMBLY (5 Middlesex Ave) PUD-PMP: Conditions

#	Condition	Evaluated by:	Timeframe for compliance	Notes
A. General				
1	<p>Approval is based upon the Preliminary Master Plan submitted by Vanasse Hangen Brustlin, Inc. dated May 7, 2018 (received by the Planning Staff as an update to the original submission stamped in at the City Clerk's office on March 15, 2018), including Chapters 1-6 plus the Appendices A-D. Any changes to the submitted application material that do not qualify as a minor PUD amendment must receive Planning Board approval, unless such changes are designed only to establish compliance with one of the conditions of this PMP approval.</p> <p>The approval of this PMP does not incorporate any of the following items: a) Any interior layout of buildings; b) Locations of and specifications for elements of the public right of way to be covered in the maintenance agreement per Condition #3 and #4; c) Design details within individual open spaces to be reviewed per Condition #5; d) Any off-site design.</p>	Planning	Continuous	
2	The approval of this PMP shall be considered to be approval of the width of roadway and rights-of-ways. For each street, 100% street design plans, consistent with the PMP and the City's Complete Street Ordinance, must be filed with the City Engineer, Traffic and Parking Director, Transportation & Infrastructure Director and Planning Director for review and compliance with city standards and sound engineering practices. Applicant shall provide detailed roadway marking plans and cross sections, including bicycle and pedestrian design details (markings, signals, crosswalks, street furnitures, etc.) Bike lanes shall be provided as determined by the City's Transportation & Infrastructure Director. All modes must be considered and accommodated in these details, and NACTO minimum accommodations incorporated.	Planning Director / City Engineer / T&P Director	Continuous	
3	Applicant will work with the City to develop the long term maintenance agreement noted in Section 12.1B of the application form that will provide for the Proponent's commitments to the City relative to maintenance of the elements of the public right of ways including sidewalk treatments, street trees, landscaping , finishes, street furniture and other amenities. The City will not maintain anything that is not consistent with City standard, unless otherwise approved by the City Engineer.	Planning Director / City Engineer	Prior to Start of Work Beyond Core & Shell of Building	
4	Pursuant to #3 above, design of sidewalk treatments, street trees, landscaping , finishes, street furniture and other amenities that are to be maintained by the Applicant will be submitted to the City Engineer and Planning Director for review and approval.	Planning Director / City Engineer	Prior to opening of any new public street in the project	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
5	Applicant will work with the City to develop the long term maintenance agreement for the Useable Open Space as required in Article 17 of the SZO. The agreement shall specify the requirements for public access and private maintenance of useable open space of the Central Lawn and surrounding open space, as required by the SZO. The applicant shall build out and maintain all of the open space and allow public access to all of the useable open space in the plan as required by the SZO. The applicant will submit 100% construction plans for open space to the City for review and comment.	Planning/ Engineering	BP	
6	Applicant shall, per the agreement made with the OSPCD Economic Development Director, sign a covenant prior to the first SPSR-A application, which indicates that the amount provided towards public benefits and improvements. This is in addition to any required linkage payments per Article 15, on-site inclusionary zoning per Article 13, and the required provision and maintenance on land owned by the applicant. The covenant shall indicate that a portion of the total improvement may be provided by the applicant completing in-kind work. Unless otherwise permitted by the covenant, the funds may be dedicated to infrastructure upgrades of public property in and around Assembly Square, and shall include a substantial portion of the funding towards: a) improvements to Draw 7 and/or Foss Park; b) lighting and other improvements to the Kensington Underpass; c) highway sound barriers; and, d) improvements to transit infrastructure.	Planning/ Economic Development	Prior to submission of first SPSR-A	
7	Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division: a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.	Planning/ISD	Demolition Permit	
8	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	OSE/FP/BOH	At time of release	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
9	Prior to acceptance by the City, any civic space, thoroughfare, or utility and the land upon which or within which it is located that is to be conveyed to the city must be certified by the Applicant to meet all Federal, State, and local environmental laws and other standards as they are applied at the time of conveyance. The Applicant is responsible for the preparation of all documentation necessary for the conveyance of these facilities to the City.	Planning/ISD	Prior to acceptance	
10	The Applicant must contact the Engineering Department to obtain a street address prior to an SPSR-A application for the individual buildings.	Engineering	Prior to submission of first SPSR-A	
11	The applicant will submit a plan amendment to subdivide all public roadway right of way from development blocks, to be approved by the Planning Board, per the SZO, and filed with the Middlesex South Registry of Deeds. Any minor plan changes to this initial subdivision will be reviewed for approval by the Planning Director and Director of Transportation & Infrastructure as a minor plan change.	Planning	Prior to submission of first SPSR-A	
12	Applicant shall be required work with the Planning Director, City Engineer, and the Fire Chief as necessary, to rename the new thoroughfares. The Applicant may suggest names but should involve the Ward Alderman with the previously mention department directors, and note that street names that are the same or similar to names already used in Somerville shall not be permitted.	Engineering/ Planning	Prior to submission of first SPSR-A	
13	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	Planning	During construction	
14	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Planning	Continuous	
15	The Applicant, its successors or assigns, shall be responsible for maintenance of both the buildings and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Planning	Continuous	
16	SPSR-A applications under the PMP shall include information required to ensure compliance with this PMP decision, including but not limited to information noted as required in the findings (Appendix A, B, C and D).	Planning	Addressed with each SPSR-A application	
17	The Usable Open Space (Festival Streetscape, Pergola Plaza, Central Lawn, Gathering area, Rain Garden, Filtration Grove, and Promenade) must be submitted as a separate SPSR-A application and not included with any of the buildings' application packages. Final design should be coordinated with the Director of Transportation & Infrastructure.	Planning	SPSR-A	
B. Transportation / Traffic Circulation				
18	Applicant must identify a location for a future bike share station and provide a diagram of the larger bike network – including new infrastructure on Revolution Drive, Grand Union, and Foley Street.	T&I/T&P/ Planning	SPSR-A	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
19	As a part of the continued effort to shift travel away from private cars, the Applicant shall provide sheltered and secure bike storage facilities in strategic locations, with each SPSR-A application.	Planning/T&I	SPSR-A	
20	Screening of above-ground parking from any thoroughfare, access easement, sidewalk, civic space, or open space by walls, screening, artwork, fences, planting or other means, must be specified in detail and approved by Planning Staff and the DRC.	Planning	SPSR-A	
21	The intersection of Middlesex Avenue and Mystic Avenue behind the existing building at 5 Middlesex will be further studied for redesign potential to a right in/right out T intersection. The Applicant will meet with the Director of Transportation & Infrastructure to review conceptual plans. If the conceptual plans are acceptable to the City, the Applicant will then convene a meeting between the Applicant's engineering team, the Director of Transportation & Infrastructure, and representatives from MassDOT.	Planning/T&I		
22	The Applicant and the Applicant's engineering team must participate in a future meeting between the Director of Traffic & Parking, the Director of Transportation & Infrastructure, and other development teams to review the intersection at Lombardi and Mt. Vernon as the TIS shows the LOS dropping. This meeting should also address potentially adding a video system (similar to Revolution Drive) to the signals at Middlesex and Foley.	T&I/T&P	SPSR-A	
23	All mitigation involving traffic signal upgrades must include specific discussion and documentation of the ability of all controllers to be left in place (before, during, and after construction) to fulfill the functions required of them by proposed mitigation.	T&I/T&P/ Engineering	SPSR-A	
24	All City of Somerville traffic control equipment and roadway elements must meet City specifications and standards unless they are otherwise approved by the City Engineer and are maintained by the Applicant under the maintenance agreement.	T&P/Engineering	Continuous	
25	Applicant shall provide street lights that meet City standards on all public streets where lights are to be maintained by the City.	Engineering/ DPW	Continuous	
26	The Applicant will be responsible for the initial cost of parking meters and cost of construction/installation of the parking meters in coordination with and to the standards of the Director of Traffic & Parking and the City Engineer.	T&P/Engineering	SPSR-A	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
27	Any Hotel use must have access to a shuttle van or bus, and provide complementary scheduled or on-demand guest shuttle services between the hotel and Logan Airport in order to reduce automobile trips between the airport and the hotel. The Applicant may coordinate a shared shuttle between other hotel operators in the ASMD. Conceptual plans for the operation of this service must be approved by the Director of Transportation & Infrastructure prior to the issuance of the Certificate of Occupancy for the Hotel. Revisions to operations at any time require approval by the Director of Transportation & Infrastructure.	T&I	CofO	
28	The property owner must have a signed contractual agreement to join or be a member of the Assembly Square Transportation Management Agency (TMA) established by Federal Realty and others. Proof of membership must be submitted to the Director prior to the issuance of the any Certificate of Occupancy for any building.	Planning/T&I	CofO	
29	The Applicant must submit a revised MMP to the Director prior to the submittal of any SP, SPSR, DSPR applications for individual buildings. The revised plan must provide an updated Mode Split/Trip Generation analysis using the Transportation & Infrastructure Division's required methodology and Average Vehicle Occupancy and Mode Splits from the Means of Transportation to Work (B08301) data for Census Tract 3398.01 from the U.S. Census 2016 5-year Estimates.	Planning/T&I	SPSR-A	
30	In the revised MMP, the Applicant must commit to reasonable efforts in achieving the City's goal to control the percentage of trips made by automobile at 50% or less, consistent with SomerVision. If annual monitoring and reporting identifies a shortfall in meeting this goal, additional mobility management programs and services must be implemented.	Planning/T&I	Perpetual	
31	The property owner of Block 21, Block 23, Block 25, and Block 26 must submit a MMP in accordance with the Director's submittal requirements prior to or simultaneously with the development review application (SP, SPSR, DSPR) required for each site.	T&I	SPSR-A	
32	In any lease agreement for a tenant with fifty (50) or more employees, the property owner of any building shall require the leasee to submit a MMP in accordance with the Directors submittal requirements for approval prior occupancy of the leased space. Standard lease agreement language to implement this condition must be approved by the Director prior to the issuance of any Certificate of Occupancy for the building. To verify ongoing conformance, the property owner must provide either a copy of the executed lease agreement or an affidavit signed by the owner and tenant verifying that this language was included and agreed to in the lease.	T&I	CofO	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
33	The cost to purchase, rent, or lease floor space must be 'un-bundled' from the cost of parking. Parking spaces must be rented, leased, or sold as an option rather than a requirement of the rental, lease, or purchase of a dwelling unit or non-residential floor space. Standard lease agreement language to implement this condition must be approved by the Director prior to the issuance of any Certificate of Occupancy for the building. To verify ongoing conformance, the property owner must provide either a copy of the executed lease agreement or an affidavit signed by the owner and tenant verifying that this language was included and agreed to in the lease.	T&I	CofO	
34	The property owner must purchase and install a bike-share docking station with at least fifteen (15) docks and nine (9) shared bicycles. The station must be installed in a location approved by the Director prior to the issuance of the Certificate of Occupancy for Block 23 (the 8-story residential building at the corner of Grand Union Boulevard and Revolution Drive). NOTE: If a station with more docks is provided, additional bikes must be included to maintain a 0.57 bike to dock ratio.	T&I	CofO	
35	Annual Reporting to track, assess, and report on the implementation of the Mobility Management program as required by the Somerville Zoning Ordinance and the Planning Board's Mobility Management Plan Submittal Standards must be conducted at the same time each year, as determined by the CO for the first building, subject to the approved Mobility Management Plan.	Planning/T&I	Continuous	
36	Approved Mobility Management Plans are transferable by and among private parties, contingent upon the new owner agreeing to continue to operate in accordance with the previously approved Mobility Management plan, as conditioned. Should the developer elect to transfer some portion or all of the development subject to this Mobility Management Plan, commitment to the previously approved Mobility Management Plan is required by the new property owner.	Planning/T&I	Continuous	
C. Infrastructure				
37	Infrastructure must be designed to meet all requirements and standards of the City of Somerville and its relevant departments (including, but not limited to, the City Engineer, Department of Public Works, Inspectional Services, Traffic & Parking, Fire Department, and the divisions of the Mayor's Office of Strategic Planning and Community Development) and all other legal requirements for the installation of services within public rights-of-way. Subsequent SPSR-A applications must include reasonable written evidence establishing that such infrastructure is sufficient to support the proposed development, that all details are designed to City standards, that installation, unless otherwise included in capital project work of the City, is done without cost to the City, and that installation will be functionally adequate and completed at the appropriate time in the course of the phases of development.	various	SPSR-A	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
38	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Director of Transportation & Infrastructure and the City Engineer.	T&I/T&P/ Engineering/ DPW	SPSR-A	
39	Applicant shall conduct additional hydraulic analyses to ensure that the City's system is capable of meeting the adjusted demands throughout the project. Applicant shall meet fire flow requirements while maintaining a minimum pressure of 20 psi at the fire location. In accordance with DEP guideline, a minimum pressure of 35 psi shall be maintained throughout the distribution system during normal demand conditions.	Engineering/Fire	BP	
40	Applicant shall provide individual calculations to determine the sizes necessary for the water connections to each property. The proposed service connections to each of the new buildings shall be shown on further design drawings.	Engineering	SPSR-A	
41	Design and construction phasing of the stormwater management system shall be subject to review and approval by Engineering and the Director of Sustainability & Environment to ensure compliance with City standards and best practices for design and ongoing maintenance.	Engineering/OSE	SPSR-A	
42	Applicant shall provide a detailed soil erosion control plan with each SPSR-A application and prior to construction.	Engineering/ISD	SPSR-A/BP	
43	The Applicant is responsible for the installation of all necessary private infrastructure and utility improvements (such as electrical, telephone, data, CATV, and natural gas utilities), both on and off site, needed to support the development proposed and its constituent phases, as approved and conditioned, and such lines and equipment shall be placed underground from the source or connection.	Wiring Inspector	Installation of Utilities	
44	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	Engineering	BP	
45	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	Engineering	CofO	
46	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	T&P/DPW	During construction	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
47	<p>Applicant shall be responsible for all design and construction, and the maintenance and repair of all roadways until accepted by the City, streetscape including street lighting and other street furniture furnishings, and parks and open space which are part of the PUD. Applicant shall be responsible for the design and construction of water, sewer, and storm drainage systems serving the PUD. Applicant shall be responsible for the usage costs of electricity, gas, water, cable and other utilities furnished to the PUD, and for trash removal. The City shall be responsible for the maintenance and repair of water, sewer, and storm water conduits, and traffic signals on public ways.</p> <p>The City shall also be responsible for snowplowing and street cleaning, including the cleaning of catch basins, except that the City shall not be responsible for any LID tree boxes without prior approval of the City Arborist and the City Engineer. The Applicant shall be responsible for designing, constructing, maintaining, and repairing similar "Smart Technology" required by MEPA. All utilities shall be designed and installed in accordance with the City of Somerville's standards and specifications.</p> <p>Notwithstanding the foregoing, if the maintenance agreement includes provisions that are inconsistent with this condition the maintenance agreement shall supercede this condition.</p>	Planning Director / City Engineer	Prior to Start of Work Beyond Core & Shell of Building	

D. Urban Design and Design Guidelines

48	Each individual building provide interior disposal and storage systems for trash and recycling with locations clearly indicated on site plans. Storage areas shall be inside of the structure and screening or loading dock doors must be designed as an integral part of the architecture and the building elevation and remain closed unless in active use.	Planning Director / DPW	Addressed with each SPSR-A application	
49	Any transformers should be located as not to impact the buildings or landscaped area, and shall be fully screened to the extent permissible by code.	Planning/ISD/ DPW	SPSR-A	
50	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3 installed and maintained in compliance with the American Nurserymen's Association Standards and in accordance with the City Arborist.	Planning/T&I	SPSR-A	
51	Signage shall be subject to separate review and approvals by the Design Review Committee and the Planning Board, as required and customary.	Planning	SPSR-A	
52	All storefronts and retail signage shall be consistent with the Assembly Row Storefronts and Signage Design Standards. Storefronts or retail signage that is inconsistent with the guidelines shall be provided to DRC and Planning Board for review and approval.	Planning Director	Building Permit for retail unit and retail signage	
53	This approval does not constitute approval for any signage on the building above the retail level except for the building addresses at entryways and garage directional signage. The design of these signs shall be submitted to Planning Staff for review and approval. This approval does not constitute approval for any of the roof signs or signs at the top of the towers.	Planning Director	Building Permit for Signage	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
54	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	Planning	SPSR-A	
55	As part of each site plan review submittal, the Applicant shall provide calculations showing that the percentage of open space and usable open space meets the zoning requirement for a PUD-A within the ASMD.	Planning	SPSR-A	
56	Applicant shall ensure that all trees meet the species, caliper, well size, and planting specifications of the City Arborist.	T&I	SPSR-A	
57	Each subsequent SPSR-A application submitted under this PUD-PMP must identify vulnerabilities and/or risk for each parcel based on the City's Climate Change Vulnerability Assessment. The application should clearly identify the extent and nature of planning/design interventions necessary to mitigate those risks. To ensure effective strategies for resiliency by preparing for weather and flooding impacts, the Director of the Office of Sustainability & Environment shall define specific appropriate expectations for responses to this condition, and the applicant shall provide these responses with each PUD-PMP application.	OSE/Planning	SPSR-A	
58	Each subsequent SPSR-A application submitted under this PUD-PMP must document how the proposed development, including civic spaces, public realm improvements, and buildings, will help to reduce the urban heat island, assist in the City's stated objective to be Net Zero by 2050, and assess whether the infrastructure presents an opportunity for reducing demand and/or district energy solutions.	OSE/Planning	SPSR-A	
59	Each subsequent SPSR-A application submitted under this PUD-PMP must submit the necessary LEED worksheets along with narratives explaining the methods of compliance with each point achieved.	OSE/Planning	SPSR-A	
60	Applicant shall provide material and color samples for all exterior cladding, trim, windows, and doors to Planning Staff and the Design Review Committee for review, comment, and approval as part of the review required with each SPSR-A application.	Planning	SPSR-A	
61	Applicant shall provide an on-site mock-up or final building material samples (including color and texture) to Planning Staff and the Design Review Committee for review, comment, and approval prior to the issuance of a Building Permit.	Planning	BP	
62	Where sides or backs of buildings face a civic space, they must incorporate (physically or visually) strategies that address the public frontage and impact of these spaces. These strategies need not be related to retail spaces or functional entrances, and can be small in scale. But, these spaces should be ambitious, active and should encourage creativity and engagement. These spaces may include, but are not limited to, public art installations or display cases for artwork, large scale supergraphics or murals, green walls, and/or artist/maker space, etc.	Planning	SPSR-A	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
62A	The applicant shall eliminate the planned garage entrance from Road K to Block 21, unless the applicant can establish, to the satisfaction and approval of the Planning Director and the Director of Transportation & Infrastructure, that: a. the third access point to the garage is necessary for traffic control on the adjacent streets; and b. the applicant has established effective pedestrian safety strategies on Road K at the garage entrance.	Planning	SPSR-A	
<u>E. Affordable Housing</u>				
63	A draft Affordable Housing program must be provided by the Applicant showing the anticipated affordable units - types and sizes - in each DSPR application.	Planning	SPSR-A	
64	The AHIP must be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit.	Housing	BP	
65	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	Housing	CofO	
66	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	Housing	CofO	
67	In the circumstance where the applicant proposes and builds a condominium building with individual units for sale upon completion of the building, the applicant may request a Section 13.3.5 waiver and the City will determine the appropriateness of the waiver on a case by case basis. b. In the circumstance where the applicant proposes a building that is used as rental apartments when first opening: the waiver is approved, with the exception under item (c); c. In the event that the a rental building is converted to condominium use at a future date: 1. the waiver will expire; 2. the applicant will be expected to maintain the units at the affordable rental rates that were available prior to the conversion, either by selling them under Section 13.3.5 at a price that will permit the continued use of the units as affordable rental units at current rental rates, or by working with the OSPCD Housing Division on an alternative strategy to meet this condition.	Housing	CofO	
<u>F. Linkages</u>				
68	Affordable Housing Linkage Fee payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued as required by Section 15 of the SZO as amended.	Housing	CofO	

#	Condition	Evaluated by:	Timeframe for compliance	Notes
69	Jobs Creation and Retention Linkage Fee shall be paid to the Somerville Municipal Job Creation and Retention Trust before a CO is issued as required by Section 15 of the SZO as amended.	Economic Development	CofO	
70	Any new connection to the City's combined sanitary and drain system, or any increase in flows to an existing sanitary or drain connection require infiltration / inflow (I/I) mitigation. The Applicant shall work with the City Engineer to establish mitigation requirements, which will include an I/I fee as established by City policy, prior to building permit being issued. Those requirements must be satisfied before a Certificate of Occupancy is issued.	Engineering	CofO	