



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2011-15-R1-7/2012
Site: ASQ Block 4
Date of Decision: August 2, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 9, 2012

PLANNING BOARD DECISION

Applicant Name:	AvalonBay Assembly Row TRS, Inc.
Applicant Address:	51 Sleeper Street, Boston, MA 02110
Property Owner Name:	Street Retail, Inc.
Property Owner Address:	1626 East Jefferson Street, Rockville, MD 20852
Agent Name:	Goulston & Storrs
Agent Address:	400 Atlantic Avenue, Boston, MA 02110

Legal Notice:

Applicant AvalonBay Assembly Row TRS, Inc. & Owner Street Retail Inc. seek a revision to Special Permit with Site Plan Review-A # PB 2011-15-R1 (7/2012) under SZO §5.3.8 in order to construct an additional tier of parking for a total of 539 parking spaces. The original permit was for final level approval of a planned unit development under the Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on December 14, 2006 and as revised on August 5, 2010 for Block 4. Applicant and owner received approval under SZO Article §16.8.3 and §5.2, to construct a 5-story, approx 439,660 gsf project including approx 253 residential units, approx 43,975 gsf of a mix of retail, restaurant and other commercial uses as approved in the PUD-PMP, along with approx 505 parking spaces, two loading bays, and associated service areas. The residential development was subject to inclusionary housing requirements under §13.2. The Applicant and Owner also sought a special permit for signage under §5.1 and §6.4.14 to install signs that are over 35 feet from finished grade. A waiver was required under SZO §6.4.12 and §16.5.5 for fewer loading spaces than required under §9.16.3 and §9.7. ASMD, PUD-A, WOD Zones. Ward 1.



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<u>Zoning District/Ward:</u>	ASMD, PUD-A, WOD Zones. Ward 1
<u>Zoning Approval Sought:</u>	§5.3.8, §16.8.3, §5.2, §13.2, §5.1, §6.4.14, §6.4.12, §116.5.5, §9.16.3 & §9.7
<u>Date of Application:</u>	July 3, 2012
<u>Date(s) of Public Hearing:</u>	August 2, 2012
<u>Date of Decision:</u>	August 2, 2012
<u>Vote:</u>	4-0

Appeal #PB 2011-15-R1-7/2012 was opened before the Planning Board at Somerville City Hall on August 2, 2012. 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 one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

After the approval of the development, the detailed engineering drawings revealed that due to the need to increase vehicular turning radii, move the location of accessible parking spaces to be located closer to entrances, locate utilities in the parking structure, and move structural elements, the total number of parking spaces that could function in the approved parking garage is approximately 469 spaces. The original approval included 505 parking spaces.

The Applicants sought approval for two potential structured parking reconfiguration options.

Option 1: The Applicant may construct the previously-approved parking structure that will house approximately 469 parking spaces - 142 commercial and 327 residential spaces. This would result in a parking ratio of 1.29 spaces per dwelling unit; which is between the minimum and maximum regulations of 1 to 1.5 spaces per unit. The number of parking spaces for the commercial tenants would remain at approximately 142.

Option 2: The Applicant may construct one additional tier of parking on top of the previously approved parking structure that will supply approximately 539 parking spaces – 142 commercial and 397 residential, approximately 34 spaces (6%) more than the number originally approved. This would result in a parking ratio of 1.57 spaces per dwelling unit, which would still be within the requirements for the district. The rationale for adding one full tier of parking of approximately 70 spaces versus a half a tier is that the layout of a full tier allows for more convenient resident access into the building. The number of parking spaces for the commercial tenants would remain at approximately 142.

If the utilization of the residential parking spaces is lower than 1.57, the design of the garage is such that the gate dividing the residential and commercial parking spaces could be shifted to allow for more commercial parking. Also, as the buildings are tenanted and parking utilization is determined, excess parking spaces could meet the demand for future development of the PUD without building more parking, subject to the requirements of the SZO.

The garage height of the building will not change significantly with an additional floor because the floor to ceiling heights have been reduced to keep the building below the 70 foot height. The original approval set the garage height at 69 feet 6 inches and the proposed garage would be 70 feet. The stair well tower would increase in height to 80 feet 8 inches.

The dimensional requirements, site design and access, building shape and placement, uses, linkage, inclusionary



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housing, landscaping and open space, waivers and other relief requested, and form of the design, as originally described in the Staff report are not changing.

FINDINGS FOR REVISION TO SPECIAL PERMIT PB #2011-15:

The proposal complies with the standards for issuing revisions. The Certificate of Occupancy has not yet been issued, the proposal otherwise is in accordance with the originally approved plans, conditions and de minimis changes and notice has been given for the public hearing. The proposal also continues to comply with the following findings for a SPSR-A and application requirements in Appendixes A through E.

A. General Application Requirements

Application requirements are identified in Section 16.8 of the SZO. Section 16.8.2H identifies that the general information required for a special permit under Section 5.2 is also required at a preliminary level. The Board found that the SPSR-A meets the application submittal requirements in the above listed sections. Detailed findings are contained in Appendix A.

B. Required Findings of Fact for PUD

Section 16.10.1 of the SZO indicates that PUD preliminary master plan approval shall be considered preliminary approval that recognizes that the plan is in general accordance with provisions of this ordinance. Findings are then required under 16.1, 6.4.1, 6.4.3, 16.4, and 16.7 of the SZO. The ASMD further requires findings to meet development standards and design guidelines under 6.4.7 and 6.4.8. The Planning Board determined that the PMP met the required findings for a PUD PMP, but indicated that some issues would require further review at the SPSR-A submittal. The Board has reviewed these required findings as they relate to the SPSR-A application and found that these findings have all been met. Detailed findings are contained in Appendix B.

C. Requirements for SPSR and SP (SZO §5.2.5 and 5.1.4)

The SZO requires that the PMP be reviewed to ensure that projects under the PMP can meet the standards required for SPSR-A in the ordinance. Section 6.4.9 requires that the requirements in Section 6.4.9C as well as parts a-h of Section 5.2.5 must be addressed when SPSR-A requests are submitted. The Board found that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix C.

The SZO requires that the requirements in Section 5.1.4 are addressed when Special Permit requests are submitted. The Board found that the special permit for signage meets the findings required as identified in Appendix C.

D. Requirements for Waterfront Overlay District (SZO §6.1.15)

Section 6.1.15 identifies specific standards that are required in the Waterfront Overlay District. The Board found that the SPSR-A meets these findings, and they are contained in Appendix D.

E. Waiver Standards (SZO §6.4.12, 16.5.4 and 16.5.5)

Section 6.4.12 identifies specific standards that are required for relief from requirements in the ASMD. Section 16.5.4 identifies standards that are required for issuing waivers. Section 16.5.5 identifies a specific standard that is required for waiver of standards of Article 9 (Off-Street Parking and Loading) and Article 12 (Signs) (Section 6.4.14 also addresses signage in the ASMD). The Board found that the SPSR-A meets these findings, and they are contained in Appendix E.

The Board found that the requested waiver from the requirement in Section 6.4.8B for a three-dimensional model is



reasonable given the extent of the three-dimensional computer graphic images provided by the Applicant, which is allowed per Section 5.1.3.

The Board found the request for a waiver of the right of the SPGA to purchase the affordable rental units, as long as they remain rental units is reasonable given that their will be a management company to manage the units and they will remain affordable within the provisions of the SZO and AHIP.

DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano with Kevin Prior absent. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a revision to Special Permit #2011-15. James Kirylo seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request.

To mitigate any potential negative impacts and to provide the best project possible, the Board attached the CONDITIONS in Appendix F. In order to complete this project, the attached PMP-PUD conditions in Appendix H need to be satisfied within the designated timeframe for compliance.

Approval constitutes an approval the final site plans and building design details for a 439,660 gsf project including 253 residential units, approximately 43,975 gsf of a mix of retail, restaurant and other commercial uses as approved in the PUD-PMP, along with approximately 469 to 539 garage parking spaces, two loading bays and associated service areas. Appendix G addresses the PUD-PMP thresholds that will adjust as the Assembly Row project is built out. Approval is also for retail, residential and parking signage that is indicated on the signage plans. Wayfinding signs and first floor retail signs will be subject to design standards that the Owner submits. Approval does not include the design of the storefronts, which are subject to the design standards document that the Owner will submit. The storefront design and signage are subject to staff review to ensure that the design is consistent with the standards.



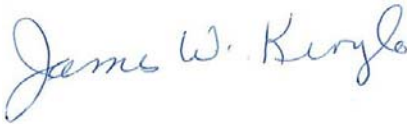
Attest, by the Planning Board:



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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.



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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 VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

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 _____



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Appendix A: Application Requirements

<u>A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)</u>					
Section	Required Finding	Met in PUD	Not Met	Met 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		x	See Overall Site Plan

Block 4

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 for maintenance of drainage areas. The landscaping at the site will be located on the eastern side of the building and will consist of a rain garden with a variety of plantings. There will also be areas that contain grass. There is a condition is a recommended condition relative to preparation of Maintenance Agreement for the PUD. There will be four courtyards on the second floor of the building that will likely include landscaping the details of which are not yet defined. The internal courtyards will be maintained by the Applicant.
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			A transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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			See Utility Analysis

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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			Additional information provided includes design guidelines and supplemental detail on individual plans to later be submitted for SPSR-A review
<u>A.2: General Information Required for SPSR Applications (SZO 5.2)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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		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		x	The Layout and Materials Plan, certified by Hugh Hahn, PE depicts boundaries, angles and dimensions for the proposed Block 4 project area.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 Overall Site Plan, Layout and Materials Plan, Grading and Drainage Plan, Utility Plan, Building Elevations. The footprint is shown on the Layout and Materials Plan along with a zoning summary chart. There are easements on the site that are shown on the Existing Conditions Plan. The proposal is for <u>approx 469 to 539</u> garage parking spaces within the building. 87 bicycle parking spaces will be onsite. Driveway aisles within the garage will be 24-feet wide.
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	The project is a 439,660 gsf building that will house 253 residential units, 43,675 sf of ground floor retail or restaurant space, and <u>approx 469 to 539</u> parking spaces. The residential component will create 4-6 new jobs. The number of employees that the retail will generate and the hours of operation are not yet known.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	x		x	The total floor area is 351,728 nsf on a site that is 122,219 for a total FAR of 2.88. There is 18% open space on the site, which contributes to the 25.3% of open space for the PUD
5.2.3.6	front, side, and rear elevations			x	See North, West, South, East Rendered Elevations dated Sept 6, 2011; A2.01 North and East Elevations dated Sept 16, 2011; and A2.02 West and South Elevations dated Sept 16, 2011

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.7	existing and proposed contour elevations in two foot increments	x		x	The ground elevations are shown in one-foot intervals on the Drainage and Grading Plan. The project is generally flat with elevations ranging from 12.5 feet to 14.3 feet. The site is at the same relative elevation as the surrounding area.
5.2.3.8	provisions for vehicular and pedestrian circulation	x		x	See Overall Site Plan and Design Guidelines for basic information. Detailed information regarding the design of streets and sidewalks are a condition of approval for review by the City Engineer and Traffic Engineer. The sidewalks are varying widths along the perimeter of the project. Vehicular access is via "C Street", "G Street", "Main Street", and "D Street".
5.2.3.9	color, materials, and exterior features of proposed structures	x		x	The materials will include natural cast stone masonry units, three colors and textures of brick, metal shingles, and fiber cement panels. The significant corners of the building will be clad in cast stone and metal shingles. The primary and secondary residential elevations will be clad with brick. The tertiary residential units will be clad with fiber cement panels. The courtyards will contain planted areas as well as hardscaped areas. The design of the garage door will be consistent with the applicable design guidelines.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	The lot is currently vacant and none of these features are present on the land. There will be a rain garden along "G Street". The courtyards will have some landscaping and some hardscape but they have not yet been designed. A general Treescape Plan is provided for the street trees. Street trees will be reviewed by Planning Director and City Engineer prior to infrastructure construction, but approval shall not be required for trees to be maintained by the Applicant.
5.2.3.11	measures taken to preserve and protect natural resources	x		x	Project complies with Waterfront Overlay District. The site is currently a brownfield and the remediation of the soil for the PUD is an improvement to the environment.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities			x	The lighting will be on the City streets along all four sides of the building. Lighting on City streets will need approval by City Engineer/Public Works prior to infrastructure construction as conditioned. Lighting on the exterior of the building could include wall wash lighting elements strategically placed for a variety of functions such as to accent key monument features, cornices, entries, walkways and loading and service areas.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.13	dimensions and locations of signs, proposed and existing			x	There is no existing signage at the site. The residential, parking garage, and garage screening signage is on the Signage Package Elevations. The Applicant is seeking a Special Permit for Signage to waive the height and size limits of the banners and parking garage signs. The proposed wall signs at the residential entries are anticipated to be natural metallic materials in gold or silver colors. Parking garage signage will comply with Section 12.5.1. The retail signage will be dictated by the tenants; however, a condition of approval is that the Applicant provide a design guideline for all signage within the PUD area for review by the DRC and approval by the Planning Board prior to issuance of a building permit for this block.
5.2.3.14	location and significance of historic structures	x		x	This has been addressed in the 2005 VHB study and included in the original PMP document.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities			x	A licensed private contractor will pick up solid waste disposal and recycling. Dumpsters and compactors will be located within the building and will not be visible from public view.
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	Electrical system components will be located in the interior of the building footprint. Condensing units will be located on the roof behind screened enclosures where necessary. Retail kitchen exhaust will vent through the roof. Retail fresh air makeup will be integrated into the building elevation or colonnade soffit.

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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			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	A construction management plan will be a condition of approval. The estimated completion date for the project is spring 2014.
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			The transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid. Individual projects will need to address local traffic impacts and conflicts with SPSR-A application, but will not require additional study of off-site traffic impact if total impacts remain within the established thresholds. Block 4 trip generation has been slightly reduced from the 2006 plan and therefore another traffic study is not necessary.
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; ROW Plan. There is a 20-foot wide existing drainage easement exists on the site that is to be revised or abandoned.
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. There are no wetlands on the project area.

Block 4

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	x		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		x	Included in application submission. Staff generated a current list.
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			n/a

Appendix B: Required Findings of Fact for PUD

<u>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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			See Appendix A. Applicant has provided a complete application. See the remainder of Appendix B which 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 reuse a brownfield next to the Orange Line for a transit-oriented mixed-use, green 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 requested two waivers for the waiver to allow for underground parking that will not be visible from the surface streets and for two residential buildings to be built up to 90 feet in height less than 250 feet from the Mystic River, and a waiver from the requirement to submit a three-dimensional model, which is addressed in Section IV-D of this decision.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 benefited from an additional 4 years of work by the applicant in collaboration with the City and community stakeholders since the original 2006 PMP. The result is a plan for a vibrant, mixed use, urban neighborhood and commercial center providing 9,000 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, while creating a group of urban blocks that concentrate development with the highest densities near the transit station, mid-rise buildings fronting on the Mystic River parks, and expanded open space. The project meets this finding.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.2: Consistency Findings (SZO Section 6.4)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 and the proposed new IKEA store to improve Assembly Square's visibility and image, helping to pave the way for more intensive office development in the future. While the ASD Plan's site layout was based upon the ownership arrangement before the IKEA land swap, the general principles and concepts of the plan are supported by the proposed PMP amendment, and this PMP includes all of the physical characteristics, values and goals that were addressed in the Planning Study.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 is a Major Plan Change to the 1980 Assembly Square Revitalization Plan -- the City's urban renewal plan for Assembly Square. The Major Plan Change built on the foundation of the Cecil Group's Planning Study. The Major Plan Change envisioned a mixed use district with office, retail, residential, cinema, hotel, and restaurant uses – a vibrant 24-hour district with a density somewhere between Boston's density and level of density in nearby suburbs. The Major Plan Change also envisioned the redevelopment of the Assembly Square Mall and a new IKEA store. The PMP revision is consistent with the overall vision of the Revitalization Plan. Upon approval of this revised Master Plan, the Redevelopment Authority intends to amend the Revitalization Plan to reflect the latest redevelopment plan as outlined in this PMP and the FEIR.
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 four key principles closely align with the goals of the Public Realm Guidelines; 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 PUD PMP is also consistent in its recognition of the Mystic River as a regional amenity, maximizing pedestrian accessibility to the waterfront. 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.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
					For example, the Public Realm Guidelines call for a unified signage system that considers elements like sign character, placement, materials, and typestyle. This issue is addressed through inclusion of a condition that a sign design guideline be established. 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			The Assembly Square Transportation Plan generally calls out for development of a street grid within the mixed-use area. That grid has changed with the relocation of IKEA, but the overall transportation strategy in the PMP meets the spirit of the original Transportation Plan.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.3: General Requirements of a PUD (SZO Section 16.4)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 2,896,740 s.f., or approximately 66.5 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 a revised Master Plan with supporting plans showing buildings and roadways prepared by the architectural firm of Streetworks, Inc. and the engineering firm of Vanasse Hangen Brustlin, Inc. The PUD includes the following uses: retail (including restaurant and cinema), commercial (including office, R&D, and other commercial uses), residential, hotel, and parking. This revision to the Preliminary Master Plan is addressing the third phase of the development with the IKEA site and the Marketplace having received prior SPSR-A approval. The two prior phases have been approved based on the original Master Plan which has allowed the project to be developed in a comprehensive, design-integrated manner and this current application would improve the original plan and provide further clarity and regarding the Assembly Row development.
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 23 stories with a maximum height of 250 feet. By contrast, the maximum height permitted as of right is only 40 feet. The proposed PUD has been designed so that each phase, the Marketplace, IKEA and Assembly Row functions well on its own and also in relation to other phases. With Assembly Row, the applicant has the flexibility to design and construct residential, retail and/or commercial, or a mix of all, in response to the market and to other development taking place in Assembly Square.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 the these documents. The previous PUD approval in 2006 met the goals and objectives of these documents and this revision is a refinement of the original PUD approval. Recently, the DRC reviewed the Design Guidelines for Assembly Row which provide greater clarity regarding the future development to take place on the site. The DRC's comments have been included in this report.
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			The PUD is oriented around a series of open spaces connected by pedestrian friendly streets. Main Street has been oriented to preserve a view of the Mystic River. The Applicant will widen the existing DCR park as part of the PUD, and this new, expanded park will serve as an anchor to the north end of Main Street. The new park will be lined with a cluster of residential/retail buildings to give it an active edge and it is expected to serve as a place for public enjoyment of the river. Throughout the site, the Applicant proposes to construct a series of additional passive pocket parks for residents, shoppers, office workers, and visitors. Other than the riverfront, Assembly Square does not have any important natural or historic features to be preserved. 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 Special Permit application.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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, except for the area near the water, where the land slopes to the river. Although there are some former tidelands in Assembly Square (which will subject the project to Chapter 91 review), there are no significant wetlands, floodplains, or wildlife. The most important natural feature is the Mystic River, and the PUD will enhance passive recreational elements of the DCR park, as expanded, with landscaping, public artwork, and associated improvements consistent with a first-class commercial standard for urban public space. Finally, the PUD has been designed to locate the tallest buildings 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 site development as a whole. The project has been phased such that the proposed uses and their associated roadways, parking, and infrastructure are developed in a coordinated manner. During the Special Permit process for developments within Assembly Row, 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 Special Permit 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			The Applicant has linked the residential buildings with the existing parkland that abuts the site and has designed a network of roadways and sidewalks which constitute an improvement to the existing conditions and a benefit to the public. During the special permit 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.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4i	designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD	x			A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package. The applicant is claiming that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. The City Traffic engineer concluded that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Recommendations for traffic mitigation and additional analysis are included in the Conditions section of this report.
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	No deed restrictions or additional covenants beyond the maintenance and open space covenants are required for this site. The existing covenant from December 2006 remains in effect.
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			<u>Not applicable.</u> This finding is not applicable in the ASMD District because all uses in the PUD align with the underlying district.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.4: PUD Design Guidelines (SZO Section 16.7)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	The building has a cohesive identity while providing variety in the façade to break up the massing of the building. The building conforms to the design guidelines with the only deviation in the building shape being that the courtyard will be on the second floor of the building and not at the ground level as it was anticipated. The courtyard will not be accessible by the general public and therefore it is not counted as usable open space. Visitors to Assembly Row will likely use the waterfront and Main Street public spaces over this courtyard and so bringing it to the second floor to receive more light and be closer to the residential units will likely make it more utilized than it would be at grade. Details of how the building conforms to the guidelines can be found in the form and design section of the decision. Conformance with the guidelines ensures that the site is built to be consistent with the PUD-PMP.
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	The usable open space on Block 4 is generally the sidewalk surrounding the building and the rain garden area on the eastern side of the building. There will be usable open space to the south of the side between Block 4 and Block 6. The building was designed with individual front doors to three townhouse-like buildings along the facade that front this open space to provide a variety of uses at a pedestrian scale surrounding the open space.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	The Design Guidelines submitted in the application adhere to the height requirements outlined in the ASMD dimensional requirements with specific height limits based on the distance from the Mystic River bank and the MBTA station. The building on Block 4 is 69 feet tall. Vertical elements include towers, signage, bays and vertical configuration of windows.
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			see 6.4.7.A.4
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	Shadow studies were submitted for the block for 10am and 2pm on Mar 21, Sept 21, Dec 21. The majority of the shadow at 10am will cast a shadow on the street and the sidewalk of Block 2, except that the Dec 21 10am timeframe has a shadow that reaches half of Block 2 including the planned open space on this block. The majority of the shadow at 2pm will cast a shadow on the street and the rain garden to the east of the building. The Dec 21 2pm shadow projects over a portion of the building planned for Block 2 as well as the open space on Block 4 and "G Street". The shadows are minimal to the open space between March 21 and Sept 21.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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			Vehicular access to this area is primarily provided through Assembly Square Drive, but also through New Road/IKEA Way and Foley Street by way of Middlesex Avenue. The PUD guidelines encourage consolidation of access points to and from PUD lands and a minimum of 200 feet between access points. This proposal meets this guideline while still offering optimal transportation access to the site, and a robust street grid to handle traffic within the site.
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			The internal street layout is proposed in a grid pattern with local and collector streets. The main retail street travels north/south through the center of the Assembly Row development between IKEA Way and the park land adjacent to the Mystic River, supporting a robust street grid that can handle traffic within the site. Other internal streets provide connections to Assembly Square Drive, the MBTA station and perimeter locations. As these streets will be dedicated to the public these streets will be conditioned to meet City standards or better pursuant to review by the Director of Traffic and Parking and City Engineer.
16.7h	PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Align streets to give building energy-efficient orientations.	x			Block sizes are larger than typically found in Somerville to accommodate buildings much larger than are typical in the City. Though the blocks are larger, the ground floor retail uses proposed and pedestrian friendly architectural elements and designs that would be required during the Special Permit review process will offset the negative effects of the above average block sizes and provide a scale appropriate for pedestrians.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 as well as expand the open space existing along the Mystic River.
16.7j	The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.			x	Stormwater runoff from the rooftop parking area will be treated by the rain garden onsite. Non-rooftop parking runoff will discharge to the roadway stormwater management system, which has been design to fully comply with the Stormwater Management Standards and is described in the FEIR and Roadway Notice of Intent.
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, traffic circles, paver cross walks, intersection bumpouts and street trees. Pedestrians and bicyclists have alternative networks to access the project without travel on the high volume streets and can bypass the entire project on a dedicated bike/pedestrian path around the perimeter of the site. The highest intensity development will be proximate to the MBTA station which will promote rapid transit ridership and is in line with ideals of Transit Oriented Development.
16.7l	Make shopping centers and business parks into all-purpose activity centers.	x			The proposal calls for a wide array of uses that would create a vibrant and sustainable community with amenities and activities that will serve the residents of the development and the surrounding areas. This project is much more integrated than a typical shopping center or business park, allowing for a new community to be developed adjacent to the new T station.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.5: ASMD Development Standards (SZO Section 6.4.7.A)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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			A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package. The applicant has provided data indicating that neither the underlying traffic conditions near Assembly Square nor the Project itself have changed to the degree that a new Traffic Impact and Access Study is required. The Traffic Engineer indicated that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Recommendations for traffic mitigation and additional analysis are included in the Conditions section of this report.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	x		x	The minimum number of spaces for this development is 253 residential parking spaces, and between 43 and 87 parking spaces for the commercial use depending on the breakdown of retail and restaurant uses. The requirement is met with the proposed <u>approx 327 or 397</u> residential parking spaces and <u>approx 142</u> commercial parking spaces. Utilization of parking spaces between two uses may be flexible or if parking is underutilized, the space may meet the demand of future development without building more parking. The total number of bike parking spaces is 83.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 landscaping at the site will be located on the eastern side of the building and will consist of a rain garden with a variety of plantings. There will also be areas that contain grass. There will be four courtyards on the second floor of the building that will likely include landscaping the details of which are not yet defined. Landscaping across the Assembly Row site is concentrated in publically accessible well programmed public space.
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 project incorporates sidewalks throughout, connecting all parts of the development including to and from the proposed MBTA T stop, the Mystic River and the Assembly Square Marketplace. In addition, a shared use path is planned along the Orange Line right of way that will connect pedestrians along the length of the project to the riverfront. The enhanced riverfront park also provides enhanced and new pedestrian connections to Draw 7 Park and to points within the site. The Proponent has previously provided \$100,000 to the City for the design of a new Mystic River pedestrian/bicycle walkway underneath Route 28 connecting Assembly Square and the Ten Hills neighborhood. The Proponent has also committed to fund construction of the new Mystic River pedestrian/bicycle walkway underneath Route 28 as part of an up to \$2 million commitment to fund pedestrian/bicycle/riverfront park enhancements on DCR land, in addition to other mitigation being constructed by the Proponent in conjunction with the Project.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
Note: The applicant has provided, of its own volition, additional Design Review Guidelines to address the design and massing of the proposed blocks and of quality in material and design that will achieve the goal of creating a diverse and vibrant mixed-use neighborhood they in no way represent the only					
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. To the extent that is known at this time, the streets and sidewalks appear to be designed to meet the expectations of the Design Guidelines. Full engineering plans will need to be provided for review and approval prior to a building permit being issued for the block to ensure that streets meet City engineering standards. There are not existing buildings that need to be demolished to construct the streets around the site.
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	The design has been reviewed by the Design Review Committee and the Board and it complies with the design guidelines as detailed in the decision.
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	The building will have a presence on the street. The building is between 7 to 20 feet from the property line to create wide sidewalks around the building.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	The main residential entrances are along two major roads: "C Street" and "D Street". They both have extensive areas of windows and are defined by a projecting metal elements and the branding name "AVA". The retail entrances are accessible directly from the sidewalk. The pedestrian parking garage entrance is made of glass and the glass projects up to expose the garage staircase.
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	Vertical interest is provided by towers and breaking down the façade to create the appearance that it is comprised of separate buildings.
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	The ground floor retail surrounding much of the building, two residential lobby area entrances, sidewalks surrounding the building and a individual entrances to townhouse units make it a pedestrian friendly building. The parking, loading and trash/recycling areas are internal to the block and away from pedestrian access to the building.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.			x	Two buildings in the Assembly Square area were inventoried by the Massachusetts Historical Commission and were not deemed to have historic merit. One of the buildings was demolished for the IKEA store and the other will be demolished.
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	All of the building equipment and service areas have been located in the middle of the block and are screened by the building and by an overhead door. The mechanical equipment on the roof will be screened.
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	The residential building has been vertically integrated with the ground floor by allowing the primary corners of the building to terminate at the ground floor and residential lobby entrances are located on the ground floor next to the retail uses. The retail use on the ground floor is an active use with a lot of windows that provide views the sidewalks and open spaces.
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	There are no stretches of the façade that exceed 35 feet in length and are uninterrupted or unfenestrated. The retailers will design their own space which will provide variety to the façade. The upper stories do not have lengths of greater than 100 feet in length that are flat and do not project or recess from the main facade.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 guideline will be met with the residential lobby design including aluminum and glass storefront system and the amount of retail storefronts that will provide large expanses of window and doors meant for public entry and exit.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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.			x	Parking will be located in a structure on the 1st-5th floors of the building. The façade of the garage was designed as a "Type 2" garage which means that it is a typical parking structure of either steel or concrete columns and spandrels that incorporate a "screen" on the exposed façade. The proposed garage incorporates screens, which are also part of the signage proposal. As conditioned the screens could be used for advertising for the retail tenants or for Assembly Row.
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 site has 10.7% (approximately 13,096 square feet) of usable open space. Larger areas of usable open space will be on other parcels where they are consolidated to make larger spaces that will connect the Assembly Row development to the waterfront. The overall calculation of useable open space in the PUD is 18 percent. The private courtyards and terraces are not counted in the usable open space calculation, although it will function as usable open space for the tenants of the building.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	The Application included a LEED worksheet. A condition of approval is that the Applicant make best faith efforts to achieve LEED certification for the building and LEED-ND for the neighborhood.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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.
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	The loading areas are located within the building and are not visible from the major public ways.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 full Traffic Impact and Access Study was prepared for the project and was included in the original submission package. The applicant has provided data indicating that neither the underlying traffic conditions near Assembly Square nor the Project impact itself, as only 8 more units are currently proposed, have changed to the degree that a new Traffic Impact and Access Study is required. The Traffic Engineer indicated that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Therefore, additional transportation analysis data is not necessary. The Assembly Square roadway improvements will be readily available to accommodate traffic generated by Block 4 and future development. The MBTA put the new Orange Line Station project out to bid for construction and the station is expected to be operational by 2014. The station will reduce the burden on the roadways by providing an alternative to vehicular transportation.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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."			x	Section A) The proposed PUD meets this requirement as indicated in the Overall Site Plan breakdown of the proposed uses. Section B) The Applicant received a waiver from this requirement with the 2006 approval of the PMP for the TJ Maxx Store and the Christmas Tree Shop. Otherwise, the proposed PUD meets this requirement and no additional waivers from this provision are requested at this time. Block 4 will contain 43,675 sf of retail and therefore it does not considered a large retail project.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	As required, the proposed PMP includes greater than 15% usable open space. This project contributes to the usable open space for the development; however, as a whole the development will exceed the requirement and locate usable open space in strategic locations. There will be 18 % open space and 10.7% usable open space on Block4.
<u>B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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		x	<u>Approx 78</u> parking spaces will be provided on the ground floor but in the interior of the block so that it is not visible from the public rights of way and on the upper floors in a structure.

Appendix C: Requirements for SPSR-A and SP for Signage

<u>C1: Requirements for SPSR-A</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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	There will be no additional traffic impacts created, above and beyond what was anticipated in the original traffic study. The anticipated residential unit count for this block is only 8 less units than is currently proposed.
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	The applicant has provided proposed Design Guidelines as part of the PUD-PMP. See Appendix B for assessment of the guidelines for consistency with the Design Guidelines set out in 6.4.7B and 6.4.8E of the SZO. Projects developed in accordance with the submitted Design Guidelines should be able to meet the general provisions of these sections and this project complies with the design guidelines for the master plan.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 retail and residential uses will provide a mix of uses. Pedestrian and bicycle access will be provided via sidewalks surrounding the site. 12.5% of the units will be affordable housing as defined in the SZO. An agreement has been established between the Applicant and the City such that it is likely that this development will not pay a project mitigation contribution. The building will front and provide a pedestrian scale to the open space proposed between Blocks 4 and 6.
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. These materials were submitted as part of the application for the Block.
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3			x	Applicants submitted 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 meet individual SPSR-A findings as identified in this Appendix C.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 and this project is consistent with the PMP. The project advances the district's goals of development a mix of uses including high density residential and retail and does not preclude the other mix of uses planned for the area to locate near the site. The project will also increase the supply of affordable housing units within the City and creates new jobs.
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	The overall plan is compatible with natural features and character of the surrounding area. The project is consistent with the PMP and therefore meets this finding. The surrounding proposed open spaces, street layout and proposed development sites were considered when designing the site.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction			x	The building and site meets functional standards of the SZO.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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. The proposed project is consistent with the uses anticipated in the public services and facilities impact assessment that was created for 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, cleans an existing brownfield and redevelops a waterfront site with future transit access. Furthermore, upgrades to DCR parkland will provide off-site open space for the project as well as the surrounding neighborhood. No unanticipated environmental impacts have arisen since the PMP approval that would cause concern for the development of the Block.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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 meets the purpose of the Ordinance in encouraging the most appropriate use of the land and increasing the amenities of the municipality. The project also meets the purpose of Article 5 for the Board to evaluate the findings and determinations and provisions of the Ordinance and attach conditions to mitigate concerns.
<u>C2: Requirements for SP for Signage</u>					
5.1.4.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.1.2			x	Applicants submitted all required information for SP for signage
5.1.4.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			x	Section 6.4.14 allows for the SPGA to waive signage requirements based on the findings in 16.5.4 & 16.5.5. See Appendix E for findings.
5.1.4.c	<i>Consistency with purposes.</i> Is consistent with: (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles			x	The signage plan is consistent with the purpose of the Ordinance in encouraging the most appropriate use of the land. This is a large building that meets the mixed use and redevelopment goals of the district. The large signs that are taller than 35' are strategically placed to provide direction to parking areas, to frame residential entrances and to screen parking garages.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.1.4.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 built and unbuilt surrounding area, including land uses.			x	The signage was designed to be integral with the design of the building. A banner signs will mark the entrance to the parking garage by projecting from the building at a right angle. The residential "AVA" signs will mark the residential entrance and provide a graphic design on a tower on the western facade. The garage screening signs will be a metal mesh material that, as conditioned, would only contain retail signage tenants in the building or for Assembly Row.

Appendix D: Standards and Guidelines for Waterfront Overlay District

<i>D: Specific District Standards and Guidelines under Section 6.1.15.B</i>				
<i>Section</i>	<i>Required Finding</i>	<i>Met</i>	<i>Not Met</i>	<i>Comment</i>
6.1.15.B.1	All development should be designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture, landscaping and screening. Building materials of masonry brickwork, stone, wood, and glass are encouraged, to reflect the natural setting of the Mystic River. Pre-cast concrete panels and large expanses of glass facade are generally discouraged.	X		The development is consistent in form with the PMP which was designed to create a cohesive neighborhood where each building and use complements each other. The buildings materials will include natural cast stone masonry units, three colors and textures of brick, metal shingles, and fiber cement panels. The significant corners of the building will be clad in cast stone and metal shingles. The primary and secondary residential elevations will be clad with brick. The tertiary residential units will be clad with fiber cement panels. The courtyards will contain planted areas as well as hardscaped areas

Section	Required Finding	Met	Not Met	Comment
6.1.15.B.2	New structures and additions to existing structures within the Waterfront Overlay District shall be reviewed by the SPGA for effects of wind shadows, and other conditions at ground level insofar as they affect the users of the Mystic River and adjoining parkland. In this review, the SPGA shall determine if the public benefits provided by enhancements and activation of the Open Space in the Waterfront Overlay District outweigh the public detriments associated with ground level effects due to the proposed Development.	X		Shadow studies were submitted for the block for 10am and 2pm on Mar 21, Sept 21, Dec 21. The majority of the shadow at 10am will cast a shadow on the street and the sidewalk of Block 2, except that the Dec 21 10am timeframe has a shadow that reaches half of Block 2 including the planned open space on this block. The majority of the shadow at 2pm will cast a shadow on the street and the rain garden to the east of the building. The Dec 21 2pm shadow projects over a portion of the building planned for Block 2 as well as the open space on Block 4 and "G Street". The shadows are minimal to the open space between March 21 and Sept 21 and the activation of the waterfront district outweighs the detriment of some shadow in the winter months.
6.1.15.B.3	No structures, with the exception of park buildings in the waterfront parkland which provide direct support of public access and use of that parkland, shall be located within one hundred fifty (150) feet of the bank of the Mystic River as defined in 310 CMR 10.54.2.(c). Construction of new surface parking facilities within two hundred (200) feet of the bank of the Mystic River shall not be allowed.	X		The northeast corner of the building is 200 feet from the river and from this point the rest of the building is farther away from the river. There are no surface parking facilities proposed.

Section	Required Finding	Met	Not Met	Comment
6.1.15.B.4	Street and roadways will be allowed but must include sidewalks and landscaping to provide an attractive connection for pedestrian use, and to complement adjacent parkland.	X		Sidewalks will be constructed so that pedestrians will have access around the site. Submission and approval of the final design of the sidewalks is a condition of approval. There will be street trees and other amenities that will be attractive to pedestrians as outlined in the design guidelines. The sidewalk along "Main Street" and "C Street" will provide attractive connections to the adjacent parkland.
6.1.15.B.5	A detailed landscape plan shall be submitted as a part of site plan approval for development in the Waterfront Overlay District, at the same scale as the submitted site plan. Special emphasis shall be given to designing and implementing landscape improvements and Usable Open Space along the Mystic River side of the property. It is intended that landscaping soften the impact of buildings and paved areas as seen from the river, adjacent public open space, and adjacent vehicular thoroughfares. Landscaping utilizing indigenous or naturalized plant materials is encouraged.	X		A detailed landscape plan for the rain garden was submitted and does not include invasive plants. There will be courtyards on the second floor of the building that will likely include landscaping the details of which are not yet defined. Landscaping across the Assembly Row site is concentrated in publicly accessible well programmed public space. Street trees will soften the impact of the buildings.

Section	Required Finding	Met	Not Met	Comment
6.1.15.B.6	There shall be at least one (1) pedestrian sidewalk connection between any parcel in the ASMD and the adjacent Mystic River Reservation and public open space. The sidewalk shall be a minimum eight (8) feet in width, be of concrete or other all-weather paved surface, and have minimal slope, changes in grade level, or stairs, so as to be accessible and usable to the greatest number of people. Other pedestrian ways, small plazas and gazebos, sitting areas and like improvements are strongly encouraged.	X		Sidewalks will be provided around the project area and will connect with the Mystic river Reservation. The sidewalks will be varying widths between 5 feet and 20 feet. The sidewalks will be designed around four zones to create comfortable, vibrant open spaces. The zones from the street inward are parking, outdoor room, walkway and storefront. The sidewalks will be accessible to the greatest number of people possible.
6.1.15.B.7	It is intended to encourage buildings with an orientation to the Mystic River, with ingress/egress to the structure opening onto the site's landscaped area and Mystic River Reservation. In addition, it is intended that new buildings have a visual and functional orientation to other like buildings. Developers are strongly encouraged to place major points of entry to their buildings in a manner facing and visible to the points of entry of nearby buildings, affording opportunity for the space between such buildings to be developed as useable open space and/or pedestrian connections.	X		The major residential entrance will be on "C Street" close to the Block 2 open space. There will be another residential entrance on "D Street" abutting a planned open space there. The entrances to the buildings are strategically placed and relate the buildings surroundings.

Section	Required Finding	Met	Not Met	Comment
6.1.15.B.8	Where practical, grade levels of parking structures should be used for purposes other than vehicle storage. Retail, restaurant and other uses generating pedestrian traffic are encouraged. This is expected to be most applicable to those portions of a garage immediately adjacent to and facing usable open space — particularly when facing the Mystic River reservation or landscaped corridors leading to the reservation — or when facing a public street with retail uses located on parcels fronting and oriented to said street and adjacent to the Development in question. Views into parking structures should be screened if possible, and in all cases at least softened through use of landscaping and/or an architectural/ornamental treatment approved by the SPGA. Lighting within a parking garage shall not be directed towards the exterior of the structure, and shall not cause glare or excessive reflection beyond the structure itself.	X		Retail and restaurant uses will be the primary use on the ground floor and will wrap the parking in the middle of the block. The façade of the garage was designed as a "Type 2" garage which means that it is a typical parking structure of either steel or concrete columns and spandrels that incorporate a "screen" on the exposed façade. The proposed garage incorporates screens, which are also part of the signage proposal. As conditioned the screens could be used for advertising for the retail tenants or for Assembly Row.

Section	Required Finding	Met	Not Met	Comment
6.1.15.B.9	Structures should be oriented so that a visual wall is not created along the Mystic River, and designed so that views to the river from other nearby properties are maintained. As an aid to satisfying this intent, landscaped area and/or usable open space corridors of a minimum fifty (50) feet in width shall be provided on all lots within the Waterfront Overlay District, and shall extend through the full three hundred (300) foot width of the District. A developer or applicant may deviate from these strict standards if he/she can demonstrate to the SPGA full compliance with the intent herein to preserve river views and open space, and that an alternative plan will fulfill this intent in a manner at or exceeding these standards.	X		The building complies with the massing approved in the PUD-PMP. The northern facade of the building has a courtyard at the edge of the building to provide views of the river to the residential units on the upper floors in this portion of the building. The PMP includes "Main Street" that extends through the development to the river. The street will terminate at a plaza that will visually and programmatically connect with the river.

Appendix E: Standards for Waivers

E.1 Loading Waiver				
Section	Required Finding	Met	Not Met	Comment
16.5.4 & 16.5.5	<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.	x		The applicant is requesting one waiver from the loading standard in Section 9.7 as referenced in Section 9.16.3 . The waiver would allow for 2 loading areas on the site instead of the 5 that may be required depending on the mix of retail and restaurant uses. The waiver meets the required findings as follows: a) removing the loading area would result in a better site plan by being able to provide more retail space on the ground floor to enliven the Assembly Square neighborhood; b) the waiver furthers the design and purpose of the PUD by locating the loading in the middle of the block and away from major Public Ways, the Mystic River and other highly visible locations and achieves the goal of making every effort to incorporate creative design to reduce the negative visual impacts of loading spaces; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood as loading will be coordinated to be staggered and some tenants will have van delivers that take up half the loading area required for a truck.
6.4.12.a.1	Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;	x		The ASD Plan encourages below ground parking and discourages surface parking. Reducing the footprint of the ground floor of the building to build more loading space that is not practically needed for loading to this building would be counter to the objectives of the ASD Plan.

Section	Required Finding	Met	Not Met	Comment
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		The waivers create a development on Block 4 that is part of a mixed-use program that creates pedestrian oriented streets on all four sides that are only minimally disrupted by access to loading areas. The waiver to retain this nature of the building and not create a need to have large expanses of the facade devoted to loading is consistent with the objectives of the ASD Plan.
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		This finding does not apply in this case.
E.2 Signage Waiver				
16.5.4 & 16.5.5	<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.	x		The applicant is requesting a waiver for the 35' height limit for signage and the amount of signage allowed at the site. The waiver meets the required findings as follows: a) the signage will be on the building and will not impact the site plan; b) the waiver furthers the design and purpose of the PUD by allowing for advertisement for the large amount of retail tenants in the building and for Assembly Row in strategic locations that screen the garages and for residential and garage signage that frames entrances to these uses and provides direction; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood as the sign design is integral with the design of the building.

Section	Required Finding	Met	Not Met	Comment
6.4.12.a.1	Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;	x		The ASD Plan encourages a variety of block and building scales oriented to pedestrians, with a mid rise building environment and high quality open spaces. Limiting strategically place and well designed signage on large scale, mixed use building would impede upon the success of the uses within the building and would be counter to the objectives of the ASD Plan.
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		The signage screens parking lots and the banners create another dimension to the building, both of which improves the facade and scale of the building and provides direction to pedestrians and vehicles. The result is consistent with the objectives of the ASD Plan in creating a functional mixed-use building.
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		This finding does not apply in this case.

Appendix F: Block 4 Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<i>This list of conditions includes the conditions that were part of the PUD PMP that relate to this SPSR phase.</i>						
A. General						
1	Approval is based upon the application stamped in at the City Clerk's office on July 3, 2012, including plans: • Parcel 4 South and East Garage Elevations dated July 17, 2012 • A1.20 Parcel 4 Roof Plan dated July 17, 2012. The previously approved plans are as follows: • De minimis Change Elevations (N, W, E, S) dated July 25, 2012 • De minimis Change Elevations A2.01 Parcel 4 North and East Elevations and A2.02 Parcel 4 South and West Elevations dated Dec 15, 2011 A1.01 Ground Floor Plan dated Sept 6, 2011; A1.02 Mezz Floor Plan, A1.03 Typical Upper Floor Plan; A1.04 2nd and 3rd floor plan all dated Sept 16, 2011; North, West, South, East Rendered Elevations dated Sept 6, 2011; A2.01 North and East Elevations; A2.02 West and South Elevations dated Sept 16, 2011; Signage Package Elevations dated Sept 8, 2011; C-2, C-3 Neighborhood Context Map 1 and 2; C-4 Overall Site Plan 1; C-5 Overall Site Plan 2; C-6 Layout and Materials Plan; C-7 Grading, Drainage Plan; C-8 Utility Plan; C-9 Turning Template Plan; L-1 Rain Garden Planting Plan all dated Sept 15, 2011; Open space Summary for the PUD date	-	Planning Director	Continuous		
2	The Applicant shall inform the Planning Board when the decision has been made to construct approximately 469 or 539 parking spaces.		Planning Director	Vertical construction of garage		
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.		Planning Director	Continuous		Required legal documentation to be submitted. Deed submitted & application form signed.

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<u>B. Transportation / Traffic Circulation</u>						
4	Applicant will supply 83 bicycle parking spaces for the residential units and 4 parking spaces for the commercial tenants. The Applicants shall submit information on how these spaces will fit into the designated bike storage area or designate another location to accommodate all of the required bike parking spaces.	-	Planning Director	CO		
<u>C. Urban Design and Design Guidelines</u>						
5	All storefronts and retail signage shall be consistent with the design standards to be developed. 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		
6	The Applicant shall submit information regarding the material and lighting for the proposed garage and residential signage as well as the garage screening signoff to Planning Staff for review and approval.	-	Planning Director	Building Permit for Signage		
7	Advertising for Assembly Row and specific tenants in the building are permitted through this approval. Off premises advertising is not approved through this special permit and is subject to all applicable state and local permit requirements.	-	Planning Director	Continuous		
8	The garage door shall contain a graphic subject to Planning Staff review and approval that conforms to the design guideline for loading areas. Loading areas should be considered in a similar regard as the parking garage elevations. It needs to be integrated in a manner that minimizes its function.	-	Planning Director	CO		
9	The rooftop screening design shall be submitted to Planning Staff for review and approval. Screening shall be made as least visible and possible and it should tie into the design and color scheme of the building.	-	Planning Director	Building Permit		
10	Applicant shall provide information regarding the final material and colors for siding, trim, windows and doors and an onsite mockup of each building segment for DRC review and Planning Staff review and approval prior to construction.	-	Planning Director	Vertical Construction		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<u>D. Trash and Recycling</u>						
11	Trash and recycling storage shall be contained in the designated areas that are internal to the block. The Applicant shall provide residential recycling.	-	Planning Director / DPW	Continuous		
<u>E. Maintenance of Facilities</u>						
12	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, publicly assessable open space, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	-	Planning Director	Continuous		
13	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 Director	Continuous		
<u>F. Linkage and Inclusionary Zoning</u>						
14	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the Housing Department before the issuance of a Certificate of Occupancy (C.O.).	-	Planning Director / Housing Director	CO		
<u>G. Demolition/Construction</u>						
15	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.	-	Planning Director	Certificate of Occupancy		
16	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.	-	Traffic & Parking	During Construction		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
17	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	-	Plng/OSE	CO		
<u>H. Fire Prevention</u>						
18	A complete fire sprinkler and standpipe systems, an approved fire alarm system, a radio master box, and 24 hour monitoring by an approved central station company shall be installed. The systems must be 100% complete before any occupancy is allowed. There may be additional requirements attached to the permits pending review of more specific information that will need to be submitted before Fire Prevention's approval.	-	Fire Prevention	Certificate of Occupancy		
<u>I. Final Planning Signoff</u>						
19	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	-	Planning Director	Sign-off		

Appendix G: Linkage/Usable Open Space/Parking Space Tracker

<i>Date</i>	<i>Project Description</i>	<i>Land Area</i>	<i>Square Footage</i>	<i>Commercial Space</i>	<i>Retail Space</i>	<i>Residential Units</i>	<i>Hotel</i>	<i>Square Footage to which Linkage Applies</i>	<i>Linkage SF Exemption Tracker - to be paid after first 300,000 constructed for FRIT's buildings*</i>	<i>SF of Open Space</i>	<i>SF of Usable Open Space</i>	<i># parking spaces</i>
Oct-07	IKEA (Phase IAA)	513,159	340,000	-	340,000	-	-	340,000	when built	221,272	163,239	1,287
Dec-09	Marketplace (Phase 1AAA)	1,122,202	328,806	-	328,806	-	-	-	-	105,255	55,073	1,123
Jun-11	Block 10	32,059	4,500	-	4,500	-	-	4,500	4,500	15,646	11,325	28
Oct-11	Block 1	107,219	437,840	-	67,530	195	-	67,530	-	18,520	2,839	367
Oct-11	Block 4	122,219	439,660	-	43,975	253	-	43,975	-	22,040	13,096	539
Total		1,896,858	1,550,806	-	116,005	448	-		4,500	382,733	245,572	3,344
Total Approved		2,671,884	5,000,000	1,750,000	512,000	2,100	200-rooms			675,531	481,674	10,066

Appendix H: Applicable PUD-PMP Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<i>This list of conditions includes the conditions that were part of the PUD PMP that relate to this SPSR phase.</i>						
A. General						
1	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 Building Permit for any of blocks 1, 2, 3, 4, 5, 6, 7, 8 or 9		
2	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 in the plan, 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 Director / City Engineer / DPW	Prior to Building Permit for any of blocks 1, 2, 3, 4, 5, 6, 7, 8 or 9		
3	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 Traffic and Parking as a minor plan change.	-	Planning Director	Prior to Building Permit for any of blocks 1, 2, 3, 4, 5, 6, 7, 8 or 9		

Block 4

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<u>B. Transportation / Traffic Circulation</u>						
4	Applicant shall work with the MBTA and the City of Somerville to identify a bus route through the site and to provide appropriate bus stops that provide safe and convenient access to the MBTA Station, Main Street, IKEA, and the Marketplace. Any change to the roadway plans to provide bus stops, including the removal of on-street parking spaces, shall require the approval of the City Engineer and Planning Director.	-	Planning Director / City Engineer	Prior to opening of any new public street in the project (other than Assembly Square Dr)		
5	Applicant shall be required to submit proposed names for all streets for the review pursuant to Section 12.1 and 2-309.5 of the Code of Ordinances. The applicant should note that street names that are the same or similar to names already used in Somerville shall not be permitted.	-	Planning Director	Prior to opening of any new street		
6	The applicant shall include conduits for parking kiosks in street construction plans as required by the Director of Traffic and Parking with review and approval by the City Engineer.	-	T&P Director / City Engineer	Prior to approval of plans by Director of Traffic and Parking with review and approval by the City Engineer		
<u>C. Water Systems</u>						

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
7	Applicant shall ensure that all materials shall be in accordance with the City of Somerville Water and Sewer Division's Specifications and/or Rules and Regulations, latest issue.	-	City Engineer	Prior to trench permit for roadway construction		This is complete within Assembly Square Drive, but review will be required for streets in the mixed-use area.
8	Roadway construction plans shall provide for hydrants, as required to ensure adequate fire protection for the site in compliance with applicable local, state, and federal requirements as determined by the Fire Chief and City Engineer.	-	Fire Chief / City Engineer	Prior to trench permit for roadway construction		
9	Applicant shall install valves at each intersection, and correspondingly show and label on all drawings. All tees, bends, reducers, and other fittings should also be labeled on the drawings.	-	City Engineer	Prior to trench permit for roadway construction		
10	Applicant shall provide individual calculations to determine the sizes necessary for the connections to each property. The proposed service connections to each of the new buildings shall be shown on further design drawings.	-	City Engineer	Prior to trench permit for roadway construction		
<u>D. Sanitary Sewer Systems</u>						

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
11	Design and construction phasing of the sanitary sewer system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.	-	City Engineer	Prior to trench permit for roadway construction		
12	The profiles of the proposed sewer system has been submitted to the City Engineer. The building permit will not be issued until the Engineer reviews and approves the system. Applicant must ensure that there are no conflicts with other proposed utilities.	-	City Engineer	Building Permit		
13	Details of proposed pipe materials have been sent to the City Engineer for his review and approval prior to the issuance of a building permit.	-	City Engineer	Building Permit		
14	Applicant shall make every effort to comply with DEP requirement that states "whenever possible" a minimum horizontal distance of ten feet shall be maintained between sewer lines and water mains. Exceptions are usually only allowed when there are conflicts with existing utilities or existing structures that would prevent obtaining the proper separation.	-	City Engineer	Prior to trench permit for roadway construction		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<u>E. Stormwater Management System</u>						
15	Design and construction phasing of the stormwater management system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.	-	City Engineer	Prior to trench permit for roadway construction		
16	Applicant shall provide the Planning Board with a status report on the receipt of necessary permits from MWRA.	-	Planning Director	Continuous		
17	Applicant shall furnish health and safety requirements for utility workers for all roadways to be constructed on private property and subsequently dedicated as public ways.	-	Planning Director	Prior to dedication of public ways		
18	The Applicants supplied minimum measures for soil erosion control that will be used on the project site. The contractor and owner shall prepare and implement a Stormwater Pollution Prevention Plan in compliance with EPA NPDES regulations.	-	City Engineer / Con. Comm. where applicable	Prior to trench permit for roadway construction and CO		
19	The applicant shall commit to providing low impact development stormwater management elements in the G Street open space, to be designed with the review and approval of the City Engineer for consistency with best practices for stormwater management.	-	Planning Director / City Engineer	Prior to trench permit for roadway construction		
<u>F. Urban Design and Design Guidelines</u>						
20	The Applicant shall provide funds for design and up to \$1 million in funds for construction of the pedestrian crossing from Assembly Square to the Ten Hills neighborhood.	-	Planning Director	Prior to CO for first SPSR-A in mixed-use area		25% design is complete

Block 4

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
21	Applicant shall include a landscape buffer between the tracks and the proposed development along the G Street multi-use path that leads to the T-Station.	-	Planning Director	Prior to CO for Block 2, 4 or 6, whichever is first		
22	As part of each site plan review submittal, the Applicant shall calculations showing that the percentage of open space and usable open space meets the zoning requirement for a PUD-A within the ASMD.	X	Planning Director	Addressed with each SPSR-A application		Complete
23	Applicant shall ensure that the sunlight conditions shown on the plans are adequate for the tree species proposed within the public right of ways if trees are to be maintained by the City.	-	City Engineer	Prior to installation of street trees		
24	Applicant shall make reasonable efforts to employ smart growth techniques in overall development, including but not limited to: Low Impact Development for Stormwater Management, bioswales and sustainable green technologies, and LEED certification;	-	City Engineer	Prior to trench permit for roadway construction or Building Permit, whichever is applicable		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
25	Applicant shall be responsible for all design, construction, maintenance and repair of all roadways, 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. 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 LID tree boxes. 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. Notwithstanding the fore	-	Planning Director / City Engineer	Prior to Building Permit for any of blocks 1, 2, 3, 4, 5, 6, 7, 8 or 9		
26	Applicant shall provide details of the pedestrian connection from Assembly Square to Draw 7 Park under the railroad bridge.	-	Planning Director	Prior to trench permit for roadway construction in A Street		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
27	Applicant shall show the future potential pedestrian connection from the proposed Assembly Square T Station to Draw 7 Park. The design of the project and T Station shall not preclude the ability for the future design and construction of a direct pedestrian connection from the Station into the park. (The Applicant is not expected to construct the pedestrian connection, but merely to show it in the plans in the event that enough federal and state monies are available to construct such a connection as part of the T station.)	-	Planning Director	Prior to trench permit for roadway construction		
28	Applicant shall plan for a drop-off location and taxi stand for the MBTA station as a part of roadway design.	-	Planning Director / City Engineer / T&P Director	Prior to opening of any new public street in the project (other than Assembly Square Dr)		
29	Applicant shall depict the locations and design of handicapped accessible curb ramps for review and approval by the City Engineer.	-	City Engineer	Prior to installation of sidewalk		
30	The applicant shall provide a design guideline for all retail storefronts and signage within the PUD area for review by the DRC and approval by the Planning Board.	-	Planning Director	Prior to Building Permit for any of blocks 1, 2, 3, 4, 5, 6, 7, 8 or 9		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
31	The applicant shall submit information regarding reasonable efforts that were used to secure LEED-ND approval for the project.	-	Planning Director	Prior to CO for first development in Mixed-Use area		
<u>G. Maintenance of Facilities</u>						
32	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.	-	City Engineer	Continuous		
33	Applicant shall provide street lights that meet City standards on all public streets where lights are to be maintained by the City.	-	City Engineer / DPW	Continuous		
<u>H. Linkage and Inclusionary Zoning</u>						
34	The applicant shall meet the obligations required by Article 13 and Article 15 of the SZO, as modified by a certain Amended and Restated Assembly Square Development Covenant dated December 14, 2006 by and between Federal Realty Investment Trust, IKEA Property, Inc., the City of Somerville, and the Somerville Redevelopment Authority, as amended by First, Second and Third Amendments, and as further amended from time to time.	-	Planning Director / Housing Director	CO		