



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

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EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JOSEPH FAVALORO, *CLERK*
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MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2016-01
Site: 399 Revolution Drive
Date of Decision: February 18, 2016
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 1, 2016

PLANNING BOARD DECISION

| | |
|--------------------------------|--|
| Applicant Name: | Partners Healthcare |
| Applicant Address: | 101 Merrimac Street, 8 th Floor, Boston, MA 02114 |
| Property Owner Name: | Federal Realty Investment Trust |
| Property Owner Address: | 1626 East Jefferson Street, Rockville, MD 20852 |
| Agent Name: | Gensler |
| Agent Address: | 400 Atlantic Avenue, Boston, MA 02210 |

Legal Notice: Applicant, Partners HealthCare, and Owner, Federal Investment Realty Trust, seek a Special Permit to install signage for Partner HealthCare on "Block 11" of 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 and June 19, 2014. Applicant and owner seek approval under SZO Article §5.1 and condition 9 of the SPSR-A for the office and garage buildings, case PB 2014-17.

Zoning District/Ward: Assembly Square Mixed Use District (ASMD); Planned Unit Development Overlay District - A (PUD-A) / Ward 1

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|-----------------------------------|-------------------|
| <u>Zoning Approval Sought:</u> | §5.1 |
| <u>Date of Application:</u> | January 14, 2016 |
| <u>Date(s) of Public Hearing:</u> | February 18, 2016 |
| <u>Date of Decision:</u> | February 18, 2016 |
| <u>Vote:</u> | 5-0 |



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

Appeal #PB 2016-01 was opened before the Planning Board at Somerville City Hall on February 18, 2016. 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:

Because the location, size and technology of the office and wayfinding signs were not yet determined at the time of the SPSR-A approval for the mixed use building and garage on Block 11, a condition was placed on the permit that required the signage package outside of the retail signage on the podium to receive special permit approval from the Planning Board. The retail signage on the podium is regulated by the Assembly Row Storefront and Signage Design Standards that were approved by the Planning Board as part of the Master Plan Approval. Staff review and approve retail signage and if it is inconsistent with the Standards it goes before the Planning Board for approval.

Condition 9 of SPSR PB 2014-17 for mixed-use and garage buildings:

This approval does not constitute approval for any signage on the building or garage above the podium level. This approval does not constitute approval for any free-standing wayfinding signage on the site. Such signage shall require special permit and/or appropriate waivers from the Planning Board prior to installation.

The signage proposal is detailed in the plan set entitled Partners Healthcare On the Move. There are three high building signs on the rooftop screening of the mixed building at 399 Revolutionary Drive. The rest of the signs are exterior ground level signs. These signs consist of monumental identity and directional signage along Grand Union Boulevard and Revolution Drive as well as signs within the landscaped area for wayfinding and interpretive signs. There are two distinct but complimentary designs proposed for the ground level signs. The signs along Revolution Drive will match the style of the wayfinding signs through the blocks of the Master Plan and the remainder of the signs will have a different aesthetic for the Partners campus.

FINDINGS FOR SPECIAL PERMIT:

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The Applicants have submitted a Special Permit application for signage on Block 11 as is specified in condition 9 of the SPSR-A approval PB 2014-17 for the mixed use building and garage.

The following are the signage standards in the Assembly Square District under SZO §6.4.14.

- A. *The top of a wall Sign attached parallel to a Building shall be no higher than thirty-five (35) feet above finished Grade.*



The signs at the top of the building require a waiver because they are taller than 35 feet above finished grade. The waiver findings are below.

- B. With respect to any Structure in the ASMD for which a waiver or other approval has been issued to allow such a Structure to exceed the maximum height otherwise set forth in this Ordinance, approval for signage on such Structure in excess of the maximum height requirements applicable under this Ordinance may be granted solely through a Special Permit from the SPGA.*

The building and therefore the signage did not receive a waiver to exceed the maximum height set forth in the Ordinance.

- C. The size of signs in the ASMD shall not exceed the requirements outlined in Section 12.4. ("Signs in Nonresidential Districts") unless such requirements are superseded in 6.4.14.A or 6.4.14.B., above. However, approval for freestanding, directional and/or wall signage in the ASMD that does not comply with the applicable provisions of this Ordinance may be granted solely through a Special Permit from the Planning Board.*

The signs do not exceed the size limits as allowed in Section 12.4. The total allowed is 2,340 square feet and the proposal is for 2,023 square feet. The details on the signage sizes can be found in the attached signage size analysis submitted by the Applicant. The allowed size in that analysis will differ from the number in this report because the multiplier should be calculated based on the building's setback from the centerline of the street and not on the distance as the crow flies from the street to the height of the sign.

Per SZO §6.4.12 the Planning Board may grant relief from Development Standards, and any other requirements of the ASMD outlined in Sections 6.4.6 through 6.4.11. In such cases, in granting such relief, the SPGA must find that:

- 1) Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;*

Not allowing this large commercial tenant that is bringing 4,500 jobs to Somerville the ability to install signs at the top of the building that has been carefully designed to integrate into the design of the building would be counter to the ASD Plan.

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

The signs at the top of the building are consistent with the objectives of the ASD Plan. An objective of the Plan is to attract commercial tenants and create jobs in Somerville. The signs will identify a large office employer at Assembly Square which will potentially further this goal in changing the perception and reality that Assembly is the home of large scale commercial development. The signs will be visible at a distance and not overpower the human scale signs and public realm details at Assembly Row.

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

This proposal is not one of these application types.



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

This proposal does not involve waiving landscape requirements.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article I, 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."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the ASMD district, which is, "...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 ASMD zoning is designed to allow the district to reach these goals. The major objectives of the ASD Plan are the following: Facilitate development of a mix of uses including...office..."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

The signage types at ground level has been designed to be of a pedestrian scale to fit into the mixed use, walkable neighborhood. Some of the signs were reduced in scale to move away from office park scale and vehicular oriented signs. The signs have minimal wording and have clear directional symbols. The small LED displays will efficiently convey if parking is available in the garage to avoid cueing while looking for a parking space. The orange border and letters of the signs will be softly lit. FRIT's signs will have a subtle glow behind the lattice and the individual letters on the sign will glow.

The building signs are proportional to the scale of the building. They have been placed on the screening of the mechanical equipment so that they are visible but do not interfere with the façade. The letters and symbols are simple and do not overwhelm the design of the building. The individual letters will be lit but there will be no other illumination on the roof top signs so they will not be overly bright.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There is no existing or proposed housing as a part of this proposal.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

Assembly Row is a key transformational area in SomerVision. The signage is a part of the package that will make this neighborhood functional.



9. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

There is no housing as part of this application.



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Rebecca Lyn Cooper and Gerard Amaral with Dorothy Kelly Gay absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Rebecca Lyn Cooper seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

| # | Condition | Timeframe for Compliance | Verified (initial) | Notes | | | | | | | | | | | | |
|--|--|--------------------------|--------------------|-------|---|------------|------------------|--|-------------------|---|-------------------|--|------------------|---|------------------|--|
| 1 | Approval is for the building and ground level signage for Block 11 of Assembly Row. This approval is based upon the following application materials and the plans submitted by the Applicant: | CO / BP | ISD/Plng. | | | | | | | | | | | | | |
| | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>January 15, 2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 18, 2016</td><td>Modified plans submitted to OSPCD (Building Signs – South, North, West, Elevation, Location Plan, Sign Family, EX1.1, EX1.2, Ex2, EX2.1, Courtyard entrances, West entry layout, EX3.1 pedestrian directional, EX3.2 Pedestrian bollard, EX3.3 Interpretive sign)</td></tr><tr><td>November 25, 2015</td><td>Modified plans submitted to OSPCD (Site Wayfinding – median site directional, - site/retail directory)</td></tr><tr><td>December 1, 2015</td><td>Modified plans submitted to OSPCD (Site Wayfinding – median site directional)</td></tr><tr><td>February 5, 2016</td><td>Modified plans submitted to OSPCD (Site Parking Directional)</td></tr></table> | | | | Date (Stamp Date) | Submission | January 15, 2016 | Initial application submitted to the City Clerk's Office | February 18, 2016 | Modified plans submitted to OSPCD (Building Signs – South, North, West, Elevation, Location Plan, Sign Family, EX1.1, EX1.2, Ex2, EX2.1, Courtyard entrances, West entry layout, EX3.1 pedestrian directional, EX3.2 Pedestrian bollard, EX3.3 Interpretive sign) | November 25, 2015 | Modified plans submitted to OSPCD (Site Wayfinding – median site directional, - site/retail directory) | December 1, 2015 | Modified plans submitted to OSPCD (Site Wayfinding – median site directional) | February 5, 2016 | Modified plans submitted to OSPCD (Site Parking Directional) |
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| | December 1, 2015 | | | | Modified plans submitted to OSPCD (Site Wayfinding – median site directional) | | | | | | | | | | | |
| | February 5, 2016 | | | | Modified plans submitted to OSPCD (Site Parking Directional) | | | | | | | | | | | |
| Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | | | | | |
| Final Sign-Off | | | | | | | | | | | | | | | | |
| 2 | 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. | Final sign off | Plng. | | | | | | | | | | | | | |

Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.



Rebecca Lyn Cooper



Gerard Amaral

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

CLERK'S CERTIFICATE

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

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

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

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

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

FOR 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 _____

