



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-137
Date: December 1st, 2016
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: NorthPoint – Parcel JK

Applicant Name: DW NP Property, LLC
Applicant Address: One Kendall Square, Suite B3201, Cambridge, MA 02139
Owner Name: DW NP Property, LLC
Owner Address: One Kendall Square, Suite B3201, Cambridge, MA 02139
Agent: Anthony Galluccio
Agent Address: 1498 Cambridge Street, Cambridge, MA 01239
Alderman: Matthew McLaughlin

Legal Notice: NorthPoint Parcel J/K – loading docks: (Case # ZBA 2016-137) Applicant/Owner DW NP Property LLC requests a Variance under §6.6.9.D.1.a to allow four loading docks where frontage requires a minimum of 60% of active uses on the Dawes Street façade of Parcel JK within the NorthPoint development. North Point Special District (NPSD). Ward 1.

Dates of Public Hearing: December 7th, 2016

I. PROJECT DESCRIPTION

1. Subject Property:

“NorthPoint” refers to an area of land along the north bank of the Charles River, over sixty acres in total, inclusive of the area north of Msgr. O’Brien Highway from the MBTA’s Fitchburg line right-of-way to the Charles River, on both sides of the Charlestown Avenue (Gilmore) Bridge.

The NorthPoint project (the “Project”) consists of a total of a 5,245,854 square foot (“sf”) gross floor area (“GFA”) mixed-use campus (3,060,792 sf residential; 2,185,062 sf commercial). The Site consists of

approximately 45 acres, comprised of land in Somerville, Boston, and Cambridge. Approximately 4.688 acres of the Site is located within Somerville -- one parcel (now referred to as EF) is almost entirely in Somerville and five other parcels are partially located in Somerville. The previous application had approximately 5.36 acres including the crossover parcel transferred to the MBTA. The Site is uniquely well served by transit, specifically, the MBTA's Orange Line Community College Station and Green Line Lechmere Station. The extensive Charles River Park system, including the nine-acre North Point Park, is adjacent to the NorthPoint Site and features a convenient pedestrian/bicycle connection to Charlestown via the North Bank Bridge. Recent improvements to the area's public amenities include the Lynch Family Skatepark, a new bicycle/Hubway station, Brian P. Murphy Memorial Staircase, and an extensive community path network, which will ultimately connect to the Somerville Community Path through NorthPoint.

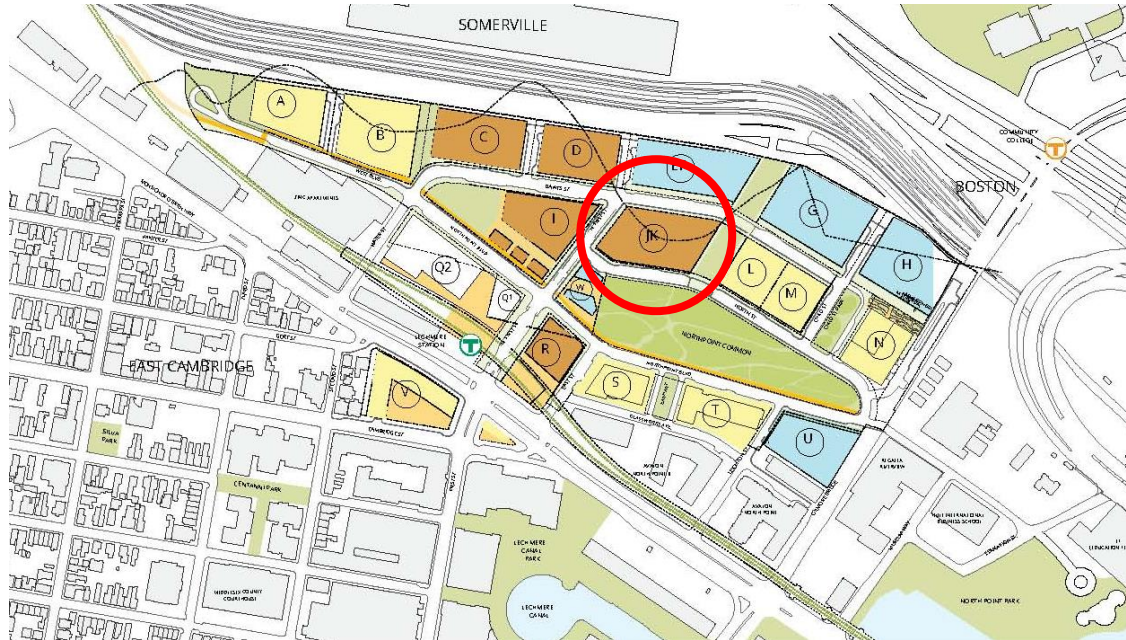
The Site is currently undeveloped vacant former railroad land. The surrounding roadway network is currently undergoing preliminary construction preparation.



2. Proposal:

DivcoWest proposes to transform an existing unproductive area of Somerville into an integral part of a new and vibrant work-live-play urban community consistent with the goals identified in SomerVision for Transformational Mixed-Use areas. The Somerville portion of the project, which has land parcels both partially and wholly within Somerville, will incorporate a diverse mix of commercial uses including high-end office space, a grocery store, fitness center, and commercial parking balanced with an appropriate amount of ground-level retail.

Parcel JK (the Site) is approximately 62,502 square feet, proposed to be located on the south side of Dawes Street, as part of the larger NorthPoint development site. The uses proposed on the site are Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of those uses. The anticipated approximate gross floor area is approximately 362,746 square feet. The proposed site is anticipated to have a ground coverage ratio of 79.9% building coverage and 20.1% open space.



The proposed use for the Site is Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of these uses. This application for Variance in accordance with Section 5.5 of the Somerville Zoning Ordinance (SZO) for relief from the requirement in Section 6.6.9.D.1.a that a minimum 60% of ground floor frontage be occupied by active uses. The application pertains to loading docks proposed along one of the secondary front lot lines - along Dawes Street. Three sides of the property front on thoroughfares, with the fourth side fronting on Baldwin Park. As such, the required loading docks need to be located along a lot line fronting on a thoroughfare.

The new Parcel JK building will have a total of four loading dock bays, all of which are accessed from Dawes Street. Both the Somerville and Cambridge Zoning Ordinances require a minimum of four loading dock bays based on the size and intended use of the building. All four loading bays are enclosed behind roll up doors, which when closed; screen the loading operations from view. The doors are constructed of sectional glass and metal panels, integrated into the architectural vocabulary of the Dawes Street façade.

The westernmost loading dock bay serves the ground level retail and restaurant tenants, and is accessed via one 14'-0" (tall) x 12'-0" (wide) roll-up door. This loading bay will remain clear for active loading for the retail and restaurant tenants.

The other three central loading dock bays serve the upper floor lab and office tenants, and are combined into a common loading area, which is accessed via one 14'-0" (tall) x 12'-0" (wide) roll up door and one larger 14'-0" (tall) x 24'-0" (wide) roll up door. Two of these three bays will remain clear for active loading for the tenants, and the third will be for a waste dumpster.

3. Green Building Practices:

Given the conceptual nature of this application request, it is difficult to determine the details of any green building practices. However, the Applicant has said that as the design work is underway, the building is on track to receive a LEED Gold rating.

4. Comments:

Given the conceptual nature of this application request, the application was not shared with other City Departments at this time. The full Design and Site Plan submission will be shared once the package is received by Staff.

The Design Review Committee did discuss the proposal at the November 10th, 2016 meeting. A quorum was present and the committee was supportive of the Neighborhood Development Plan Amendment, the Special Permit application for the loading docks on Dawes Street, and the conceptual building design. They requested that the project's elevations, and/or renderings, be presented to the committee at the time of Building Permit application for initial review of material specifications. The project will be reviewed a one final time for color and texture palette, via an on-site mock-up panel or sample materials board, prior to material installation. These conditions will be added to the Design and Site Plan submission.

The Planning Board is the Special Permit Granting Agency for the North Point Special District and. As such, granted a Special Permit to allow the loading docks to be located on the Dawes Street frontage at their public meeting on November 17th, 2016. The Staff Report for case #PB2016-18 is attached for the Board's reference.

II. FINDINGS FOR VARIANCE

A Variance (§5.5) is sought to allow less than sixty percent (60%) of the ground floor frontage of a Commercial Building be occupied by active uses on the Dawes Street elevation as required by Section 6.6.9.D.1.a of the SZO.

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."*

Applicant's response: The application of Section 6.6.9.D.1.a to Lot JK creates practical difficulty and substantial hardship for the Applicant. The unique shape of the land that comprises Lot JK is that three sides of the Site have frontage on thoroughfares, and the fourth abuts a park/civic space. By definition, building services (including those required by the SZO, such as loading) must be provided for along one of those lot lines. From an urban design perspective, loading and other services are critical elements that need to be accommodated for the functioning of the building lot and the overall master planned development. They should be located and designed to support the walkability of the area and minimize dead zones, particularly away from pedestrian corridors wherever possible.

The side of the Site facing North Street has been designated as the primary front lot line of the Site because it faces Northpoint Common, a focal point of the entire NorthPoint development linking public access across the Site and, in particular, to civic and open space areas and pedestrian connections. Similarly, the new park/civic space to the east plays an important role in the civic and open space areas available to the public and providing connections across NorthPoint and the surrounding area. North First Street is the retail spine of NorthPoint; it needs to be activated by retail on both of sides of the street along its length in order to be successful. Therefore, building services are appropriately located along the lot line on Dawes Street. Locating such uses on any other side of the Site would adversely impact pedestrian connections to and through Northpoint Common and the new park/civic space, and disrupt the overall NorthPoint master plan.

Staff's response: Creating a good urban design inevitably comes with challenges, and the Applicant has made every attempt to solve the necessity for service access on a street frontage as creatively as possible. Even though the required active use for the ground floor (60% minimum) cannot be met on the Dawes Street frontage, Staff finds that Dawes Street is the correct location for the loading docks.

2. *"The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."*

Applicant's response: The Variance requested is the minimum variance from the applicable requirements necessary for reasonable use of the building. As described above, Lot JK is one of twenty (20) building parcels in the NorthPoint master plan. The Applicant has a vested interest in ensuring that the development of each parcel is first class and does not detract from the future development and success of every other parcel in the master planned area. Therefore, although the loading and service areas are proposed to be along Dawes Street to serve Lot JK, they have been designed with architectural details intended to complement the overall façade composition (including materials, bay structure and fenestration) and to maintain a positive pedestrian experience at driveway crossings and via streetscapes and sidewalks, all of which conform to the requirements of the SZO.

We note that all lots in NorthPoint with frontage on Dawes Street are intended to have loading and other building services accessed from Dawes Street. The length of the streetscape and preliminary design guidance for each of those façades has been designed to accommodate those services while at the same time creating an active and attractive urban environment. In addition, we note that, with the exception of the Variance requested in this Application, the proposed development of Lot JK complies in all respects with the SZO, including the requirements for fenestration and breaks in the façade.

Staff's response: The Applicant worked with Staff to find an equitable solution to the service challenge issues in the design of the ground floor. Some of the necessary building program that could be treated as "back of house", such as the bike room, will be designed in a way to add visual interest to the ground floor façade and the streetscape. Staff finds this variance is the minimum that can be granted to provide relief to the Applicant.

3. *"The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."*

Applicant's response: The granting of the requested Variance will be in harmony with the general purpose and intent of the SZO, which is to "establish regulations supporting the development of a comprehensively planned neighborhood of mixed use, moderate to high-density development within easy walking distance to transit." As described above, we note that the NorthPoint master plan, as approved by the Somerville Planning Board, establishes such a comprehensively planned mixed-use neighborhood with easy access to public transportation. The proposed development of Lot JK is consistent with that approved mixed-use master plan. In addition, we note that, with the exception of the Variance requested in this Application, the proposed development of Lot JK complies in all respects with the SZO, including the requirements for fenestration and breaks in the façade. Due to the master planned nature of NorthPoint and the design of Lot JK, particularly utilizing Dawes Street as the access for the required building services to preserve and encourage the walkability of the NorthPoint site, granting of the requested Variance will be in harmony with the general purpose of the Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. We also note that, although a portion of the

Site is located in Somerville, all vehicular access to the Site and all of NorthPoint is and will continue to be from Cambridge.

Staff's response: The North Point Special District is intended to a mixed-use transit-oriented neighborhood and Lot JK will be the first building constructed toward making the masterplan a reality. Staff finds the design and the architecture of the building are inkeeping with the purpose - "to establish regulations supporting the development of a comprehensively planned neighborhood of mixed-use, moderate- to high-density development within easy walking distance to transit" - and intent of the special district and the Neighborhood Development Plan.

III. RECOMMENDATION

Variance under §5.5 and §6.6.9.D.1.a

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **VARIANCE**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	<p>Approval is for the NorthPoint Parcel JK Variance application allowing four loading docks to be located on the Dawes Street building frontage line. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>November 3, 2016</td><td>Initial application submitted to the City Clerk’s Office including all appendices</td></tr></table> <p>Any changes to the approved special permit that are not <i>de minimis</i> must receive approval from the Zoning Board of Appeals.</p>	Date (Stamp Date)	Submission	November 3, 2016	Initial application submitted to the City Clerk’s Office including all appendices	DSP/BP/CO	Planning/ISD	
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Design								
2	All four loading bays must be behind roll up doors, which remain closed most of the time, to screen the loading operations from street view. The material and color of the doors must be integrated into the architectural vocabulary of the Dawes Street façade.	In perpetuity	Planning/Engineering					



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Case #: PB 2016-18
Date: November 10th, 2016
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: NorthPoint – Parcel JK

Applicant Name: DW NP Property, LLC
Applicant Address: One Kendall Square, Suite B3201, Cambridge, MA 02139
Owner Name: DW NP Property, LLC
Owner Address: One Kendall Square, Suite B3201, Cambridge, MA 02139
Agent: Thomas N. O'Brien
Agent Address: One Congress Street, 10th Floor, Boston, MA 02114
Alderman: Matthew McLaughlin

Legal Notice: NorthPoint Parcel J/K: (Case # PB 2016-18) Applicant/Owner DW NP Property LLC requests a Special Permit under §6.10.G for four loading docks on the secondary front lot line as part of a Commercial Office, R&D/Laboratory, or Other Use on Parcel JK within the overall NorthPoint development site. North Point Special District (NPSD). Ward 1.

Dates of Public Hearing: November 17th, 2016

I. PROJECT DESCRIPTION

1. Subject Property:

“NorthPoint” refers to an area of land along the north bank of the Charles River, over sixty acres in total, inclusive of the area north of Msgr. O'Brien Highway from the MBTA's Fitchburg line right-of-way to the Charles River, on both sides of the Charlestown Avenue (Gilmore) Bridge.

The NorthPoint project (the “Project”) consists of a total of a 5,245,854 square foot (“sf”) gross floor area (“GFA”) mixed-use campus (3,060,792 sf residential; 2,185,062 sf commercial). The Site consists of approximately 45 acres, comprised of land in Somerville, Boston, and Cambridge. Approximately 4.688

acres of the Site is located within Somerville -- one parcel (now referred to as EF) is almost entirely in Somerville and five other parcels are partially located in Somerville. The previous application had approximately 5.36 acres including the crossover parcel transferred to the MBTA. The Site is uniquely well served by transit, specifically, the MBTA's Orange Line Community College Station and Green Line Lechmere Station. The extensive Charles River Park system, including the nine-acre North Point Park, is adjacent to the NorthPoint Site and features a convenient pedestrian/bicycle connection to Charlestown via the North Bank Bridge. Recent improvements to the area's public amenities include the Lynch Family Skatepark, a new bicycle/Hubway station, Brian P. Murphy Memorial Staircase, and an extensive community path network, which will ultimately connect to the Somerville Community Path through NorthPoint.

The Site is currently undeveloped vacant former railroad land. The surrounding roadway network is currently undergoing preliminary construction preparation.

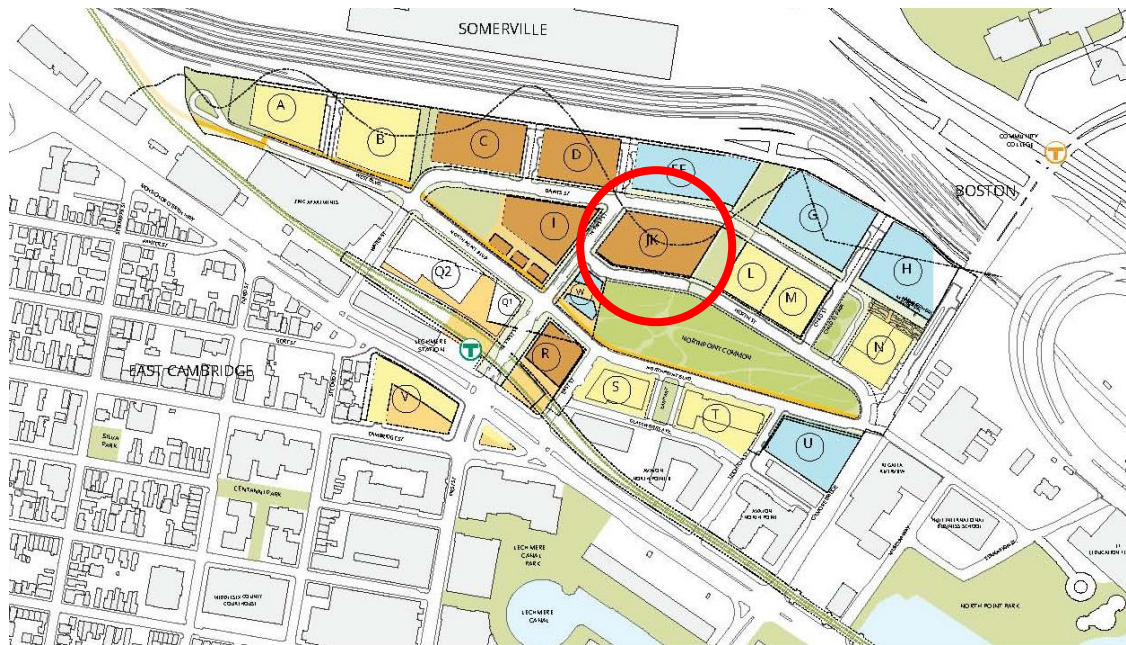


Aerial photograph of the North Point area as it exists today

2. Proposal:

DivcoWest proposes to transform an existing unproductive area of Somerville into an integral part of a new and vibrant work-live-play urban community consistent with the goals identified in SomerVision for Transformational Mixed-Use areas. The Somerville portion of the project, which has land parcels both partially and wholly within Somerville, will incorporate a diverse mix of commercial uses including high-end office space, a grocery store, fitness center, and commercial parking balanced with an appropriate amount of ground-level retail.

Parcel JK (the Site) is approximately 62,502 square feet, proposed to be located on the south side of Dawes Street, as part of the larger NorthPoint development site. The uses proposed on the site are Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of those uses. The anticipated approximate gross floor area is approximately 362,746 square feet. The proposed site is anticipated to have a ground coverage ratio of 79.9% building coverage and 20.1% open space.



The proposed use for the Site is Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of these uses. This application for Special Permit pertains to loading docks proposed along one of the secondary front lot lines on Parcel JK. The anticipated loading docks will be located along Dawes Street. Three sides of the property front on thoroughfares, with the fourth side fronting on Baldwin Park. As such, the required loading docks need to be located along a lot line fronting on a thoroughfare.

The new Parcel JK building will have a total of four loading dock bays, all of which are accessed from Dawes Street. Both the Somerville and Cambridge Zoning Ordinances require a minimum of four loading dock bays based on the size and intended use of the building. All four loading bays are enclosed behind roll up doors, which when closed; screen the loading operations from view. The doors are constructed of sectional glass and metal panels, integrated into the architectural vocabulary of the Dawes Street façade.

The westernmost loading dock bay serves the ground level retail and restaurant tenants, and is accessed via one 14'-0" (tall) x 12'-0" (wide) roll-up door. This loading bay will remain clear for active loading for the retail and restaurant tenants.

The other three central loading dock bays serve the upper floor lab and office tenants, and are combined into a common loading area, which is accessed via one 14'-0" (tall) x 12'-0" (wide) roll up door and one larger 14'-0" (tall) x 24'-0" (wide) roll up door. Two of these three bays will remain clear for active loading for the tenants, and the third will be for a waste dumpster.

There is no building mounted exterior lighting planned for the loading dock door opening. Signage pertaining to the loading docks and for the entire site will be provided as part of the Site Plan and Design Review process to be submitted for approval at a later time.

3. Green Building Practices:

Given the conceptual nature of this application request, it is difficult to determine the details of any green building practices. However, the Applicant has said that as the design work is underway, the building is on track to receive a LEED Gold rating.

4. Comments:

Given the conceptual nature of this application request, the application was not shared with other City Departments at this time. The full Design and Site Plan submission will be shared once the package is received by Staff.

The Design Review Committee did discuss the proposal at the November 10th, 2016 meeting. A quorum was present and the committee was supportive of the Neighborhood Development Plan Amendment, the Special Permit application for the loading docks on Dawes Street, and the conceptual building design. They requested that the project's elevations, and/or renderings, be presented to the committee at the time of Building Permit application for initial review of material specifications. The project will be reviewed a one final time for color and texture palette, via an on-site mock-up panel or sample materials board, prior to material installation. These conditions will be added to the Design and Site Plan submission.

II. FINDINGS FOR SPECIAL PERMIT REVIEW (SZO §6.6.3.C & §6.6.10.G.1):

Based on review of the submitted Special Permit Application, Staff finds that the proposal meets all of the requirements outlined in §6.6.3 of the SZO. This section of the report goes through the findings required by §6.6.3.C and D in detail.

1. Compliance with the submittal requirements of Section 5.1 Special Permits;

All applicable required documentation has been submitted with this application.

2. Conformance to the adopted master plan of the City of Somerville, existing policy plans and standards established by the City, or to other plans deemed to be appropriate by the Planning Board;

The proposed use conforms to the recently Amended Neighborhood Development Plan (NDP). The NDP is the overall guiding document for the design of the NorthPoint neighborhood in Somerville.

3. Consistency with purpose of the NPSD and of this Ordinance in general; and

Staff finds that the proposal is consistent with the NPSD and the SZO. Section 6.6.2 of the SZO states that the purpose of the NPSD is “to establish regulations supporting the development of a comprehensively planned neighborhood of mixed-use, moderate to high-density development within easy walking distance to transit...” The SZO lists additional characteristics, many of which apply to the NDP rather than the building parcels, with which the proposed use complies.

4. Compliance with the provisions set forth in Section 6.6.7 Lots, Section 6.6.8 Permitted Uses, Section 6.6.9 Building Types, Section 6.6.10 Parking and Loading, and Section 6.6.11 Environmental Performance, as applicable.

The application complies with the listed sections with the exception of Section 6.6.10 Parking and Loading, the requirements of which make this Special Permit application necessary - to allow the proposed loading docks on a secondary front lot line.

III. RECOMMENDATION**Special Permit Application Review under §6.6.3.C & §6.6.10.G.1**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the submitted **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is for the NorthPoint Parcel JK Special Permit application allowing four loading docks to be located on the Dawes Street building frontage line. This approval is based upon the following application materials and the plans submitted by the Applicant:	DSP/BP/CO	Planning/ISD					
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