



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
JOSEPH FAVALORO, *CLERK*
DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2015-07
Site: ASQ Block 9
Date of Decision: July 16, 2015
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2015

PLANNING BOARD DECISION

Applicant Name:	Street Retail, Inc.
Applicant Address:	1626 East Jefferson Street, Rockville, MD 20852
Property Owner Name:	Street Retail, Inc., et al
Property Owner Address:	1626 East Jefferson Street, Rockville, MD 20852
Agent Name:	Robert Fishman, Esq., Nutter, McClennen & Fish, LLP
Agent Address:	155 Seaport Blvd, Boston, MA 02210

Legal Notice: Applicant, Street Retail, Inc., and Owners, FR Sturtevant Street, LLC, Street Retail, Inc, SRI Assembly Row B2, LLC, SRI Assembly Row B3, LLC, SRI Assembly Row B5, LLC, SRI Assembly Row B6, LLC, SRI Assembly Row B7, LLC, SRI Assembly Row B8, LLC, SRI Assembly Row B9, LLC, seek a Special Permit with Site Plan Review– A under SZO §7.11.11.10 for a temporary parking lot with approx 72 spaces to serve retail/restaurant Assembly Row. The Applicant and Owner also seek waivers (S.Z.O. §6.4.12 & 16.5.5) for submission of elevations, floor plan, shadow analysis, traffic/parking analysis, LEED worksheet and conceptual 3D model under §5.3.2.10.

<u>Zoning District/Ward:</u>	ASMD, PUD-A Zones/Ward 1.
<u>Zoning Approval Sought:</u>	§7.11.11.10, §6.4.12, §16.5.5 & §5.3.2.10
<u>Date of Application:</u>	June 4, 2015
<u>Date(s) of Public Hearing:</u>	6/25 & 7/16/15
<u>Date of Decision:</u>	July 16, 2015
<u>Vote:</u>	5-0



Appeal #PB 2015-07 was opened before the Planning Board at the Visiting Nurse Association on June 25, 2015. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

A. Overall

The proposal consists of creating temporary parking lots on Block 9 with 72 parking spaces. The lot that has 25 spaces on site for the marking center for Assembly Row will be improved and expanded. The lots will serve the retail uses in Blocks 1, 2, 3, 4 and 5 and 6 when they are constructed. The parking spaces will be temporary as the parking garages in the approved buildings are built and the parking management plan is developed. Federal Realty is required to put together a Transportation Management Association (TMA) to determine how best to manage parking in the Assembly Row neighborhood. The TMA will review data and best practices in order to create a management plan.

Once there is demand to build Block 9, the Applicant will construct a mixed use building on the lot as was approved in the PUD-PMP. Once these plans come to fruition, retail patrons of Assembly Row will park either on-street or in the garages on each of the blocks as was originally anticipated. Block 9 was approved to be an 18-story commercial building.

Compliance with dimensional standards is shown in the table below.

DIMENSIONAL REQUIREMENTS	Uses Requiring SPSR	Proposed Block 9
Minimum lot size	10,000 sf	65,127 sf (1.5 acres)
Frontage	-	-
Front yard setback	No minimum	-
Side yard setback (left)	No minimum	-
Side yard setback (right)	No minimum	-
Rear yard setback	No minimum	-
Maximum Floor area ratio (FAR)	2.0	-
Maximum height, feet	70 feet up to 250 feet	-
Minimum lot area/per dwelling unit	600/300	-
Landscaped Area (%)	25%	51%
Useable open space (%)	12.5%	-

B. Site Design and Access

The project area is triangular and the parking lot is framed by sidewalks and landscaping. There is a planted landscape island in the middle of the lot. There will be a light fixture in this island. The ingress and egress point from the parking lots is located in the same location as it currently exists on Foley Street. This would likely be the vehicular access into the site when it is developed.



C. Uses

The lots will temporarily serve the retail uses in Blocks 1, 2, 3, 4 and 5 and 6 when they are built. There is sufficient retail parking in the garages on these blocks; however, while the land is vacant before the demand to build out the blocks exists, the temporary use proposed will provide additional parking.

D. Linkage

Linkage does not apply to the temporary parking lots. Linkage will be required when the blocks are developed as planned in the PUD-PMP.

E. Landscaping and Open Space

There will be landscaping at the edges of the parking lots and a landscaped island in the middle of the parking lot. The perimeter of the parking lots will be grass with trees. Fifty-one percent of the site will be landscaped.

F. Parking and On-site Circulation

The parking requirements in the ASMD Section 9.16.5 state that parking for entirely new buildings in the ASMD shall be located in structures below or above grade except in certain circumstances. This application relates to the circumstance in §9.16.5.3, where in an approved PUD, if surface parking is in excess of those required but in no case is more than 50 percent of its parking at-grade, the PUD shall not be required to provide additional parking in structures. The parking lots will supply parking in excess of that required for Blocks 1, 2, 3, 4, 5 and 6 and less than 50 percent of the overall number of parking spaces at grade. Block 1 contains 367 parking spaces (135 to 270 parking spaces for the commercial use depending on the breakdown of retail and restaurant uses), Block 2 will have no parking, Block 3 will have 571 parking spaces all for the commercial uses, Block 4 will have 505 parking spaces (142 parking spaces for the commercial uses), Block 5 – phase 1 will have 133 underground spaces, Block 6 will have 671, and Block 11 will have 1977 spaces for a total of 4,224 spaces that will be in garages. Block 10 has 31 at-grade parking spaces, Block 5 has 83 at-grade spaces, Block 7 has 284 temporary at-grade spaces, Block 11 has approximately 20 at-grade spaces and this application is for 72 at-grade spaces for a total of 490 at-grade spaces. Therefore, the parking can be allowed at-grade but it must comply with the requirements of Sections 9.9, Driveways, Access and Lighting Requirements, and Article 10, Landscaping and Screening.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.11.10, §6.4.12, §16.5.5 & §5.3.2.10):**A. General Application Requirements**

The Board finds the SPSR-A meets the application submittal requirements in SZO section 5.2. Detailed findings are contained in Appendix A. Waivers for the submission of elevations, floor plans, a shadow analysis, traffic/parking analysis, LEED worksheet and conceptual 3D model are acceptable as these documents are not necessary for the evaluation of a temporary parking lot.

B. Requirements for SPSR and SP (SZO §5.2.5)

The SZO requires that applications for SPSR-A meet the standards required 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 to be addressed when SPSR-A requests are submitted. Also the development standards and guidelines in Section 6.4.7 and 6.4.8 need to be met. The Board finds that projects submitted for SPSR-A meets the findings required as identified in Appendix B as a short-term use and will be conditioned as such.



C. Requirements for Open Parking Lots in ASMD (SZO §9.9 and 10.4)

The ASMD requires that parking lots meet the layout requirements of SZO Section 9.9 and the landscape requirements of Section 10.4. The Board finds that the projects meet these requirements as identified in Appendix C.

DECISION:

Approval constitutes an approval for temporary parking lots on Block 9 with a total of approximately 72 spaces for use by the retail patrons of Blocks 1, 2, 3, 4, 5 and 6. 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. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached in Appendix D.



Attest, by the Planning Board:



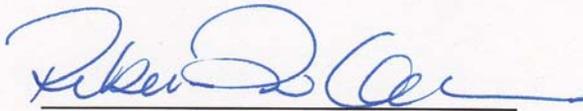
Kevin Prior, Chairman



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 _____



Appendix D: Block 9 Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
A. General						
1	Approval is based upon the application stamped in at the City Clerk's office on June 4, 2015 and the plans dated May 22, 2015 (C-1 Legend and General Notes, C-2 Layout and Material Plan, C-3 Grading, Drainage, Erosion Control, and Utility Plan, C-4-C-5 Site Details).		Planning Director	Continuous		
2	The primary purpose of this parking facility is to offer accessory parking (paid or unpaid) to the retail uses on Blocks 1, 2, 3, 4 and 6. The applicant may not operate this parking facility for use by daily commuters using the Orange Line station or MBTA buses. No more than 72 vehicles may be parked in this lot at one time. No vehicles may be parked outside of marked parking spaces.		Plng./ISD	Continuous		
3	The TMA (as referenced in the PUD approval) shall meet regularly to determine how best to manage parking within the PUD. Unless otherwise amended by mutual agreement between the developer and the Director of Planning, the TMA's recommendations for the operation of this temporary lot shall be acted upon in a timely fashion.		Plng./ISD	Continuous		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
4	The Planning Board and Applicant understand that the intent of the parking areas is for them to be temporary until such time as the applicant is able to build the structures that are permitted under the PUD Master Plan. The permit for parking on Block 9 will remain valid until such time as the applicant secures all approvals and commences construction of a building on Block 9 consistent with the PUD master plan. Should such construction not commence prior to January 1, 2020, on or before that date the applicant shall appear before the Planning Board to provide an update on the status of constructing a building on block 9. Thereafter, the applicant shall return to the Planning Board every 12 months to provide an update on the status of constructing a building on this Block until such time as construction has commenced, provided the Planning Director may waive the requirement for the applicant to return to the Planning Board every twelve months as deemed appropriate.		Plng.	January 1, 2020 and annually unless waived by Planning Director until construction of a building commences		
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.		ISD	Continuous		
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.		ISD	Continuous		
7	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		