

Section 6.4. - Assembly Square Mixed-Use District (ASMD).

Note— § 6.4, Assembly Square Mixed-Use District (ASMD), was established and made effective by Ordinance 2004-04 on April 22, 2004.

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. The major objectives of the ASD Plan are the following:

- A. Facilitate development of a mix of uses including residential, office, research and development, retail, hotels, cinemas, performing arts and institutional uses;
- B. Increase real estate investment and maximize development;
- C. Create new jobs at a variety of income and skill levels;
- D. Promote accessibility to and within the district by improving existing and creating new roadways, pedestrian walkways and bicycle paths;
- E. Replace vacant or underutilized land, low-density development, and incompatible uses with high-density mixed-use development;
- F. Improve utilities and infrastructure;
- G. Clean environmentally contaminated sites to a level suitable for a mix of uses including residential;
- H. Improve the Mystic River waterfront and create new public open space;
 - I. Encourage transit-oriented development; and
 - J. Increase the supply of affordable housing units within the City of Somerville.

6.4.2 Definitions. Unless specific definitions are provided below, all definitions from Article 2 are applicable. For the purposes of this Section, the following definitions shall also be used, and shall supersede any conflicting definitions listed in Article 2:

Approved planned unit development (PUD): All Developments, whether existing or proposed, within the ASMD that are included in a PUD for which a Preliminary Master Plan Approval under Section 16.10.1 has been issued prior to the first publication of notice of the public hearing for the enactment of this ASMD, as such PUD may be modified from time to time in accordance with the provisions of Section 16.11, or this Section 6.4, as applicable; provided, however, any provision in such an approval requiring the expiration of an appeal period or the disposition of any appeal shall not affect an Approved PUD.

ASMD: The Assembly Square Mixed-Use District as shown on the Map of the District.

ASD plan: The following plans and guidelines, including any subsequently approved amendments or modifications, constitute the ASD Plan:

- Assembly Square Planning Study: A Vision and Implementation Plan for the Future, prepared for the Somerville Office of Housing and Community Development (OHCD), dated October 2000;
- Assembly Square Revitalization Plan: 2002 Major Plan Change, prepared by the Somerville OHCD, dated May 2002;
- Assembly Square: Design Guidelines for the Public Realm, prepared for the Somerville OHCD, dated March 2002;
- Assembly Square Transportation Plan (ASTP), prepared for the Somerville OHCD in conjunction with the Commonwealth of Massachusetts Highway Department and the Executive Office of Transportation and Construction, dated May 2003.

Any reference herein to the "ASD Plan" refers to these documents, as amended or modified. Copies of the ASD Plan and all supporting documents are available for review at the Planning Department in City Hall during normal business hours.

Block: A parcel of land bordered on all sides by any combination of the following: (a) a road or other passageway for vehicles (excluding internal circulation within parking lots) and pedestrians, (b) a public park or open space dedicated to public use, or (c) a railroad right-of-way.

Ground floor: The first floor of a building that is not considered a basement as defined in Article 2.

Issued or issued: When used in connection with a permit or approval under this Ordinance, the filing of a decision of the SPGA, where required, with the City Clerk (whether or not an appeal of such decision is filed).

Large development: Any Development on a Parcel or Parcels of land in common ownership involving a Building of more than fifty thousand (50,000) square feet. The size of each proposed Building shall be considered separately and shall not be aggregated for purposes of this definition.

Leadership in energy and environmental design (LEED): A program operated by the US Green Building Council. More information on LEED including copies of worksheets can be obtained at http://www.usgbc.org/LEED/LEED_main.asp or by writing US Green Building Council 1015 18th Street, NW, Suite 805 Washington, DC 20036. Development projects in the ASMD are required to complete the applicable LEED worksheets and highly encouraged to attain LEED certification.

Mall: A collection of stores under one roof totaling more than fifty thousand (50,000) square feet of net retail space. A Mall may include business service and food service establishments.

MBTA Orange Line Station Entrance: The location of the secured entrance to an existing or proposed Orange Line Station serving the Assembly Square area. The proposed location must be consistent with the location proposed in the Assembly Square Transportation Plan (ASTP).

Permitted uses: See Table of Permitted Uses.

Phase: A portion of a PUD or Approved PUD identified as such in a Master Plan approval.

Priority permitted uses: Permitted Uses by an asterisk that are eligible, pursuant to Section 6.4.5.B, for submittal, review and site plan approval as part of a Priority Development Process.

Priority development process: A process available within the ASMD for coordinated reviews and approval of multiple Developments that contain at least one (1) Priority Permitted Use.

Professional traffic engineer: An individual who is registered by the Commonwealth of Massachusetts as a professional engineer in traffic engineering or transportation engineering or an individual who has been certified by the Transportation Professional Certification Board (an affiliate of the Institute of Transportation Engineers) as a Professional Traffic Operations Engineer. No other professional registration qualification may be substituted for this requirement.

Renovation: Alterations to an existing Building in order to effect repairs, improve the appearance or operation of the Building or to accommodate permitted changes in Use. Such renovations may include extensions, enlargements or exterior demolition of up to five thousand (5,000) square feet. Renovations may constitute Substantial Rehabilitation. The following changes to any existing Building shall be considered part of a Renovation but shall not be counted toward the five thousand (5,000) square feet: (a) creation of new entrances and exits and window openings or relocations or modifications to existing entrances and exits and window openings; and (b) modifications to, or relocations of, or creation of Loading spaces pursuant to Site Plan Approval-A.

Transit-oriented uses: Moderate to high density Residential, Office, research and development, or Institutional Uses together with complementary Retail and services in mixed-use developments within close proximity to a transit stop and with safe and secure pedestrian access.

Transportation study: A document prepared by a professional traffic engineer for an Applicant for a special permit within the ASMD that presents the potential increase in traffic volumes that may be generated by the proposed Development and which relates those potential traffic volumes to the roadway network (if necessary).

Transportation access and impact study: A document prepared by a professional traffic engineer for an Applicant for a special permit within the ASMD that presents the traffic impacts of a Development on the transportation system that surrounds the Development. The study shall substantially conform to the Institute of Transportation Engineers' "Traffic

Access and Impact Studies for Site Development: A Recommended Practice," latest edition (as of the passage of this Ordinance, latest edition is dated 1991 and is available through the Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438 USA, Telephone: 202-289-0222).

Transportation demand management (TDM) plan: A set of procedures, policies and practices which, when taken as a whole, are intended to reduce the number of single occupant vehicle trips traveling to or from a Site. Any TDM Plan should contain at least the following: (i) a description of the goals of the TDM Plan and its relationship to applicable city transportation policies and programs; (ii) a description of the transportation impacts of the Development, including, but not limited to, forecasts of overall and peak period employment, forecasts of trips generated and mode splits, parking demand and parking supply available, and transit demand and transit supply available; and (iii) a description of mitigating measures being undertaken which are designed to minimize the transportation impacts of the Development, which may include, but are not limited to, on-site transit facilities, transit use incentives, preferential location of car pool and van pool parking, Zip Car parking, on-site bicycle facilities including secure storage areas, staggered starting times and telecommuting opportunities.

Use cluster: A designated group of Uses that can be changed from one to another without additional reviews within the ASMD.

6.4.3 Map of District. The ASMD is described on a map entitled "Assembly Square Mixed-Use District and Waterfront Overlay District" dated March 1, 2004. The map is hereby made a part of the Somerville Zoning Ordinance and is on file in the office of the City Clerk.

6.4.4 Consistency with ASD Plan. The ASD Plan describes the physical characteristics of the ASMD, including, but not limited to, existing buildings, utilities, roads, and environmental features. The ASD Plan also describes preferred development scenarios and the methods and procedures by which such development will achieve the preferred scenarios. The ASD Plan, when read in concert with this Section, establishes a comprehensive plan for development in the ASMD.

6.4.5 Use Regulations. Within the ASMD, the following Use regulations shall govern. Should a Use regulation of this Section 6.4 conflict with a Use provision contained in other Sections of the Zoning Ordinance, the Use provisions of this Section shall apply. Uses not expressly authorized are prohibited. This Section shall not apply to uses lawfully in existence or to a special permit issued before the first publication of notice of the public hearing by the Planning Board of this Section, which shall continue to be governed by Article 4 of the Ordinance. An Approved PUD, which shall be required to comply with the conditions of the Preliminary Master Plan Approval and all Special Permits and Site Plan Approvals previously issued by the Planning Board in connection with the Approved PUD, shall be governed by this Subsection, which shall supersede, except where specifically indicated otherwise, the other provisions of this Ordinance (except for the provisions of the Table of Uses).

A. *Table of Principal Use Regulations.* See TABLE OF PERMITTED USES

B. *Priority Permitted Uses.* The following uses shall qualify as Priority Permitted Uses within the ASMD.

- 1) Residential: Residential Uses within a Development that provide at least one hundred fifty (150) new Dwelling Units, achieve an overall density of at least fifty (50) units/acre for the average of the Residential Use in the Development and provide not less than the number of Affordable Housing Units required by Article 13, provided that:
 - a) Residential Uses constitute no more than fifty (50) percent of the total Gross Floor Area of Uses within the Development; and
 - b) Retail Uses constitute no more than the equivalent of one hundred (100) percent of the Gross Floor Area of the Ground Floor of the Development.
- 2) Transit-Oriented Uses: Either Office, research and development, Residential, or Institutional Uses or a combination thereof, provided that:
 - a) Transit Oriented Uses occupy a single Building having a gross floor area of not less than two hundred fifty thousand (250,000) square feet which has an FAR of greater than 5.0 and is situated entirely within one thousand (1,000) feet of an MBTA Orange Line Station Entrance;
 - b) No Residential Use is greater than fifty (50) percent of the total square footage within the Development; and
 - c) Retail Uses constitute no more than the equivalent of one hundred (100) percent of the Gross Floor Area of the Ground Floor of the Development.

- 3) Retail: Developments that replace Retail Uses in, or retenant vacant space in, an existing Mall with other Retail Uses, in necessary to facilitate such replacement or retenanting, provided that:
 - a) No new single Retail Use shall occupy more than seventy-five thousand (75,000) square feet of gross floor area; and
 - b) Such Retail Uses shall not include any building and/or construction materials store or any drive-up use.
- 4) Approved PUD Mixed Use:
 - a) Any Phase of an Approved PUD for which a Special Permit has not yet been issued; or
 - b) A Major Amendment (as defined in Section 16.11.3) to any Phase of an Approved PUD, provided that any Retail Use proposed by such Major Amendment is not greater than the equivalent of one hundred (100) percent of the Gross Floor Area of the Ground Floor of the Development.

C. *Use Clusters.*

- 1) In order to provide reasonable flexibility for certain conforming Uses to change to similar Uses in the ASMD, the following Use Clusters are designated. Within each Use Cluster in this Section 6.4.5, a use which is a Permitted Use under the ASMD, Use approved by Special Permit under the ASMD, or Priority Development Process under the ASMD may change to any other Use within that Use Cluster without additional review under the ASMD, provided the following criteria are met:
 - a) The gross floor area of the proposed Use shall not be greater than one hundred and five (105) percent of the gross floor area of the existing Use;
 - b) In the case of Residential Development, the proposed number of Dwelling Units shall not exceed the existing number of Dwelling Units; and
 - c) The only exterior changes to the Building allowed will be Renovations, and signage in accordance with Article 12. The flexibility to move within Use Clusters does not apply to legally pre-existing nonconforming uses. A legally pre-existing nonconforming use may not be changed to another use within a Use Cluster, except in compliance with all applicable requirements of this Ordinance concerning Changes in Use, especially Article 4.
- 2) Office/R&D/Biotechnology Use Cluster
 - a) Office, other than medical
 - b) Medical office, medical or health clinic
 - c) Laboratory engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products.
- 3) Retail Cluster
 - a) Store selling convenience and grocery goods such as food, candy, newspaper, and tobacco products
 - b) General merchandise, department store, supermarket
 - c) Specialty food stores but not those intended for consumption on the premises, including candy store, meat market, delicatessen or bakery, but not a fast food service
 - d) Store selling or renting goods such as books, stationary, drugs, sporting goods including bicycles and accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories and the like that are typically of a size a customer can carry by hand
 - e) Store selling or renting video tapes
 - f) Store selling furniture, home furnishings, carpets or home appliances and equipment, including audio, computer and video equipment
 - g) Store selling hardware, paint, wallpaper, lawn and garden supplies (All operations conducted entirely within an enclosed building)
 - h) Sale or rental of equipment and supplies such as office furniture, home improvement equipment or tools (All operations conducted entirely within an enclosed building)
 - i) Crafts related store selling jewelry, t-shirts, crafts, etc. where production occurs on premises
- 4) Residential Cluster
 - a) Dwellings, multiple (seven (7) or more units)

- b) Artists housing (seven (7) or more units)
 - c) Congregate housing (seven (7) or more units)
- 5) Business Services Cluster. All uses listed under "Business Services" that are permitted in the ASMD by right or with a Special Permit with Site Plan Review, except funeral parlor; for-profit school for instruction in arts, skills or vocational training; kennel, boarding of household pets, pet store; and tattoo, body piercing and/or scarification facilities.

6.4.6 Dimensional Requirements.

A. ASMD Table of Dimensional Requirements

Requirement	Permitted as of right in the ASMD	Uses requiring a Special Permit with Site Plan Review	Uses within a PUD-A or SPSR-A uses, if permitted as part of a Priority Development Process	Priority Permitted Uses			
				Housing	Transit Oriented Uses	Retail	Approved PUD Mixed Use
a. Minimum lot size (s.f.)	5,000	10,000	20,000	20,000	20,000	20,000	20,000
b. Maximum FAR	1.0	2.0	10.0	10.0	10.0	Not applicable	4.0
c. Minimum lot area/dwelling unit.							
1-9 units (s.f.)	600	600	No minimum	No minimum	No minimum	No minimum	No minimum
10 or more units (s.f.)	300	300	No minimum	No minimum	No minimum	No minimum	No minimum
d. Total open space ⁽¹⁾	25%	25%	25%	25%	25%	5%	25%
e. Useable open space	10%	12.5%	12.5%	12.5%	12.5%	5%	12.5%
f. Maximum height ⁽²⁾							
Buildings within 150 feet of the Mystic River bank ⁽³⁾	30 feet (Park buildings only)	No buildings permitted.	No buildings permitted.	No buildings permitted.	No buildings permitted.	No buildings permitted.	No buildings permitted.

Buildings between 150 feet and 250 feet of the Mystic River bank ⁽³⁾	40 feet	50 feet	70 feet	70 feet	70 feet	Not applicable	As previously approved
Buildings between 250 feet and 350 feet of the Mystic River bank ⁽³⁾	40 feet	50 feet	90 feet	90 feet	90 feet	Not applicable	As previously approved
Within 1,000 feet of an MBTA Orange Line Entrance		50 feet	250 feet	250 feet	250 feet	Not applicable	Not applicable
All other locations	40 feet	50 feet	125 feet	125 feet	125 feet	50 feet (5)	50 feet
g. Setbacks (front, side, and rear perimeter)	No minimum	No minimum	No minimum	No minimum	No minimum	No minimum	15 feet side 0 feet front 25 feet

Notes:

1. The percentage of Open Space and Useable Open Space may be provided off-site through dedicated permanent open space that meets the site plan and design review criteria as determined by the SPGA.
 2. The lower height limits applicable to each category of use shall apply.
 3. The Mystic River bank is as defined by 310 CMR 10.54.2.C.
 4. Heights of Buildings in the PUD-A category above 125 must be found to be consistent with the review criteria by the SPGA.
 5. Heights of architectural features may exceed this height but may not exceed the limits specified in the Site and Design Review Criteria for Retail Priority Permitted Uses
- B. *Structured Parking.* In the ASMD, structured parking, whether above grade or below grade, shall be excluded for purposes of calculating Gross Floor Area, Net Floor Area and Floor Area Ratio.
- C. *Renovations.* In the ASMD, Renovations shall be allowed as of right except that modifications to, or relocations of, or creation of Loading spaces shall be subject to Site Plan Approval-A.

6.4.7 Development Standards and Design Guidelines for Developments in the ASMD.

- A. *Development Standards.* Except for Priority Permitted Uses, all Developments shall meet the following development standards:

- 1) *Transportation Analysis.* All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.

Developments of more than ten thousand (10,000) but less than fifty thousand (50,000) square feet of gross floor area shall provide a Transportation Study. The following items may be required as part of a Transportation Study: counts of existing traffic volumes, projected traffic volumes for the proposed Development based on accepted engineering standards, reviews of accident history trends in the vicinity of the Development Site, and analyses of the Development impacts on the transportation network in the vicinity of the Development Site. If the impact analyses indicate that safety or capacity will be adversely affected by the proposed Development, the Applicant will indicate appropriate mitigation measures. **In all cases, a Transportation Demand Management (TDM) Plan tailored to the specific use and site will be submitted.** The scope of the document will be prepared in consultation with the Director of Traffic & Parking and may include a project description and a description of the existing conditions of the transportation network in the vicinity of the Development Site. This study shall examine transportation by all feasible modes, including automobile, transit, bicycle and pedestrian.

Except as otherwise specifically provided herein, the Director of Traffic and Parking shall approve any plan for traffic mitigation prior to the issuance of any permit associated with any Development proposal with which it is associated.

- 2) *Parking Requirements.* Developments shall meet the parking requirements set forth in Section 9.15.
 - 3) *Landscaping Requirements.* 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.
 - 4) *Pedestrian Connections.* 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.
- B. *Design Guidelines.* In reviewing a Development of more than ten thousand (10,000) square feet, the SPGA/DRC shall consider the following design guidelines. These guidelines are intended to serve as a general basis for the SPGA and Applicant alike to discuss the design merits of a Development, but are not intended to inhibit design creativity when the application otherwise conforms to all other substantive review criteria. These guidelines are not intended to discourage innovative architectural design solutions. Rather, they provide general standards for the massing, siting and articulation of Buildings for developers and architects to work from. They also provide parameters for dialogue between the Applicant and SPGA on design issues for Developments. These Guidelines are intended to supersede the guidelines set forth in Section 5.2.4. It is understood that existing Buildings and Structures will not be able to comply with all of the following Guidelines.
- 1) *Street and Sidewalk Design.* 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.
 - 2) *Building Design.* Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot. Specifically, all construction shall:
 - a) Be located to create a presence on existing street edges or along major internal circulation routes. Maximum building setbacks of five (5) feet shall be encouraged, except in special circumstances, where greater setbacks would enhance the pedestrian friendly experience of the ASMD, such as dedicated open space. Buildings shall be located to reinforce both existing and future circulation patterns that may serve more than one (1) Site;
 - b) Create 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,

shall be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances shall be clearly defined, through the use of elements such as canopies, porticos; overhangs, peaked roof forms, arches. Entries set back from the street shall have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting;

- c) Clearly define the pattern of bays, rhythms, and dimensions to create continuous visual interest and variety in the design of all facades;
 - d) Break down the overall scale of development to respond to the pedestrian-scale use of Open Space;
 - e) Use materials and colors consistent with traditional Buildings in the area with historic merit;
 - f) Locate building equipment and service areas away from Public Ways or major interior circulations routes and provide screening. Enclose all storage of inventory unless it is completely screened from public view with architectural elements meeting these guidelines;
 - g) Show preference for vertical integration of uses. Developments shall 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;
 - h) Not have any uninterrupted or unfenestrated length of its facade exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade; and
 - i) 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 (70) percent of their horizontal length on all Ground Floor facades that face Public Ways or the Mystic River. Forty percent (40%) of this activated facade area on the Ground Floor of Building walls along primary and secondary streets shall consist of window or doors meant for public entry and exit.
- 3) *Parking Lot Design.* 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.
- 4) *Open Space.*
- a) Landscaping strips required in parking areas (Article 10) shall not apply to Usable Open Space calculations.
 - b) Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD. These contributions shall be designed and developed with special attention to the provision of wildlife habitat and contiguous migration corridors, and to help reduce the level of stormwater runoff into the Mystic River.
- 5) *Efficiency of Design.* 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.
- 6) *Contributions.* 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.
- 7) *Loading Spaces.* 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.

6.4.8 Development Standards and Design Guidelines for Large Developments. A Large Development in the ASMD shall be regulated as a Planned Unit Development-A (PUD), and the procedures for such Large Development shall be those set forth in Article 16, as augmented by this Subsection. No Large Development shall be permitted in the ASMD under any other provision of this Ordinance except those qualifying

for the Priority Development Process. Priority Permitted Uses are not subject to this Section 6.4.8.

The development standards and design guidelines for Large Developments shall be as set forth in this Section 6.4.8. In addition to the submission requirements of [Article 16](#), all applicants for Large Developments must also provide the Special Permit Granting Authority (SPGA) or its designee with the additional submissions listed below in order for any application for the PUD-A Master Plan to be considered complete. Large Developments, which do not qualify as Priority Permitted Uses but are submitted as part of a Priority Development Process, shall conform to the standards and guidelines set forth in this Section 6.4.8 even though they are not required to be regulated as a PUD-A.

- A. Traffic Access and Impact Study, **including a Transportation Demand Management Plan.**
- B. *Model.* A conceptual three-dimensional scale model of the Master Plan at 20 scale or alternative scale acceptable to the SPGA or its designee. If the proposed development in its entirety consists of no more than one building, the SPGA or its designee has the option of waiving this requirement.
- C. *Urban Block Plan.* The PUD Preliminary Master Plan should reflect a future street grid orientation substantially in conformity with the ASD Plan, and outline street blocks substantially consistent with the average street blocks in the City of Somerville (3.5 acres without streets, 4.5 acres to the middle of streets).
- D. *Development Standards.* Except for Priority Permitted Uses, all Large Developments shall meet the development standards set forth above in Section 6.4.7.A for Developments, as well as consider the design guidelines set forth above in Section 6.4.7.B. In addition, Large Developments shall be consistent with the following additional standards:
 - 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. At a minimum, the Applicant will be required to mitigate any impact that will:
 - a) result in a net reduction in level-of-service of intersections equivalent to one (1) full letter grade;
 - b) result in an increase of ten (10) seconds of delay to a signalized or unsignalized intersection to level of service C or lower; or
 - c) result in a net increase in traffic volumes of ten (10) percent or more at an intersection that has an accident history of more than five (5) accidents in the last three (3) years for which data is available. For Phases of an Approved PUD for which a Special Permit has not been issued as of the effective date of this Section, traffic mitigation shall be as set forth in the Approved PUD.
 - 2) *Large Retail Projects.* 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, except for those Developments qualifying as Priority Permitted Uses, and shall be subject to the following additional standards:
 - a) *Nonretail Component.* No Large Retail Project, as defined above, shall be permitted in the ASMD unless permitted as part of a PUDA which includes 1.5 net square feet of nonretail uses for every square foot over fifty thousand (50,000) net square feet of Retail Use in the Large Retail Project. For example, a PUD-A with 100,000 square feet of Retail Use must also include at least seventy-five thousand (75,000) square feet of nonretail uses.
 - b) *Ground Level Retail Size Cap.* In a Large Retail Project, not more than fifty thousand (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.
 - 3) *Landscaping.* 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.
- E. *Design Guidelines.* In addition to the design guidelines set forth in Section 6.4.7.B for Developments, the SPGA shall also

consider the following additional guidelines in their review of Large Developments as part of a PUD-A or as part of a Priority Development Process to the extent such Large Developments are not Priority Permitted Uses. These guidelines augment Article 16 guidelines. These guidelines are intended to serve as a general basis for the SPGA and Applicant alike to discuss the design merits of a Development, but are not intended to inhibit design creativity when the application otherwise conforms to all other substantive review criteria. These guidelines are not intended to discourage innovative architectural design solutions. Rather, they provide general standards for the massing, siting and articulation of Buildings for developers and architects to work from. They also provide parameters for dialogue between the Applicant and SPGA on design issues:

- 1) *Structured Parking.* 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. Refer to Section 9.15 for parking requirements.

6.4.9 Special Permit with Site Plan Review-A (SPSR-A). This Subsection shall apply to all Developments in the ASMD in excess of ten thousand (10,000) square feet but not greater than fifty thousand (50,000) square feet (except those Developments qualifying as a Priority Permitted Use), a Phase of a PUD-A and shall also apply to those Large Developments which are part of a Priority Development Process but do not themselves qualify as Priority Permitted Uses. The Planning Board as the Special Permit Granting Authority may establish additional rules and regulations for the administration of such SPSR-A.

- A. *Submittal Requirements.* Submissions for an SPSR-A shall conform to the requirements set forth in this Subsection and to those set forth in an SPSR in the rules and regulations of the SPGA and Article 5 of this Ordinance. The SPGA or its designee may waive certain submittal requirements if appropriate.
- B. *Referral to Other Agencies.* In the review of any application for a SPSR -A for a Development, the Planning Board shall solicit comments from the Somerville Redevelopment Authority (SRA) and the Design Review Committee (DRC) regarding the consistency of such proposed Development with the objectives of the ASD Plan. However, a Development that has previously undergone review by the Design Review Committee shall not be subject to a second review under this provision. The SRA and the DRC shall have thirty (30) days from the receipt of the request to provide the SPGA with such recommendations.
- C. *Criteria for Review.* The criteria for review set forth below are in addition to the findings and determinations to be made by the SPGA pursuant to Section 5.2.5(a)-(h). The criteria set forth below are substituted for those findings and determinations set forth in Section 5.2.5(i)-(u). No SPSR-A shall be granted without a finding that the proposed Development conforms with the dimensional, parking, and landscaping requirements set forth in Subsection 6.4.7 or Subsection 6.4.8, as applicable; provided, however, that such requirements may be waived pursuant to Section 6.4.12, below. No SPSR-A shall be granted without a finding that a proposed new Development is substantially consistent with the objectives of the ASD Plan. In order to evaluate such consistency, the SPGA shall consider, but shall not be limited to, the following aspects of the proposal:
 - 1) Whether traffic impact and proposed mitigation, if any, is 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;
 - 2) Whether the application reflects an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4;
 - 3) Whether, and the extent to which, if applicable, the application promotes the following objectives:
 - a) A mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses;
 - b) Economic benefits and employment opportunities;
 - c) Structured parking as regulated under Section 9.15;
 - d) Pedestrian and bicycle access;
 - e) Affordable housing units and Project Mitigation Contribution as required in Articles 13 and 15;
 - f) View corridors to the Mystic River;
 - g) Enhanced and activated Open Space to offset any shadow impacts;
 - h) Creation of new Open Space or enhancement of existing Open Space; and
 - i) Whether any Development within one-quarter mile of the proposed MBTA Orange Line Station Entrance will

support transit service at that location.

- 4) Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations that the Development:
 - a) Complies with the submission and information requirements listed herein and in Section 5.2.3;
 - b) Complies with such criteria or standards as are set forth in this Ordinance applicable to the granting of the requested special permit with site plan review;
 - c) Will not create materially 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, and the sidewalks and footpaths for pedestrian traffic;
 - d) Special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Stormwater should be removed from all roofs, canopies, and paved areas, and routed through well-engineered systems designed with appropriate stormwater management techniques. Skimming devices, oil and grease traps, and similar facilities at the collection or discharge points for paved surface shall be collected. In larger Developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged. The SPGA may require independent peer review of a stormwater management plan by an accredited independent engineering firm;
 - e) Provides easy access to Buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;
 - f) Electric, telephone, cable TV and other such lines and equipment are placed under-ground from the source or connection, or are effectively screened from public view;
 - g) The size, location, design, color texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed Buildings;
 - h) Exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and other similar structures shall be effectively screened by plantings and other screening methods so that they are not directly visible from either the proposed Development or surrounding properties;
 - i) The shadow impacts of any proposed Buildings on public Open Spaces shall be mitigated such that the Development results in net benefits to the public space in terms of activation, enhanced quality and attractiveness, expanded use and public access.

(Ord. No. 2009-11, § 2, 6-11-2009)

6.4.10 Special Regulations Governing Priority Development Process.

- A. *Purpose of Priority Development Process.* A special review process has been established for the ASMD in order to advance several public purposes. These purposes include encouraging balanced development patterns of multiple Uses through a coordinated planning and review process, and creating incentives for desirable Uses and Use patterns by establishing a fast-tracking process for certain Priority Permitted Uses, including:
 - Promoting the development of housing and affordable housing along with compatible mixed-use development;
 - Promoting transit-oriented and transit-related high-density mixed-use development;
 - Promoting the prompt tenanting of an existing Mall with certain Retail Uses when planned with additional mixed-use development; and
 - Promoting mixed-use development in conjunction with an Approved PUD.

Applications for Developments submitted as part of the Priority Development Process must be submitted together, so that they can be both well-coordinated and fast-tracked. It is intended that every effort be made to coordinate and expedite review of both applications simultaneously. Such Developments shall be scheduled for appropriate review

on the first available agenda of the appropriate Board after the application date, which allows for proper notification to occur. The SPGA shall adopt additional measures to streamline and expedite review of a fast-track project within its Rules and Regulations.

- B. *Qualifying Developments.* The Priority Development Process is available only to Developments which consist of (i) both (x) a Priority Permitted Use, and (y) accompanying Uses, which are denoted by asterisk in the Table of Permitted Uses, as further limited by the criteria set forth in Section 6.4.10 C, (and which would otherwise be required to be submitted as a PUD-A); or (ii) any Phase of an Approved PUD for which a Special Permit has not been issued, or a Major Amendment thereto, as provided in Section 6.4.5 B(4). Developments having Retail Uses equal to or greater than thirty-three percent (33%) of the Gross Floor Area, which do not qualify as a Priority Permitted Use pursuant to Section 6.4.5 B(3), shall not qualify for the Priority Development Process. No Development shall qualify for the Priority Development Process if it incorporates any land that has been included in a previous Priority Development Process.

C. *Criteria for Development(s) Accompanying Priority Permitted Uses.*

1) Uses Accompanying a Residential Priority Permitted Use.

The accompanying Development:

- a) must be at least equivalent in Gross Floor Area to the Gross Floor Area of the Priority Permitted Use, up to a maximum of five hundred thousand (500,000) square feet;
- b) may not include Residential Uses; and
- c) may include Retail Uses only to the extent of the equivalent of one hundred (100) percent of the Gross Floor Area of the Ground Floor of the Development.

2) Uses Accompanying a Transit Oriented Priority Permitted Use.

The accompanying Development:

- a) must be at least equivalent in Gross Floor Area to the Gross Floor Area of the Priority Permitted Use, up to a maximum of five hundred thousand (500,000) square feet;
- b) may include Residential Uses provided that the Gross Floor Area devoted to Residential Uses in both the Priority Permitted Use Development and the accompanying Development may not exceed fifty (50) percent of the total Gross Floor Area of the Priority Permitted Use and accompanying Development submitted as part of the Priority Development Process;
- c) may include Retail Uses only to the extent of the equivalent of one hundred (100) percent of the Gross Floor Area of the Ground Floor of the Development; and
- d) must be situated entirely within one thousand (1,000) feet of an MBTA Orange Line Station Entrance.

3) Uses Accompanying a Retail Priority Permitted Use.

The accompanying Development:

- a) must be a minimum of three hundred thousand (300,000) square feet of Gross Floor Area and a maximum of three hundred seventy-five thousand (375,000) square feet of Gross Floor Area; and
- b) may include those Uses denoted by asterisk in the Table of Permitted Uses, of which not more than sixty thousand (60,000) square feet of Gross Floor Area may be Retail Uses and a minimum of fifty thousand (50,000) square feet of Gross Floor Area must be Office Uses.

- D. *Priority Development Process.* The intention of the Priority Development Process is to concentrate and coordinate the reviews of the qualifying Developments within a one-tier process, rather than the two-tier process otherwise applicable to PUD-A projects within the ASMD. It is the intention of the Priority Development Process to enable (i) Priority Permitted Uses to proceed with Site Plan Approval-A, and (ii) accompanying Uses submitted therewith to proceed with Special Permits with Site Plan Review-A.

- 1) Applications for Site Plan Approval-A and Special Permit with Site Plan Review-A shall be submitted simultaneously to the SPGA. The submittal and review procedures are those set forth in Subsection 6.4.11 in the case of Priority Permitted Uses and the procedures set forth in Subsection 6.4.9 and, to the extent applicable, in Section 5.3 with respect to accompanying Uses, except as modified below. Applications submitted under the Priority Development

Process shall identify the Developments as being submitted as part of the Priority Development Process, shall identify the Priority Permitted Uses as such and shall identify the Developments as qualifying for and request fast-tracking.

- 2) Design Review: Design Review by the DRC shall be required for all Developments proceeding pursuant to the Priority Development Process. In addition to the applicable review criteria listed in Section 6.4.7, the DRC shall take into account criteria for the review of any Developments within the Priority Development Process that are listed in Section 6.4.10.E below.
- 3) Site Plan Approval-A: Site Plan Approval-A shall be required for all Priority Permitted Uses within the Priority Development Process and shall be conducted within the time periods and using the review and approval criteria set forth in Section 6.4.11. The SPGA shall take into account the criteria for the review of any Development within the Priority Development Process as may be listed in Section 6.4.10.E below.
- 4) Special Permit Review: Special Permit with Site Plan Review for all Developments requiring a Special Permit with Site Plan Review-A within the Priority Development Process shall be conducted by the SPGA, and shall be conducted using the review and approval criteria set forth in Sections 6.4.7, 6.4.8 (if applicable) and 6.4.9.
- 5) If Developments which are being submitted as part of a Priority Development process necessitate a Subdivision or Subdivisions requiring Site Plan Approval pursuant to Section 5.4 of this Ordinance, the Applicant may petition for such Section 5.4 review simultaneously with the reviews contemplated by this Section and the time limits for such review will be governed by this Section 6.4.10. and Section 6.4.11.C.

E. *Additional Approval Criteria for the Priority Development Process Permitted Uses.*

- 1) Additional Criteria for Residential Priority Permitted Uses:
 - a) Site Plan Review Criteria.
 - i. Housing should be located and oriented to limit obstructions of desirable views from housing units towards the non-housing uses that receive a special permit as part of the Priority Permitted Use process.
 - ii. All parking must be located either in a parking structure or below grade.
 - iii. Ground Floor spaces must have lively, pedestrian friendly uses, preferably Retail, Restaurant or local business services.
 - iv. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to take into account the standards set forth in the Assembly Square Design Guidelines for the Public Realm and shall be conveyed to the City upon completion. Streets shown in the ASTP that run through existing Buildings do not have to be constructed until an owner elects to demolish such Buildings.
- 2) Additional Criteria for Transit-Oriented and Priority Permitted Uses:
 - a) *Site Plan Review Criteria*
 - i. All parking must be within a parking structure or below grade.
 - ii. The location of principal or secondary entrances should be oriented to provide a direct and convenient path to and from the MBTA Orange Line Station.
 - iii. Views from any Residential units contained in the Transit-Oriented Development should be located and oriented to limit obstructions of desirable views from Residential units towards the non-Residential uses that receive a special permit as part of the Priority Permitted Use process.
 - iv. Open Space should be oriented and designed to support the quality of the pedestrian environment along the sidewalks that provide connections to and from the MBTA Orange Line Station.
 - v. Ground Floor spaces must have lively, pedestrian friendly uses, preferably Retail, Restaurant or local business services.
 - vi. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to the standards set forth in the Assembly Square Design Guidelines for the Public Realm and shall be conveyed to the City upon completion. Streets shown in the ASTP that run through existing Buildings do not have to be constructed until an owner elects to demolish such Buildings.
- 3) Additional Criteria for Retail Priority Permitted Uses in an existing Mall:

a) *Site Plan Review Criteria*

- i. The parking ratio for surface parking for all uses within a Mall shall not exceed 3.25 spaces per one thousand (1,000) square feet of net floor area and such surface parking shall provide spaces designed for compact cars as set forth in Section 9.11(c) equal to thirty percent (30%) of the total spaces provided.
- ii. Landscaping, including at least one tree, shall be provided at each end of each row of parking provided to support uses within a Mall, and two trees at each end of double rows of parking.
- iii. Drive lanes within large parking areas, intended to reflect a future street grid, should be designed in conformance with the standards for service roads as defined by Assembly Square: Design Guidelines for the Public Realm.
- iv. New blocks created for non-retail uses from existing parking areas should be no greater than two (2) acres in size.
- v. Parking areas lighting design shall limit direct illumination of the upper floors of structures on adjacent lots.
- vi. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to the standards set forth in the Assembly Square Design Guidelines for the Public Realm and shall be conveyed to the City upon completion. Streets shown in the ASTP that run through existing Buildings do not have to be constructed until an owner elects to demolish such Buildings.

b) *Design Review Criteria*

- i. Entrance arcades shall not be larger in width than two (2) existing structural bays nor extend higher than fifteen (15) feet above the nearest adjacent cornice line.
- ii. New facade elements shall use materials and details that are consistent with the architectural heritage of the buildings on which they are located.
- iii. Building facades between new tenant entryways should predominantly consist of renovation of the existing Building exterior except for new windows.
- iv. New entrances are encouraged, and should include at least fifty (50) percent of transparent glazing of the new entrance facade or roof surfaces.
- v. Turrets or towers may be provided if they do not exceed thirty (30) feet in width, are not less than twenty (20) feet in depth at the base or where they meet an existing roof, and are less than sixty (60) feet in height.
- vi. Signage for individual tenants shall be limited to one (1) large building-mounted sign on each principal facade of a Mall. Primary signs must be mounted below the line of the nearest adjacent cornice. A second, smaller sign may be located near individual or common entrances. These guidelines are not intended to regulate or limit freestanding signs. In the ASMD, signage shall be governed by Article 12 except as otherwise specifically provided by this clause and by Section 6.4.14.

4) Additional Criteria for Approved PUD Mixed Uses:

a) *Site Plan Review Criteria*

- i. Changes in building footprints for non-retail uses are allowed from the footprints approved under either a PUD Master Plan or Special Permit with Site Plan Review, as long as the total footprint does not increase by more than ten (10) percent in total area.
- ii. Ground floor uses facing the Mystic River must be consistent with and encourage public access and circulation.
- iii. Ground Floor spaces must have lively, pedestrian friendly uses, preferably Retail, Restaurant or local business services.
- iv. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to take into account the standards set forth in the Assembly Square Design Guidelines for the Public Realm and public access rights shall be conveyed to the City upon completion.

b) *Design Review Criteria*

- i. The architecture and orientation of buildings should reinforce the importance of the public open space

along the Mystic River and the urban character of New Main Street.

F. *Approved PUD.*

- 1) Any Phase of an Approved PUD for which a special permit has been issued shall be allowed By Right and shall not require any further approvals under this Ordinance unless required under Section 6.4.10.F.3 (Modifications) below.
- 2) Any Phase of an Approved PUD for which a Special Permit has not been issued and which thereby qualifies as a Priority Permitted Use shall be subject to the following requirements:
 Traffic, Parking, Loading: For any Phase of an Approved PUD for which a special permit has not been issued, and that qualifies as a Priority Permitted Use, all traffic mitigation, parking and loading requirements shall be as set forth in the approved Master Plan in lieu of the requirements set forth elsewhere in this Ordinance.
- 3) Modifications. The site plans, grading/drainage plans, landscaping plans, utility plans and/or other plans approved in connection with an Approved PUD may be modified as follows: (i) a modification meeting the definition of a minor amendment under Section 16.11.3 may be modified in accordance with the minor amendment provisions of Section 16.11.3; (ii) a modification meeting the definition of a major amendment under Section 16.11.3 may be modified pursuant to Site Plan Approval-A by the SPGA pursuant to the Site Plan Approval procedures and appeal provisions set forth in Sections 6.4.11. Changes of Use within an Approved PUD shall be allowed as of right subject to Site Plan Approval-A unless the Director of Traffic and Parking determines that: (a) the proposed Uses substantially deviate from the Uses set forth in the approved Master Plan and/or special permit for the Approved PUD, and (b) the new Uses will, in the aggregate, create a greater traffic impact than the Uses set forth in the approved Master Plan, in which case the Change of Use shall constitute a Development (but in no event a Large Development) and shall be subject to the review procedures for Developments set forth in this Section 6.4.
- 4) Applicability. In the event of any inconsistencies between the requirements for Approved PUDs set forth in this Section 6.4.10.F and any other provision of this Ordinance, the provisions of this Section 6.4.10.F shall govern. To the extent such other provisions of this Ordinance require permits or approvals in addition to those required under this Section 6.4.10 or impose other requirements, standards or criteria that are more restrictive than those imposed under this Section 6.4.10, only those permits and approvals required under this Section 6.4.10 and those requirements, standards and criteria established under this Section 6.4.10 shall apply.

6.4.11 *Site Plan Approval-A Procedures.*

- A. *Purpose of Site Plan Approval.* For the purpose of insuring public review of Priority Permitted Uses, the following review procedures shall be followed by the SPGA.
- B. *Site Plan Requirements.* Site plans shall be prepared by a registered architect, landscape architect, surveyor or professional engineer. The SPGA may, in its discretion, waive certain of the requirements set forth below. Site plans shall show:
 - 1) The boundaries of the Parcel or Parcels for which the Applicant is seeking Site Plan Approval. Lot numbers, dimensions of lots in feet, sizes of lots in square feet, and the width of abutting streets and ways shall be shown. The plans shall include a scale (which may not be greater than one inch equals 40 feet), north arrow, legend, name of record owners of parcel or parcels for which approval is sought and names of owners of all abutting land as appearing on the current tax assessor's list.
 - 2) The location of existing wetlands, water bodies, wells and 100-year flood plain elevations within the area subject to review.
 - 3) The location of existing and proposed structures, as well as the distance between those structures and the lot lines and the distance between buildings on the same lot. Also, the percent of existing and proposed building lot coverage, the average finished grade of each proposed building at the base of each such building, the elevation above average finished grade of the ground floor and ceiling of the lowest floor of each proposed building, and the height of all proposed buildings above finished grade of abutting streets.
 - 4) All principal landscape features, such as fences, walks, walls, exterior lighting and planting areas.
 - 5) All easements within and abutting the parcel or parcels for which approval is being sought.
 - 6) The location and number of all parking and loading spaces.

- 7) The location of all driveway openings and driveways, as well as the proposed traffic circulation patterns within the Parcel which approval is being sought.
 - 8) Provision for and the location of all facilities for sewage, drainage, electric and water service.
 - 9) Topography indicating existing and proposed contours at intervals of not more than two (2) feet.
 - 10) Location and intensity of outdoor lighting system.
 - 11) Location, type and size of signs.
 - 12) A written statement by the Applicant that shall include:
 - a) A description of the proposed Uses to be located within the Development;
 - b) The total land area of the Site, and the total floor area and ground coverage of each proposed building and structure;
 - c) General summary of existing and proposed easements or other burdens now existing or to be placed on the property;
 - d) Method for handling proposed solid waste disposal;
 - e) The Applicant's calculation of requirements and evaluation of the availability and adequacy of off-site public facilities including sewer, water, drainage and streets;
 - f) A description of any problems of drainage or topography, or a representation that, in the opinion of the Applicant, there are none;
 - g) A completed LEED worksheet; and
 - h) A TDM Plan.
- C. *Procedure.* Any person desiring Site Plan Approval-A under this Subsection shall submit five copies of said plan to the SPGA. The SPGA shall hold a public meeting in compliance with M.G.L.A. c. 39, §§ 23A and 23B within twenty (20) days of such filing, and shall make a determination on said plan in accordance with the provisions of Subsection (H) hereof within forty-five (45) days after such filing.
- Within the time periods specified in this Subsection, the SPGA shall make a final written approval or disapproval on any site plan submitted to it, which determination shall be in accordance with Subsection (G) hereof. The vote of a majority of the members of the SPGA shall bind the SPGA hereunder, and the failure of the SPGA to act within the time periods specified herein shall be deemed to constitute a determination that the site plan submitted to the SPGA conforms with the criteria set forth in this Section. The SPGA shall advise the building inspector and the City Clerk in writing of its action.
- D. *Approved Plan Pre-requisite to Issuance of Building Permit.* No building permit shall be issued under this Subsection until a final site plan, or applicable components thereof, have been approved or deemed to have been approved by the SPGA.
- E. *Expiration of Approval Prior to Commencement of Use.* Unless construction related to a Priority Permitted Use which has received Site Plan Approval-A by the SPGA shall have commenced within 24 months from the date of approval of the site plan, the approval shall be deemed to have expired, the building permit shall thereupon be revoked and the building inspector shall forthwith take the necessary steps to enforce this Subsection.
- F. *Modifications to Approved Site Plans.* If an owner wishes to modify an approved site plan, he may submit a revised site plan to the SPGA for review and approval, and the same standards and procedures applicable to the review of the original site plan shall apply to such revised site plan, unless the Director of the Planning Department finds such change to be minor.
- G. *Standards and Criteria for Review and Final Action.* In acting under this Subsection, the SPGA shall review a site plan to ensure that the public health, safety, and welfare are best served in light of the following criteria:
- 1) The provisions for vehicular loading and unloading, parking and for vehicular circulation on the site and onto adjacent public streets and ways will promote safety and safe traffic control and flow;
 - 2) To the extent feasible, the provision for on-site landscaping will provide an appropriate visual buffer to any immediately abutting residential properties;
 - 3) Provisions for pedestrian ways will provide safe and convenient access and egress (i) within the area of site plan review and (ii) to the boundary of such area in light of existing or proposed pedestrian ways beyond such boundary;

- 4) The site plan will provide for adequate and proper drainage, sewage disposal, and water supply;
 - 5) The provisions for exterior lighting will promote safety to motorists traveling on adjacent public streets;
 - 6) The proposed Development will provide adequate access to the Site, or to the Buildings on the Site, for emergency vehicles; and
 - 7) The Priority Permitted Use will be consistent with the objectives of the ASD Plan, although the Priority Permitted Use itself does not have to demonstrate complete consistency with later phases of the ASD Plan objectives.
- H. *Findings.* All findings of the SPGA shall be in writing, and a determination with respect to site plans shall either be (a) that the site plan conforms to the criteria set forth in Subsection (G) above, or (b) that the site plan does not so conform and specifying with particularity how it does not conform and how it may be modified so to conform. This Site Plan Approval-A procedure is not intended to constitute a special permit procedure and, since the Uses subject to this approval procedure are allowed By Right, it is presumed that a site plan submitted to the SPGA hereunder will be approved by the SPGA or will be disapproved with only such reasonable and specific suggested modifications specified by the SPGA which will cause the site plan to conform with the criteria set forth in Subsection (G), and which shall not reduce the total amount of gross floor area or the number of existing parking spaces.
- I. *Appeal.* If any person is aggrieved by any action of the SPGA under this Section 6.4.11, he shall be entitled to an appeal there from pursuant to M.G.L.A. c. 40A, § 8, within thirty (30) days from the date of the issuance or denial of the building permit which is being appealed.

6.4.12 Powers of the SPGA in the ASMD. In the ASMD the Planning Board shall serve as the Special Permit Granting Authority (SPGA). The SPGA may approve, approve with conditions, or deny any application for a SPSR-A, or a PUD-A after consideration of the criteria set forth above and criteria set forth in any other Sections of this Ordinance referred to herein. The SPGA shall administer Site Plan Approval-A for Priority Permitted Uses as set forth in Subsection 6.4.11 above.

- A. *Relief from Requirements.* Notwithstanding any other provisions of this Ordinance, the SPGA may, as part of an application for a SPSR-A, a PUD-A or Site Plan Approval-A 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;
 - 2) The application is substantially consistent with the objectives of the ASD Plan and advances the objectives of the ASD Plan;
 - 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
 - 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.
- B. *Exceptions.* Notwithstanding the foregoing, the SPGA may not grant relief from any of the following standards, guidelines or requirements:
- 1) Section 6.4.8, regarding Large Developments being developed pursuant to the PUD-A provisions of Article 16 unless as part of a Priority Development Process; and
 - 2) Section 6.4.8.D.2 regarding a Large Retail Project providing a non-retail component.

6.4.13 Reserved.

Editor's note— Ord. No. 2009-11, § 2, adopted June 11, 2009, deleted § 6.4.13, which pertained to Assembly Square Design Review Committee. This subsection bore no history note.

6.4.14 Signage in the Assembly Square District. Notwithstanding any provision of this Ordinance to the contrary, the following provisions shall apply to signage in the ASMD:

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

- 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 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.
- 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.

6.4.15 Development Standards and Design Guidelines for Self Storage and Wholesale Storage Facilities. Self Storage Facilities under Section 7.11.12.4 and Wholesale Storage under Section 7.11.13.1 of the Table of Permitted Uses shall be permitted in the ASMD district, subject to applicable Special Permit, Site Plan Review and/or Planned Unit Development provisions of the Somerville Zoning Ordinance and subject to the following required findings and development standards. The development standards and design guidelines for the ASMD district under Section 6.4.7 of the SZO shall also apply, except that in cases where the standards in this Section 6.4.15 contradict those standards or guidelines, the standards in Section 6.4.15 shall apply.

A. Required Findings:

- 1) The subject property is located in an area that is not conducive to more desirable uses for the district, such as office, retail, or residential. To make findings that a site meets this provision, the following are required:
 - a. The lot size and shape is not easily conducive to a more desirable use; and,
 - b. The lot is immediately abutting the Interstate highway and/or an exit ramp from the highway, thereby limiting the ability for the lot to be used for a more desirable use.
 - c. The development of the lot facilitates the development of the district by providing direct public benefits above and beyond those otherwise required by the ordinance.
 - d. The development of the lot improves conditions of the site as well as improving the public infrastructure within the district, as well as to and from the district.
 - e. The development of the lot facilitates the development of the district by providing public non-motorized access through some portion of the lot.
- 2) The lot shall contain a second use in addition to Self Storage Facilities under Section 7.11.12.4 or Wholesale Storage under Section 7.11.13.1 of the Table of Permitted Uses.
- 3) The proposed project complements and enhances the character of the surrounding neighborhood, is not detrimental to development in adjacent areas as envisioned by the ASD plan, and facilitates access to and through the Assembly Square District and to the Assembly Square Orange Line station.

B. Development Standards:

- 1) Storage and warehouse uses shall be limited to a total FAR between 2.0 and 4.0.
- 2) All loading and parking areas are hidden from view from the public way located along the primary frontage of the Building or Buildings.
- 3) Curb cuts are limited to no more than two on the site, regardless of street frontage.
- 4) The Building or Buildings resemble Buildings designed for human occupancy:
 - a. The Building or Buildings shall not have any uninterrupted or unfenestrated length of façade exceeding thirty-five (35) horizontal feet, within each vertical band that would appear to be a typical office or residential floor level, beginning with the Ground Floor of any Building or Buildings. Facades on the Ground Floor of any Building or Buildings greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least eight inches (8") for every one hundred feet (100') of facade length extending at least twenty (20) percent of the length of the façade. This standard shall not apply to facades of a Building or Buildings which face an Interstate highway or are otherwise covered by decorative elements approved by the SPGA; and,
 - b. The Building or Buildings shall 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 (70) percent of their horizontal length on all Ground Floor facades that face Public Ways or the Mystic River. Forty percent (40%) of

this activated facade area on the Ground Floor of Building walls along primary and secondary streets shall consist of windows, display windows, or doors meant for public entry and exit. This standard shall not apply to facades of a Building or Buildings which face an Interstate highway; and,

- c. Pedestrian entries to any Self Storage Facilities under Section 7.11.12.4 or Wholesale Storage under Section 7.11.13.1 of the Table of Permitted Uses shall be similar to the design expected from an office, retail or residential use; and,
 - d. The Building or Buildings shall have a roof colored white to reflect heat; and,
 - e. Decorative non-commercial murals which are painted onto, or affixed to, the Building or Buildings shall not be considered Signage under this Ordinance; and
 - f. Trellises or other structures erected for the sole purpose of growing vines or other forms of vegetation on the lot shall not be considered Signage, and shall not be considered in the calculation of setbacks, under this Ordinance; and
 - g. Solar or wind power mechanical equipment shall not be considered in the calculation of Building height under this Ordinance.
- 5) The Building or Buildings are designed with floor heights and structural design to:
- a. Accommodate conversion of the ground floor to pedestrian oriented uses, and;
 - b. Conversion of upper floors to residential or commercial use.
- 6) No signage shall be permitted on the roof of a self-storage facility.
- C. Design Guidelines:
- 1) Exterior building materials may include, but shall not be limited to, Architectural Metals, Architectural Concrete and Architectural Masonry.

(Ord. No. 2010-11, § 2, 12-9-2010)