City of Somerville

ZONING OVERHAUL

www.somervillezoning.com

March 19, 2019
Upcoming Schedule

TUE March 19       Open Space          
TUE April 2         NR, UR, and Nonconforming Structures
MON April 22       Parking         
TUE April 30       Affordable Housing   
TUE May 14         Affordable Housing   
MON May 20         ???        
TUE May 28         ???          
TUE July 8         Last LUC meeting before summer recess
THURS, July 11     Last full Council meeting before summer recess
# Acres Still Needed

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>SomerVision Goal</td>
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<tr>
<td>Space Created</td>
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<td>Space in Planning/Design</td>
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<tr>
<td>Potential Additional Space</td>
<td>+/- 5 ac</td>
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<tr>
<td>Total Acres Still Needed</td>
<td>88.25 ac.</td>
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</tbody>
</table>
1. What share of the remaining 88.25 acres still needed will be required of new development?

2. How will the cost of the remaining need be funded?
Regulatory Goals

To offset the increased demand for public spaces and need for capital improvements to existing public spaces that results from new development:

1. Require new master planned development in Transform Areas to contribute a percentage of land as actual public spaces.
2. Require development in “other areas” to contribute toward the Public Space Acquisition Fund

The main intent of the citizen proposal was “to create open space and, whenever possible, generate income to pay for open space.”

- Bill Shelton, BOA Regular Meeting, January 10, 2019
**Scenarios**

**Version 1**
- Require XX% of land in Transform Areas
- Permit a buyout to adjust to site constraints

**Version 2**
- Require XX% of land in Transform Areas
- Permit a buyout to adjust to site constraints
- Charge a Public Space Linkage Fee for “other areas”

**Version 3**
- Require XX% of land in Transform Areas
- Permit a limited buyout to adjust to site constraints
- Require XX% of land in Enhance Areas (others?)
- Permit a 100% buyout in Enhance Areas
What Needs Calibrated?

1. What districts are included?
2. What open space % is required?
3. How much of the requirement can be bought out by an in lieu fee?
4. What is the in lieu fee?
# What Needs Calibrated?

## Existing SZO
1. Assembly Square & all TOD districts
2. 25% of land as *open space*
3. 5% max
4. $ ???/sf
5. RC, NB, CBD, CCD45, CCD55
6. 25% of land as *open space*
7. 100% unless 8,000 sf
8. $ ???/sf

## Proposed SZO
1. Assembly Square, Union Square, Union Square East, Boynton Yards (Grand Junction, Brickbottom, and Inner Belt later)
2. 25% of master plan area as *civic space*
3. 5% max
4. $ ???/sf
5. MR3, MR4, MR5, MR6, HR, CC
6. 25% of land as *open space*
7. 100% unless 8,000 sf
8. $ ???/sf
1. What districts are included?
2. What open space % is required?
TRANSFORM AREAS

Boynton Yards: 15.73 ac
Union East: 8.27 ac
Grand Junction: 22.68 ac
Brickbottom: 20.66 ac
Inner Belt: 81.74 ac
Assembly Square: 43.73 ac
Total: 192.81 ac
1.8 Acres

2.58 Acres

3 Acres

2.77 Acres
Map 8.1 (c) Thoroughfare Network

Key
- Required THOROUGHFARE
- Optional THOROUGHFARE
- Reference Point

City of Somerville
ZONING OVERHAUL

Mayor Joseph A Curtatone
Office of Strategic Planning
& Community Development
<table>
<thead>
<tr>
<th>Transform Areas</th>
<th>Acres</th>
<th>Existing Zoning</th>
<th>22.89%</th>
<th>25.0%</th>
<th>27.5%</th>
<th>30.0%</th>
<th>32.5%</th>
<th>35.0%</th>
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<td>3.31</td>
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<td>6.20</td>
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<tr>
<td>City Share (or unknown 3rd party)</td>
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<td>50%</td>
<td>55%</td>
<td>60%</td>
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<td>$492,746,039</td>
<td>$273,512,554</td>
<td>$248,289,149</td>
<td>$218,403,599</td>
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</table>

Percent of Land required to:

- Developer Share: 10% 50% 55% 60% 66%
- City Share (or unknown 3rd party): 90% 50% 45% 40% 34%
- Remaining Acres: 79.48 44.11 40.05 35.23 30.41

Estimated cost to acquire, design & construct remaining acres ($6.2M/acre):

- $492,746,039
- $273,512,554
- $248,289,149
- $218,403,599
- $188,518,049
3.57 Football Fields

One (1) acre is about 9/10 of an American football field

Measure distance
Click on the map to add to your path
Total area: 173,306.08 ft² (16,100.66 m²)
Total distance: 1,685.98 ft (513.89 m)
EXAMPLES from other places
# A Look at the Seaport District

## Article 2 Definitions (Boston Zoning Ordinance)

<table>
<thead>
<tr>
<th>Definition</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Yard, front</td>
<td>An open space extending across the full width of the lot and lying between the front lot line and the nearest building.</td>
</tr>
<tr>
<td>Yard, rear</td>
<td>An open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.</td>
</tr>
<tr>
<td>Yard, side</td>
<td>An open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line.</td>
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<tr>
<td>Open space</td>
<td>An open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or open space in private ownership for active or passive recreational use or for the conservation of natural resources.</td>
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</tbody>
</table>
A Look at the Seaport District

2016 Renewal of the South Boston MHP (2000)

Four Primary Planning Areas
1. Seaport Square
2. Fort Point District “100 Acres”
3. Pier 4
4. Fan Pier
A Look at the Seaport District

Seaport Square

Total Area: 23 acres
A Look at the Seaport District

Seaport Square

Total Area: 23 acres
Total Open Space: 6 acres (26%)
A Look at the Seaport District

Seaport Square

Total Area: 23 acres
Total Open Space: 6 acres  (26%)
- Seaport Square 1.25 acres  (5.43%)
- the Hill 0.75 acres  (3.26%)
- Seaport Boulevard 4 acres  (17.39%)
A Look at the Seaport District

Seaport Square

Total Area: 23 acres
Total Open Space: 6 acres (26%)
- Seaport Square 1.25 acres (5.43%)
- the Hill 0.75 acres (3.26%)
- Seaport Boulevard 4 acres (17.39%)

Real Public Spaces: 2 acres (8.69%)
A Look at the Seaport District

Fort Point District “100 Acres”

Total Area: 88.7 acres
A Look at the Seaport District

Fort Point District “100 Acres”

Total Area: 47 acres
Total Open Space: 6.93 acres (14.74%)
A Look at the Seaport District

Fort Point District “100 Acres”

Total Area: 47 acres
Total Open Space: 6.93 acres (14.74%)
+ Entry Plazas & Courts 4.4 acres (9.36%) ➔ (24.11%)
Real Public Spaces: 6.93 acres (14.74%)
A Look at the Seaport District

Pier 4

Total Area: 5.3 acres
A Look at the Seaport District

Pier 4

Total Area: 5.3 acres
Total Open Space: 1.53 acres (29%)
A Look at the Seaport District

Pier 4

Total Area: 5.3 acres
Total Open Space: 1.537 acres (29%)
- Waterfront Park: 0.918 acres (17.32%)
- Waterfront Plaza: 0.528 acres (9.96%)
- Waterfront Commons: 0.091 acres (1.72%)
A Look at the Seaport District

Fan Pier

Total Area: 14.8 acres
A Look at the Seaport District

Fan Pier

Total Area: 14.8 acres
A Look at the Seaport District

Fan Pier

Total Area: 14.8 acres
Total Open Space: 6.03 acres (42.22%)
A Look at the Seaport District

Fan Pier

Total Area: 14.763 acres
Total Open Space: 6.03 acres (40.9%)
• Fan Pier Park: 1.674 acres (11.34%)
• Public Green: 1.223 acres (8.28%)
• Block E Plaza: 0.197 acres (1.33%)
## A Look at the Seaport District

### Fan Pier

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Area</th>
<th>Open Space</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Total Area</td>
<td>14.763 acres</td>
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<tr>
<td>Total Open Space</td>
<td>6.03 acres</td>
<td>(40.9%)</td>
<td></td>
</tr>
<tr>
<td>Fan Pier Park</td>
<td>1.674 acres</td>
<td>(11.34%)</td>
<td></td>
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<td>Public Green</td>
<td>1.223 acres</td>
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<td>Block E Plaza</td>
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<tr>
<td>Marina Park Drive &amp; Marina Harbor Walk</td>
<td>1.795 acres</td>
<td>(12.16%)</td>
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A Look at the Seaport District

Fan Pier

Total Area: 14.763 acres
Total Open Space: 6.03 acres (40.9%)
- Fan Pier Park 1.674 acres (11.34%)
- Public Green 1.223 acres (8.28%)
- Block E Plaza 0.197 acres (1.33%)
- Marina Park Drive & Marina Harbor Walk 1.795 acres (12.16%)

Open Space in Progress? 4.889 acres (33.11%)
A Look at the Seaport District

<table>
<thead>
<tr>
<th>Four Planning Areas</th>
<th>Total Area</th>
<th>Public Space</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Seaport Square</td>
<td>23 ac</td>
<td>2 ac</td>
<td>8.7%</td>
</tr>
<tr>
<td>100 Acres</td>
<td>47 ac</td>
<td>6.93 ac</td>
<td>14.74%</td>
</tr>
<tr>
<td>Pier 4</td>
<td>5.3 ac</td>
<td>1.53 ac</td>
<td>29%</td>
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<td>Fan Pier</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>90.1 ac</strong></td>
<td><strong>16.49 ac</strong></td>
<td><strong>18.31%</strong></td>
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## A Look at the Seaport District

### Four Planning Areas

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<td><strong>16.49 ac</strong></td>
<td><strong>23.19%</strong></td>
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Let’s talk Cambridge Research Park

Special Permit #141

Total Area: 9.76 acres
Total Open Space: 2.17 acres (22.2%)
<table>
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<tr>
<th>Transform Areas</th>
<th>Acres</th>
<th>Various %</th>
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<tr>
<td></td>
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<td>90%</td>
<td>79.48</td>
<td>$ 492,746,039</td>
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<tr>
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50%, 55%, 60%, 66%
3. How much open space can be bought out by an in lieu payment?
3. The Planning Board may permit an in lieu payment for up to ten percent (10%) of the required amount of civic space. In its discretion to permit a payment in lieu of civic space as part of a Coordinated Development Special Permit, the Planning Board shall consider the following:
   a. The review considerations for all Special Permits as specified in Section 5.1 Special Permits.
   b. The goals and objectives of the City of Somerville Open Space Plan.
   c. The availability and suitability of lots within a development site for development as a civic space.
   d. The plausible availability of sites located elsewhere in the city that are suitable for development as civic space.
   e. The need for funding to improve or maintain existing civic spaces, particularly athletic fields, located elsewhere in the city.
   f. The Planning Board shall establish a fee schedule for a payment in lieu of civic space based on the recommendations of the Director of Transportation & Infrastructure in relation to the average cost to acquire and develop land as a civic space.

4. The Planning Board may permit an in lieu payment for up to ten percent (10%) of the required amount of civic space. In its discretion to permit a payment in lieu of civic space as part of a Coordinated Development Special Permit, the Planning Board shall consider the following:
   a. The review considerations for all Special Permits as specified in Section 5.1 Special Permits.
   b. The goals and objectives of the City of Somerville Open Space Plan.
   c. The availability and suitability of lots within a development site for development as a civic space.
   d. The plausible availability of sites located elsewhere in the city that are suitable for development as civic space.
   e. The need for funding to improve or maintain existing civic spaces, particularly athletic fields, located elsewhere in the city.
   f. The Planning Board shall establish a fee schedule for a payment in lieu of civic space based on the recommendations of the Director of Transportation & Infrastructure in relation to the average cost to acquire and develop land as a civic space.
4. What is the in-lieu fee for each area?
In-lieu fees and buyouts are sometimes confused with linkage or impact fees.

When zoning requires a developer provide something onsite, but is allowed to pay a fee as an alternative, the fee is called an ‘in-lieu fee’ or a ‘buyout.’

When zoning requires a developer to pay a fee instead of providing something onsite, the fee is called an ‘impact fee’ or ‘linkage fee.’

Linkage fees are illegal in MA unless authorized by the State Legislature through a Home Rule Petition.
Setting ‘In Lieu’ Fees

Every municipality is different and every type of ‘in lieu’ fee maybe have different policy objectives. There is no single right formula for setting ‘in lieu’ fees.

Many communities set fees well below costs. When this is done, most development elects to pay the fee.

Others intentionally set the fee at a level to discourage the use of the fee option. Generally, higher fees increase the likelihood that developers choose to build what is required on site.
## Setting ‘In Lieu’ Fees

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permit Fees:</td>
<td>$20/$1,000 value (highest in MA)</td>
</tr>
<tr>
<td>Affordable Housing Linkage:</td>
<td>$10/sf (only Boston is higher)</td>
</tr>
<tr>
<td>Jobs Linkage:</td>
<td>$2.46/sf (Boston is the only other muni)</td>
</tr>
<tr>
<td>Infrastructure Improvements:</td>
<td>$2.00/sf (request in Transform Areas)</td>
</tr>
<tr>
<td>Green Line Linkage:</td>
<td>$2.40/sf</td>
</tr>
<tr>
<td>Community Benefits:</td>
<td>$1.60/sf (based on recent negotiations)</td>
</tr>
<tr>
<td>Inflow &amp; Infiltration Fee:</td>
<td>$14.35/gallon (required by the state of MA)</td>
</tr>
<tr>
<td>Affordable Housing:</td>
<td>20% of units</td>
</tr>
<tr>
<td>Open Space:</td>
<td>% of land (costs 142.33/sf to deliver)</td>
</tr>
<tr>
<td>Open Space Fee/In-lieu Payment:</td>
<td>$142.33/sf</td>
</tr>
</tbody>
</table>
# Setting ‘In Lieu’ Fees

**Open Space Fee/In-lieu Payment:** $142.33/sf

<table>
<thead>
<tr>
<th>District</th>
<th>Building Type</th>
<th>Lot Size</th>
<th>25%</th>
<th>Floor Plate</th>
<th>Stories</th>
<th>Gross SF</th>
<th>Fee/LAND SF</th>
<th>Fee/Built SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 MR</td>
<td>All Building Types</td>
<td>17,400</td>
<td></td>
<td>4,350</td>
<td>15,000</td>
<td>3</td>
<td>$619,135.50</td>
<td>$13.76</td>
</tr>
<tr>
<td>4 MR</td>
<td>All Building Types</td>
<td>17,400</td>
<td></td>
<td>4,350</td>
<td>15,000</td>
<td>4</td>
<td>$619,135.50</td>
<td>$10.32</td>
</tr>
<tr>
<td>5 MR</td>
<td>All Building Types</td>
<td>22,400</td>
<td></td>
<td>5,600</td>
<td>20,000</td>
<td>5</td>
<td>$797,048.00</td>
<td>$7.97</td>
</tr>
<tr>
<td>6 MR</td>
<td>Apartment Building</td>
<td>27,400</td>
<td></td>
<td>6,850</td>
<td>25,000</td>
<td>6</td>
<td>$974,960.50</td>
<td>$6.50</td>
</tr>
<tr>
<td>6 MR</td>
<td>General &amp; Commercial Building</td>
<td>32,400</td>
<td></td>
<td>8,100</td>
<td>30,000</td>
<td>6</td>
<td>$1,152,873.00</td>
<td>$6.40</td>
</tr>
<tr>
<td>HR</td>
<td>General Building</td>
<td>32,400</td>
<td></td>
<td>8,100</td>
<td>30,000</td>
<td>6</td>
<td>$1,152,873.00</td>
<td>$6.40</td>
</tr>
<tr>
<td>HR</td>
<td>Commercial Building</td>
<td>32,400</td>
<td></td>
<td>8,100</td>
<td>30,000</td>
<td>10</td>
<td>$1,152,873.00</td>
<td>$3.84</td>
</tr>
<tr>
<td>HR</td>
<td>Laboratory Building</td>
<td>38,000</td>
<td></td>
<td>9,500</td>
<td>35,000</td>
<td>9</td>
<td>$1,352,135.00</td>
<td>$4.29</td>
</tr>
<tr>
<td>HR</td>
<td>Mid-Rise Podium Tower</td>
<td>38,000</td>
<td></td>
<td>9,500</td>
<td>35,000</td>
<td>6 (+18)</td>
<td>$1,352,135.00</td>
<td>$3.47</td>
</tr>
</tbody>
</table>
Don’t forget the Home Rule Petition…
To offset the increased demand for public spaces and need for capital improvements to existing public spaces that results from new development...

- **Criteria for Fee Establishment**
  - Rational nexus study?
- **Applicability/Thresholds**
  - Only some development?
  - Any exemptions? Certain sized buildings?
- **Criteria for Setting the Fee**
  - Rough proportionality to impact
  - Scaling of fee with SF?
  - Different fees for res. vs com.?
- **Periodic Review of Fee**
  - Automatic scales with inflation?
  - Analysis every 1, 2, 3, or 5 years?
The affordable housing impact fee in Oakland, California, divides the city into three zones with different housing market characteristics (prices and rent) and different economic feasibility levels, and charges different fees in each zone, with the highest fees in downtown and nearby areas.
City of Somerville

ZONING OVERHAUL

www.somervillezoning.com

March 19, 2019
Forecourts (9,964 sf)