City of Somerville

ZONING OVERHAUL

www.somervillezoning.com

April 22, 2019
Upcoming Schedule

MON April 22  Open Space & Overhaul Generally
TUE April 30  Parking
TUE May 14   Affordable Housing
MON May 20   Affordable Housing
TUE May 28   ???
MON July 8   Last possible LUC meeting before summer recess
THURS, July 11  Last full Council meeting before summer recess
Today’s Agenda

1. Open Space Amendments
   a) Regional Examples
   b) Regulatory Strategy
   c) Transform Areas: Boynton Yards & Assembly Square
   d) Enhance Areas
   e) Outstanding New Code Questions

2. ZONING OVERHAUL: Small Business Overlay
Regional Example: 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
Regional Example: Seaport District

Seaport Square

Total Area: 23 acres
Total Open Space: 2 acres (8.69%)
Regional Example: Seaport District

Fort Point District “100 Acres”

Total Area: 47 acres
Total Open Space: 6.93 acres (14.74%)
### Regional Example: Seaport District

**Pier 4**

| Total Area: | 5.3 acres |
| Total Open Space | 1.53 acres (29%) |
Regional Example: Seaport District

Fan Pier

Total Area: 14.8 acres
Total Open Space: 6.03 acres (40.74%)
# Regional Example: Seaport District

<table>
<thead>
<tr>
<th>Four Planning Areas</th>
<th>Total Area</th>
<th>Public Space</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seaport Square</td>
<td>23 ac</td>
<td>2 ac</td>
<td>8.69%</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>
</tr>
<tr>
<td>Fan Pier</td>
<td>14.8 ac</td>
<td>6.03 ac</td>
<td>40.74%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>90.1 ac</strong></td>
<td><strong>16.49 ac</strong></td>
<td><strong>18.30%</strong></td>
</tr>
</tbody>
</table>
Regional Example: Cambridge Research Park

Special Permit #141

Total Area: 9.76 acres
Total Open Space: 2.17 acres (22.2%)
Today’s Agenda

1. Open Space Amendments
   a) Regional Examples
   b) **Regulatory Strategy**
   c) Transform Areas: Boynton Yards & Assembly Square
   d) Enhance Areas
   e) In Lieu Fees
   f) Outstanding New Code Questions

2. ZONING OVERHAUL: Small Business Overlay
Regulatory Strategy

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 development in Transform Areas to contribute a percentage of land as civic space (aka useable open space).
2. Require new development in Enhance Areas to contribute a percentage of land as open space or payments to the Public Space Acquisition Fund.

To prevent unintended consequences:

1. Apply new civic space requirements to Transform Areas that have zoning that produces mixed-use development and have a completed Neighborhood Plan guiding that development.
2. Complete neighborhood plans for outstanding Transform Areas ASAP and adopt zoning accordingly.
Scenarios

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

**Scenario 2**
- Require XX% of land in Transform Areas
- Permit a buyout to adjust to site constraints
- Charge a Public Space Linkage Fee in Enhance Areas

**Scenario 3**
- Require XX% of land in Transform Areas
- Permit a limited buyout to adjust to site constraints
- Require XX% of land in Enhance Areas
- Permit a 100% buyout in Enhance Areas
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?
## Scenario 2

### Existing SZO

1. Assembly Square & all TOD districts
2. 25% of land as *open space*
3. In Lieu Payment: 5% max
4. $ ???/sf
5. RC, NB, CBD, CCD45, CCD55
6. 15% of land as *open space*
7. In Lieu: 100% unless 8,000 sf
8. $ ???/sf

### Proposed SZO

1. Assembly Square, Union Square, Union Square East, Boynton Yards
2. 25% of master plan area as *civic space*
3. In Lieu Payment: XX% max
4. $ ???/sf
5. MR3, MR4, MR5, MR6, HR, CC
6. 15% of land as *open space*
7. In Lieu: 100% unless 8,000 sf
8. $ ???/sf
Definitions

2.2.110. Open Space. Land area uncovered by buildings, roads, driveways and parking areas, or other accessory manmade structures not meeting the definition of landscaping set forth in this Article.

2.2.111. Open Space, Usable. Open space accessible to and designed for use by the public and limited to use as landscaped area and/or non-profit recreational uses. Landscaping Parks, plazas, sidewalks, decks, arcades and loggias, landscaped boulevard medians of minimum fifteen (15) feet width, swimming pool, basketball and tennis courts and other sports facilities commons, squares, greens, athletic fields, boat launches, and similar uses types of open spaces, all of which are open to public use and, whether dedicated to such public use in fee or by easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Somerville or other public entity, shall constitute usable open space for purposes of this Ordinance. Usable open space shall exclude all enclosed interior space, unless such space is associated with and integral to an accepted recreational use.
Today’s Agenda

1. Open Space Amendments
   a) Regional Examples
   b) Regulatory Strategy
   c) **Transform Areas: Boynton Yards & Assembly Square**
   d) Enhance Areas
   e) Outstanding New Code Questions

2. **ZONING OVERHAUL**: Small Business Overlay
TRANSFORM AREAS

<table>
<thead>
<tr>
<th>Area</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boynton Yards</td>
<td>15.73 ac</td>
</tr>
<tr>
<td>Union East</td>
<td>8.27 ac</td>
</tr>
<tr>
<td>Grand Junction</td>
<td>22.68 ac</td>
</tr>
<tr>
<td>Brickbottom</td>
<td>20.66 ac</td>
</tr>
<tr>
<td>Inner Belt</td>
<td>81.74 ac</td>
</tr>
<tr>
<td><strong>Assembly Square</strong></td>
<td><strong>43.73 ac</strong></td>
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</tbody>
</table>

Total: 192.81 ac
### Sec. 6.5. - Transit Oriented Districts

<table>
<thead>
<tr>
<th>TABLE 6.5.F—TOD Dimensional &amp; Use Standards</th>
<th>TOD-55</th>
<th>TOD-70</th>
<th>TOD-100</th>
<th>TOD-135</th>
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<tbody>
<tr>
<td><strong>Dimensional &amp; Use Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O Useable Open Space (%)</td>
<td>NA</td>
<td>10 20(^{(7)})</td>
<td>10 20(^{(7)})</td>
<td>15 20</td>
</tr>
<tr>
<td>(Can count toward landscaping)(^{(5)})</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Boynton Yards

1.8 Acres

2.58 Acres

3 Acres

2.77 Acres
934,069 sf
District Boundary
New Streets

934,069 sf
- 288,369 sf
651,360 sf
Existing Buildings (that stay)
Civic Space
2 – Public Squares?
2 – Neighborhood Parks?
5 – Pocket Plazas/Parks?

133,648 sf
(20.51%)
6 Story General
62 DU
9,495 sf retail
$32,725/year

6 Story General
80 DU
13,250 sf retail
$44,875/year

6 Story General
68 DU
9,175 sf retail
$35,320/year

6 Story General
86 DU
11,750 sf retail
$44,875/year

6 Story General
77 DU
10,425 sf retail
$40,050/year

6 Story General
49 DU
6,925 sf retail
$25,875/year

6 Story General
60 DU
7,350 sf retail
$30,150/year
## Boynton Yards

<table>
<thead>
<tr>
<th>Transform Areas</th>
<th>Acres</th>
<th>Various %</th>
<th>22.89%</th>
<th>25.0%</th>
<th>27.5%</th>
<th>30.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boynton Yards</td>
<td>14.95</td>
<td>1.77</td>
<td>3.42</td>
<td>3.74</td>
<td>4.11</td>
<td>4.49</td>
</tr>
<tr>
<td>Union East</td>
<td>8.27</td>
<td>0.61</td>
<td>1.89</td>
<td>2.07</td>
<td>2.27</td>
<td>2.48</td>
</tr>
<tr>
<td>Grand Junction</td>
<td>22.68</td>
<td>0.93</td>
<td>5.19</td>
<td>5.67</td>
<td>6.24</td>
<td>6.80</td>
</tr>
<tr>
<td>Brickbottom</td>
<td>20.66</td>
<td>0.00</td>
<td>4.73</td>
<td>5.17</td>
<td>5.68</td>
<td>6.20</td>
</tr>
<tr>
<td>Inner Belt</td>
<td>81.74</td>
<td>0.00</td>
<td>18.71</td>
<td>20.44</td>
<td>22.48</td>
<td>24.52</td>
</tr>
<tr>
<td>Assembly Square</td>
<td>43.73</td>
<td>5.47</td>
<td>10.01</td>
<td>10.93</td>
<td>12.03</td>
<td>13.12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>192.03</td>
<td>8.77</td>
<td>43.96</td>
<td>48.01</td>
<td>52.81</td>
<td>57.61</td>
</tr>
</tbody>
</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     | 79.12 | 43.94    | 39.89  | 35.08 | 30.28 |
| Estimated cost to acquire, design & construct remaining acres ($6.2M/acre) | $490,541,399 | $272,410,474 | $247,288,704 | $217,523,574 | $187,758,443 |

### Deficient by 29,192 sf (4.49%) ???
(Larger than every single non-commercial site)
Existing Zoning
# Assembly Square

## Sec. 6.4.6. - Dimensional Requirements

### A. ASMD Table of Dimensional Standards

<table>
<thead>
<tr>
<th></th>
<th>Permitted as of right in the ASMD</th>
<th>Uses requiring a Special Permit with Site Plan Review</th>
<th>Uses within a PUD-A or SPSR-A uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Total Open Space</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
</tr>
<tr>
<td>e d. Useable Open Space</td>
<td>10% 25%</td>
<td>12.5% 25%</td>
<td>12.5% 25%</td>
</tr>
</tbody>
</table>

Notes:
1. The percentage of Open Space and Useable Open Space required of each lot may be provided off-site anywhere within the boundary area of the ASMD, through dedicated permanent open space that meets the site plan and design review criteria as determined by the SPGA provided that the open space is dedicated to the public in perpetuity by a covenant or other deed restriction.

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

### A. Development Standards.

5) **Useable Open Space.**

   i. Landscaping strips required in parking areas (Article 10), public or private rights-of-way, and paved frontage area shall not apply to Useable Open Space calculations.

   ii. A minimum of fifty percent (50%) of the total Useable Open Space provided shall be Landscaped Area.
Assembly Square
Assembly Square
Assembly Square
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   e) In Lieu Fees
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2. ZONING OVERHAUL: Small Business Overlay
## Sec. 8.5. - Table of Dimensional Requirements

<table>
<thead>
<tr>
<th></th>
<th>RC</th>
<th>NB</th>
<th>CBD</th>
<th>CCD-45</th>
<th>CCD-55</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L.</strong> Open Space, minimum percent of lot</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
</tr>
</tbody>
</table>
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Enhance Areas
Existing Ordinance

RC
NB
CBD
CCD45
CCD55
Enhance Areas
Proposed New Ordinance

MR3
MR4
MR5
MR6
HR
CC
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2. ZONING OVERHAUL: Small Business Overlay
Sec. 17.4. - Incentives to Provide Usable Open Space.

17.14.3. In Leu Payments. As authorized elsewhere in this Ordinance, the SPGAs may permit a payment in lieu of open space or useable open space through the special permit, special permit with site plan review, design and site plan review, or planned unit development application process.

Payments in lieu of open space or useable open space must be made the [Open Space Acquisition Fund].

The SPGAs shall establish a fee schedule for payments in lieu of open space and useable open space based on the recommendations of relevant City Departments.
Setting ‘In Lieu’ Fees

What could an In Lieu payment be based on?

• Land area required by zoning?
• Estimated occupancy of the building?

What costs should the In Lieu payment cover?

• Acquisition?
• Design?
• Construction?
• Maintenance?
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.
Every municipality is different and every type of ‘in lieu’ fee may 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>Amount</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permit Fees:</td>
<td>$20/$1,000 value</td>
<td>(highest in MA)</td>
</tr>
<tr>
<td>Affordable Housing Linkage:</td>
<td>$10/sf</td>
<td>(only Boston is higher)</td>
</tr>
<tr>
<td>Jobs Linkage:</td>
<td>$2.46/sf</td>
<td>(Boston is the only other muni)</td>
</tr>
<tr>
<td>Infrastructure Improvements:</td>
<td>$2.00/sf</td>
<td>(request in Transform Areas)</td>
</tr>
<tr>
<td>Green Line Linkage:</td>
<td>$2.40/sf</td>
<td></td>
</tr>
<tr>
<td>Community Benefits:</td>
<td>$1.60/sf</td>
<td>(based on recent negotiations)</td>
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<tr>
<td>Inflow &amp; Infiltration Fee:</td>
<td>$14.35/gallon</td>
<td>(required by the state of MA)</td>
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<tr>
<td>Affordable Housing:</td>
<td>20% of units</td>
<td></td>
</tr>
<tr>
<td>Open Space:</td>
<td>% of land</td>
<td>(costs 142.33/sf to deliver)</td>
</tr>
<tr>
<td>Open Space Fee/In-lieu Payment:</td>
<td>$142.33/sf</td>
<td></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>Floor Plate</th>
<th>Stories</th>
<th>Gross SF</th>
<th>Fee/LAND SF</th>
<th>Fee/Built SF</th>
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<tr>
<td>3 MR</td>
<td>All Building Types</td>
<td>17,400</td>
<td>4,350</td>
<td>15,000</td>
<td>3</td>
<td>45,000</td>
<td>$619,135.50</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$142.33</td>
<td>$13.76</td>
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<tr>
<td>4 MR</td>
<td>All Building Types</td>
<td>17,400</td>
<td>4,350</td>
<td>15,000</td>
<td>4</td>
<td>60,000</td>
<td>$619,135.50</td>
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<td>$142.33</td>
<td>$10.32</td>
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<tr>
<td>5 MR</td>
<td>All Building Types</td>
<td>22,400</td>
<td>5,600</td>
<td>20,000</td>
<td>5</td>
<td>100,000</td>
<td>$797,048.00</td>
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<td>$142.33</td>
<td>$7.97</td>
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<tr>
<td>6 MR</td>
<td>Apartment Building</td>
<td>27,400</td>
<td>6,850</td>
<td>25,000</td>
<td>6</td>
<td>150,000</td>
<td>$974,960.50</td>
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<tr>
<td>6 MR</td>
<td>General &amp; Commercial Building</td>
<td>32,400</td>
<td>8,100</td>
<td>30,000</td>
<td>6</td>
<td>180,000</td>
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<td>$6.40</td>
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<tr>
<td>HR</td>
<td>General Building</td>
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<td>30,000</td>
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<td>180,000</td>
<td>$1,152,873.00</td>
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<td>$6.40</td>
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<td>HR</td>
<td>Commercial Building</td>
<td>32,400</td>
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<td>300,000</td>
<td>$1,152,873.00</td>
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<td>$142.33</td>
<td>$3.84</td>
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<td>315,000</td>
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<td></td>
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<td>$142.33</td>
<td>$4.29</td>
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<tr>
<td>HR</td>
<td>Mid-Rise Podium Tower</td>
<td>38,000</td>
<td>9,500</td>
<td>35,000</td>
<td>6 (+18)</td>
<td>390,000</td>
<td>$1,352,135.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>$142.33</td>
<td>$3.47</td>
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</table>
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2. ZONING OVERHAUL: Small Business Overlay
Definitions

Open Space: A ground level or upper story outdoor area including, but not limited to, natural woodlands, yards, forecourts, courtyards, green roofs, and civic spaces.

Civic Space: An open space designed to support civic, cultural, ecological, recreational, or social activities. Civic space types are defined by the combination of certain characteristics, including the interrelationship between intended use, size, landscaping, and abutting real property.
Forecourts (9,964 sf)
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