

## 8 OVERLAY DISTRICTS

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## 8.1 BOYNTON YARDS (BY)

### 1. Intent

- a. To implement the Transformational Mixed Use context from the Future Land Context Map of SomerVision.
- b. To redevelop underutilized areas within close walking distance to the future Union Square T-station with mixed-use, mid-rise and high-rise development that will support the transformation of Union Square into an urban employment center.
- c. To implement the 2003 Union Square Master Plan, the 2012 Union Square Revitalization Plan, and the 2016 Union Square Neighborhood Plan, as amended, and fulfill the goals of SomerVision, the comprehensive Master Plan of the City of Somerville.

### 2. Purpose

- a. To require a Coordinated Development Special Permit for transformational redevelopment according to the provisions of this Section.
- b. To permit Building Types by Site Plan Approval following the discretionary review and approval of a Coordinated Development Special Permit.
- c. To permit the off-site compliance of certain requirements as specifically indicated elsewhere in this section.
- d. To permit the development of multi-unit, mixed-use, and commercial high-rise buildings.
- e. To provide quality commercial spaces and permit small and medium-scale, neighborhood-, community-, and region-serving commercial uses.
- f. To provide upper story residential unit types, sizes, bedroom counts, and affordability for smaller households.

### 3. Applicability

- a. Development within the BY overlay district may comply with all of the provisions of this Section or, in the alternative, with all of the provisions of the underlying base zoning district applicable for each property.
- b. Where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this Section apply.

### 4. Regulating Maps

- a. Overlay Boundaries
  - i. All lots located within the BY overlay district are shown on Map 8.1 (a).
- b. Zoning Districts
  - i. Zoning Districts shown on Map 8.1 (b) supersede those shown on the maps of the Official Zoning Atlas of the City of Somerville for development complying with the provisions of this Section.
- c. Thoroughfare Map

- i. Required and recommended thoroughfares are shown on Map 8.1 (c).
  - ii. Required thoroughfares are mandatory and necessary to implement the Boynton Yards section of the Union Square Neighborhood Plan.
  - iii. Recommended thoroughfares are ideal, but not mandatory.
- d. Civic Space Map
    - i. Required and recommended civic spaces are shown on Map 8.1 (d).
    - ii. Required civic spaces are mandatory and necessary to implement the Boynton Yards section of the Union Square Neighborhood Plan.
    - iii. Recommended civic spaces are ideal, but not mandatory.
  - e. Map Changes
    - i. Changes to any of the regulating maps requires a Zoning Text Amendment in accordance with the provisions of Article 15: Administration.

### 5. Development Review

- a. General
  - i. Development in accordance with map 8.1 (b) requires a two- (2) stage permitting process.
    - a). A coordinated development special permit is required as a prerequisite to the development review for any individual lot.
    - b). Development of any individual lot as a building or civic space, the construction or reconstruction of any thoroughfare, and the subdivision of any development site requires development review as indicated for the district where the lot is located as shown on Map 8.1 (b).
- b. Review Procedure
  - i. Proposed development may or may not necessitate the need for Site Plan Approval, a Special Permit, or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 15: Administration.
  - ii. Upon verification that no additional development review is necessary or completion of the required development review, the Building Official shall issue a Zoning Compliance Certificate to certify compliance with the provisions and procedures of this Ordinance.
- c. Authority
  - i. The Planning Board is the decision making authority for all development that requires a Coordinated Development Special Permit, Site Plan Approval, and Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Variances.

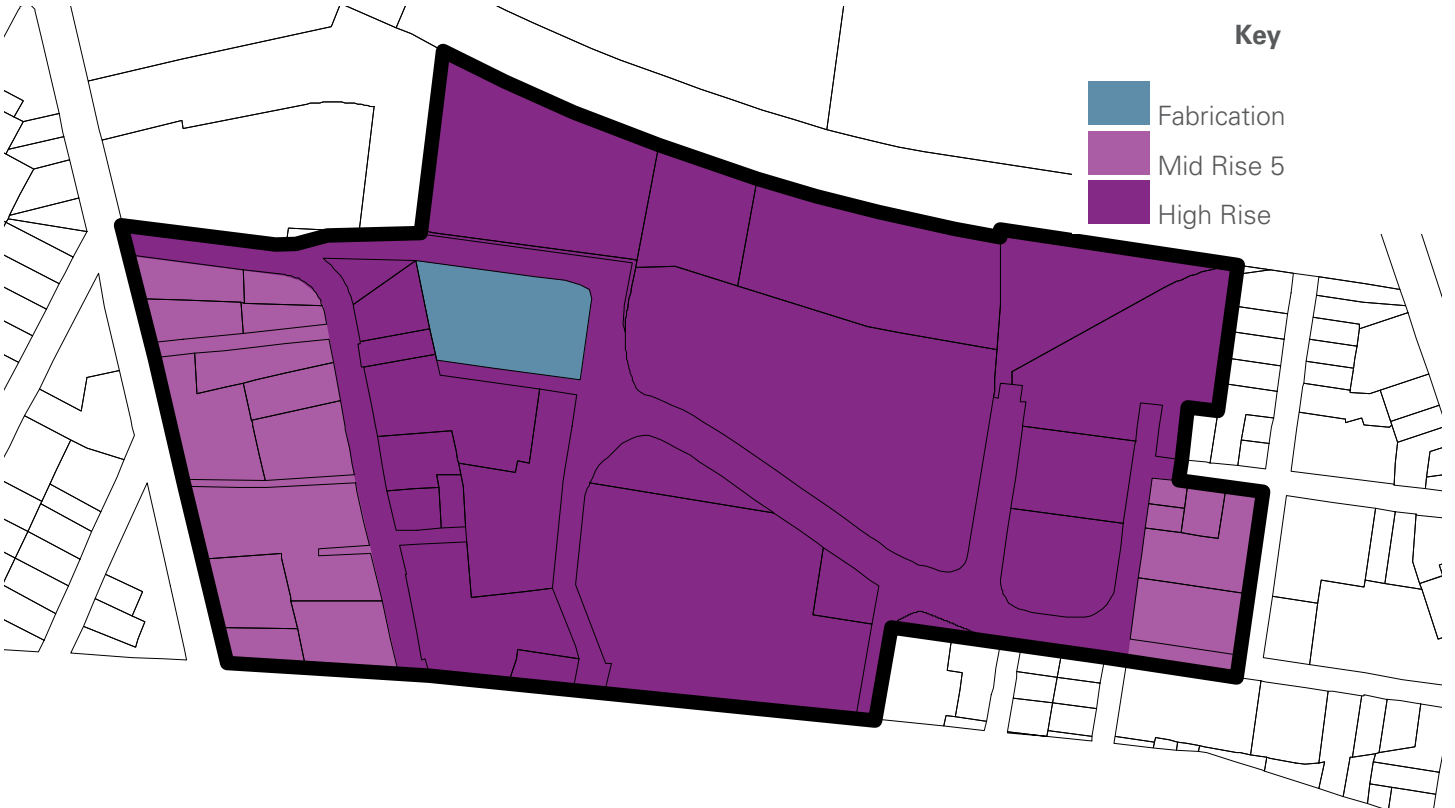
# 8 OVERLAY DISTRICTS

Boynton Yards (BY)

MAP 8.1 (a) District Boundaries



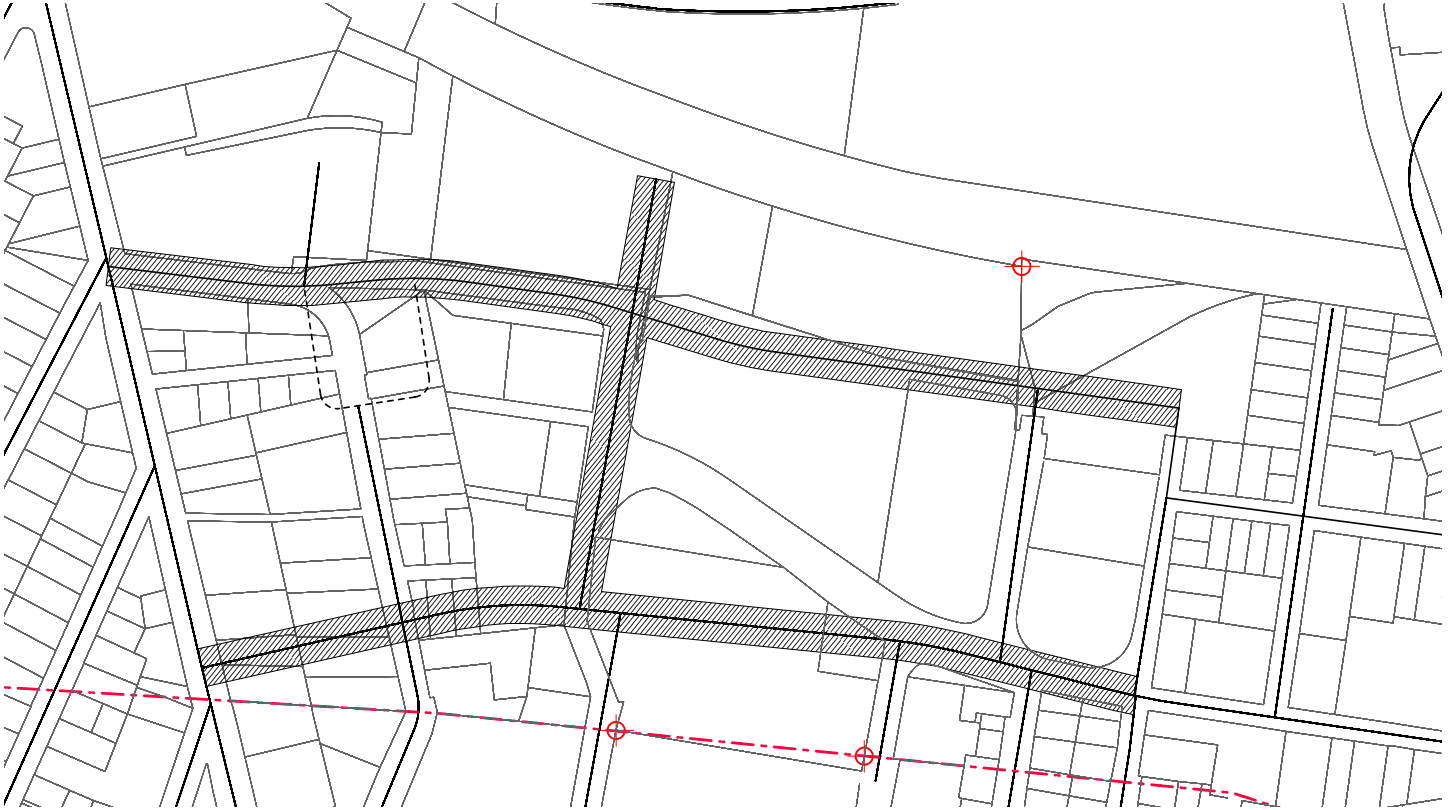
MAP 8.1 (b) Zoning Districts



# 8 OVERLAY DISTRICTS

Boynton Yards (BY)

MAP 8.1 (c) Thoroughfare Network



MAP 8.1 (d) Required Civic Spaces



# 8 OVERLAY DISTRICTS

## Boynton Yards (BY)

- d. Coordinated Development Special Permits
  - i. Application Submittal
    - a). Development sites must include a minimum of two (2) lots (existing or proposed) and at least one hundred and thirty thousand (130,000) square feet of land area.
    - b). Applicants must demonstrate ownership or site control of a development site through one or more of the following:
      - i). Fee ownership or consent of the fee owner of a parcel;
      - ii). Leasehold interest;
      - iii). An easement agreement;
      - iv). An option to purchase or lease; or
      - v). A Land Disposition Agreement with the Somerville Redevelopment Authority pursuant to the Union Square Revitalization Plan and the provisions of 760 CMR 12.05.
  - ii. Review Criteria
    - a). In its discretion to approve or deny a Coordinated Development Special Permit, the Planning Board shall consider the following:
      - i). compliance with the standards of §15.2.2 Coordinated Development Special Permit;
      - ii). consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended.
    - b). The Planning Board may approve a Coordinated Development Plan only upon making a finding that the provisions of this Section have been met.
    - c). The Planning Board shall establish, in its decision, criteria and procedures for applicants to provide for infrastructure improvements, community impact mitigation, and the extension of the MBTA's Green Line.
  - iii. Vested Rights
    - a). Development subject to an approved Coordinated Development Special Permit is governed by the applicable provisions of this Ordinance in effect on the date the decision was filed with the Office of the City Clerk only or the following:
      - i). Article 3 Residential Districts
      - ii). Article 4 Mid-Rise Districts
      - iii). Article 5 High-Rise Districts
      - iv). Article 6 Commercial Districts
      - v). Article 8 Overlay Districts
      - vi). Article 13 Public Realm
  - iv. Subsequent Development Review
    - a). Applicants may not proceed with the development review required for individual lots until a Coordinated Development Special Permit is approved.
- v. Revisions
  - a). Proposed revisions to a Coordinated Development Special Permit application that do not meet the minimum land area applicability requirements of 8.1.5.d.i.a) may be made by an applicant, but are not considered de-minimus and require written notification from the Somerville Redevelopment Authority that one or more lots cannot be redeveloped as originally proposed for the previously approved Coordinated Development Special Permit.
  - b). Proposed revisions to a Coordinated Development Special Permit application must remain compliant with the provisions of Section 8.1.6.
- e. Site Plan Approvals
  - i. Consistency
    - a). Development of any individual lot as a building or civic space, the construction or reconstruction of any thoroughfare, and the subdivision of any development site within the BY overlay district must comply with the approved Coordinated Development Special Permit and any previously approved Special Permits, as applicable.
  - ii. Review Criteria
    - a). The Planning Board shall approve an application for development review requiring Site Plan Approval upon verifying that the submitted plans for the proposed development demonstrates the following:
      - i). compliance with the standards of §15.3.3 Site Plan Approval;
      - ii). conformance with the approved Coordinated Development Special Permit, as approved, and any previously approved Special Permits, as applicable;
      - iii). consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended; and
      - iv). conformance with all applicable provisions of this Ordinance.
- f. Special Permits
  - i. Simultaneous Review
    - a). The following Special Permits may be simultaneously requested as part of a development review applications that requires a Coordinated Development Special Permit:
      - i). Payment in lieu of Civic Space
      - ii). The siting and orientation of Civic Spaces
      - iii). The size of a proposed Dog Park
      - iv). Residential principal uses
  - ii. Review Criteria



# 8 OVERLAY DISTRICTS

## Boynton Yards (BY)

- approved Coordinated Development Special Permit, at least five percent (5%) of the total gross floor area required by §8.1.6.c.i must be dedicated to principal uses within the Arts & Creative Enterprise use category.
- iv. The total floor area required for Arts & Creative Enterprise uses is calculated based on the total amount of commercial floor space, (excluding motor vehicle and bicycle parking) proposed in a Coordinated Development Special Permit application, but the phasing and delivery of floor area for Arts & Creative Enterprise uses is determined as individual lots are built out, unless the Planning Board permits off-site compliance in accordance with §6.7.6.E Off Site Compliance.
  - v. At full build out of development subject to an approved Coordinated Development Special Permit, at least three hundred and seventy five (375) square feet of commercial space must be provided for each dwelling unit.
- d. Residential Uses
- i. A maximum of one (1) dwelling unit per nine hundred and eighty five (985) square feet of land area of a development site is permitted within the BY-OD.
- e. Development Benefits
- i. Development must comply with the provisions of Article 13: Development Benefits.
    - a). The required number of affordable housing units is calculated based on the total number of dwelling units proposed in a Coordinated Development Special Permit application, but the delivery and phasing of affordable housing units is determined as individual lots are built out, unless the Planning Board permits off-site compliance in accordance with §8.1.6.f Off Site Compliance.
    - ii. At full build out of development subject to an approved Coordinated Development Plan, at least fifteen percent (15%) of affordable housing units must have three (3) or more bedrooms.
- f. Off-Site Compliance
- i. The Planning Board may permit off-site compliance of §8.1.6.c.iii (Commercial Space for Arts & Creative Enterprise uses) and Section 8.1.6.e Development Benefits, for any Generating Site(s) by a Receiving Site(s) located within the BY overlay district and included as part of a Coordinated Development Special Permit application, subject to the following:
    - a). At least fifty percent (50%) of the affordable housing units required for a building must be provided on-site.
    - b). No more than fifty percent (50%) of the dwelling units of any receiving site may be affordable housing units.
  - ii. In its discretion to permit off-site compliance for any Generating Site(s) by a Receiving Site(s) 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 ability to provide higher quality and more useful commercial space for arts & creative enterprise uses at a Receiving Site than what could have been provided at the Generating Site.
    - c). The ability to provide affordable housing units at a Receiving Site that better meet the needs of community than the units that could have been provided at the Generating Site.
  - iii. The Planning Board may permit off-site compliance of Section 13.1 Affordable Housing only upon finding that:
    - a). That affordable housing at the Receiving Site is equal to or better in quality to market-rate units at the Generating Site with respect to, and without limitation, unit type, unit size, number of bedrooms, size of rooms, amenities, common areas, and type of features.
    - b). That the performance of the building on the Receiving Site meets or exceeds the performance of the building on the Generating Site in accordance to the standards of §10.9 Sustainable Development.
    - c). That total market value of the affordable housing at the Receiving Site is equal to or greater than the affordable housing not provided at the Generating Site.
      - i). The Applicant may provide additional affordable housing at a Receiving Site to balance the difference between the total market value of the affordable housing at the Receiving Site to the affordable housing not provided at the Generating Site.
      - ii). Subject to **§8.1.6.f.ii**, the Planning Board may permit an Applicant to pay the difference between the total market value of the affordable housing at the Receiving Site to the affordable housing not provided at the Generating Site to the Affordable Housing Trust Fund.
  - iv. Development review for any lots established as a Generating or Receiving Site in an approved Coordinated Development Plan must be conducted simultaneously.



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Boynton Yards (BY)

- v. Construction of a Receiving Site must commence prior to the issuance of a Certificate of Occupancy for a Generating Site.
- vi. Applicants requesting off-site compliance of affordable housing requirements must provide a market analysis of comparable real-estate product to inform the discretionary review of the Planning Board.
- vii. The Planning Board shall solicit input from the Director of Housing and experienced affordable housing specialists to inform their discretionary review.
- viii. The Planning Board shall require a covenant, completion guaranty, bond or letter of credit, or other binding financial instrument to ensure that construction of affordable housing on the Receiving Site will proceed diligently and continuously to completion.
- g. Development Phasing
  - i. The Planning Board shall establish construction permitting requirements for the phasing of development as a condition of an approved Coordinated Development Plan Special Permit and subsequent Sire Development Plan Approvals.
- h. Property Transfer
  - i. The conveyance of land to the City of Somerville or future sale of any lot included as part of a development site subject to an approved Coordinated Development Special Permit is permitted and has no bearing on the previously approved build out, phasing of development, or compliance to the standards of Section 8.1.6.

## 7. Building Standards

- a. Dimensional Compliance
  - i. Development may deviate up to five percent (5%) from the building width; point tower width, depth, and diagonal; façade build out; fenestration; entrance spacing; and commercial space depth standards identified for each Building Type by Special Permit.
    - a). In its discretion to permit development to deviate up to five percent (5%), the Planning Board shall consider the following:
      - i). The review considerations for all Special Permits as specified in Section 15.2 Special Permits;
      - ii). If the proposed deviation can provide a positive refinement of the massing of a building in context to its surroundings, improve floor plate efficiency, provide for unique storefront design, or better accommodate the individual needs of commercial tenants.

## 8. Vehicular Parking

- a. Parking Maximum
  - i. The maximum number of off-street parking spaces serving development within the BY overlay district may not exceed one thousand five hundred (1,500) spaces.
  - ii. The maximum number of off-street parking spaces serving development within the BY overlay district may be increased by Special Permit.
    - a). In its discretion to approve or deny a Special Permit authorizing an increase in the maximum number of off-street parking spaces serving development within the BY overlay district, the Planning Board may approve the Special Permit application only upon finding the following:
      - i). That the findings for all Special Permits specified in Section 5.1 Special Permits have been met; and
      - ii). That the amount of commercial floor space included in an approved Coordinated Development Special Permit has resulted in an increase in the estimated parking demand necessary for the full build out of development.
  - iii. The Planning Board shall use a demand model provided by the Director of Transportation & Infrastructure to determine the appropriate number of parking spaces necessary to meet the increased demand.
  - iv. The Planning Board shall require a Mobility Management Association (i.e. Transportation Management Agency) to be constituted by a date of its choosing as a condition of the Special Permit approval.
    - a). The mobility management association must be empowered to set the prices and policies for the rent or lease of any vehicular parking operated as a commercial service use within the BY overlay district.
  - v. The Planning Board shall establish an expiration date for parking approved but not built within a particular time frame as a condition of the approved Special Permit.
- b. Mid-Rise Districts
  - i. Accessory parking for customers of retail or eating & drinking establishment uses is prohibited, but may be provided for employees.
- c. High-Rise Districts
  - i. Off-street motor vehicle parking spaces may be provided as surface parking on a revolving two (2) year basis by Special Permit.
    - a). In its discretion to approve or deny an interim surface parking lot, the Planning Board shall consider the following:

# 8 OVERLAY DISTRICTS

## Boynton Yards (BY)

- i). The review considerations for all Special Permits as specified in Section 5.1 Special Permits;
  - ii). Documented un-met demand for parking;
  - iii). The development schedule and phasing for development subject to a Coordinated Development Plan;
  - iv). The capacity of the local thoroughfare network providing access to the site; and
  - v). The impact of the parking lot on pedestrian, bicycle, and motor vehicle traffic and circulation patterns in the neighborhood.
- ii. Up to three hundred (300) off-street motor vehicle parking spaces may be provided as “reserved” parking for the exclusive use by a specific motor vehicle(s) and unoccupied when not in use by that specific motor vehicle(s).
  - a). The maximum number of “reserved” spaces may be exceeded with the payment of a fee. The Planning Board shall establish and annually update a fee schedule based on the recommendations of the Director of Transportation & Infrastructure in relation to the estimated cost to build structured parking and the cost of offsetting the impact of unshared parking.
  - b). Reserved spaces must be subject to a price premium that reflects the under-utilization of that space as a shared resource that is no less than two hundred percent (200%) of the demonstrated market rate for a parking space reserved for a similar time period within a reasonable market radius.
  - c). Car-share parking spaces are exempt.
- d. Annual Reporting
  - i. Parking facility operators must submit an annual report to validate continued compliance with the provisions of this Section in accordance with the standards for monitoring and annual reporting of the Director of Transportation & Infrastructure.

# 8 OVERLAY DISTRICTS

Union Square (USQ)

## 8.2 UNION SQUARE (USQ)

### 1. Intent

- a. To implement the Urban Mixed Use and Transformational Mixed Use contexts from the Future Land Context Map of SomerVision.
- b. To maintain and enhance already established commercial areas in the core of Union Square.
- c. To redevelop underutilized areas within close walking distance to the future Union Square T-station with mixed-use, mid-rise and high-rise development that will support the transformation of Union Square into an urban employment center.
- d. To implement the 2003 Union Square Master Plan, the 2012 Union Square Revitalization Plan, and the 2016 Union Square Neighborhood Plan, as amended, and fulfill the goals of SomerVision, the comprehensive Master Plan of the City of Somerville.

### 2. Purpose

- a. To provide entitlements that would not otherwise be available for development that complies with the provisions of this Section.
- b. To permit the off-site compliance of certain requirements when the resulting development can provide higher quality, improve usefulness, or better meet the needs of community.
- c. To permit flexibility in the legal subdivision and platting of land for development that maintains consistency with the neighborhood scale standards of this section.
- d. To permit the development in accordance with the provisions of the MR4, MR5, CC, and HR districts following the approval of a Coordinated Development Plan Special Permit.
- e. To require minimum amount of commercial uses consistent with the objectives of the comprehensive Master Plan of the City of Somerville.
- f. To constrain the supply of motor vehicle parking spaces to encourage the use of public transit, bicycles, and walking in lieu of driving.

### 3. Applicability

- a. For lots within the Union Square overlay district, development may comply with all of the provisions of this Section or, in the alternative, with all of the provisions of the underlying zoning district shown on the maps of the Official Zoning Atlas of the City of Somerville applicable for each lot.
- b. Where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this Section apply.

### 4. Zoning Maps

- a. Overlay Boundaries

- i. All lots located within the Union Square overlay district are shown on Map 8.2 (a).
- b. Zoning Districts
  - i. Zoning Districts shown on Map 8.2 (b) supersede those shown on the maps of the Official Zoning Atlas of the City of Somerville for development complying with the provisions of this Section.
- c. Map Changes
  - i. Changes to any of the regulating maps requires a Zoning Text Amendment in accordance with the provisions of Article 15: Administration.

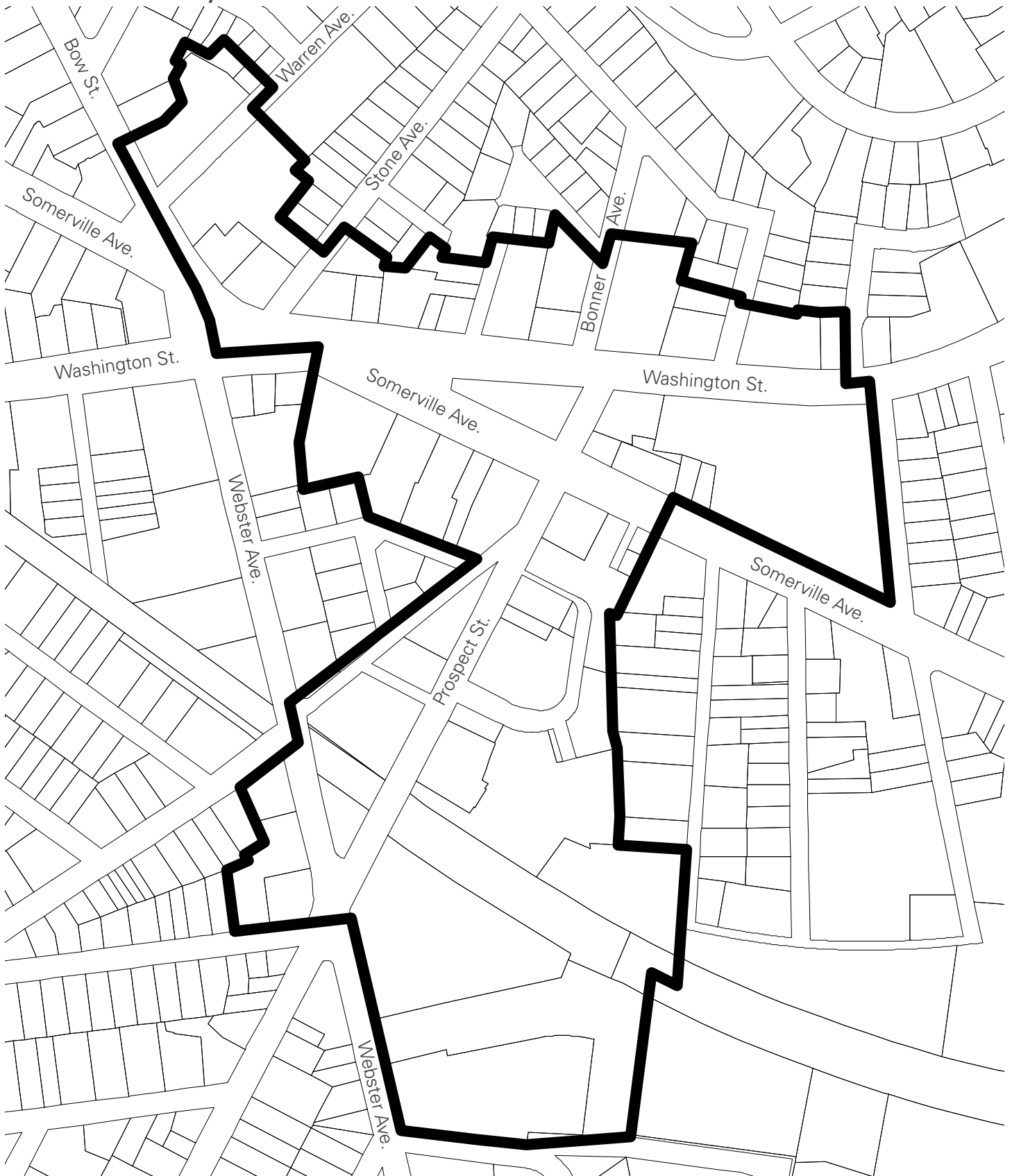
### 5. Development Review

- a. General
  - i. Development within the USQ overlay district requires a two- (2) stage permitting process.
    - a). A Coordinated Development Special Permit is required as a prerequisite to the development review for any individual lot.
    - b). Site Plan Approval is required for the development of any individual lot as a building or civic space, the construction or reconstruction of any thoroughfare, and the subdivision of a development site.
- b. Review Procedure
  - i. Proposed development may or may not necessitate the need for Site Plan Approval, a Special Permit, or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 15: Administration.
  - ii. Upon verification that no additional development review is necessary or completion of the required development review, the Building Official shall issue a Zoning Compliance Certificate to certify compliance with the provisions and procedures of this Ordinance.
- c. Authority
  - i. The Planning Board is the decision making authority for all development that requires a Coordinated Development Special Permit, Site Plan Approval, and Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Variances.
- d. Coordinated Development Special Permits
  - i. Application Submittal
    - a). Development sites must include a minimum of two (2) lots (existing or proposed) and at least six hundred and seventy-five thousand (675,000) square feet of land area.
    - b). Applicants must demonstrate ownership or site control of a development site through one or more of the following:
      - i). Fee ownership or consent of the fee owner

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Union Square (USQ)

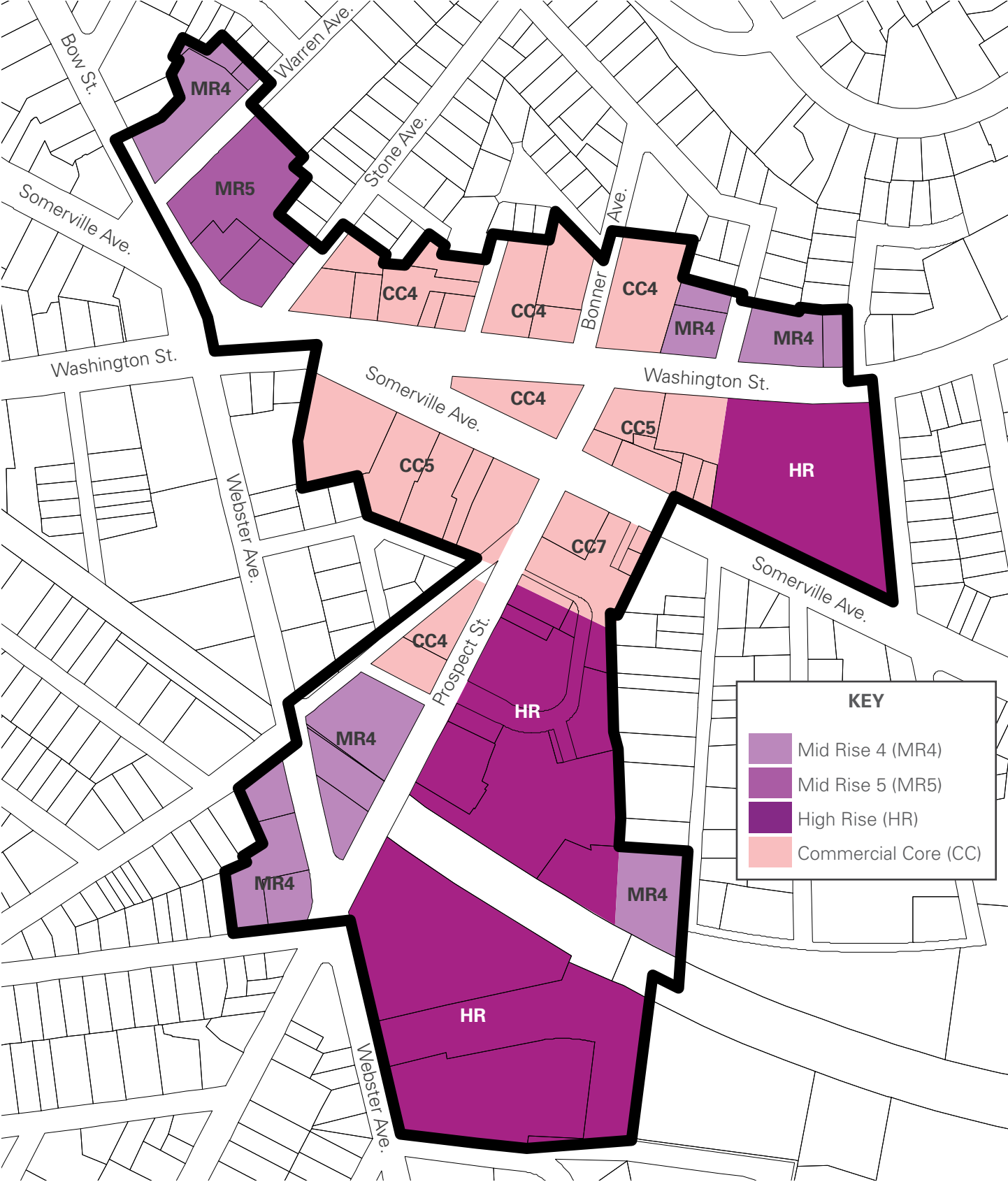
MAP 8.1 USQ Overlay Boundaries



# 8 OVERLAY DISTRICTS

Union Square (USQ)

MAP 8.2 Zoning Districts within the USQ Overlay



# 8 OVERLAY DISTRICTS

## Union Square (USQ)

- of a parcel;
  - ii). Leasehold interest;
  - iii). An easement agreement;
  - iv). An option to purchase or lease; or
  - v). A Land Disposition Agreement with the Somerville Redevelopment Authority pursuant to the Union Square Revitalization Plan and the provisions of 760 CMR 12.05.
- ii. Review Criteria
- a). In its discretion to approve or deny a Coordinated Development Special Permit, the Planning Board shall consider the following:
    - i). compliance with the standards of §15.2.2 Coordinated Development Special Permit;
    - ii). consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended.
  - b). The Planning Board may approve a Coordinated Development Plan only upon making a finding that the provisions of this Section have been met.
  - c). The Planning Board shall establish, in its decision, criteria and procedures for applicants to provide for infrastructure improvements, community impact mitigation, and the extension of the MBTA's Green Line.
- iii. Vested Rights
- a). Development subject to an approved Coordinated Development Special Permit is governed by the applicable provisions of this Ordinance in effect on the date the decision was filed with the Office of the City Clerk only or the following:
    - i). Article 3 Residential Districts
    - ii). Article 4 Mid-Rise Districts
    - iii). Article 5 High-Rise Districts
    - iv). Article 6 Commercial Districts
    - v). Article 8 Overlay Districts
    - vi). Article 13 Public Realm
- iv. Subsequent Development Review
- a). Applicants may not proceed with the development review required for individual lots until a Coordinated Development Special Permit is approved.
- v. Revisions
- a). Proposed revisions to a Coordinated Development Special Permit application that do not meet the minimum land area applicability requirements of **6.75.C.1** may be made by an applicant, but are not considered de-minimus and require written notification from the Somerville Redevelopment Authority that one or more lots cannot be redeveloped as originally proposed for the previously approved Coordinated Development Special Permit.
- b). Proposed revisions to a Coordinated Development Special Permit application must remain compliant with the provisions of Section 8.2.6.
- e. Site Plan Approval
- i. Consistency
    - a). Development of any individual lot as a building or civic space, the construction or reconstruction of any thoroughfare, and the subdivision of any development site within the USQ overlay district must comply with the approved Coordinated Development Special Permit and any previously approved Special Permits, as applicable.
  - ii. Information Required
    - a). Plans submitted as part of any development review application requiring Site Plan Approval may include a plot plan illustrating hypothetical lot lines as follows:
      - i). The hypothetical lot lines must be superimposed upon an official plot plan certified by a land surveyor.
      - ii). Lots demarcated by hypothetical lot lines must demonstrate consistency to the definitions of Article 16, the lot standards of Article 2, the platting requirements of Article 13, and the size requirements for each civic space type and building type permitted by the USQ overlay district.
    - b). Lots demarcated by hypothetical lot lines are considered individual lots for the purpose of development review. Development review applications must be submitted for each lot individually and buildings on either side of a hypothetical lot line require development review as separate buildings.
    - c). Hypothetical lot lines are referenced as if they were official lot lines and interior space, excluding structured parking, is not permitted to cross any hypothetical lot line.
  - iii. Review Criteria
    - a). The Planning Board shall approve an application for development review requiring Site Plan Approval upon verifying that the submitted plans for the proposed development demonstrates the following:
      - i). compliance with the standards of §15.3.3 Site Plan Approval;
      - ii). conformance with the approved Coordinated Development Special Permit, as approved, and any previously approved Special Permits, as applicable;
      - iii). consistency with the 2012 Union Square

# 8 OVERLAY DISTRICTS

Union Square (USQ)

Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended; and

- iv). conformance with all applicable provisions of this Ordinance.

## f. Special Permits

### i. Simultaneous Review

- a). The following Special Permits may be simultaneously requested as part of a development review applications that requires a Coordinated Development Special Permit:
  - i). Payment in lieu of Civic Space
  - ii). The siting and orientation of Civic Spaces
  - iii). The size of a proposed Dog Park
  - iv). Residential principal uses

### ii. Review Criteria

- a). In its discretion to approve or deny any Special Permit offered elsewhere in this Section, the Planning Board shall consider the following:
  - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - ii). conformance with the approved Coordinated Development Special Permit, as approved, and any previously approved Special Permits, as applicable;
  - iii). consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended; and, or to other plans deemed to be appropriate by the Planning Board; and
  - iv). considerations indicated elsewhere in this Section for the specific type of special permit required.

- c). At least twenty-five percent (25%) of the cumulative land area provided as civic spaces must meet the definition of Green Space.
- d). At least fifty percent (50%) of the cumulative land area provided as civic spaces must meet the definition of Green Space or be covered by tree canopy at full maturity of the trees provided in each civic space.

- ii. Civic space created through easement or decommissioning of an existing thoroughfare or other right-of-way abutting any property located within the Union Square Overlay District may be counted toward the required amount of civic space.

- iii. 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.

- iv. 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.

### b. Commercial Uses

- i. At full build-out of development subject to an approved Coordinated Development Special Permit, no less than sixty percent (60%) and at least three hundred and seventy-five thousand (375,000) square feet of the total gross floor area (excluding motor vehicle and bicycle parking) must be dedicated to uses in the following principal use categories:

- a). Arts & Creative Enterprise
- b). Civic & Institutional
- c). Commercial Services
- d). Eating & Drinking Establishments
- e). Lodging
- f). Office

## 6. Build Out

### a. Civic Space

- i. At full build-out of development subject to an approved Coordinated Development Special Permit, at least twenty-five percent (25%) of the development site, excluding alleys and any land occupied by the MBTA's Union Square Green Line station, must be improved as follows:

- a). At least seventy percent (70%) must be provided in the form of two or more civic spaces of differing types, sizes, and locations; including at least one (1) neighborhood park, with a minimum of size of twenty-seven thousand (27,000) square feet, and one (1) plaza.

- b). Up to thirty percent (30%) may be provided in the form of public realm improvements within the land area of the Union Square Overlay District boundaries.

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## Union Square (USQ)

- g). Retail
- h). Urban Agriculture
- ii. At full build out of development subject to an approved Coordinated Development Special Permit, no less than forty percent (40%) of the total gross floor area (excluding motor vehicle and bicycle parking) must be dedicated to principal uses in the Office use category, or the Design Services use within the Arts & Creative Enterprise category.
- iii. At full build out of development subject to an approved Coordinated Development Special Permit, at least five percent (5%) of the total gross floor area required by §8.2.6.b.i must be dedicated to principal uses within the Arts & Creative Enterprise use category.
  - a). The total floor area required for Arts & Creative Enterprise uses is calculated based on the total amount of commercial floor space, (excluding motor vehicle and bicycle parking) proposed in a Coordinated Development Special Permit application, but the phasing and delivery of floor area for Arts & Creative Enterprise uses is determined as individual lots are built out, unless the Planning Board permits off-site compliance in accordance with §6.7.6.E Off Site Compliance.
- iv. At full build out of development subject to an approved Coordinated Development Special Permit, at least three hundred and seventy five (375) square feet of commercial space must be provided for each dwelling unit.
- c. Residential Uses
  - i. A maximum of one (1) dwelling unit per six hundred and eighty five (685) square feet of land area of a development site is permitted within the USQ overlay district.
- d. Development Benefits
  - i. Development must comply with the provisions of Article 13: Development Benefits.
    - a). The required number of affordable housing units is calculated based on the total number of dwelling units proposed in a Coordinated Development Special Permit application, but the delivery and phasing of affordable housing units is determined as individual lots are built out, unless the Planning Board permits off-site compliance in accordance with §6.7.6.E Off Site Compliance.
  - ii. At full build out of development subject to an approved Coordinated Development Plan, at least fifteen percent (15%) of affordable housing units must have three (3) or more bedrooms across the development site.
- iii. One (1) additional bonus story may be added to the permitted number of stories for a Mid-Rise Podium Tower building type for each additional five percent (5%) of the total number of affordable housing units that have three (3) or more bedrooms across development subject to an approved Coordinated Development Special Permit.
  - a). Up to a maximum of three (3) additional bonus stories are permitted per Mid-Rise Podium Tower.
  - b). Buildings granted bonus stories are subject to the contextual massing and design requirements of §8.2.7.b.
- e. Off-Site Compliance
  - i. The Planning Board may permit off-site compliance of §8.2.6.c.iii (Commercial Space for Arts & Creative Enterprise uses) and Section 8.2.6.d Development Benefits, for any Generating Site(s) by a Receiving Site(s) located within the USQ overlay district and included as part of a Coordinated Development Special Permit application, subject to the following:
    - a). At least fifty percent (50%) of the affordable housing units required for a building must be provided on-site.
    - b). No more than fifty percent (50%) of the dwelling units of any receiving site may be affordable housing units.
  - ii. In its discretion to permit off-site compliance for any Generating Site(s) by a Receiving Site(s) 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 ability to provide higher quality and more useful commercial space for arts & creative enterprise uses at a Receiving Site than what could have been provided at the Generating Site.
    - c). The ability to provide affordable housing units at a Receiving Site that better meet the needs of community than the units that could have been provided at the Generating Site.
  - iii. The Planning Board may permit off-site compliance of Section 13.1 Affordable Housing only upon finding that:
    - a). That affordable housing at the Receiving Site is equal to or better in quality to market-rate units at the Generating Site with respect to, and without limitation, unit type, unit size, number of bedrooms, size of rooms, amenities, common areas, and type of features.
    - b). That the performance of the building on



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the Receiving Site meets or exceeds the performance of the building on the Generating Site in accordance to the standards of §10.9 Sustainable Development.

- c). That total market value of the affordable housing at the Receiving Site is equal to or greater than the affordable housing not provided at the Generating Site.
  - i). The Applicant may provide additional affordable housing at a Receiving Site to balance the difference between the total market value of the affordable housing at the Receiving Site to the affordable housing not provided at the Generating Site.
  - ii). Subject to §8.2.6.e.ii, the Planning Board may permit an Applicant to pay the difference between the total market value of the affordable housing at the Receiving Site to the affordable housing not provided at the Generating Site to the Affordable Housing Trust Fund.
- iv. Development review for any lots established as a Generating or Receiving Site in an approved Coordinated Development Plan must be conducted simultaneously.
- v. Construction of a Receiving Site must commence prior to the issuance of a Certificate of Occupancy for a Generating Site.
- vi. Applicants requesting off-site compliance of affordable housing requirements must provide a market analysis of comparable real-estate product to inform the discretionary review of the Planning Board.
- vii. The Planning Board shall solicit input from the Director of Housing and experienced affordable housing specialists to inform their discretionary review.
- viii. The Planning Board shall require a covenant, completion guaranty, bond or letter of credit, or other binding financial instrument to ensure that construction of affordable housing on the Receiving Site will proceed diligently and continuously to completion.
- f. Development Phasing
  - i. The Planning Board shall establish construction permitting requirements for the phasing of development as a condition of an approved Coordinated Development Plan Special Permit and subsequent Sire Development Plan Approvals.
- g. Property Transfer
  - i. The conveyance of land to the City of Somerville or future sale of any lot included as part of a development site subject to an approved

Coordinated Development Special Permit is permitted and has no bearing on the previously approved build out, phasing of development, or compliance to the standards of Section 8.2.6.

## 7. Building Standards

- a. Dimensional Compliance
  - i. Development may deviate up to five percent (5%) from the building width; point tower width, depth, diagonal, and floor plate; façade build out; fenestration; entrance spacing; and commercial space depth standards identified for each Building type in Section 6.7.10.C by Special Permit.
    - a). In its discretion to permit development to deviate up to five (5) percent, the Planning Board shall consider the following:
      - i). The review considerations for all Special Permits as specified in Section 5.1 Special Permits;
      - ii). If the proposed deviation can provide a positive refinement of the massing of a building in context to its surroundings, improve floor plate efficiency, provide for unique storefront design, or better address specific operational requirements of commercial tenants.
- b. Contextual Massing & Design
  - i. Any General Building on a corner lot in the Mid-Rise 4 or Mid-Rise 5 districts may be designed according to the standards of the Apartment Building type along the secondary frontage in the following circumstances:
    - a). The corner lot has a secondary front lot line over one hundred and fifty (150) feet in width; and
    - b). The building has ground story commercial space along the primary frontage and for at least the first sixty (60) feet of the secondary frontage, measured from the intersection of the front lot lines.
  - ii. The upper stories of any building in the High-Rise district that exceeds five (5) stories in height must step back at either the 3rd, 4th, or 5th story at least ten (10) feet from the façade of the stories below for any building fronting Somerville Avenue, Washington Street, Prospect Street, or Webster Avenue and at least thirty (30) feet from the façade of the stories below for any building fronting Merriam Street.
  - iii. Any Mid-Rise Podium Tower building on a lot in the High-Rise district directly fronting onto Somerville Avenue, Washington Street, or Merriam Street is limited to ten (10) stories in height.
  - iv. Notwithstanding the maximum heights indicated

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for the Mid-Rise Podium Tower building type, any Mid-Rise Podium Tower on a lot fronting onto a Civic Space that fronts onto Prospect Street may be built to twenty-five (25) stories and two hundred and eighty-six (288) feet, prior to any bonuses.

- v. The maximum height of any building in the Commercial Core district on a lot with north-facing frontage along Somerville Avenue directly opposite of Union Square Plaza, is limited to seventy-five (75) feet. Together with any mechanical penthouses on such building, the height is limited to eighty-five (85) feet, except as follows:
    - a). Mechanical penthouses on any building in the Commercial Core district on any lot with a north-facing frontage on Somerville Avenue directly opposite of Union Square Plaza must be set back a minimum distance from the façade equal to the height of the penthouse
    - b). The Planning Board may approve the extension of rooftop mechanical elements above the aforementioned limit, provided that (a) the Board finds that such additional height is the minimum necessary to achieve the desired objective, taking into account other important zoning goals such as energy efficiency and sustainability, will not create unreasonable shadow or other visual impacts, and cannot otherwise reasonably be addressed within the proposed height and (b) the additional height of such rooftop mechanical elements must be limited to five (5) additional feet; and (c) such rooftop mechanical elements must be located to the south of the centerline of the building roof.
  - vi. On any lot with a frontage on Everett Street, luminaries located in the private frontage must be provided with sensors, timers, or other means to automatically reduce the lumens emitted by at least thirty percent (30%) beginning one hour after the close of business of the ground floor tenant until 7:00am. Lighting required by the Massachusetts State Building Code is exempt.
  - c. Mechanical Equipment Noise Mitigation
    - i. Sound emanating from rooftop mechanical equipment must be minimized to every extent practicable including, but not limited to, the location and sizing of equipment, the selection of equipment, and sound attenuation measures.
    - ii. At a minimum, rooftop mechanical equipment must not exceed ambient noise levels at ground level measured at the property line or cause a noise disturbance as defined by the Somerville Code of Ordinances Article VII, Division 2, Section 9-114.
  - iii. Prior to and as a condition of the issuance of a Certificate of Occupancy for new construction, an acoustical report, including field measurements, demonstrating compliance with all applicable noise requirements must be prepared by a professional acoustical engineer and submitted to the Building Official.
- ### 8. Vehicular Parking
- a. Parking Maximum
    - i. The maximum number of off-street parking spaces serving development within the USQ overlay district may not exceed one thousand five hundred (1,500) spaces.
    - ii. The maximum number of off-street parking spaces serving development within the USQ overlay district may be increased by Special Permit.
      - a). In its discretion to approve or deny a Special Permit authorizing an increase in the maximum number of off-street parking spaces serving development within the USQ overlay district, the Planning Board may approve the Special Permit application only upon finding the following:
        - i). That the findings for all Special Permits specified in Section 5.1 Special Permits have been met; and
        - ii). That the amount of commercial floor space included in an approved Coordinated Development Special Permit has resulted in an increase in the estimated parking demand necessary for the full build out of development.
    - iii. The Planning Board shall use a demand model provided by the Director of Transportation & Infrastructure to determine the appropriate number of parking spaces necessary to meet the increased demand.
    - iv. The Planning Board shall require a Mobility Management Association (i.e. Transportation Management Agency) to be constituted by a date of its choosing as a condition of the Special Permit approval.
      - a). The mobility management association must be empowered to set the prices and policies for the rent or lease of any vehicular parking operated as a commercial service use within the USQ overlay district.
    - v. The Planning Board shall establish an expiration date for parking approved but not built within a particular time frame as a condition of the approved Special Permit.
  - b. Mid-Rise Districts
    - i. Accessory parking for customers of retail or eating

- & drinking establishment uses is prohibited, but may be provided for employees.
- c. Commercial Core and High-Rise Districts
    - i. Off-street motor vehicle parking spaces may be provided as surface parking on a revolving two (2) year basis by Special Permit.
      - a). In its discretion to approve or deny an interim surface parking lot, the Planning Board shall consider the following:
        - i). The review considerations for all Special Permits as specified in Section 5.1 Special Permits;
        - ii). Documented un-met demand for parking;
        - iii). The development schedule and phasing for development subject to a Coordinated Development Plan;
        - iv). The capacity of the local thoroughfare network providing access to the site; and
        - v). The impact of the parking lot on pedestrian, bicycle, and motor vehicle traffic and circulation patterns in the neighborhood.
      - ii. Up to three hundred (300) off-street motor vehicle parking spaces may be provided as “reserved” parking for the exclusive use by a specific motor vehicle(s) and unoccupied when not in use by that specific motor vehicle(s).
        - a). The maximum number of “reserved” spaces may be exceeded with the payment of a fee. The Planning Board shall establish and annually update a fee schedule based on the recommendations of the Director of Transportation & Infrastructure in relation to the estimated cost to build structured parking and the cost of offsetting the impact of unshared parking.
        - b). Reserved spaces must be subject to a price premium that reflects the under-utilization of that space as a shared resource that is no less than two hundred percent (200%) of the demonstrated market rate for a parking space reserved for a similar time period within a reasonable market radius.
        - c). Car-share parking spaces are exempt.
    - d. Annual Reporting
      - i. Parking facility operators must submit an annual report to validate continued compliance with the provisions of this Section in accordance with the standards for monitoring and annual reporting of the Director of Transportation & Infrastructure.

# 8 OVERLAY DISTRICTS

Union Square (USQ)

# 8 OVERLAY DISTRICTS

Union Square East (USQE)

## 8.3 UNION SQUARE EAST (USQE)

### 1. Intent

- a. To implement the Urban Mixed Use and Transformational Mixed Use contexts from the Future Land Context Map of SomerVision.
- b. To redevelop underutilized areas within close walking distance to the future Union Square T-station with mixed-use, mid-rise and high-rise development that will support the transformation of Union Square into an urban employment center.
- c. To implement the 2003 Union Square Master Plan, the 2012 Union Square Revitalization Plan, and the 2016 Union Square Neighborhood Plan, as amended, and fulfill the goals of SomerVision, the comprehensive Master Plan of the City of Somerville.

### 2. Purpose

- a. To provide entitlements that would not otherwise be available for development that complies with the provisions of this Section.
- b. To permit the off-site compliance of certain requirements when the resulting development can provide higher quality, improve usefulness, or better meet the needs of community.
- c. To permit the development in accordance with the provisions of the MR5 and HR districts following the approval of a Coordinated Development Plan Special Permit.
- d. To require minimum amount of commercial uses consistent with the objectives of the comprehensive Master Plan of the City of Somerville.
- e. To constrain the supply of motor vehicle parking spaces to encourage the use of public transit, bicycles, and walking in lieu of driving.

### 3. Applicability

- a. For lots within the Union Square East overlay district, development may comply with all of the provisions of this Section or, in the alternative, with all of the provisions of the underlying zoning district shown on the maps of the Official Zoning Atlas of the City of Somerville applicable for each lot.
- b. Where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this Section apply.

### 4. Regulating Maps

- a. Overlay Boundaries
  - i. All lots located within the Union Square East overlay district are shown on Map 8.3 (a).
- b. Zoning Districts
  - i. Zoning Districts shown on Map 8.3 (b) supersede those shown on the maps of the Official Zoning

Atlas of the City of Somerville for development complying with the provisions of this Section.

- c. Thoroughfare Map
  - i. Required thoroughfares are shown on Map 8.3 (c).
  - ii. Required thoroughfares are mandatory and necessary to implement the Boynton Yards section of the Union Square Neighborhood Plan.
- d. Civic Space Map
  - i. Required civic spaces are shown on Map 8.3 (d).
  - ii. Required civic spaces are mandatory and necessary to implement the Boynton Yards section of the Union Square Neighborhood Plan.
- e. Map Changes
  - i. Changes to any of the regulating maps requires a Zoning Text Amendment in accordance with the provisions of Article 15: Administration.

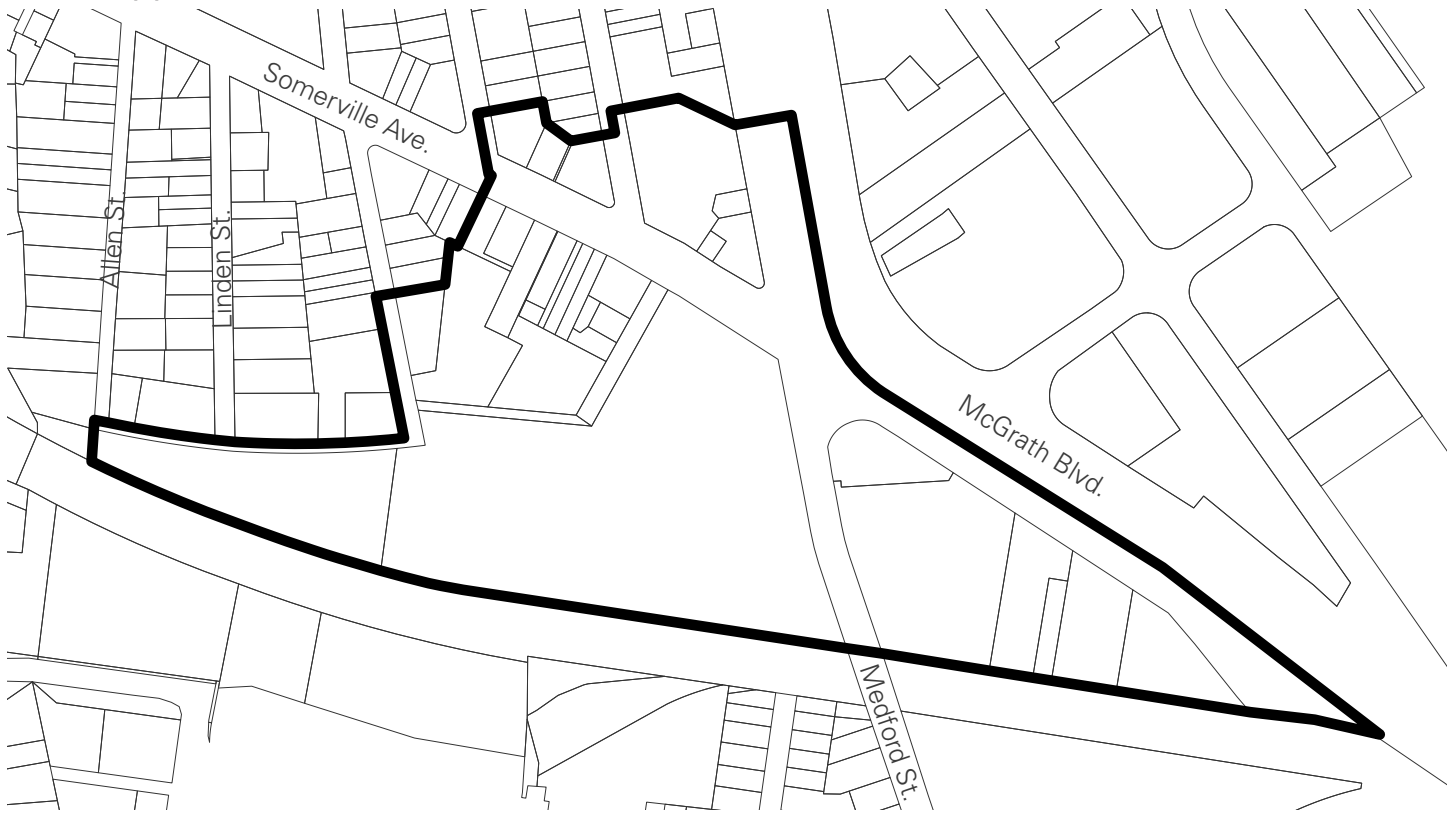
### 5. Development Review

- a. General
  - i. Development on any lot requires the submittal of a development review application to the Building Official.
  - ii. Development within the USQE overlay district requires a two- (2) stage permitting process.
    - a). A Coordinated Development Special Permit is required as a prerequisite to the development review for any individual lot.
    - b). Site Plan Approval is required for the development of any individual lot as a building or civic space, the construction or reconstruction of any thoroughfare, and the subdivision of a development site.
- b. Procedure
  - i. Proposed development may or may not necessitate the need for a Special Permit or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 15: Administration.
- c. Authority
  - i. The Planning Board is the decision making authority for all development that requires a Coordinated Development Special Permit, Site Plan Approval, and Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Variances.
- d. Coordinated Development Special Permits
  - i. Application Submittal
    - a). Development sites must include a minimum of two (2) lots (existing or proposed) and at least one hundred and forty thousand (140,000) square feet of land area.
    - b). Applicants must demonstrate ownership or site control of a development site through one or more of the following:

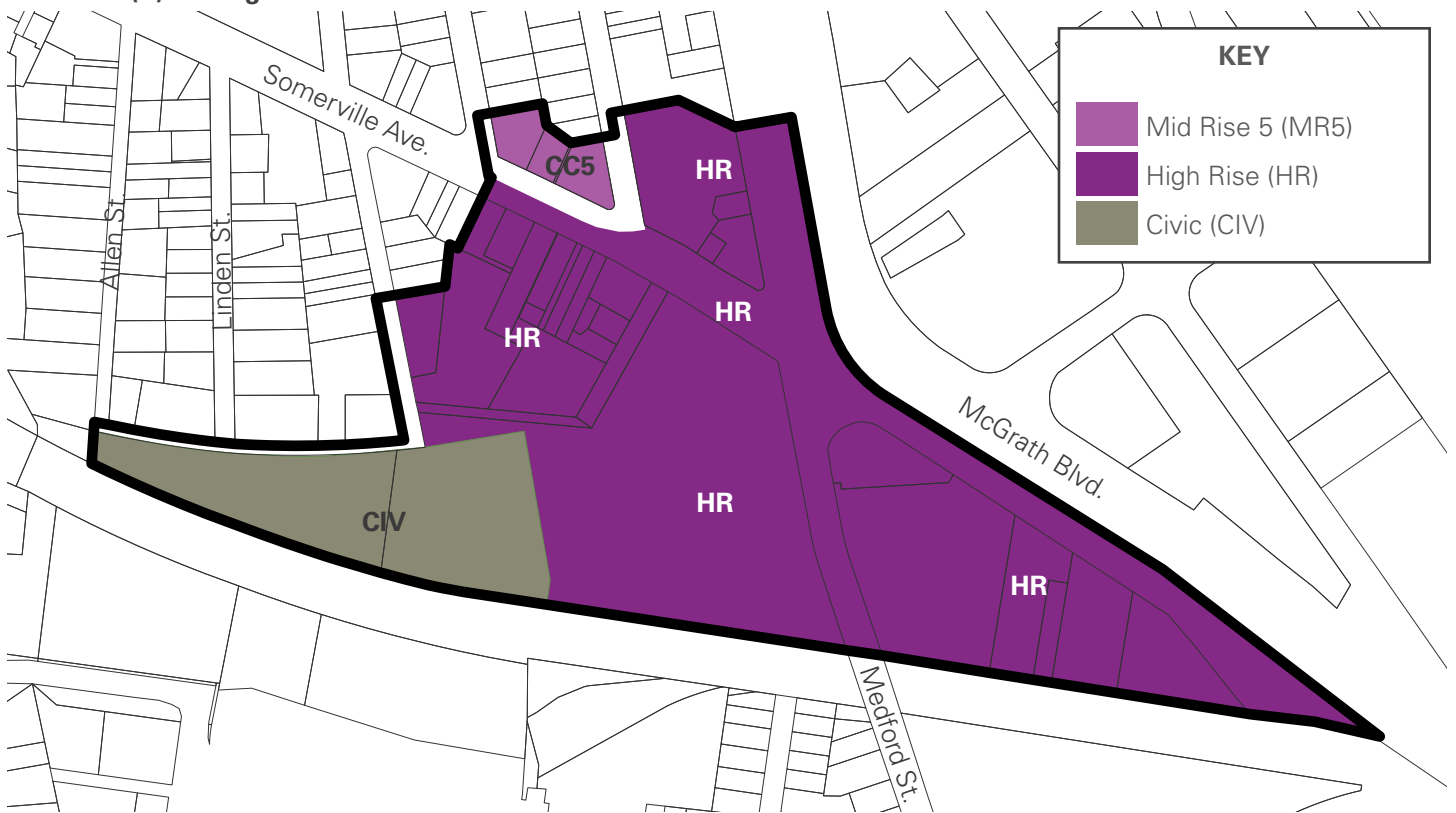
# 8 OVERLAY DISTRICTS

Union Square East (USQE)

MAP 8.4 (a) District Boundaries



MAP 8.4 (b) Zoning Districts



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Union Square East (USQE)

MAP 8.4 (c) Thoroughfare Network



MAP 8.4 (d) Civic Spaces



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## Union Square East (USQE)

- i). Fee ownership or consent of the fee owner of a parcel;
  - ii). Leasehold interest;
  - iii). An easement agreement;
  - iv). An option to purchase or lease; or
  - v). A Land Disposition Agreement with the Somerville Redevelopment Authority pursuant to the Union Square Revitalization Plan and the provisions of 760 CMR 12.05.
- ii. Review Criteria
    - a). In its discretion to approve or deny a development review application requiring a Coordinated Development Special Permit, the Planning Board shall consider the following:
      - i). compliance with the standards of §15.2.2 Coordinated Development Special Permit;
      - ii). consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended.
    - b). The Planning Board may approve a Coordinated Development Plan only upon making a finding that the provisions of this Section have been met.
    - c). The Planning Board shall establish, in its decision, criteria and procedures for applicants to provide for infrastructure improvements, community impact mitigation, and the extension of the MBTA's Green Line.
  - iii. Vested Rights
    - a). Development subject to an approved Coordinated Development Special Permit is governed by the applicable provisions of this Ordinance in effect on the date the decision was filed with the Office of the City Clerk only or the following:
      - i). Article 3 Residential Districts
      - ii). Article 4 Mid-Rise Districts
      - iii). Article 5 High-Rise Districts
      - iv). Article 6 Commercial Districts
      - v). Article 8 Overlay Districts
      - vi). Article 13 Public Realm
  - iv. Subsequent Development Review
    - a). Applicants may not proceed with the development review required for individual lots until a Coordinated Development Special Permit is approved.
  - v. Revisions
    - a). Proposed revisions to a Coordinated Development Special Permit application that do not meet the minimum land area applicability requirements of 8.3.5.d may be made by an applicant, but are not considered de-minimus and require written notification from the Somerville Redevelopment Authority that one or more lots cannot be redeveloped as originally proposed for the previously approved Coordinated Development Special Permit.
- b). Proposed revisions to a Coordinated Development Special Permit application must remain compliant with the provisions of Section 8.3.6.
- e. Site Plan Approvals
    - i. Consistency
      - a). Development of any individual lot as a building or civic space, the construction or reconstruction of any thoroughfare, and the subdivision of any development site within the USQE overlay district must comply with the approved Coordinated Development Special Permit and any previously approved Special Permits, as applicable.
    - ii. Review Criteria
      - a). The Planning Board shall approve an application for development review requiring Site Plan Approval upon verifying that the submitted plans for the proposed development demonstrates the following:
        - i). compliance with the standards of §15.3.3 Site Plan Approval;
        - ii). conformance with the approved Coordinated Development Special Permit, as approved, and any previously approved Special Permits, as applicable;
        - iii). consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended; and
        - iv). conformance with all applicable provisions of this Ordinance.
  - f. Special Permits
    - i. Simultaneous Review
      - a). The following Special Permits may be simultaneously requested as part of a development review applications that requires a Coordinated Development Special Permit:
        - i). Payment in lieu of Civic Space
        - ii). The siting and orientation of Civic Spaces
        - iii). The size of a proposed Dog Park
        - iv). Residential principal uses
    - ii. Review Criteria
      - a). In its discretion to approve or deny any Special Permit offered elsewhere in this Section, the Planning Board shall consider the following:
        - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
        - ii). conformance with the approved Coordinated Development Special Permit,



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as approved, and any previously approved Special Permits, as applicable;

- iii). consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended; and, or to other plans deemed to be appropriate by the Planning Board; and
- iv). considerations indicated elsewhere in this Section for the specific type of special permit required.

### 6. Build Out

#### a. Thoroughfare Network

- i. Required thoroughfares must be provided as shown on Map 8.2 (c).
- ii. The center line of any required thoroughfare may be moved up to twenty five (25) feet in either direction, so long as:
  - a). the center line of West Ward Street is at least one hundred and forty (140) feet from both reference points along the MBTA right-of-way;
  - b). West Ward Street intersects with Webster Avenue in the west and Harding Street in the east;
  - c). the center line of South Street is at least one hundred and forty (140) feet from both reference points along the municipal boundary with Cambridge;
  - d). South Street intersects with Webster Avenue in the west;
  - e). all required thoroughfares intersect with other thoroughfares, forming a network;
  - f). all intersections are at least (100/125) feet from any other intersection, unless granted a waiver by the Planning Board; and
  - g). the resulting block configuration complies with Article 11: Public Realm of this Ordinance.

#### b. Civic Space

- i. At full build out of development subject to an approved Coordinated Development Special Permit, at least twenty five percent (25%) of the development site must be provided as civic space.
- ii. Required civic spaces must be provided as shown on Map 8.2 (d).
  - a). **Civic Space A must be at least XX,XXX square feet, have a minimum width and depth of XX feet, and may be developed as a XXX or XXX Civic Space Type.**
- iii. Civic space created through easement or decommissioning of an existing thoroughfare or other right-of-way abutting any property located within the Union Square East overlay district may be counted toward the required amount of civic space.

iv. 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.
- v. 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.

#### c. Commercial Uses

- i. At full build-out of development subject to an approved Coordinated Development Special Permit, no less than sixty percent (60%) and at least two hundred and twelve thousand seven hundred and seventy five (212,750) square feet of the total gross floor area (excluding motor vehicle and bicycle parking) must be dedicated to uses in the following principal use categories:
  - a). Arts & Creative Enterprise
  - b). Civic & Institutional
  - c). Commercial Services
  - d). Eating & Drinking Establishments
  - e). Lodging
  - f). Office
  - g). Retail
  - h). Urban Agriculture
- ii. At full build out of development subject to an approved Coordinated Development Special Permit, no less than forty percent (40%) of the total gross floor area (excluding motor vehicle and bicycle parking) must be dedicated to principal uses in the Office use category, or the Design Services use within the Arts & Creative Enterprise category.
- iii. At full build out of development subject to an approved Coordinated Development Special Permit, at least five percent (5%) of the total gross floor area required by §8.3.6.c.i must be dedicated

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## Union Square East (USQE)

to principal uses within the Arts & Creative Enterprise use category.

- a). The total floor area required for Arts & Creative Enterprise uses is calculated based on the total amount of commercial floor space, (excluding motor vehicle and bicycle parking) proposed in a Coordinated Development Special Permit application, but the phasing and delivery of floor area for Arts & Creative Enterprise uses is determined as individual lots are built out, unless the Planning Board permits off-site compliance in accordance with §6.7.6.E Off Site Compliance.
- iv. At full build out of development subject to an approved Coordinated Development Special Permit, at least three hundred and seventy five (375) square feet of commercial space must be provided for each dwelling unit.
- d. Residential Uses
  - i. A maximum of one (1) dwelling unit per one thousand and fifty (1,050) square feet of land area of a development site is permitted within the USQE overlay district.
- e. Development Benefits
  - i. Development must comply with the provisions of Article 13: Development Benefits.
    - a). The required number of affordable housing units is calculated based on the total number of dwelling units proposed in a Coordinated Development Special Permit application, but the delivery and phasing of affordable housing units is determined as individual lots are built out, unless the Planning Board permits off-site compliance in accordance with §6.7.6.E Off Site Compliance.
    - ii. At full build out of development subject to an approved Coordinated Development Plan, at least fifteen percent (15%) of affordable housing units must have three (3) or more bedrooms across the development site.
    - iii. One (1) additional bonus story may be added to the permitted number of stories for a Mid-Rise Podium Tower building type for each additional five percent (5%) of the total number of affordable housing units that have three (3) or more bedrooms across development subject to an approved Coordinated Development Special Permit.
      - a). Up to a maximum of three (3) additional bonus stories are permitted per Mid-Rise Podium Tower.
  - ii. Development Benefits, for any Generating Site(s) by a Receiving Site(s) located within the USQE overlay district and included as part of a Coordinated Development Special Permit application, subject to the following:
    - a). At least fifty percent (50%) of the affordable housing units required for a building must be provided on-site.
    - b). No more than fifty percent (50%) of the dwelling units of any receiving site may be affordable housing units.
  - iii. In its discretion to permit off-site compliance for any Generating Site(s) by a Receiving Site(s) 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 ability to provide higher quality and more useful commercial space for arts & creative enterprise uses at a Receiving Site than what could have been provided at the Generating Site.
    - c). The ability to provide affordable housing units at a Receiving Site that better meet the needs of community than the units that could have been provided at the Generating Site.
  - iii. The Planning Board may permit off-site compliance of Article 13 Development Benefits only upon finding that:
    - a). That affordable housing at the Receiving Site is equal to or better in quality to market-rate units at the Generating Site with respect to, and without limitation, unit type, unit size, number of bedrooms, size of rooms, amenities, common areas, and type of features.
    - b). That the performance of the building on the Receiving Site meets or exceeds the performance of the building on the Generating Site in accordance to the standards of §10.9 Sustainable Development.
    - c). That total market value of the affordable housing at the Receiving Site is equal to or greater than the affordable housing not provided at the Generating Site.
      - i). The Applicant may provide additional affordable housing at a Receiving Site to balance the difference between the total market value of the affordable housing at the Receiving Site to the affordable housing not provided at the Generating Site.
      - ii). Subject to Section 8.3.6.f.ii, the Planning Board may permit an Applicant to pay the
- f. Off-Site Compliance
  - i. The Planning Board may permit off-site compliance of §8.3.6.c.iii (Commercial Space for Arts & Creative Enterprise uses) and Section 8.6.3.e

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difference between the total market value of the affordable housing at the Receiving Site to the affordable housing not provided at the Generating Site to the Affordable Housing Trust Fund.

- iv. Development review for any lots established as a Generating or Receiving Site in an approved Coordinated Development Plan must be conducted simultaneously.
- v. Construction of a Receiving Site must commence prior to the issuance of a Certificate of Occupancy for a Generating Site.
- vi. Applicants requesting off-site compliance of affordable housing requirements must provide a market analysis of comparable real-estate product to inform the discretionary review of the Planning Board.
- vii. The Planning Board shall solicit input from the Director of Housing and experienced affordable housing specialists to inform their discretionary review.
- viii. The Planning Board shall require a covenant, completion guaranty, bond or letter of credit, or other binding financial instrument to ensure that construction of affordable housing on the Receiving Site will proceed diligently and continuously to completion.
- g. Development Phasing
  - i. The Planning Board shall establish construction permitting requirements for the phasing of development as a condition of an approved Coordinated Development Plan Special Permit and subsequent Sire Development Plan Approvals.
- h. Property Transfer
  - i. The conveyance of land to the City of Somerville or future sale of any lot included as part of a development site subject to an approved Coordinated Development Special Permit is permitted and has no bearing on the previously approved build out, phasing of development, or compliance to the standards of Section 8.3.6.

## 7. Building Standards

- a. Mechanical Equipment Noise Mitigation
  - i. Sound emanating from rooftop mechanical equipment must be minimized to every extent practicable including, but not limited to, the location and sizing of equipment, the selection of equipment, and sound attenuation measures.
  - ii. At a minimum, rooftop mechanical equipment must not exceed ambient noise levels at ground level measured at the property line or cause a noise disturbance as defined by the Somerville Code of Ordinances Article VII, Division 2, Section

9-114.

- iii. Prior to and as a condition of the issuance of a Certificate of Occupancy for new construction, an acoustical report, including field measurements, demonstrating compliance with all applicable noise requirements must be prepared by a professional acoustical engineer and submitted to the Building Official.

## 8. Vehicular Parking

- a. Parking Maximum
  - i. The maximum number of off-street parking spaces serving development within the USQE overlay district may not exceed one thousand two hundred and sixty (1,260) spaces.
  - ii. The maximum number of off-street parking spaces serving development within the USQE overlay district may be increased by Special Permit.
    - a). In its discretion to approve or deny a Special Permit authorizing an increase in the maximum number of off-street parking spaces serving development within the USQE overlay district, the Planning Board may approve the Special Permit application only upon finding the following:
      - i). That the findings for all Special Permits specified in Section 5.1 Special Permits have been met; and
      - ii). That the amount of commercial floor space included in an approved Coordinated Development Special Permit has resulted in an increase in the estimated parking demand necessary for the full build out of development.
  - iii. The Planning Board shall use a demand model provided by the Director of Transportation & Infrastructure to determine the appropriate number of parking spaces necessary to meet the increased demand.
  - iv. The Planning Board shall require a Mobility Management Association (i.e. Transportation Management Agency) to be constituted by a date of its choosing as a condition of the Special Permit approval.
    - a). The mobility management association must be empowered to set the prices and policies for the rent or lease of any vehicular parking operated as a commercial service use within the USQE overlay district.
  - v. The Planning Board shall establish an expiration date for parking approved but not built within a particular time frame as a condition of the approved Special Permit.
- b. Mid-Rise Districts

# 8 OVERLAY DISTRICTS

## Union Square East (USQE)

- i. Accessory parking for customers of retail or eating & drinking establishment uses is prohibited, but may be provided for employees.
- c. Commercial Core and High-Rise Districts
  - i. Off-street motor vehicle parking spaces may be provided as surface parking on a revolving two (2) year basis by Special Permit.
    - a). In its discretion to approve or deny an interim surface parking lot, the Planning Board shall consider the following:
      - i). The review considerations for all Special Permits as specified in Section 5.1 Special Permits;
      - ii). Documented un-met demand for parking;
      - iii). The development schedule and phasing for development subject to a Coordinated Development Plan;
      - iv). The capacity of the local thoroughfare network providing access to the site; and
      - v). The impact of the parking lot on pedestrian, bicycle, and motor vehicle traffic and circulation patterns in the neighborhood.
    - ii. Up to one hundred and eighty five (185) off-street motor vehicle parking spaces may be provided as “reserved” parking for the exclusive use by a specific motor vehicle(s) and unoccupied when not in use by that specific motor vehicle(s).
      - a). The maximum number of “reserved” spaces may be exceeded with the payment of a fee. The Planning Board shall establish and annually update a fee schedule based on the recommendations of the Director of Transportation & Infrastructure in relation to the estimated cost to build structured parking and the cost of offsetting the impact of unshared parking.
      - b). Reserved spaces must be subject to a price premium that reflects the under-utilization of that space as a shared resource that is no less than two hundred percent (200%) of the demonstrated market rate for a parking space reserved for a similar time period within a reasonable market radius.
      - c). Car-share parking spaces are exempt.
- d. Annual Reporting
  - i. Parking facility operators must submit an annual report to validate continued compliance with the provisions of this Section in accordance with the standards for monitoring and annual reporting of the Director of Transportation & Infrastructure.

## 8.4 FLOODPLAIN (FP)

### 1. Intent

- a. to ensure public safety through reducing the threats to life and personal injury
- b. to eliminate new hazards to emergency response officials
- c. to prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding
- d. to avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- e. to eliminate costs associated with the response and cleanup of flooding conditions
- f. to reduce damage to public and private property resulting from flooding.

### 2. Purpose

- a. To require development to be in compliance with applicable provisions of the Massachusetts State Building Code and Massachusetts General Laws.
- b. To appropriately limit development within floodways to reduce obstructions to flood flows and reduce flooding impacts on the community.

### 3. Applicability

- a. Where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this Section shall apply.

### 4. District Boundaries

- a. The FP overlay district includes all special flood hazard areas within the City of Somerville designated as Zone A or Zone AE on the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.
- b. The map panels of the Middlesex County FIRM, dated June 4, 2010, that are wholly or partially within the City of Somerville are:
  - i. 25017C0417E
  - ii. 25017C0419E
  - iii. 25017C0436E
  - iv. 25017C0438E
  - v. 25017C0439E
  - vi. 25017C0576E
  - vii. 25017C0577E
- c. The boundaries of the FP overlay district are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010.
- d. The FIRM and FIS report are incorporated herein by

reference and are on file with the City Clerk, Planning Board, Building Official, Conservation Commission and City Engineer.

### 5. Definitions

- a. For the purpose of this overlay district alone, the definitions of 44 CFR 59.1 apply.

### 6. Compliance with Other Regulations

- a. All development within the FP overlay district must be in compliance with, or operating under duly approved variances from, the following regulations:
  - i. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes")
  - ii. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)
  - iii. Sections of Massachusetts Law which address altering of land bordering waters (currently Chapter 131, Section 40 of the Massachusetts General Laws)
  - iv. Inland Wetlands Restriction (currently 310 CMR 13.00);
  - v. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage (currently 310 CMR 15, Title 5)

### 7. Development Limitations

- a. In "A" Zones, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- b. In Zones AE:
  - i. along watercourses that have regulatory floodways designated within the City of Somerville on the FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - ii. along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvement, or other development is permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood discharge.
- c. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district

## 8 OVERLAY DISTRICTS

### Floodplain (FP)

and they do not require structures, fill, or storage of materials or equipment:

- i. outdoor recreational uses
- ii. conservation of water, plants, wildlife
- iii. buildings lawfully existing prior to the adoption of these provisions

#### **8. Notification of Watercourse Alteration**

- a. The Building Official shall notify the following of any alteration or relocation of a watercourse:
  - i. Adjacent Municipalities
  - ii. The State Coordinator for the National Flood Insurance Program at the Massachusetts Department of Conservation and Recreation
  - iii. Program Specialist for the National Flood Insurance Program at the Federal Emergency Management Agency, Region 1 Office.

## 8.5 MEDICAL MARIJUANA (MM)

### 1. Intent

- a. To establish the provisions under which Medical Marijuana Businesses may be permitted in Somerville.
- b. To implement, at the local level, the Medical Marijuana provisions adopted by the voters of the Commonwealth by initiative ballot in 2012.

### 2. Purpose

- a. To implement local regulations for the cultivation and sale of marijuana for medical purposes.
- b. To identify appropriate locations for businesses that provide marijuana for medical purposes.

### 3. Applicability

- a. Where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this section apply.
- b. This section serves as a local requirement with respect to siting of medical marijuana businesses in relation to schools, daycare centers, and facilities in which children commonly congregate that supersedes the provisions of 105 CMR 725.110(A)(14).

### 4. Regulating Map

- a. Overlay Boundaries
  - i. All lots located within the MM overlay are shown on Map 8.5 (a) through Map 8.5 (k)

### 5. Development Review

- a. Special Permits
  - i. Application Submittal
    - a). A letter of support or a letter of non-opposition must be granted by the Mayor prior to submittal of a development review application for a Medical Marijuana Business.

### 6. Use Provisions

- a. General
  - i. Medical Marijuana Businesses are permitted by Special Permit and require additional development review in accordance with §15.2.1 Special Permits.
- b. Definitions & Use Specific Standards
  - i. General
    - a). This section provides definitions and standards applicable to individual uses not already identified in Article 9: Use Provisions of this Ordinance.
  - ii. Commercial Services Use Category
    - a). Personal Services
      - i). Medical Marijuana Business. A facility operated by a not-for-profit entity registered under 105 CMR 725.1000 that

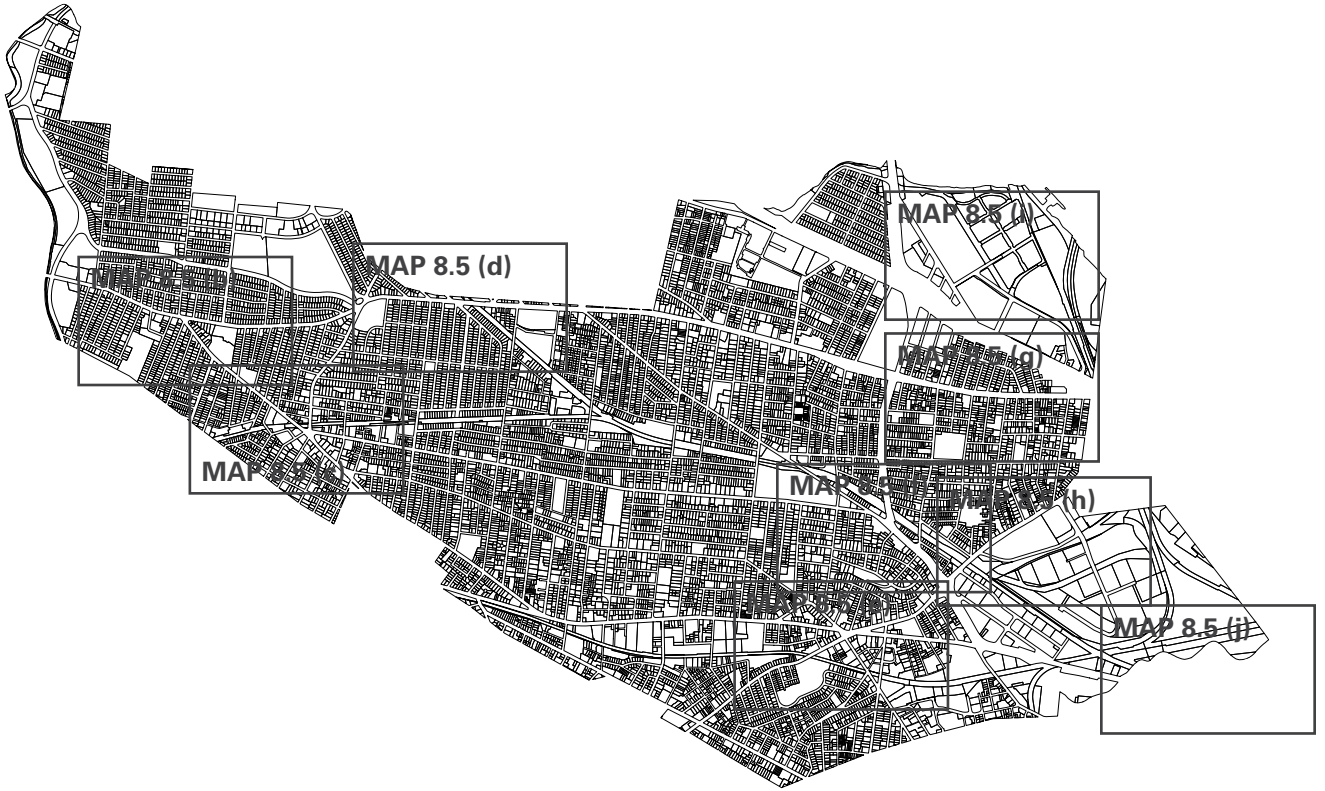
acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers medical marijuana, marijuana-infused products, related supplies, and educational materials and services to registered qualifying patients or their personal caregivers.

- c. Performance Standards
  - i. Medical Marijuana Businesses greater than ten-thousand (10,000) square feet in leasable floor area are prohibited.
  - ii. Medical Marijuana Businesses must be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and must comply with all applicable state and local laws, rules, and regulations.
  - iii. Items sold may include only marijuana, marijuana-infused products, marijuana seeds, and devices that facilitate the use of medical marijuana.
  - iv. Patient education programs in compliance with state regulations are permitted.
  - v. Medical Marijuana Businesses must provide vehicular parking as indicated for the Personal Services use category in the district where the use is located.
- d. Review Criteria
  - i. In its discretion to approve or deny a special permit authorizing a Medical Marijuana Business, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). The compatibility with the level of activity associated with surrounding properties.
    - c). The capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
    - d). The location, visibility, and design of the principal entrance, waiting area, and limited access areas in the facility.
    - e). The proposed security plan for the facility.

# 8 OVERLAY DISTRICTS

Medical Marijuana (MM)

**MAP 8.5 (a) Medical Marijuana Overlay Boundaries Key**



**MAP 8.5 (b) Medical Marijuana Overlay Boundaries**

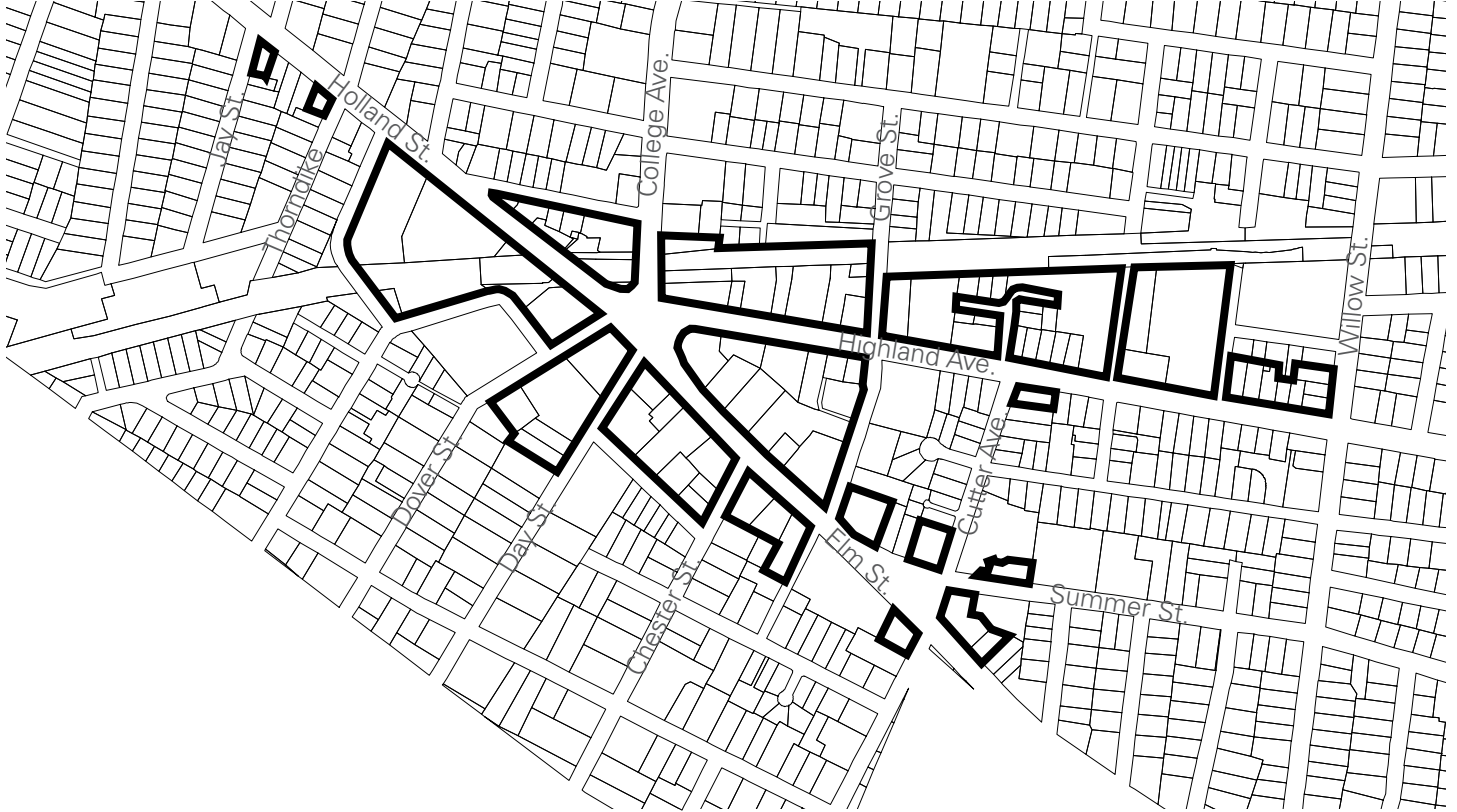




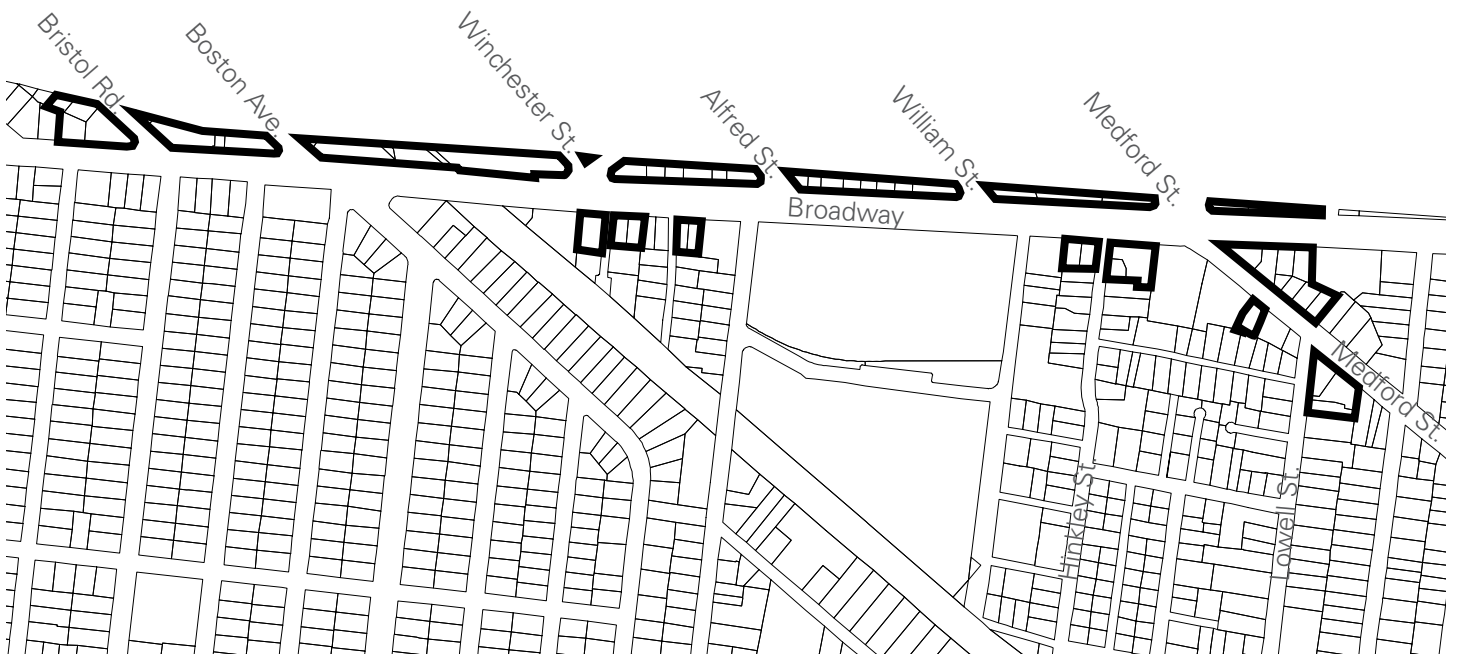
# 8 OVERLAY DISTRICTS

Medical Marijuana (MM)

MAP 8.5 (c) Medical Marijuana Overlay Boundaries



MAP 8.5 (d) Medical Marijuana Overlay Boundaries



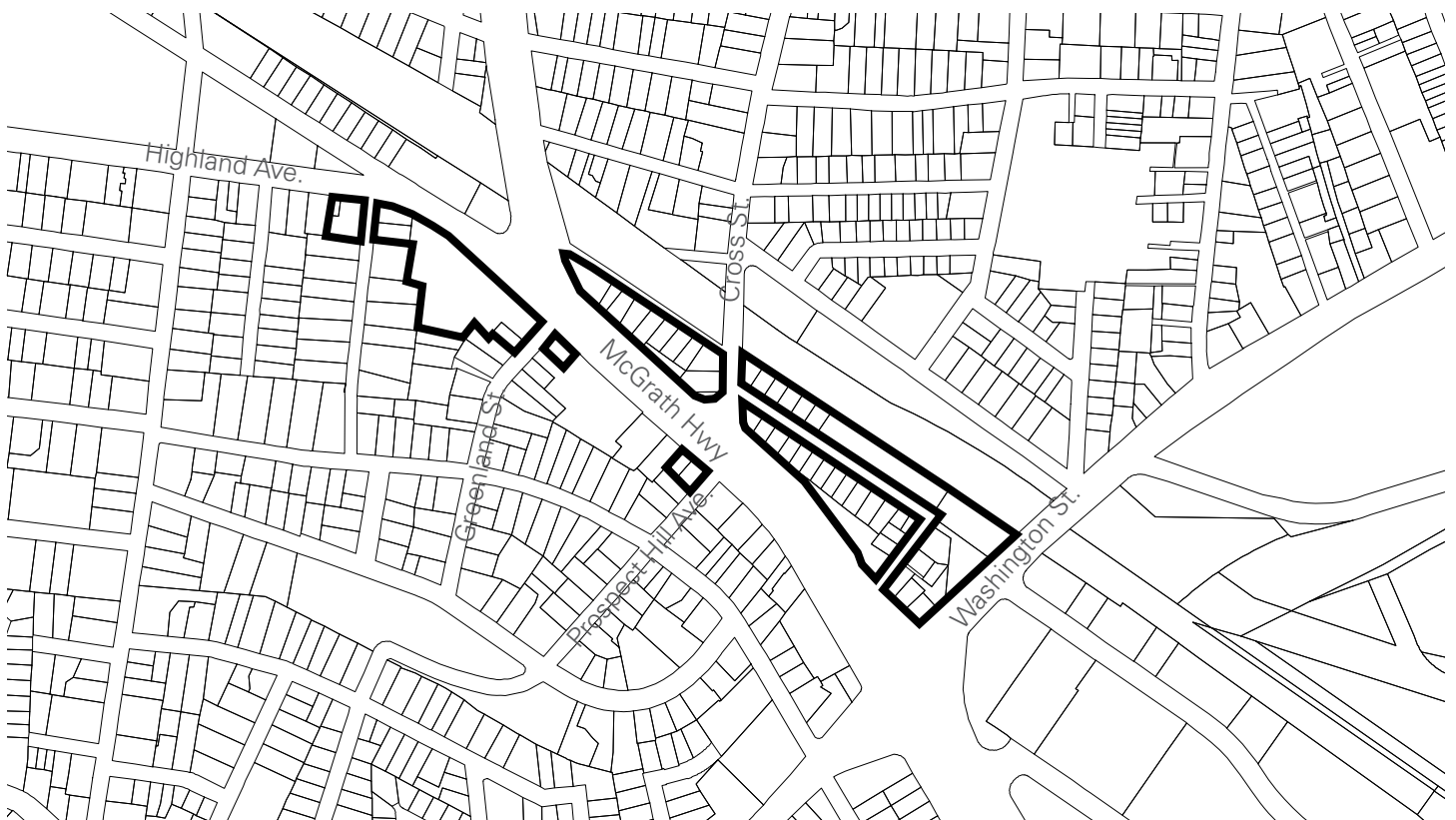
# 8 OVERLAY DISTRICTS

Medical Marijuana (MM)

**MAP 8.5 (e) Medical Marijuana Overlay Boundaries**



**MAP 8.5 (f) Medical Marijuana Overlay Boundaries**



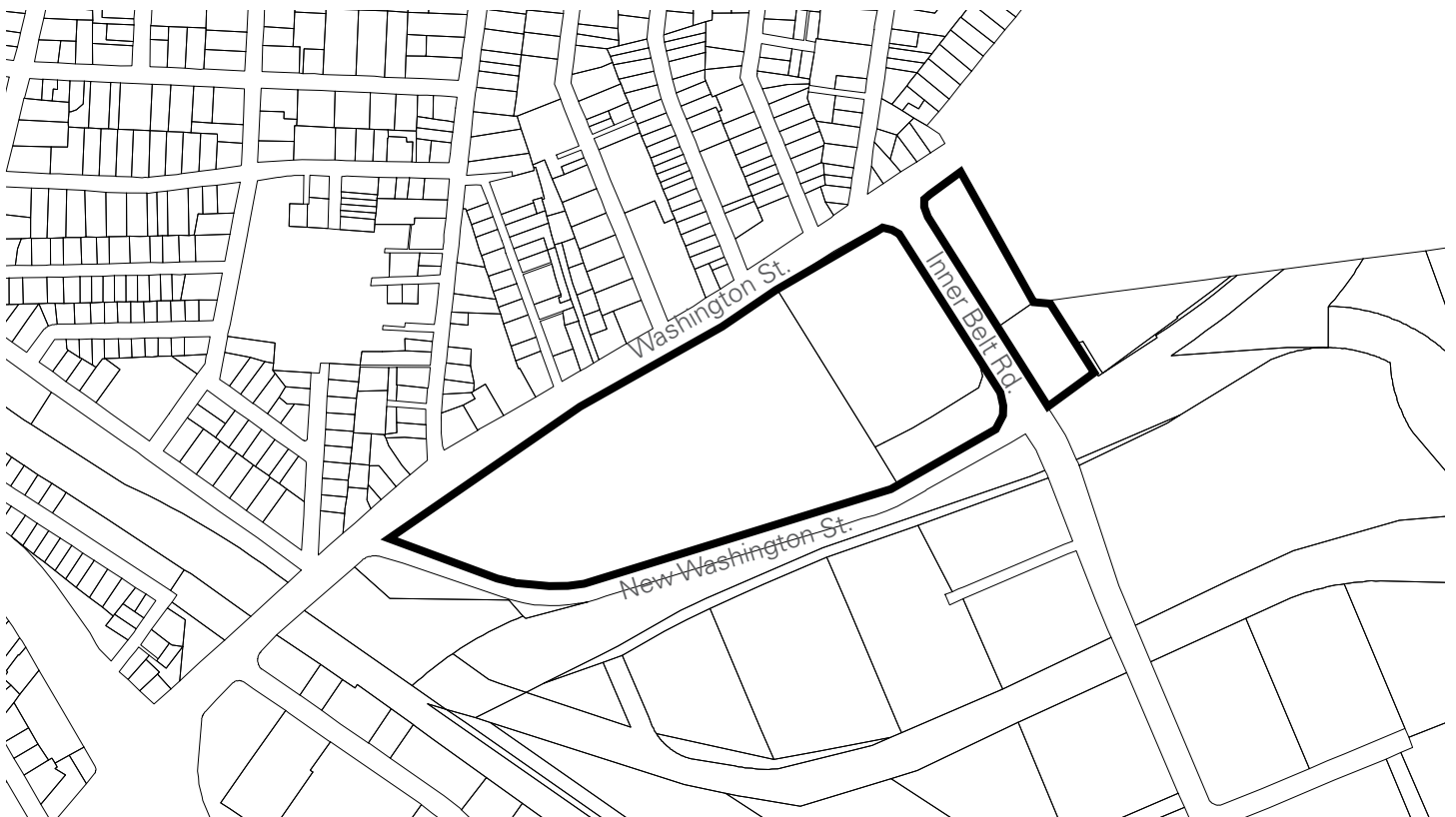
# 8 OVERLAY DISTRICTS

Medical Marijuana (MM)

**MAP 8.5 (g) Medical Marijuana Overlay Boundaries**



**MAP 8.5 (h) Medical Marijuana Overlay Boundaries**



# 8 OVERLAY DISTRICTS

Medical Marijuana (MM)

**MAP 8.5 (i) Medical Marijuana Overlay Boundaries**



**MAP 8.5 (k) Medical Marijuana Overlay Boundaries**

