

# City of Somerville **ZONING OVERHAUL**

www.somervillezoning.com

March 12, 2019

## **Acres Still Needed**

Some	rVision	Goal

125 acres

Space Created Space in Planning/Design Potential Additional Space 19.9 ac 11.85 ac +/- 5 ac 105 acres 93.25 acres 88.25 acres

# 88.25 ac.



## **The Two Big Questions**

- 1. What share of the remaining 88.25 acres still needed will be required of new development?
- 2. How will the cost of the remaining need be funded?



## **Regulatory Goals**

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

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

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

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



### **Zoning for Public Space Creation**



- Use a straight land area based requirement that is a percentage of the area of a lot or development site; most likely less than 50%.
- Use an equitable, but not necessarily equal, land area requirement across all non-residential zoning districts
- Use a standard that produces measurable results (in known land area or potential in lieu payments)
- Require "open space" as a base requirement.
- Require "public space" or "civic space" in exchange for higher density development (ie. "density bonus").
- Allow payments (\$\$\$) "in lieu" of "open space" when the requirement might produce non-ideal spaces.
- Allow limited "in lieu" payments (such as a 5% rule) for "public space" only to overcome site constraints.
- Consider allowing "in lieu" payments for "public space" to promote development of commercial and lab buildings.
- Require a public space linkage fee (must be approved by the MA Legislature).

<u>Don't...</u>

- Use a land area requirement that is equal to most of (50+?%) or all of (100%) the area of a lot or development site.
- Use a scaling "open space" requirement that results in "taking" the economic usefulness of a lot.
- Use a recursive algorithm that produces unmeasurable results (unknown amount of land or in lieu payment).
- Require "public space" or "civic space" as a base requirement. This is a "regulatory taking" of land.
- Redefine "open space" to basically mean "public space" or "civic space".
- Require "open space" or "public space" and a fee (double dipping) from the same property.
- Base an "in lieu" fee on floor area (\$/sf floor area) if it is intended to pay for "open space" (\$/sf land area).
- Base an "in lieu" fee on floor area (\$/sf floor area) if it is intended to pay for open space (\$/sf land area).



## **Scenarios**

#### Version 1

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

#### Version 2

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

#### Version 3

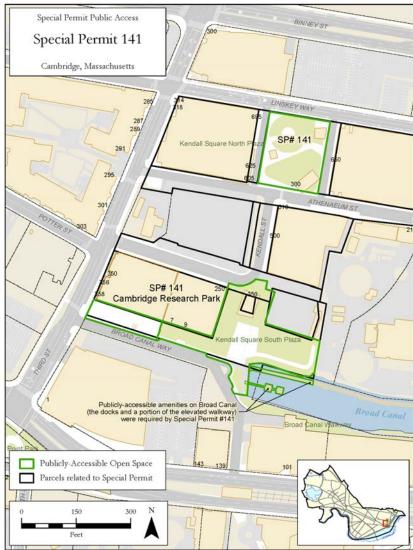
- Require XX% of land in Transform Areas
- Permit a limited buyout to adjust to site constraints
- Require XX% of land in Enhance Areas (others?)
- Permit a 100% buyout in Enhance Areas



## **Scenarios**

	Version 1		Version 2		Version 3				
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		•	Charge a Public Space Linkage Fee for "other areas"	•	Require XX% of land in Enhance Areas (others?)				
				•	Permit a 100% buyout in Enhance Areas				





Map prepared by Brendan Monroe on January 28, 2013. CDD GIS C:\Projects\SpecialPermits\SPOSMaps.mxd



## **TRANSFORM AREAS**

Boynton Yards Union East Grand Junction Brickbottom Inner Belt Assembly Square

Total

15.73 ac 8.27 ac 22.68 ac 20.66 ac 81.74 ac 43.73 ac

192.81 ac





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		<b>Existing Zoning</b>					Future Zoning				
Transform Areas	Acres	Various %	22.89%	25.0%	27.5%	30.0%	32.5%	35.0%	40.0%	45.0%	45.77%
Boynton Yards	15.73	1.77	3.60	3.93	4.33	4.72	5.11	5.51	6.29	7.08	7.20
Union East	8.27	0.61	1.89	2.07	2.27	2.48	2.69	2.89	3.31	3.72	3.79
Grand Junction	22.68	0.93	5.19	5.67	6.24	6.80	7.37	7.94	9.07	10.21	10.38
Brickbottom	20.66	0.00	4.73	5.17	5.68	6.20	6.71	7.23	8.26	9.30	9.46
Inner Belt	81.74	0.00	18.71	20.44	22.48	24.52	26.57	28.61	32.70	36.78	37.41
Assembly Square	43.73	5.47	10.01	10.93	12.03	13.12	14.21	15.31	17.49	19.68	20.02
Total	192.81	8.77	44.13	48.20	53.02	57.84	62.66	67.48	77.12	86.76	88.25
	Developer Share	10%	50%	55%	60%	66%	71%	76%	87%	98%	100%
City Share (or unknown 3rd party Remaining Acree Estimated cost to aquire, design & construct remaining acres (\$6.2M/acre		90%	50%	45%	40%	34%	29%	24%	13%	2%	0%
		79.48	44.11	40.05	35.23	30.41	25.59	20.77	11.13	1.48	0.00
			\$ 273,512,554	\$ 248,289,149	\$ 218,403,599	\$ 188,518,049	\$ 158,632,499	\$ 128,746,949	\$ 68,975,849	\$ 9,204,749	\$ -

#### Percent of Land required to be Open Space/Civic Space

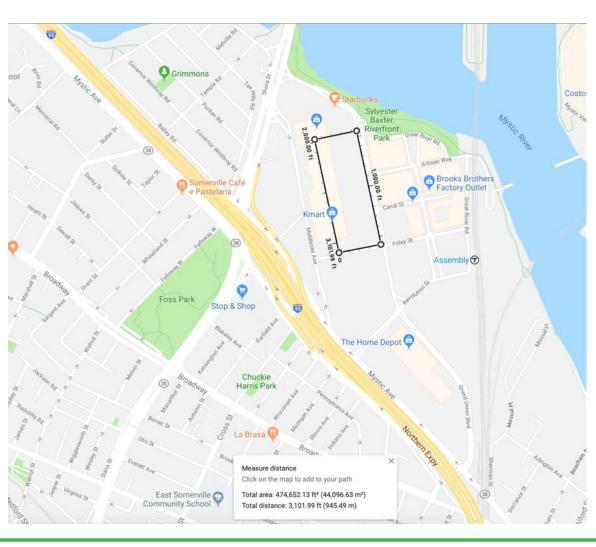


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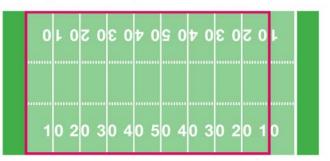




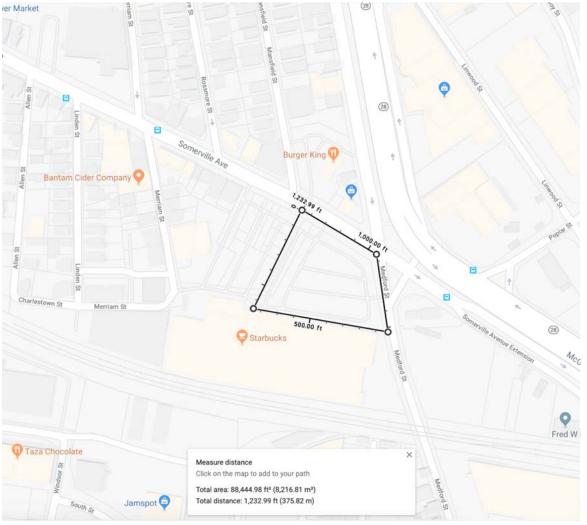


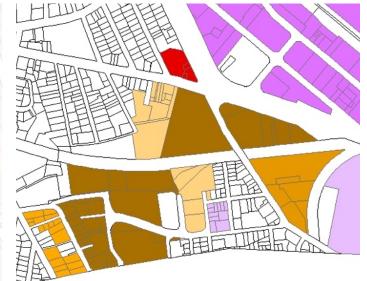
#### 9.92 Football Fields

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



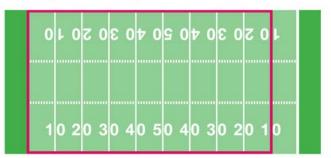
City of Somerville **ZONING OVERHAUL** 



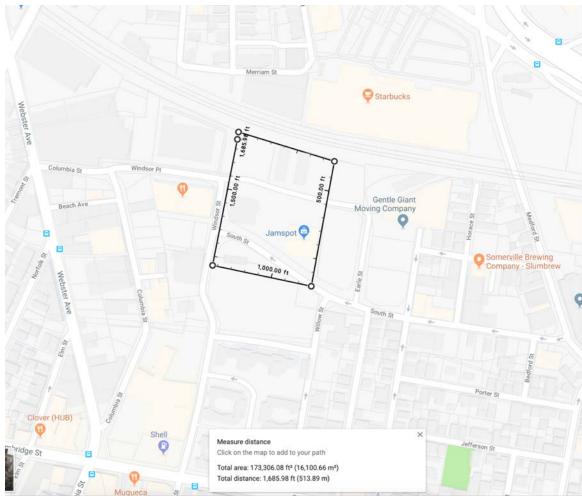


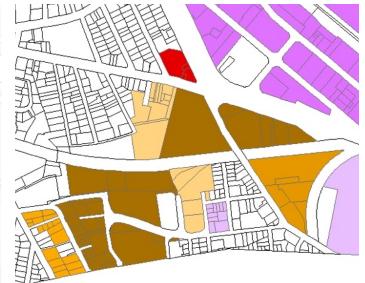
### 1.18 Football Fields

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



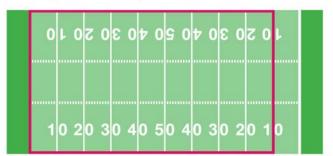
City of Somerville





### 3.57 Football Fields

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











## **Scenarios**

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				•	Permit a 100% buyout in

Mayor Joseph A Curtatone Office of Strategic Planning & Community Development

**Enhance Areas** 

## **Linkage Fees vs In Lieu Fees**

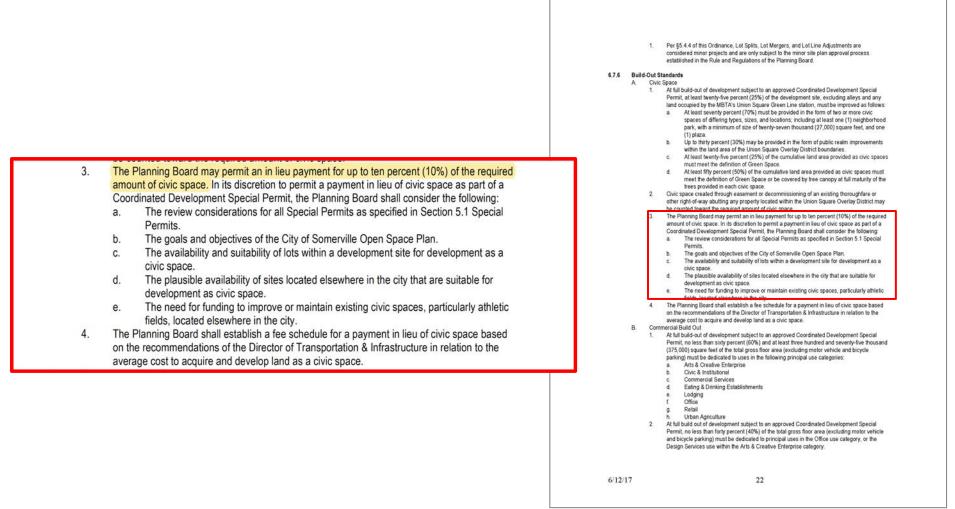
In-lieu fees and buyouts are sometimes confused with linkage or impact fees.

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.







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,	Medford, Massachusetts - Code of Ordinances / Chapter 9	4 - ZONING / ARTICLE VII DEVELOPMENT LINKAGE FEES	<del>S</del> SHO	W CHANGE	ES OD	٩٩	MORE -
	VERSION: JAN 29, 2019 (CURRENT) → → > Chapter 86 - VEGETATION	ARTICLE VII DEVELOPMENT LINKAGE FEES		90	0		⊠ 41
	Chapter 87 - WETLANDS	DIVISION 1 GENERALLY		90	₽		24
	<ul> <li>Chapter 90 - VEHICLES FOR HIRE</li> <li>Chapter 94 - ZONING</li> </ul>	Secs. 94-361—94-380 Reserved.		8	₽	<b>1</b>	S 4
	ARTICLE I IN GENERAL	DIVISION 2 PARKS AND RECREATIONAL FACILITIES		8	₽		24
	<ul> <li>ARTICLE II ADMINISTRATION AND ENFORCEMENT</li> </ul>	Sec. 94-381 Statement of purpose.		90	Ð	ا ا	⊠ 41
	<ul> <li>ARTICLE III RESERVED</li> <li>ARTICLE IV USE REGULATIONS</li> <li>ARTICLE V SIGNS</li> <li>ARTICLE VI SITE PLAN REVIEW</li> <li>ARTICLE VII DEVELOPMENT LINKAGE FEES</li> <li>DIVISION 1 GENERALLY</li> <li>DIVISION 2 PARKS AND RECREATIONAL FACILITIES</li> </ul>	<ul> <li>The purpose of this division is to promote the public health, safety, convenience and welfare; to establish a balance between real estate development and the open space and recreational need deterioration of parks and public recreational facilities, by provisions designed to: <ul> <li>(1) Afford review and regulation of real estate development projects which directly facilities that contribute to an increase in the costs for the upgrade, repair and capital improvements.</li> <li>(2) Provide a fund for parks and public recreational facility capital improvements condition of the approval of any nonresidential development of 10,000 square more; any subdivision of property which creates six or more units or buildable variance, special permit, or zoning map amendment that is requested for a prosection 94-385. Requests for such zoning relief may include bonuses in density</li> </ul> </li> </ul>	ds of city residents; and to mitigate the impacts of ly or indirectly lead to conditions of the use of parks and public recreational f through a linkage grant to the park and recreation e feet of gross floor area or more; any residentia e lots; or any residential or nonresidential project oject of 5,000 square feet or more except those	of future de arks and pu acilities, an onal facilitio I developm t requiring that are ex	evelop ublic re nd the n ies trus nent of g a den kempt j	ecreation need for st, as a sity bo pursua	on the onal or new its or inus, ant to
	<ul> <li>&gt; DIVISION 3 POLICE AND FIRE FACILITIES</li> <li>&gt; DIVISION 4 ROADS AND TRAFFIC FACILITIES</li> <li>&gt; DIVISION 5 WATER AND SEWER</li> </ul>	<ul> <li>dimensional requirements.</li> <li>(3) The imposition of linkage fees is one of the preferred methods of ensuring that necessary to accommodate such development. This must be done in order to</li> <li>(4) The methodology and analysis for the determination of the impact of new devand calculation of the linkage fees shall be established as a result of an investit inspection by any feepayer or the public.</li> </ul>	promote and protect the public health, safety an relopment, the need for new facilities and their o	nd welfare. osts, and t	he est	ablishr	ment
	FACILITIES	(Ord. No. 548, § 17A-1, 4-3-1990)					

City of Somerville **ZONING OVERHAUL** 

## **Petition Language**

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?

1/28/2019

Chapter 488. AN ACT ESTABLISHING A LINKAGE EXACTION PRO-

https://archives.lib.state.ma.us/bitstream/handle/2452/9767/1989acts0488.txt?seguence=1&isAllowed=y

GRAM IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Purpose and Findings- The city of Medford is undergoing a period of substantial growth in new, expanded, enlarged and rehabilitated residential, commercial and industrial structures. This growth has resulted in numerous direct and indirect impacts on the city and its ability to adequately address those impacts due to the influx of people that move to Medford to live and work in these new developments. The city has experienced development related impacts requiring capital improvements to school facilities attended by children of new residents; accelerated deterioration in the level of service of its streets and roadways; increased stress on city facilities and infrastructures such as water and sewer lines; increased need for capital improvements to its parks, playgrounds and other recreational facilities and the need for providing affordable housing for its residents. Development related impacts must be paid for by fair share exactions from developers so that the city can provide adequate services and infrastructure to support future development.

SECTION 2. Establishment of a Linkage Exaction Ordinance - (A) The city council of the city of Medford may, by ordinance, require the payment of a linkage exaction as a condition of approval of a development impact project plan, as defined by the ordinance, for any future development within the jurisdiction of this act. The linkage exaction shall only be imposed on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-residential and residential projects that require some form of zoning relief or exceed a threshold which shall be established by the city council. The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

(B) The linkage exaction ordinance may be enacted if the following criteria are met:

(1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, and office, commercial and industrial structures and their impact on the following services including, but not limited to, school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety facilities, and parks, playgrounds and other recreational facilities.

(2) The city shall develop and prepare a study that evaluates existing capital improvement plans for public facilities. The study shall analyze potential build-out in the city, the impacts of future development and the need for public facility improvements as a result of future development. Any exaction which may be established pursuant with this act shall be set in accordance with the methodology set forth in the study.

https://archives.lib.state.ma.us/bitstream/handle/2452/9767/1989acts0488.txt?sequence=1&isAllowed=y

1/2



## **Development Exactions**

Building Permit Fees:	\$20/\$1,000 value	(highest in MA)
Affordable Housing Linkage: Jobs Linkage: Infrastructure Improvements: Green Line Linkage: Community Benefits: Inflow & Infiltration Fee:	\$10/sf \$2.46/sf \$2.00/sf \$2.40/sf \$1.60/sf \$14.35/gallon	(only Boston is higher) (Boston is the only other muni) (request in Transform Areas) (based on recent negotiations) (required by the state of MA)
Affordable Housing:	20% of units	
Open Space: Open Space Fee/In-lieu Payment:	% of land \$142.33/sf	(costs 142.33/sf to deliver)

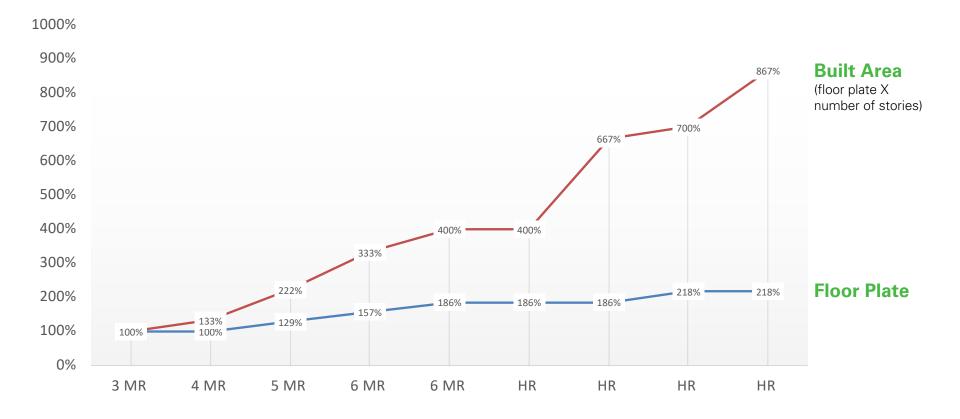


## **Development Exactions**

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

			Open Space				Fee/LAND SF	
District	Building Type	Lot Size	25%	Floor Plate	Stories	Gross SF	\$142.33	Fee/Built SF
3 MR	All Building Types	17,400	4,350	15,000	3	45,000	\$ 619,135.50	\$ 13.76
4 MR	All Building Types	17,400	4,350	15,000	4	60,000	\$ 619,135.50	\$ 10.32
5 MR	All Building Types	22,400	5,600	20,000	5	100,000	\$ 797,048.00	\$ 7.97
6 MR	Apartment Building	27,400	6,850	25,000	6	150,000	\$ 974,960.50	\$ 6.50
6 MR	General & Commercial Building	32,400	8,100	30,000	6	180,000	\$ 1,152,873.00	\$ 6.40
HR	General Building	32,400	8,100	30,000	6	180,000	\$ 1,152,873.00	\$ 6.40
HR	Commercial Building	32,400	8,100	30,000	10	300,000	\$ 1,152,873.00	\$ 3.84
HR	Laboratory Building	38,000	9,500	35,000	9	315,000	\$ 1,352,135.00	\$ 4.29
HR	Mid-Rise Podium Tower	38,000	9,500	35,000	6 (+18)	390,000	\$ 1,352,135.00	\$ 3.47







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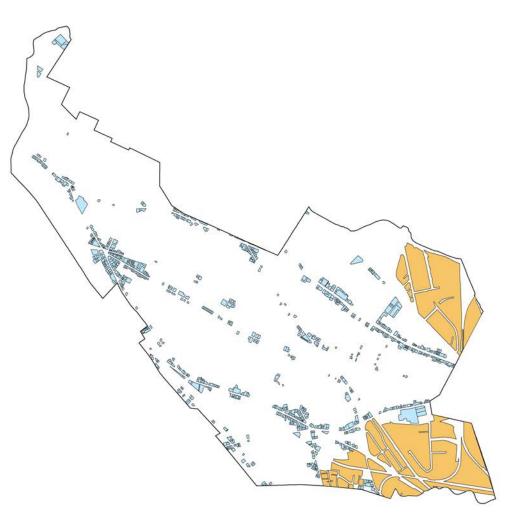
# **ENHANCE AREAS**

Commercial Core & Mid Rise Districts

- 1,092 Lots
- 7,446,262 sf in total

25% Requirement:

- 1,861,565.5 sf (42.73ac)
- Potential ½+ acre spaces: 4











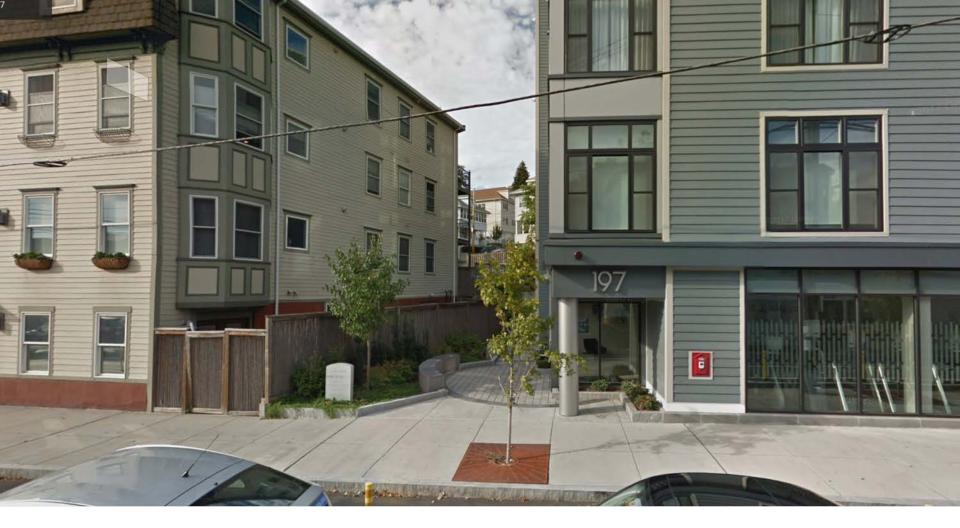




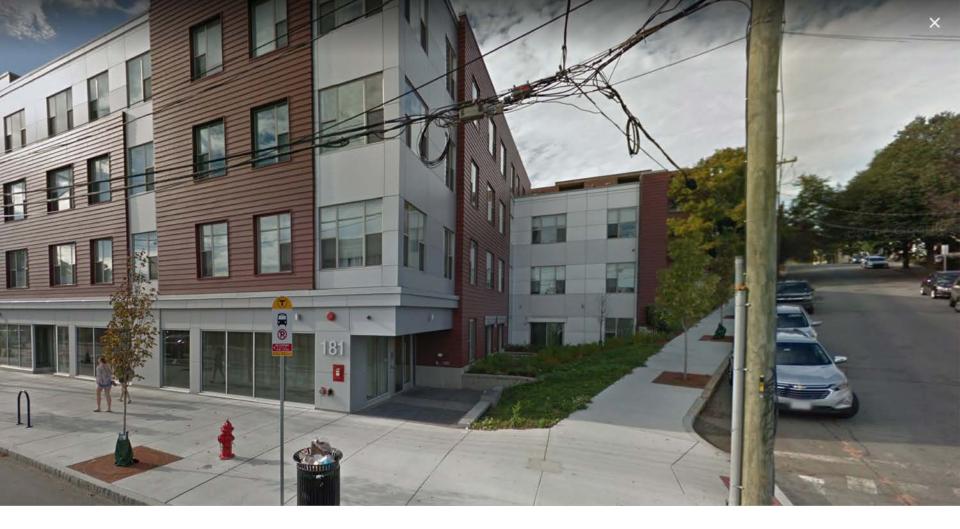




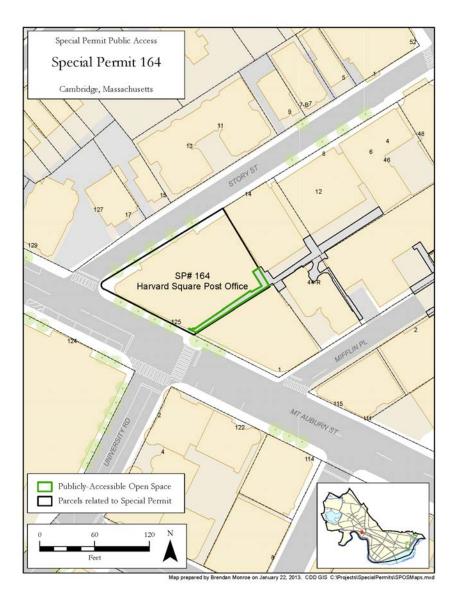




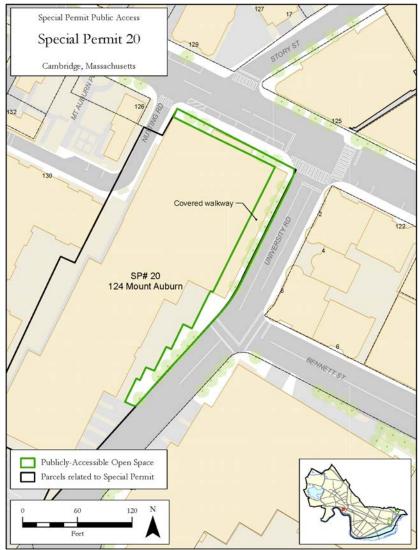












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Map prepared by Brendan Monroe on January 22, 2013. CDD GIS C:\Projects\SpecialPermits\SPOSMaps.mxd







Map prepared by Brendan Monroe on January 23, 2013. CDD GIS C:\Projects\SpecialPermits\SPOSMaps.mxd

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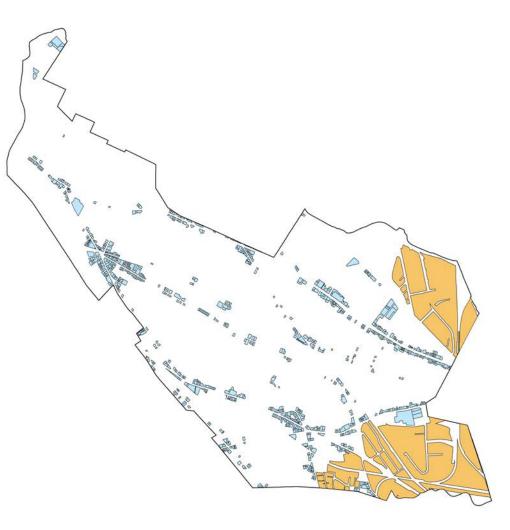
Commercial Core & Mid Rise Districts

- 1,092 Lots
- 7,446,262 sf in total

25% Requirement:

- 1,861,565.5 sf (42.73ac)
- Potential ½+ acre spaces: 4

Full Cost In Lieu Payment: \$142.33/sf = **\$264,956,617** 





## **Setting 'In Lieu' Fees**

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

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

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





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March 12, 2019