



City of Somerville
ZONING OVERHAUL

www.somervillezoning.com

April 2, 2019

Upcoming Schedule

TUE April 2

MON April 22

TUE April 30

TUE May 14

MON May 20

TUE May 28

THU May 30

TUE July 8

THURS, July 11

NR, UR, and Nonconformance

Open Space Amendments

Parking

Affordable Housing

Affordable Housing (part 2?)

???

???

Last LUC meeting before summer recess

Last full Council meeting before summer recess

QUESTION:

Although RB lots are permitted to have 3 DUs by the existing SZO, how many lots can actually add any additional units based on the **Lot Area per Dwelling Unit** metric?



Permitted Density in RB (Existing SZO)

Article 7: Permitted Uses (RB)

1 - 2	DU:	Yes
3	DU:	Yes
4 - 6	DU:	No
7+	DU:	No

Article 8: Lot Area per Dwelling Unit (RB)

1,500 sf/DU

➤ 1 = 1,500 sf, 2 = 3,000 sf, 3 = 4,500 sf

Existing RB Lots:	6,252		
RB Lots \geq 4,500 sf:	1,450		
➤ 4,500 sf RB Lots w/ 1 DU:	211	(03.3%)	(+422 additional units)
➤ 4,500 sf RB Lots w/ 2 DU:	420	(06.7%)	(+420 additional units)
Total	631	(10%)	+842 DU

Permitted Density in RA (Existing SZO)

Article 7: Permitted Uses (RA)

1 - 2	DU:	Yes
3	DU:	No
4 - 6	DU:	No
7+	DU:	No

Article 8: Lot Area per Dwelling Unit (RB)

2,250 sf/DU

➤ 1 = 2,250 sf, 2 = 4,500 sf

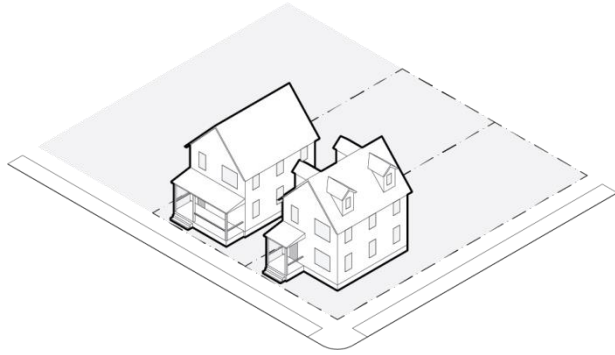
Existing RA Lots:	5,591		
RA Lots \geq 4,500 sf:	1,273		
➤ <u>4,500 sf RA Lots w/ 1 DU:</u>	<u>317</u>	<u>(5.66%)</u>	<u>(+317 additional units)</u>
Total	317	(5.66%)	+317 DU

Permitted *By-Right* Density in RA+RB

1,159 Units



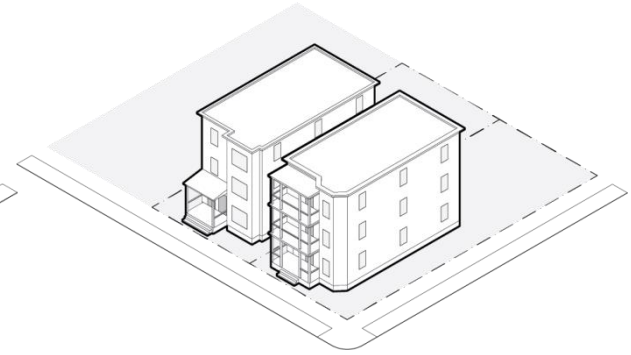
NR - Building Type Questions



Cottage



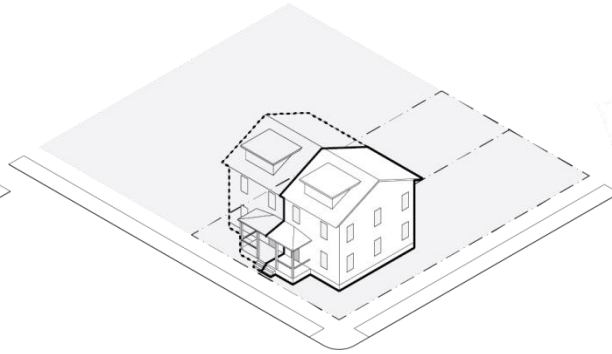
Detached House



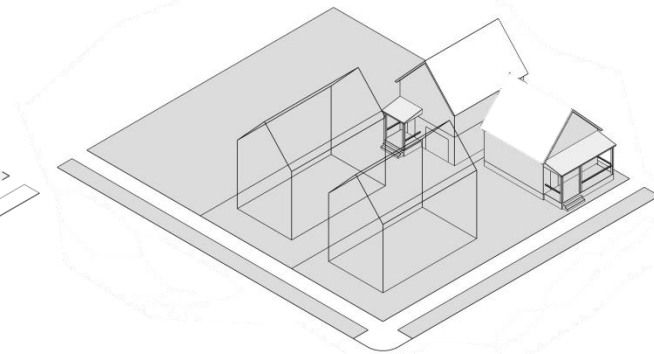
Triple Decker



Duplex



Semi-Detached House



Carriage House



DETACHED HOUSE

Existing Conditions

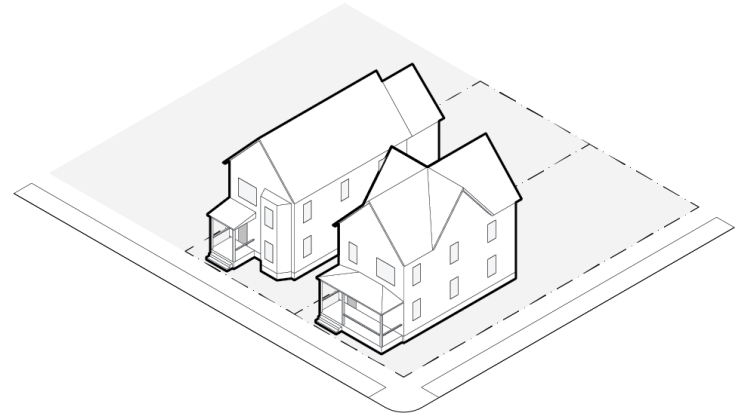
1 DU:	1,604
2 DU:	5,461
3 DU:	1,461
4 DU:	80
5 DU:	33
6 DU:	14
7 DU:	6



Original Proposed Density: 2 DU

DETACHED HOUSE

1. Should the Detached House be permitted to have a third unit **at all**?
2. If a third unit is permitted, should it be a deed restricted ADU?
3. If an ADU is permitted as a third unit, what price should it be set at and should it be subject to the affordable housing lottery?



ADU Price Estimates

Tier 3 Rental*

- Studio \$1,605/month
- 1 Bed \$1,890
- 2 Bed \$2,160
- 3 Bed \$2,425
- 4 Bed \$2,695

Tier 3 Ownership*

- Studio \$1,945/month
- 1 Bed \$2,280
- 2 Bed \$2,670
- 3 Bed \$2,945
- 4 Bed \$3,270

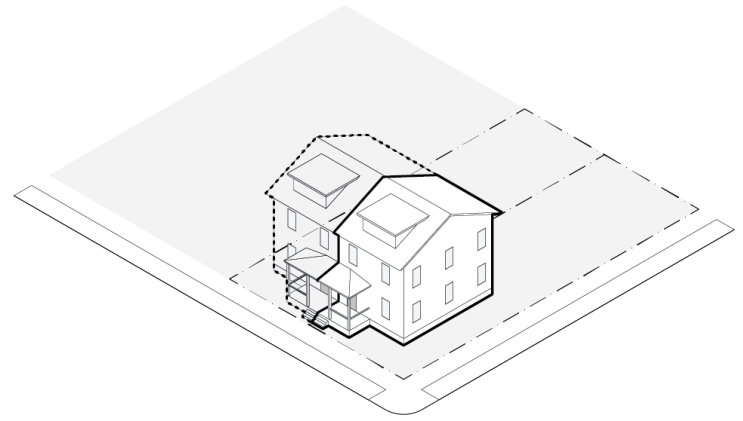
* Deductions for utilities, parking & amenities (Rentals) and PMI, taxes, fees, and insurance (Ownership) are not included here, but reduce these prices further.

SEMI-DETACHED HOUSE

Existing Conditions

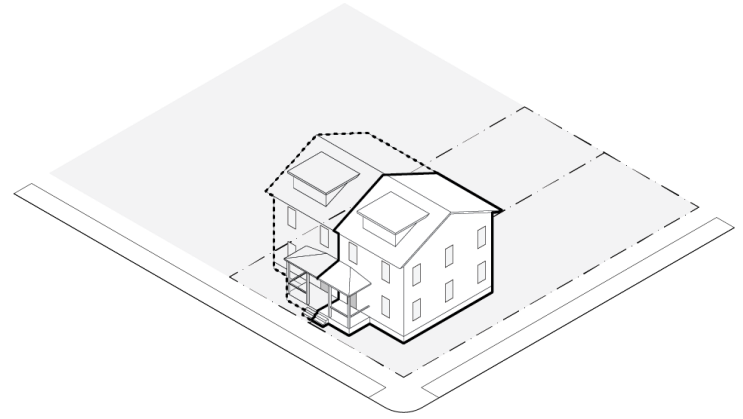
1 DU:	54
2 DU:	69
3 DU:	22
4 DU:	16

Original Proposed Density: 2 DU



SEMI-DETACHED HOUSE

1. Should the Semi-Detached House be permitted to have a third unit **at all**?
2. If a third unit is permitted, should it be a deed restricted ADU?
3. If an ADU is permitted as a third unit, what price should it be set at and should it be subject to the affordable housing lottery?

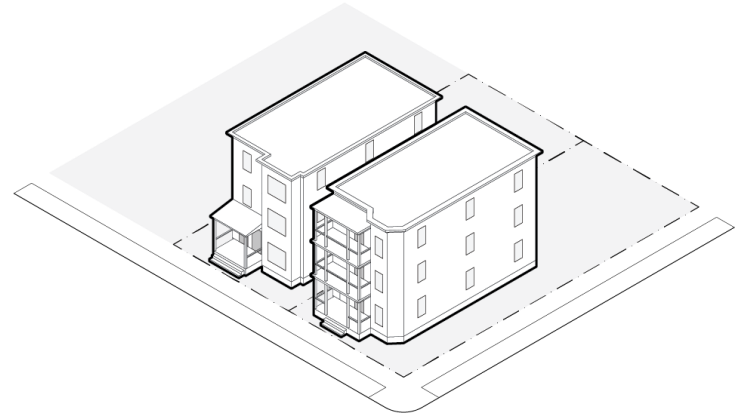


TRIPLE DECKER

Existing Conditions

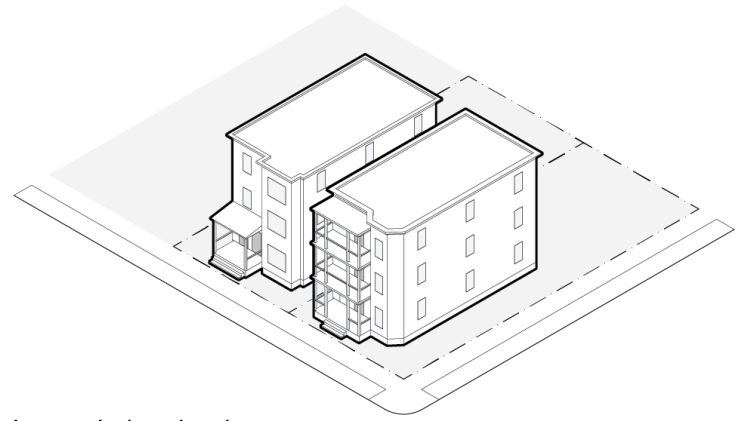
1 DU:	1
2 DU:	9
3 DU:	996
4 DU:	20
5 DU:	1
6 DU:	6

Original Proposed Density: 3 DU



TRIPLE DECKER

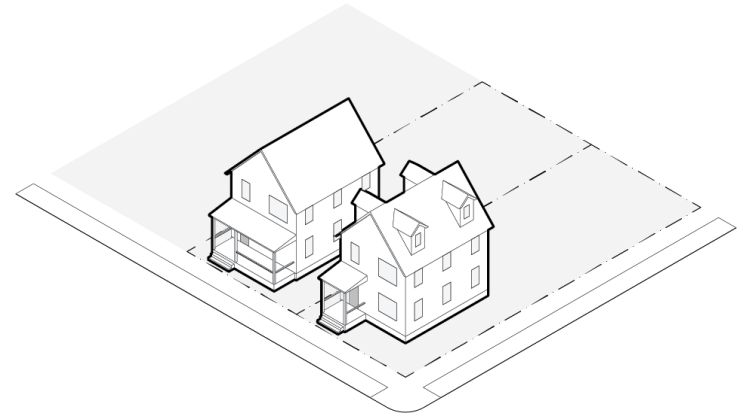
1. Should the Triple Decker building type be permitted in NR **at all**?
2. If yes, under what circumstances?
 - a. On any correctly sized lot (like all other building types)
 - b. On any lot with a side lot line abutting a lot with an existing triple decker
 - c. On any lot with a side lot line abutting a lot with a triple decker
 - d. On any lot within a Transit Area
 - e. On any lot with a side lot line abutting a lot with any building type that has three or more dwelling units (Neidergang/Burman proposal)
 - f. On any lot with a side lot line abutting a lot in the UR, MR, or HR districts.
3. Triple Deckers traditionally have 3 units, should the third unit be a deed restricted ADU?
4. If the third unit is an ADU, what price should it be set at and should it be subject to the affordable housing lottery?



COTTAGE

Existing Conditions

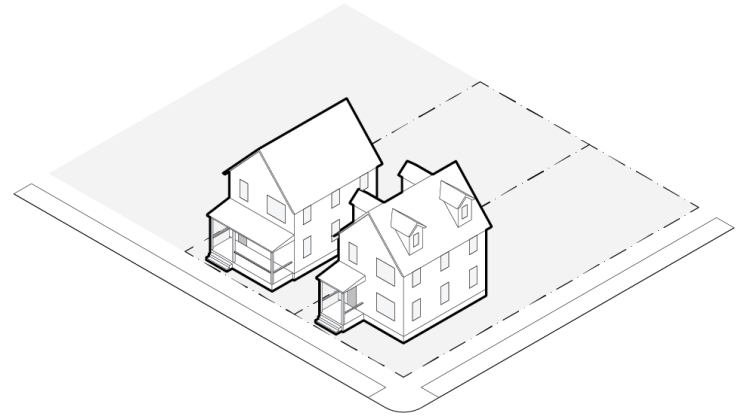
1 DU: 630
2 DU: 61
3 DU: 8



Original Proposed Density: 1 DU

COTTAGE

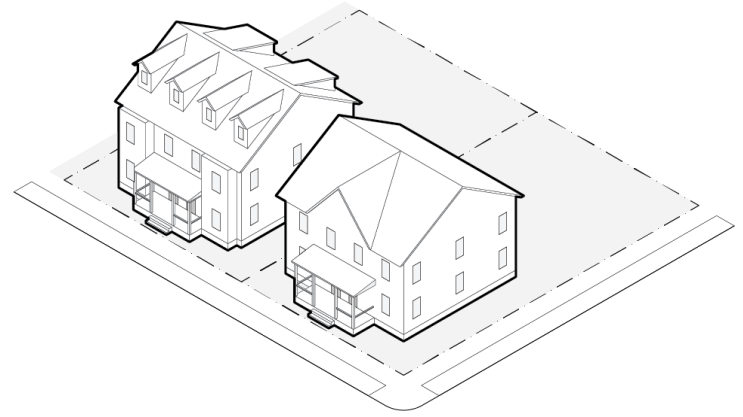
1. Should the Cottage building type be permitted to have a second unit **at all**?
2. If a second unit is permitted, should it be a deed restricted ADU?
3. If an ADU is permitted as a second unit, what price should it be set at and should it be subject to the affordable housing lottery?



DUPLEX

Existing Conditions

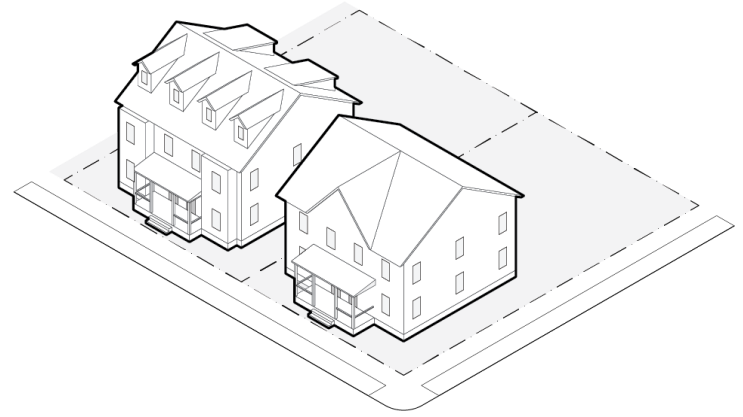
1 DU:	1
2 DU:	75
3 DU:	7
4 DU:	2



Original Proposed Density: 2 DU

DUPLEX

1. Should the Duplex building type be permitted to have a third unit **at all**?
2. If a third unit is permitted, should it be a deed restricted ADU?
3. If an ADU is permitted as a third unit, what price should it be set at and should it be subject to the affordable housing lottery?



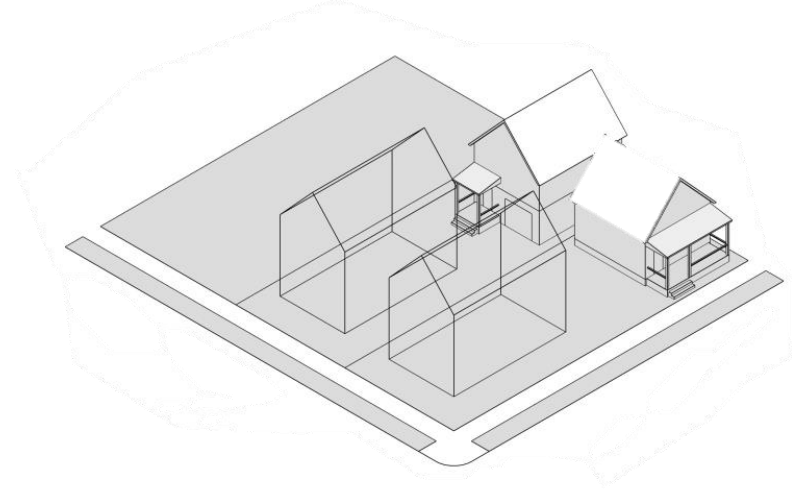
CARRIAGE HOUSE

Existing Conditions

Garages & other outbuildings: 1,870

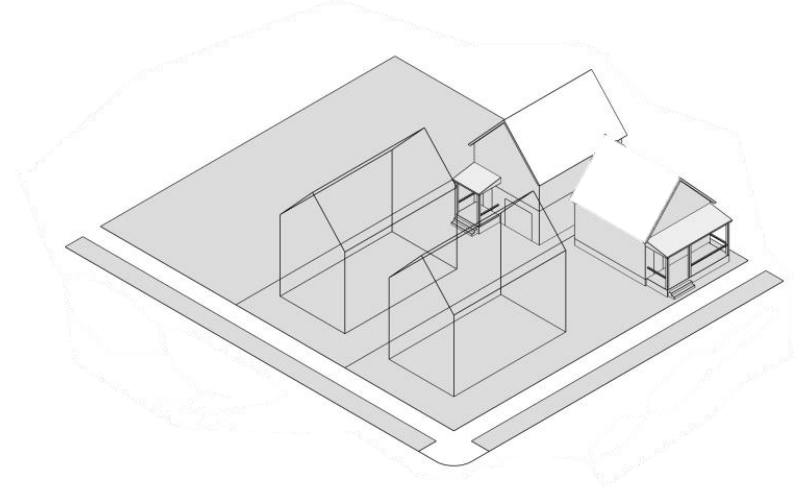
- these *could* be converted to a Carriage House.
- most are nonconforming to the dimensional standard intended for a Carriage House

Original Proposed Density: 1 DU



CARRIAGE HOUSE

1. Should the Carriage House building type be permitted in NR **at all**?
2. If yes, under what circumstances?
3. Should the dwelling unit be a deed restricted ADU?
4. If the Carriage House is an ADU, what price should it be set at and should it be subject to the affordable housing lottery?



QUESTION:

If additional units are permitted, how do we protect the existing dwelling units of each building type from being cannibalized to add the additional units?

...from Version 3

15.C Increases in Density

- i. The alteration or renovation of an existing building that results in any increase of the number of dwelling units requires a special permit.
 - a. In its discretion to approve or deny a Special Permit authorizing an increase in the number of dwelling units in an existing building, the Review Board shall consider the following:
 - i. the review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria; and
 - ii. the quality of the living space in terms of functional area.

New for Version 4?

e. Housing

- *The MODIFICATION of any existing building that increases the number of DWELLING UNITS may not result in a decrease to the FLOOR AREA or bedroom count of any existing DWELLING UNITS.*

QUESTION:

Do we know the actual distance existing buildings in the RA & RB districts are setback from side lot lines?

Analysis of Existing Conditions in RA & RB



DISCLAIMER:

The dataset covered on the next slide over estimates the distance existing buildings are setback from side lot lines. Many buildings are closer to the side lot line than indicated because the building footprints are not totally accurate.

Side Setbacks

<u>Distance from nearest lot line</u>	<u># of Lots</u>	<u>% of total (11,733)</u>
0 - 2 feet (0 feet exactly)	7,289 (4,814)	61.91% (40.89%)
2 feet - 4 feet	2,406	20.44%
4 feet - 6 feet	1,272	10.80%
6 feet - 8 feet	477	4.05%
8 feet - 10 feet	192	1.63%
10 feet - 12 feet	64	0.54%
12 feet - 14 feet	39	0.33%
14+ feet	34	0.29%

QUESTION:

Does 40A permit a municipality to be stricter when it comes to modifying nonconforming properties?

Nonconforming Uses & Structures

M.G.L. 40A, Section 6

Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the [review board] that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood.

Nonconforming Uses & Structures

Blasco v. Board of Appeals of Wichendon (Appeals Court)

- “Does M.G.L. 40A, Section 6, require that municipalities allow changes [to nonconforming uses and structures]? **We think it does not** [].”
- “The legislative history [of Section 6] suggests **an intent to allow local zoning authorities**, through their by-laws, **to regulate and even prohibit changes in nonconforming uses [and structures]**.”
- “The 1975 revision of the Zoning Enabling Act resulted from a report [] titled “Report of the Department of Community Affairs Relative to Proposed Changes and Additions to the Zoning Enabling Act” []. In discussing changes in nonconforming uses, the report notes, at p.39, the unanimity of authoritative opinion that **“the ultimate objectives of zoning would be furthered by the eventual elimination of nonconformities** in most cases”

As a result of **Blasco**, nonconforming uses may be changed or extended and nonconforming structures may be reconstructed, extended, or structurally changed or altered for a different purpose only where the local ordinance specifically authorizes this practice.





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