



City of Somerville

**ZONING OVERHAUL**

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[www.somervillezoning.com](http://www.somervillezoning.com)

April 22, 2019

# Upcoming Schedule

MON April 22  
TUE April 30  
TUE May 14  
MON May 20  
TUE May 28  
*MON July 8*  
*THURS, July 11*

Open Space & Overhaul Generally  
Parking  
Affordable Housing  
Affordable Housing  
???

*Last possible LUC meeting before summer recess*  
*Last full Council meeting before summer recess*

# Today's Agenda

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

# Regional Example: Seaport District

## SOUTH BOSTON WATERFRONT DISTRICT MUNICIPAL HARBOR PLAN RENEWAL AND AMENDMENT



JUNE 2016

2016 Renewal of the South Boston MHP (2000)

### Four Primary Planning Areas

1. Seaport Square
2. Fort Point District "100 Acres"
3. Pier 4
4. Fan Pier

Brian P. Golden  
Director

Timothy J. Burke  
Chairman

Carol Downs  
Member

Priscilla Rojas  
Member

Dr. Theodore C. Landmark  
Member

Michael P. Monahan  
Member

Teresa Polhemus  
Executive Director/Secretary



CITY OF BOSTON  
Martin J. Walsh, Mayor



# Regional Example: Seaport District

Project Notification Form  
Environmental Notification Form  
Phase 1 Waiver Request



## SEAPORT SQUARE IN SOUTH BOSTON

Submitted to:

Executive Office of Energy &  
Environmental Affairs  
MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Boston Redevelopment Authority  
One City Hall Square, 9th Floor  
Boston, MA 02201

JUNE 2, 2008

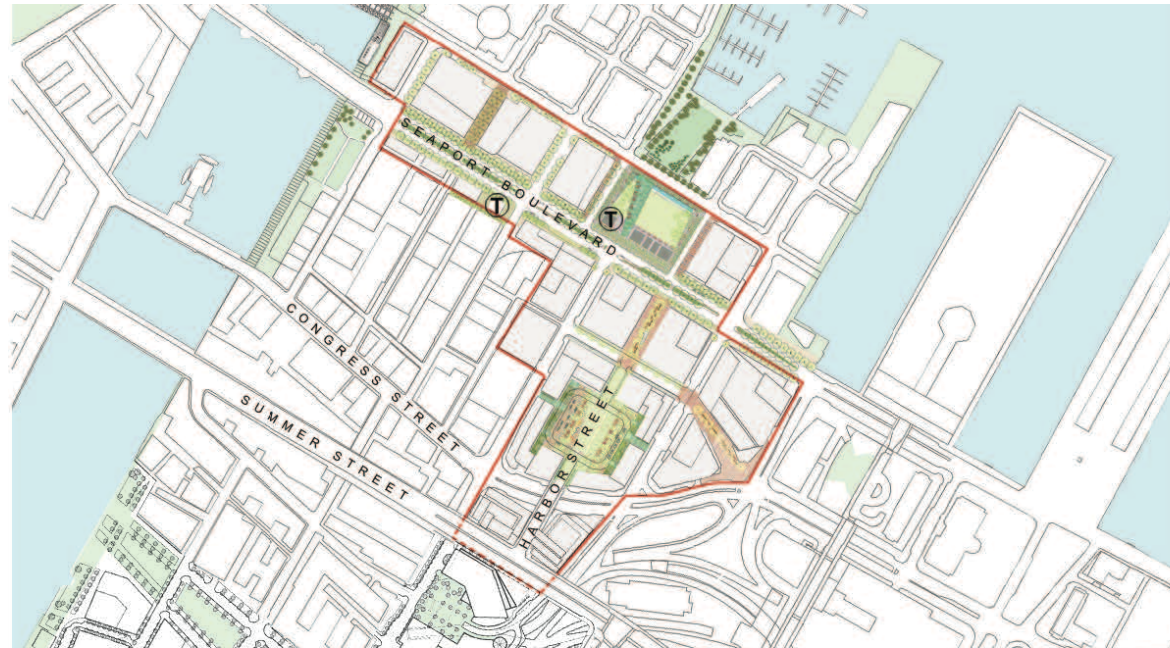
Morgan Stanley



DEVELOPMENT

## Seaport Square

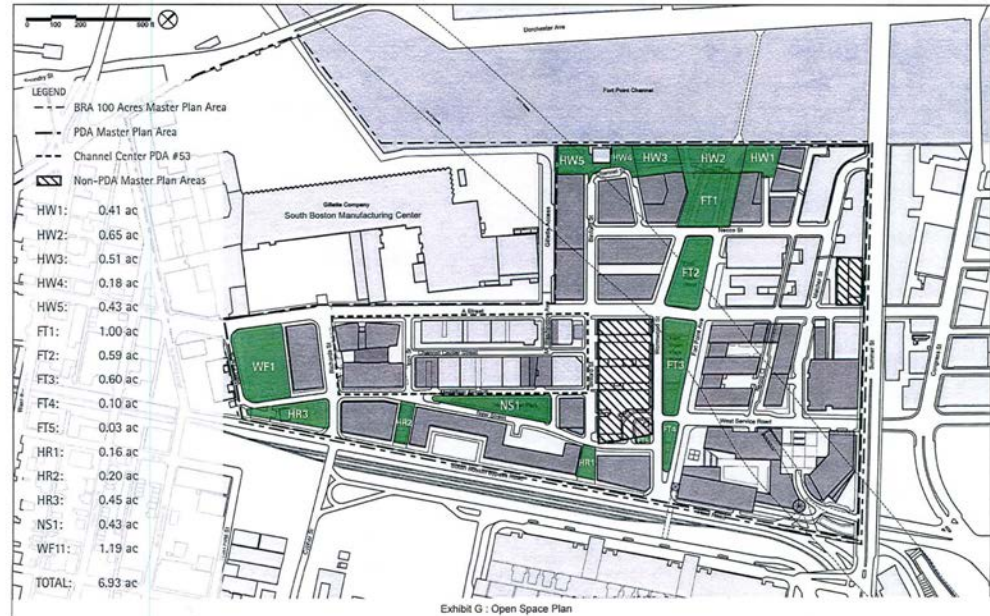
Total Area: 23 acres  
Total Open Space: 2 acres (8.69%)



# Regional Example: Seaport District

## Fort Point District "100 Acres"

Total Area: 47 acres  
 Total Open Space: 6.93 acres (14.74%)



The Fort Point District  
**100 ACRES MASTER PLAN**

Boston Redevelopment Authority  
 with Fort Point Channel Working Group

SEPTEMBER 2006

CITY OF BOSTON  
 Thomas M. Menino, Mayor

BOSTON REDEVELOPMENT AUTHORITY  
 Mark Maloney, Director

# Regional Example: Seaport District

BRA APPROVAL: 3/04/05  
 ZC APPROVAL: 5/14/05  
 EFFECTIVE: 5/16/05

## DEVELOPMENT PLAN

FOR

PLANNED DEVELOPMENT AREA NO. 64

PIER 4, SOUTH BOSTON WATERFRONT  
 BOSTON, MASSACHUSETTS

Dated: March 24, 2005

**Development Plan.** Pursuant to Section 3-1A and Article 80C of the Zoning Code of the City of Boston, Massachusetts (the "Code"), this plan constitutes a Planned Development Area Development Plan (the "Plan") for the development of a site consisting of approximately 412,745 square feet (approximately 9.5 acres) in area (the "Site"), including approximately 232,354 square feet (approximately 5.3 acres) of buildable land (shown as "Buildable Land" on the Survey (as hereinafter defined) and referred to herein as "Buildable Land") and approximately 180,391 square feet (approximately 4.2 acres) of Land Under Ocean (shown as "Open Water" on the Survey) in the South Boston Waterfront section of Boston, Massachusetts. The Site is described in Exhibit A attached hereto and is depicted on a plan dated April 9, 2001, revised September 13, 2004 and February 22, 2005, entitled "Plot Plan, Proposed Property, Pier 4, Boston (South Boston District), Massachusetts" prepared by Harry R. Feldman, Inc. (the "Survey"), a copy of which is attached hereto as Exhibit B. The Proponent (as hereinafter defined) proposes to construct a new mixed-use development, including office, hotel, residential, retail, service, restaurant and parking uses, with new waterfront public spaces, marine access and associated water dependent uses, all as more fully described below (the "Project"), on the Site. Capitalized terms used, but not defined, herein shall have the meanings assigned to such terms in the Code as in effect as of the date hereof, without giving effect to any subsequent amendments to the Code.

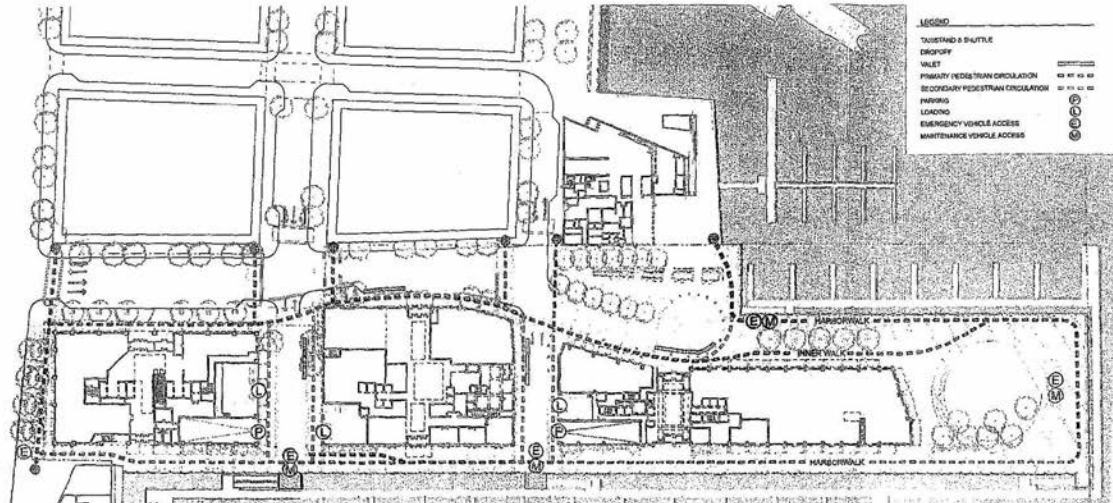
A significant portion of the Site is currently owned in fee by Anthony's Hawthorne, Inc. ("Anthony's"). NED LLC (d/b/a New England Development LLC) (the "Proponent") is a party to an Option and Development Agreement dated as of October 26, 1998 with Anthony's with respect to the acquisition of Anthony's fee interest in the Site. In addition, pursuant to a "land swap" agreement dated as of July 10, 1998 by and among Anthony's, the Boston Redevelopment Authority ("BRA") and the City of Boston (the "City") as modified by an amendment dated as of April 7, 2003 and executed by Anthony's and the BRA on behalf of itself and the City, a portion of the Site that is currently owned by the BRA will be conveyed to Anthony's in exchange for other land required by the City to effectuate the laying out of the new street grid in the area of the Project.

This Plan sets forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the Site, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, and proposed dimensions of structures with respect to the Project. This Plan consists of 22 pages of text plus attachments designated Exhibits A through H. All references to this Plan contained herein shall pertain to such pages and exhibits.

This Plan shall constitute permanent zoning for the Site in accordance with Section 3-1A and Article 80C of the Code and within the meaning of the City's Public Realm Plan (as hereinafter defined) and the City's South Boston Waterfront District Municipal Harbor Plan, as modified and approved by the Secretary of Environmental Affairs' Decision of December 6, 2000 (the "Municipal Harbor Plan"). No Interim Planning Permit under Section 27P-18 of the IPOD (as hereinafter defined) shall be necessary for any work at the Site in accordance with this Plan. The Project is subject to continued design, environmental, and development review by the BRA and other governmental agencies, as more

## Pier 4

Total Area: 5.3 acres  
 Total Open Space: 1.53 acres (29%)



# Regional Example: Seaport District

## Fan Pier

Total Area: 14.8 acres  
Total Open Space: 6.03 acres (40.74%)



BZA APPEAL: 11/14/01  
BZC APPEAL: 2/15/02  
EXERCISE: 2/28/02

### APPENDIX A

#### DEVELOPMENT PLAN

#### FAN PIER DEVELOPMENT

28-52 Northern Avenue, Boston

#### Introduction

In accordance with Section 80C-3 of the Boston Zoning Code (the "Code"), this development plan sets forth information on the Fan Pier Development (the "Development") at 28-52 Northern Avenue, including the proposed location and appearance of structures, open spaces and landscaping, the proposed uses of the Development, the proposed dimensions of structures, the proposed densities, the proposed traffic circulation, parking and loading facilities, access to public transportation and other major elements of the Development (the "Development Plan"). This Development Plan, including the Exhibits attached hereto, is subject to continued design, environmental, and development review by the Boston Redevelopment Authority (the "Authority") and other governmental agencies. In accordance with Section 80C-8 of the Code, a building, use or occupancy permit for the Development shall not be issued until the Director of the Authority shall have issued a Certification of Consistency pursuant to Section 80C-8 of the Code, and such Certification of Consistency shall be a conclusive determination of compliance with the terms and conditions of this Development Plan.

#### Developer

The developer of the Development is Fan Pier Land Company, a Delaware corporation, its successors and assigns (the "Developer").

The business address, telephone number and designated contact for the Developer are:

Fan Pier Land Company  
c/o Spaulding & Slye Colliers  
255 State Street  
Boston, MA 02109  
617-523-8000

Contact persons:

Daniel O'Connell  
Kyle Warwick





# Regional Example: Seaport District

## Four Planning Areas

	<u>Total Area</u>	<u>Public Space</u>	<u>%</u>
Seaport Square	23 ac	2 ac	8.69%
100 Acres	47 ac	6.93 ac	14.74%
Pier 4	5.3 ac	1.53 ac	29%
Fan Pier	14.8 ac	6.03 ac	40.74%
<b>Total</b>	<b>90.1 ac</b>	<b>16.49 ac</b>	<b>18.30%</b>



# Regional Example: Cambridge Research Park



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**  
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139  
Final Development Plan Decision

Case No: PB#141

Address: 364 Third Street

Zoning District: Office 3A/PUD-3

Owner: Cambridge Research Park, LLC  
101 Main Street, 18<sup>th</sup> Floor,  
Cambridge, Massachusetts 02142

Applicant: Cambridge Research Park, LLC  
101 Main Street, 18<sup>th</sup> Floor,  
Cambridge, Massachusetts 02142

Date of Application of the Development Proposal (modified by the Final Development Plan): September 22, 1998

Development Proposal: A mixed use development of life sciences research and office space, retail, and housing uses totaling 1,275,957 square feet of development with up to 3200 parking spaces. Two buildings are proposed to exceed 120 feet in height.

Date of Development Proposal Public Hearing: October 27, 1998, continued to November 25, 1998

Date of Planning Board Development Proposal Determination: December 15, 1998

Date of submittal of the Final Development Plan: January 21, 1999

Date of Final Development Plan Public Hearing: February 16, continued to March 2, 1999

Date of Decision: March 16, 1999

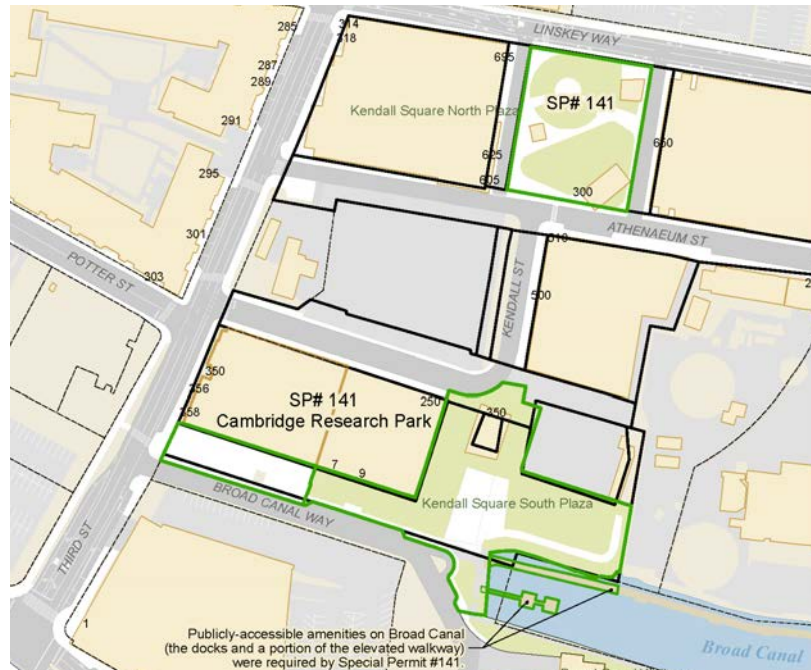
Filing of Decision: April 7, 1999

PB #141 Planning Board Decision

## Special Permit #141

Total Area: 9.76 acres

Total Open Space 2.17 acres (22.2%)



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  - b) Regulatory Strategy**
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  - d) Enhance Areas
  - e) In Lieu Fees
  - f) Outstanding New Code Questions
  
2. ZONING OVERHAUL: Small Business Overlay

# Regulatory Strategy

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

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

To prevent unintended consequences:

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

# Scenarios

## Scenario 1

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

## Scenario 2

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

## Scenario 3

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



# Home Rule Petition

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

- **Criteria for Fee Establishment**
  - Rational nexus study?
- **Applicability/Thresholds**
  - Only some development?
  - Any exemptions? Certain sized buildings?
- **Criteria for Setting the Fee**
  - Rough proportionality to impact
  - Scaling of fee with SF?
  - Different fees for res. vs com.?
- **Periodic Review of Fee**
  - Automatic scales with inflation?
  - Analysis every 1, 2, 3, or 5 years?

1/28/2019

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

Chapter 488. AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM 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



# Scenario 2

## Existing SZO

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

## Proposed SZO

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

# Definitions

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

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

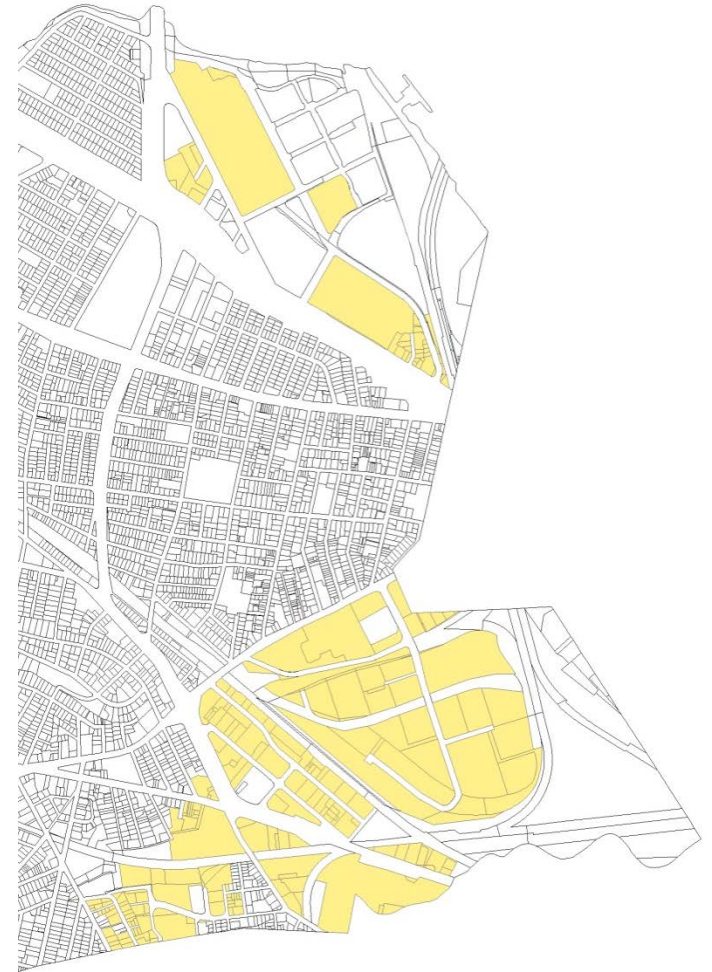


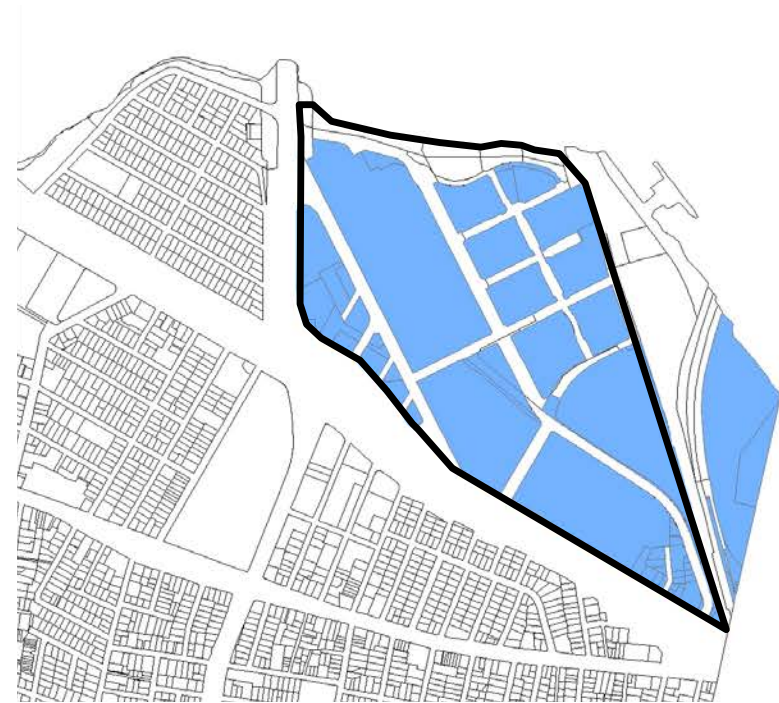
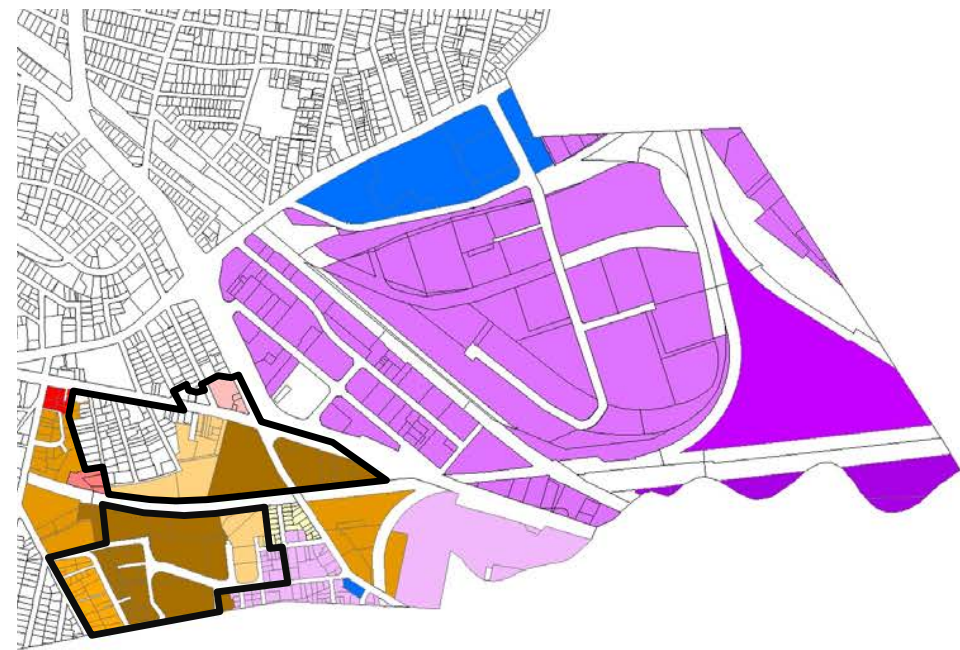
# Today's Agenda



1. Open Space Amendments
  - a) Regional Examples
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  - c) Transform Areas: Boynton Yards & Assembly Square**
  - d) Enhance Areas
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2. ZONING OVERHAUL: Small Business Overlay

# TRANSFORM AREAS

<b>Boynton Yards</b>	<b>15.73 ac</b>
Union East	8.27 ac
Grand Junction	22.68 ac
Brickbottom	20.66 ac
Inner Belt	81.74 ac
<b>Assembly Square</b>	<b>43.73 ac</b>
Total	192.81 ac





- |  |   |
|--|---|
|  RB     |  ASMD    |
|  TOD100 |  BA      |
|  TOD135 |  BB      |
|  TOD55  |  CCD45   |
|  TOD70  |  CCD55   |
|  |  CCD55-C |
|  |  IA      |
|  |  IB      |
|  |  NPSD  |

# Boynton Yards & Union East

## Sec. 6.5. - Transit Oriented Districts

	<b>Dimensional &amp; Use Standards</b>	<b>TOD-55</b>	<b>TOD-70</b>	<b>TOD-100</b>	<b>TOD-135</b>
O	Useable Open Space (%) (Can count toward landscaping) <sup>(5)</sup>	NA	<del>10</del> <u>20</u> <sup>(7)</sup>	<del>10</del> <u>20</u> <sup>(7)</sup>	<del>15</del> <u>20</u>



# Boynton Yards

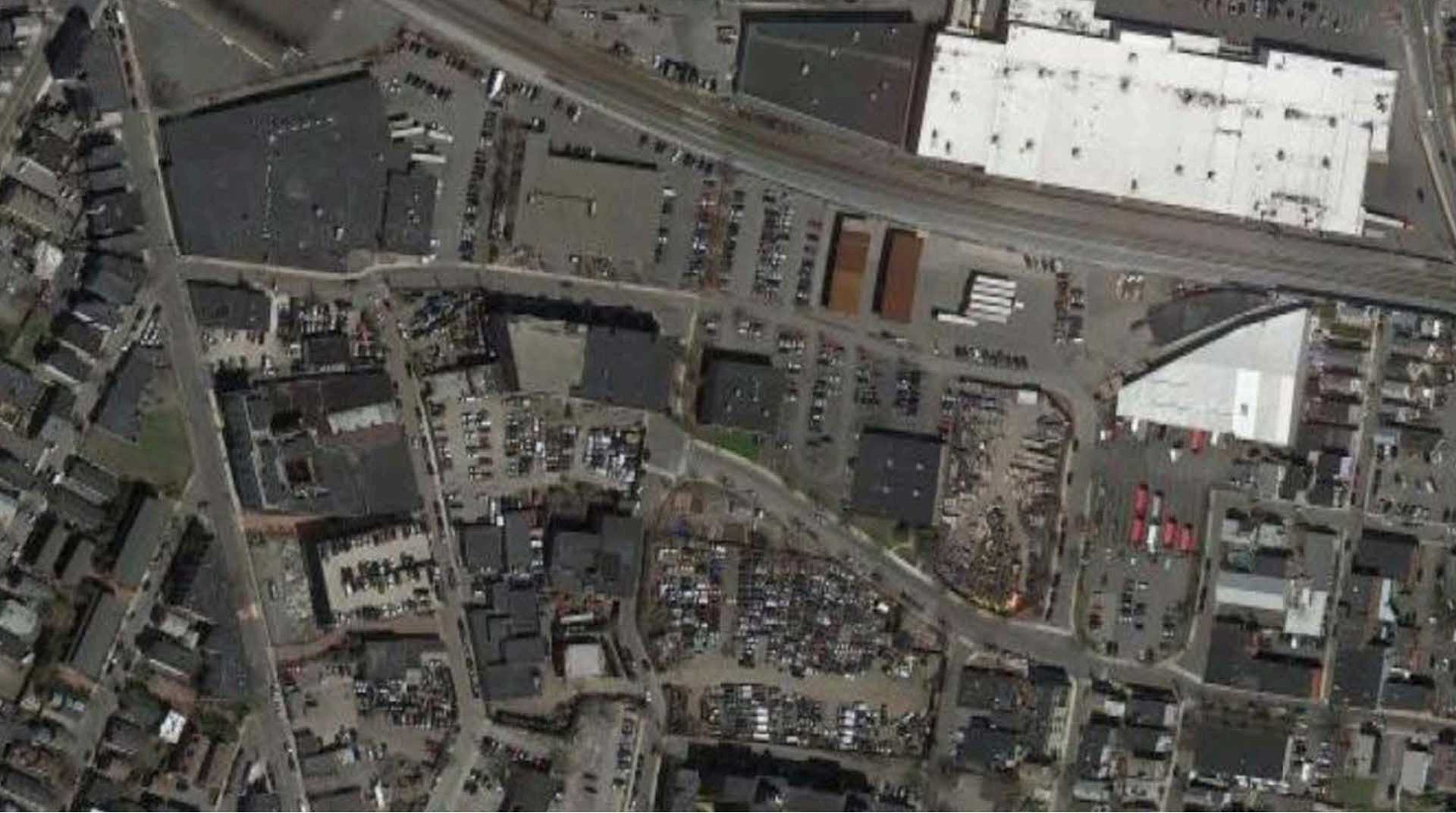


# Map 8.1 (c) Thoroughfare Network

## Key

- Required THOROUGHFARE
- - - Optional THOROUGHFARE
- ⊕ Reference Point





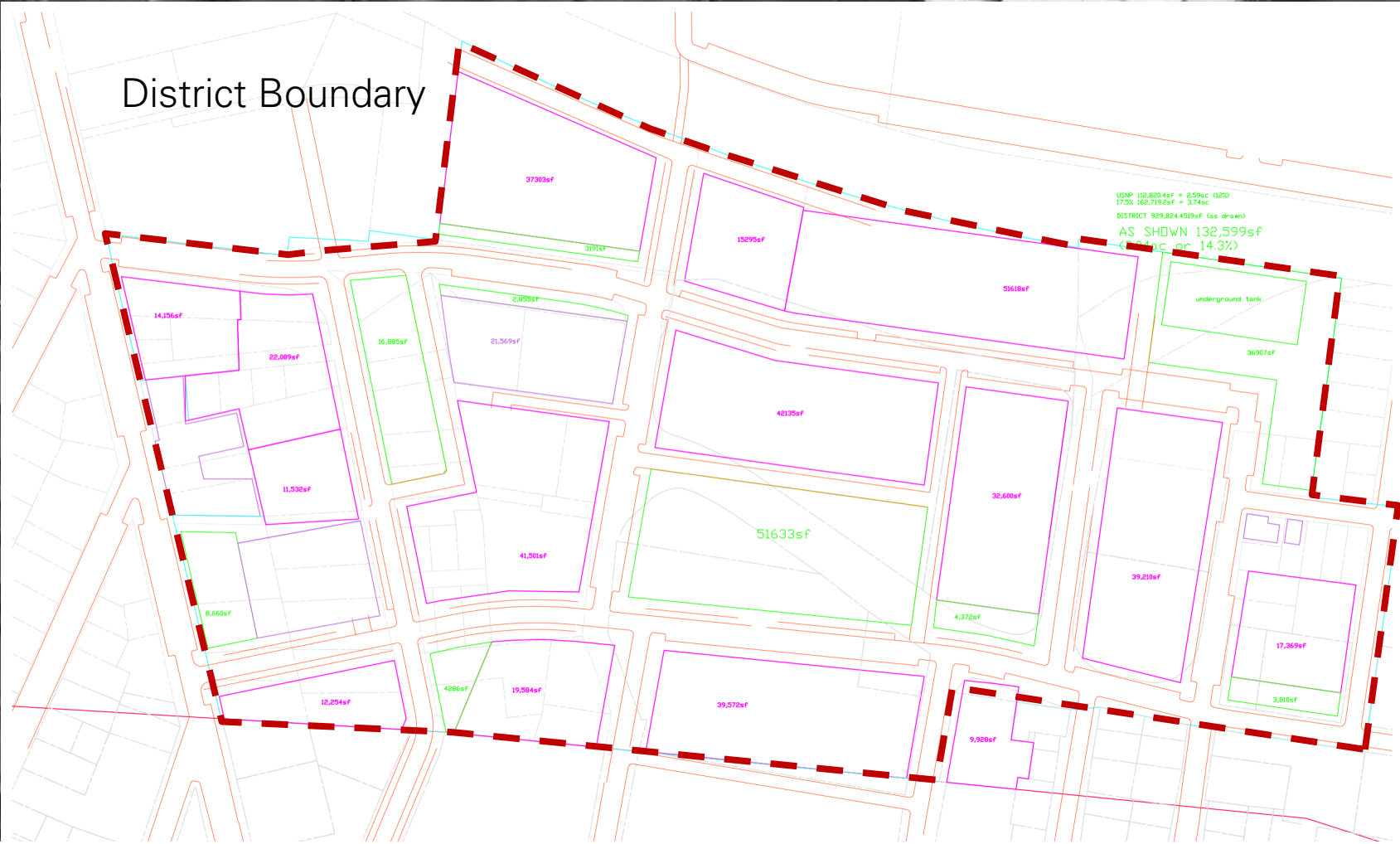


934,069 sf





# District Boundary



USDP 112,828.4sf = 2.59ac (120)  
1753 162,712sf = 3.74ac  
DISTRICT 929,824,451sf (as drawn)  
AS SHOWN 132,599sf  
(2.8% or 14.3%)



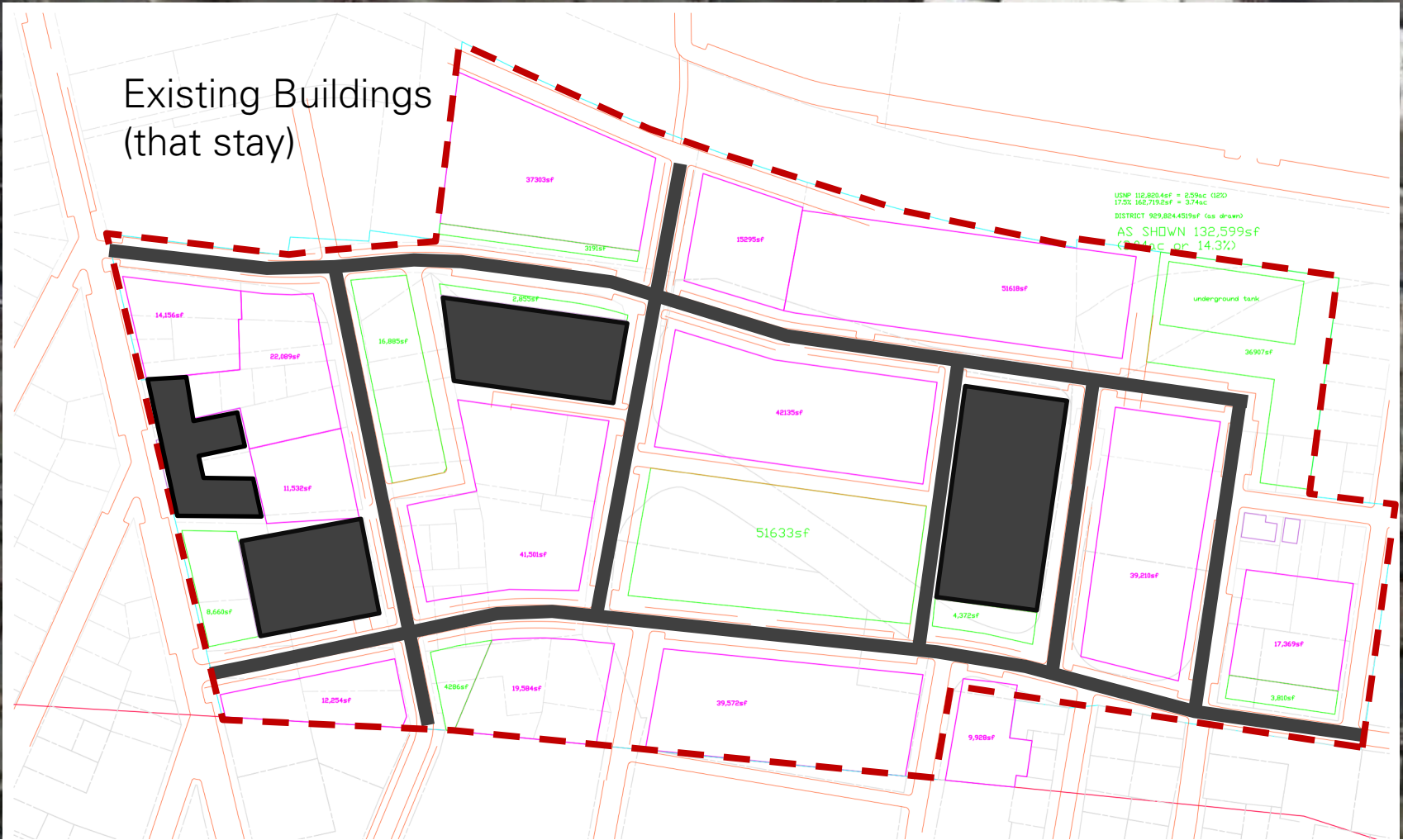
New Streets

**934,069 sf**  
**- 288,369 sf**  
**651,360 sf**

DISTRICT 929,824-4315sf (as shown)  
AS SHOWN 132,599sf  
(14.3%)



# Existing Buildings (that stay)



## Civic Space

- 2 – Public Squares?
- 2 – Neighborhood Parks?
- 5 – Pocket Plazas/Parks?

**133,648 sf**  
**(20.51%)**

UDMP 112,823,4sf = 2.99ac (120)  
17.5% 162,712sf = 3.74ac  
DISTRICT 929,824,451sf (as drawn)  
AS SHOWN 132,599sf  
(6.6% or 14.3%)



9 Story Commercial  
\$1,054,850/year

9 Story Commercial  
\$1,191,500/year

9 Story Commercial  
\$1,459,650/year

9 Story Commercial  
\$1,173,575/year

9 Story Commercial  
\$1,119,025/year

9 Story Commercial  
\$1,108,800/year

6 Story General  
62 DU  
9,495 sf retail  
\$32,725/year

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

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

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

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

6 Story General  
60 DU  
7,350 sf retail  
\$30,150/year

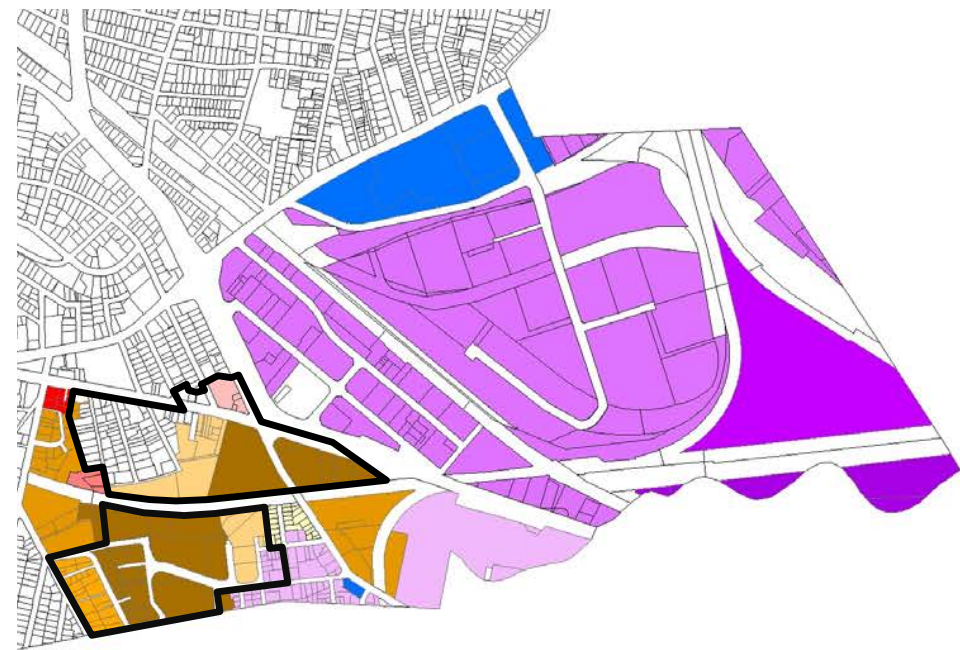
6 Story General  
86 DU  
11,750 sf retail  
\$44,875/year


COMP 102,000sf + 5,000 SF  
TOTAL 107,000sf = 57400  
AS SHOWN 132,599sf  
1.20 or 14.3%

# Boynton Yards

		Percent of Land required to				
Transform Areas	Acres	Existing Zoning	22.89%	25.0%	27.5%	30.0%
		Various %				
Boynton Yards	14.95	1.77	3.42	3.74	4.11	4.49
Union East	8.27	0.61	1.89	2.07	2.27	2.48
Grand Junction	22.68	0.93	5.19	5.67	6.24	6.80
Brickbottom	20.66	0.00	4.73	5.17	5.68	6.20
Inner Belt	81.74	0.00	18.71	20.44	22.48	24.52
Assembly Square	43.73	5.47	10.01	10.93	12.03	13.12
<b>Total</b>	<b>192.03</b>	<b>8.77</b>	<b>43.96</b>	<b>48.01</b>	<b>52.81</b>	<b>57.61</b>
Developer Share		10%	50%	55%	60%	66%
City Share (or unknown 3rd party)		90%	50%	45%	40%	34%
Remaining Acres		79.12	43.94	39.89	35.08	30.28
Estimated cost to aquire, design & construct remaining acres (\$6.2M/acre)		\$ 490,541,399	\$ 272,410,474	\$ 247,288,704	\$ 217,523,574	\$ 187,758,443

**Deficient by 29,192 sf (4.49%) ???**  
**(Larger than every single non-commercial site)**



- |  |   |
|--|---|
|  RB     |  ASMD    |
|  TOD100 |  BA      |
|  TOD135 |  BB      |
|  TOD55  |  CCD45   |
|  TOD70  |  CCD55   |
|  |  CCD55-C |
|  |  IA      |
|  |  IB      |
|  |  NPSD  |



# Assembly Square

## Sec. 6.4.6. - Dimensional Requirements

### A. ASMD Table of Dimensional Standards

	Permitted as of right in the ASMD	Uses requiring a Special Permit with Site Plan Review	Uses within a PUD-A or SPSR-A uses
<del>d. Total Open Space</del>	25%	25%	25%
e d. Useable Open Space <sup>(1)</sup>	10% 25%	12.5% 25%	12.5% 25%

Notes:

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

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

### A. Development Standards.

#### 5) Useable Open Space.

- i. Landscaping strips required in parking areas (Article 10), public or private rights-of-way, and paved frontage area shall not apply to Usable Open Space calculations.
- ii. A minimum of fifty percent (50%) of the total Useable Open Space provided shall be Landscaped Area.



# Assembly Square

-  City Property Landscaped by Developer
-  Marketplace Open Space
-  Marketplace Usable Open Space
-  Partners Open Space
-  Partners Usable Open Space
-  Blocks 1,2A,2B,3,4 & 10 Open Space
-  Blocks 1,2A,2B,3,4 & 10 Usable Open Space
-  Remaining Phases Open Space
-  Remaining Phases Usable Open Space



# Assembly Square

- City Property Landscaped by Developer
- Marketplace Open Space
- Marketplace Usable Open Space
- Partners Open Space
- Partners Usable Open Space
- Blocks 1,2A,2B,3,4 & 10 Open Space
- Blocks 1,2A,2B,3,4 & 10 Usable Open Space
- Remaining Phases Open Space
- Remaining Phases Usable Open Space



# Assembly Square





# Assembly Square

- City Property Landscaped by Developer
- Marketplace Open Space
- Marketplace Usable Open Space
- Partners Open Space
- Partners Usable Open Space
- Blocks 1,2A,2B,3,4 & 10 Open Space
- Blocks 1,2A,2B,3,4 & 10 Usable Open Space
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- Remaining Phases Usable Open Space





City of Somerville  
**ZONING OVERHAUL**

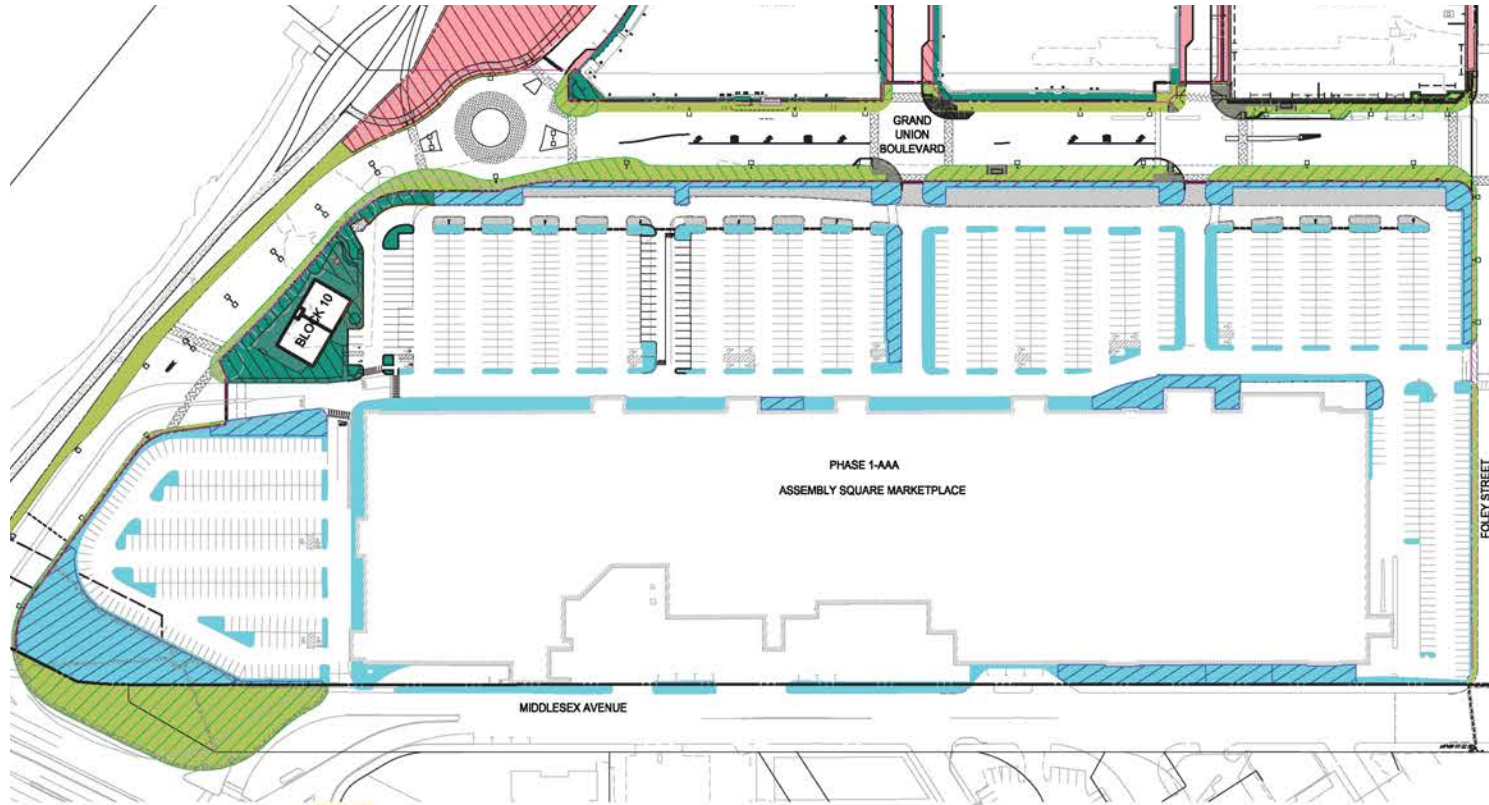
Mayor Joseph A Curtatone  
Office of Strategic Planning  
& Community Development





# Assembly Square

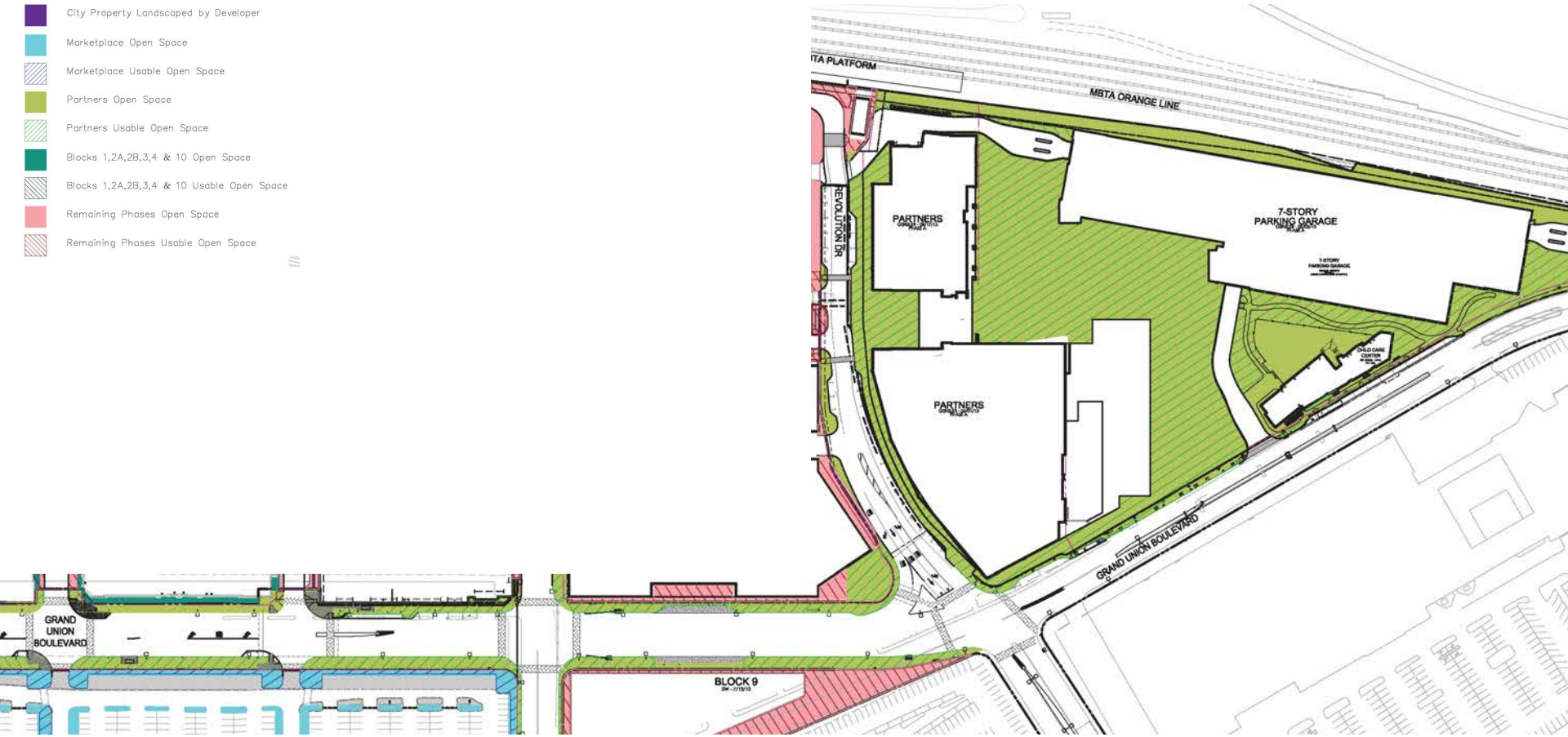
- City Property Landscaped by Developer
- Marketplace Open Space
- Marketplace Usable Open Space
- Partners Open Space
- Partners Usable Open Space
- Blocks 1,2A,2B,3,4 & 10 Open Space
- Blocks 1,2A,2B,3,4 & 10 Usable Open Space
- Remaining Phases Open Space
- Remaining Phases Usable Open Space





# Assembly Square

-  City Property Landscaped by Developer
-  Marketplace Open Space
-  Marketplace Usable Open Space
-  Partners Open Space
-  Partners Usable Open Space
-  Blocks 1,2A,2B,3,4 & 10 Open Space
-  Blocks 1,2A,2B,3,4 & 10 Usable Open Space
-  Remaining Phases Open Space
-  Remaining Phases Usable Open Space







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  - a) Review of Regional Examples
  - b) Regulatory Strategy
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2. ZONING OVERHAUL: Small Business Overlay

# Enhance Areas

## Sec. 8.5. - Table of Dimensional Requirements

		<u>Districts</u>				
		<u>RC</u>	<u>NB</u>	<u>CBD</u>	<u>CCD-45</u>	<u>CCD-55</u>
<u>L.</u>	<u>Open Space,</u> <u>minimum</u> <u>percent of</u> <u>lot</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>

# Regulatory Strategy

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

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

To prevent unintended consequences:

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



# Scenario 2

## Existing SZO

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

## Proposed SZO

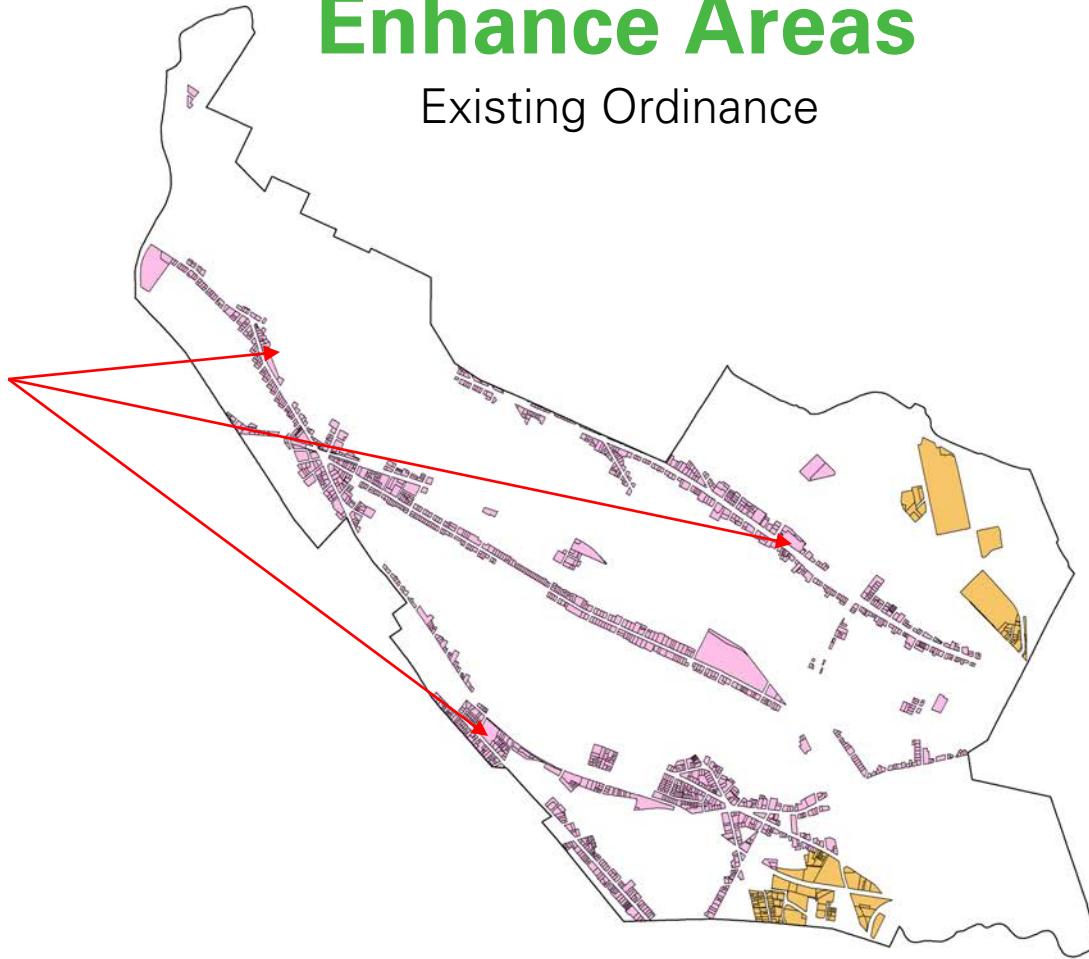
1. Assembly Square, Union Square, Union Square East, Boynton Yards
2. 25% of master plan area as *civic space*
3. In Lieu Payment: XX% max
4. \$ ???/sf
5. MR3, MR4, MR5, MR6, HR, CC
6. 15% of land as *open space*
7. In Lieu: 100% unless 8,000 sf
8. \$ ???/sf



# Enhance Areas

Existing Ordinance

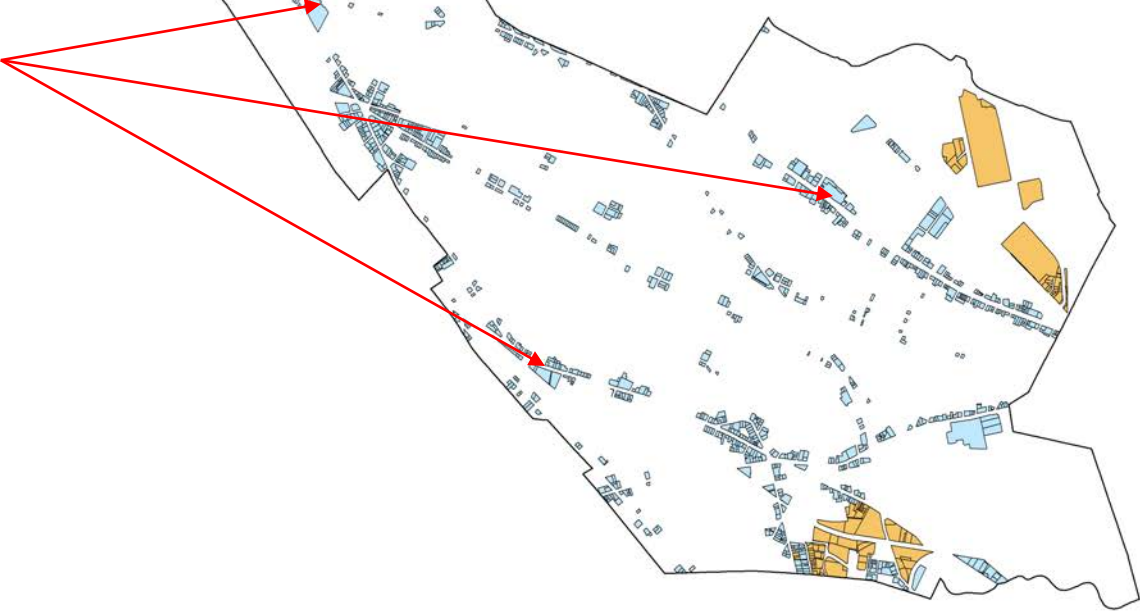
RC  
NB  
CBD  
CCD45  
CCD55



# Enhance Areas

Proposed New Ordinance

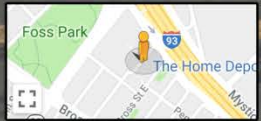
- MR3
- MR4
- MR5
- MR6
- HR
- CC







87 Garfield Ave  
Somerville, Massachusetts  
Google  
Street View - Oct 2017

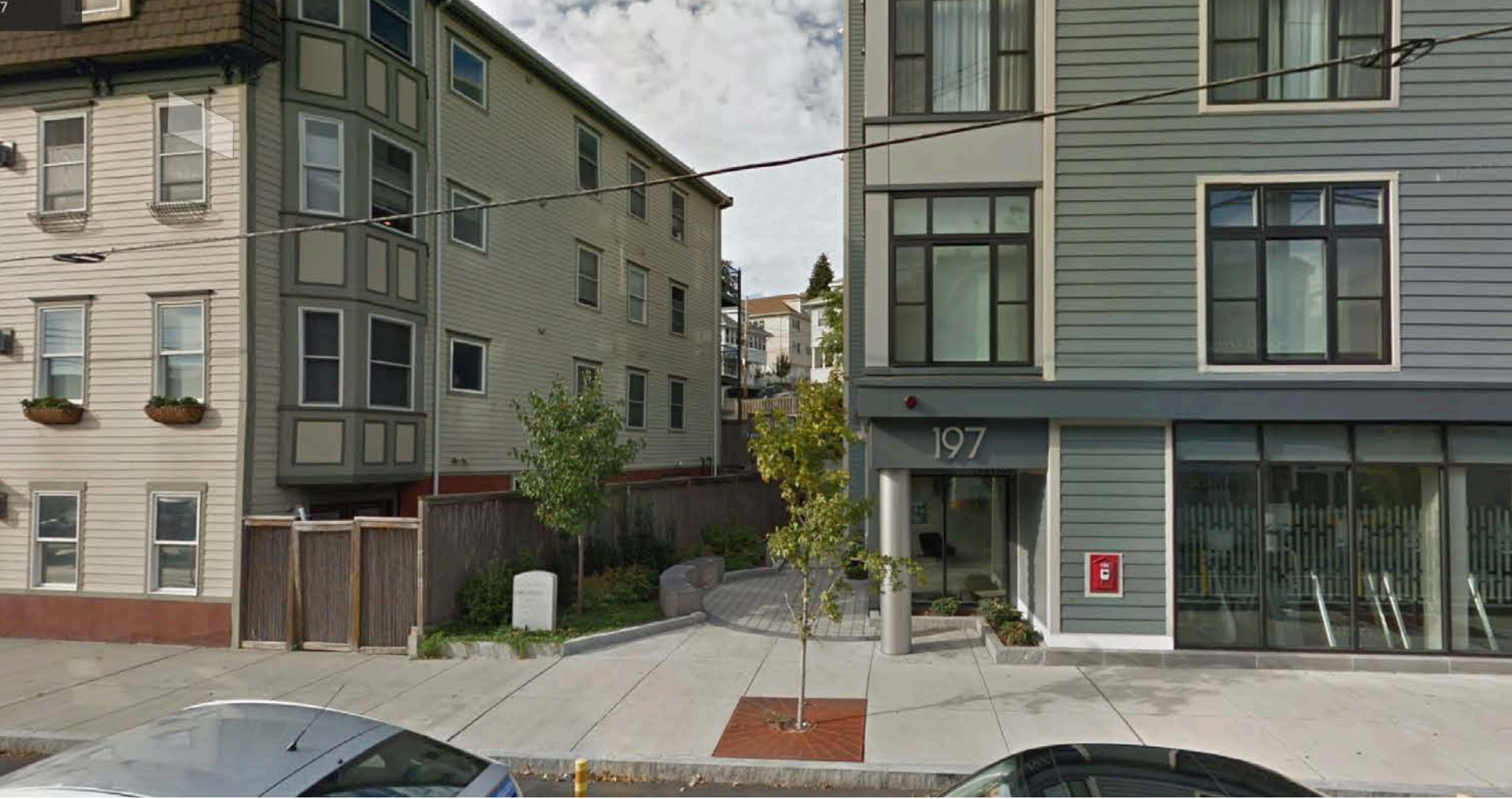


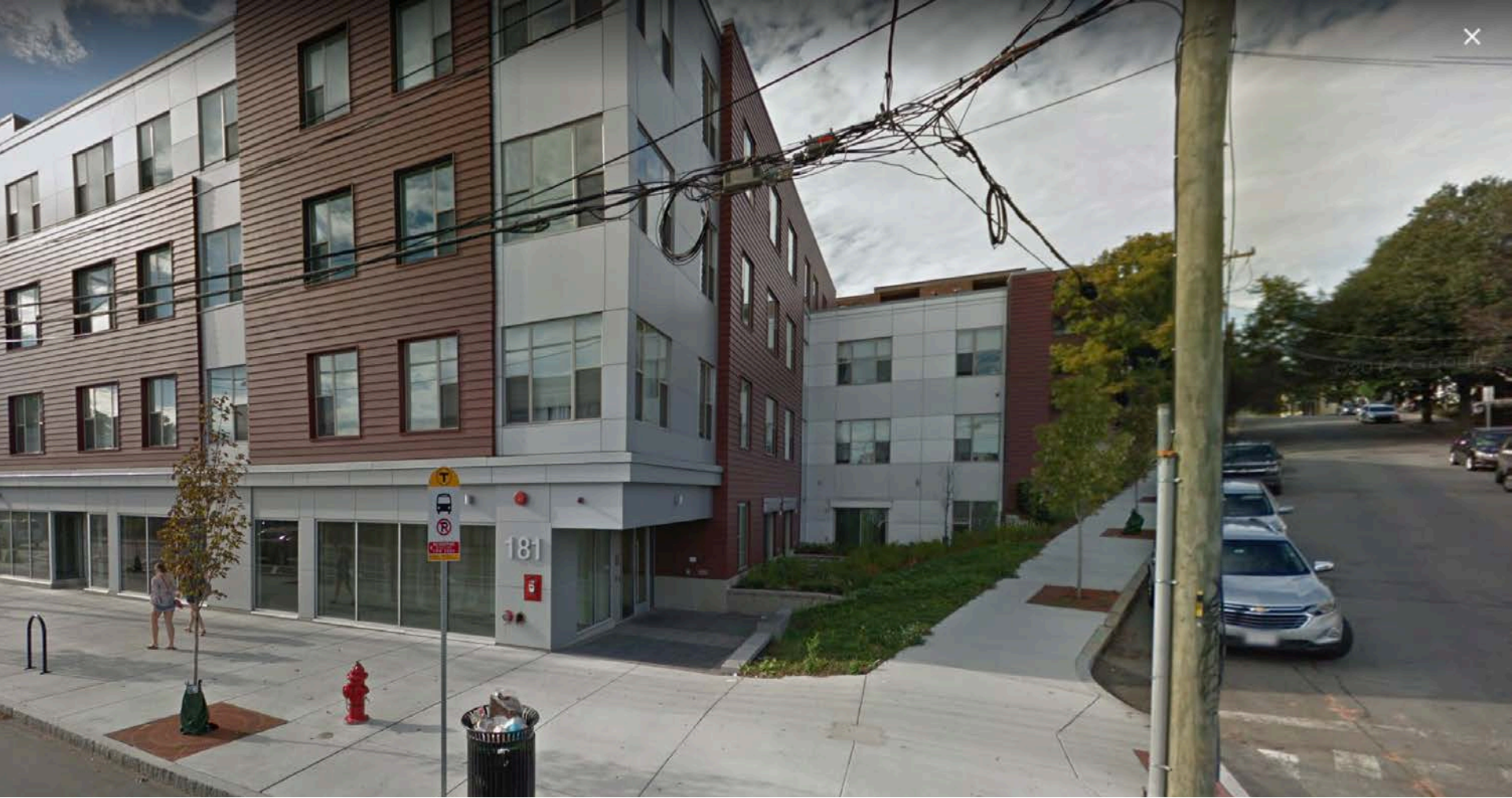
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# Today's Agenda

1. Open Space Amendments
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# In Lieu Fees

## Sec. 17.4. - Incentives to Provide Usable Open Space.

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

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

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

# Setting 'In Lieu' Fees

What could an In Lieu payment be based on?

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

What costs should the In Lieu payment cover?

- Acquisition?
- Design?
- Construction?
- Maintenance?

# 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.

# Setting 'In Lieu' Fees

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

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

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

# Setting 'In Lieu' Fees

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



# Setting 'In Lieu' Fees

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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# Definitions

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

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

# 20 Inner Belt



Forecourts (9,964 sf)





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City of Somerville

**ZONING OVERHAUL**

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[www.somervillezoning.com](http://www.somervillezoning.com)

April 22, 2019