



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

LAND USE COMMITTEE
Committee Meeting

Thursday - January 30, 2020, 6:00 PM
Committee Room – 2nd Floor – City Hall

AGENDA

(Posted online: 1/26/20 at 7:19 AM)

1. **Approval of the Minutes of Tuesday, December 10, 2019**

ITEMS TO BE COMPLETED OR PLACED ON FILE

2. **193063: Recommend** (White Jr., Taylor)- That Section 7.2 of the Zoning Ordinance be amended by deleting Section 7.2.a.
3. **194295: Discuss** (Gewirtz)- That the City Solicitor draft an ordinance preventing the construction of occupancy dwellings attached to existing structures in RA and RB Zones without a Special Permit and neighborhood involvement.
4. **194463: Discuss** (White Jr., Gewirtz)- That the Director of SPCD (Planning) review Zoning Ordinance 4.4.1 and recommend changes to address substantial increases in square footage in projects that can bypass the special permit requirements so developers can build large structures as of right that adversely impact neighbors.
5. **195247: Recommend** (Lafuente, Sullivan, White Jr.)- That the Zoning Ordinance is hereby amended by changing all CCD45 and CCD55 zoning districts in Ward 4 to RC zoning districts.
6. **196757: Discuss** (Ballantyne)- That the Director of SPCD provide an opportunity for public input to the proposed new zoning code overhaul prior to submission to this Board.
7. **198219: Discuss** (Sullivan)- That the City Solicitor review ordinances from other communities that are similar to the zoning ordinance proposed in #197941 and provide the findings to the Committee on Land Use and the Planning Board.

8. **198412: Discuss** (White Jr., Rossetti)- That the Director of Traffic and Parking provide this Board with a breakdown of registered vehicles and residential parking permits in the city over the last 10 years.
9. **198413: Discuss** (White Jr., Rossetti)- That the City Solicitor advise this Board whether the zoning code can restrict the issuance of residential parking permits for residents of those developments where less than 1 parking space per unit is required in the zoning code.
10. **198472: Discuss** (White Jr., Rossetti, Ballantyne, Sullivan)- That the Land Use Committee, during the upcoming zoning overhaul review, examine whether a provision should be added for universities to obtain a special permit before operating housing outside a University District.
11. **198526: Recommend** (-) Planning Board conveying its recommendations re: #197941, a zoning ordinance amendment to prohibit the damage or destruction of any shade or fruit trees during the conversion of a single- or two-family dwelling.
12. **198542: Discuss** (Niedergang, Heuston, Ballantyne)- That the Director of SPCD apply an economic modeling construct to the proposed zoning ordinance to demonstrate the likely economic impacts on commercial development, jobs, housing, and other factors.
13. **198554: Discuss** (-) Traffic and Parking Director submitting responses to various Board Orders submitted 1/22/15.
14. **198638: Discuss** (Ballantyne)- That the Director of SPCD (Planning) inform this Board in writing by March 30 of the number of additional dwelling units allowed under the proposed zoning ordinance.
15. **198639: Discuss** (Ballantyne)- That the Director of SPCD (Planning) submit a plan by March 30 that identifies how the proposed zoning ordinance will affect the zoning of city owned buildings.
16. **198640: Discuss** (Ballantyne)- That the Director of SPCD (Planning) submit by March 30 an implementation plan for how the new proposed zoning ordinance relates to water and sewer, other infrastructure changes, police and fire personnel capacity, and public safety buildings.
17. **198642: Discuss** (Ballantyne)- That the Director of SPCD (Planning) discuss with this Board by April 15 a requirement for Institutional Master Plans as part of the proposed zoning ordinance.
18. **198694: Discuss** (-) Rep. Provost submitting comments re: the proposed zoning ordinance.
19. **198695: Discuss** (-) Nancy Donahue submitting comments re: the proposed zoning ordinance.

20. **198696: Discuss** ()- Kimberly Rego submitting comments re: the proposed zoning ordinance.
21. **198697: Discuss** ()- Bill Valletta submitting comments re: the proposed zoning ordinance.
22. **198698: Discuss** ()- Cecil Cummings submitting comments re: the proposed zoning ordinance.
23. **198704: Discuss** (Ballantyne)- That the Director of SPCD (Planning) advise by zoning district (i.e. NR, UR, 3MU) the increase in housing density (e.g. RA & RB change into NR), what is the increase in housing units in the proposed new zoning districts.
24. **198712: Recommend** ()- Planning Board conveying its recommendations re: #198429, requesting adoption of a new Zoning Ordinance to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.
25. **198713: Recommend** ()- Planning Board conveying its recommendation re: #198275, a proposed zoning amendment to require certain findings by the Planning Board and Zoning Board of Appeals before granting Special Permits.
26. **198714: Recommend** ()- Planning Board conveying its recommendation re: #198276, a proposed zoning amendment to limit the gross floor area increase to 15% for 1 and 2 family dwelling conversions requiring a Special Permit.
27. **198715: Discuss** ()- Ellin Reisner submitting comments re: the proposed zoning ordinance.
28. **198745: Discuss** (Niedergang)- Conveying comments on the proposed zoning ordinance.
29. **198748: Discuss** (Rossetti)- That the Director of SPCD report to the Committee on Land Use a comparison of permits issued from October 2013 to April 2014 vs. October 2014 to April 2015, prior to the Committee's next meeting on 4/15/15.
30. **198906: Discuss** ()- State Representative Denise Provost submitting comments re: the proposed zoning ordinance.
31. **198907: Discuss** ()- Aron Qasba submitting comments re: the proposed zoning ordinance.
32. **198908: Discuss** ()- The Innovative Housing Institute submitting comments re: the proposed zoning ordinance.
33. **198909: Discuss** ()- Jill Maio submitting comments re: the proposed zoning ordinance.

34. **198910: Discuss** ()- Andrew Walker submitting comments re: the proposed zoning ordinance.
35. **198911: Discuss** ()- Charles McKenzie submitting comments re: the proposed zoning ordinance.
36. **198912: Discuss** ()- Claudia Murrow submitting comments re: the proposed zoning ordinance.
37. **198913: Discuss** ()- Lucas Rogers and Mathieu Gagne submitting comments re: the proposed zoning ordinance.
38. **198914: Discuss** ()- Fred Berman submitting comments re: the proposed zoning ordinance.
39. **198915: Discuss** ()- Alan Moore submitting comments re: the proposed zoning ordinance.
40. **198916: Discuss** ()- The Affordable Housing Organizing Committee submitting comments re: the proposed zoning ordinance.
41. **198922: Discuss** (McLaughlin)- That the Directors of SPCD and Traffic and Parking conduct a transportation and parking analysis of the proposed zoning ordinance and explain the impact of parking changes to residents.
42. **199123: Discuss** (Heuston)- That the City Solicitor provide an opinion on applying the hotel tax to short-term rentals such as Airbnb, and provide advice on whether zoning ordinances would then need to be changed.
43. **199532: Discuss** ()- Assistant City Solicitor responding to #199123 re: short-term rental room occupancy excise taxes and possible zoning implications.
44. **207366: Discuss** (Ewen-Campen)- That the City Assessor and the Director of SPCD report to this Board in writing, the range and average cost of adding an Accessory Dwelling Unit, and the expected monthly costs to a homeowner of financing such construction.
45. **207564: Discuss** ()- Sonia Lipson submitting comments re: #206747, the proposed zoning overhaul, with respect to accessory dwelling units.
46. **200689: Discuss** ()- Planning Director submitting the response to comments to #198429, the January, 2015 version of the Somervision zoning overhaul.

47. **200750: Discuss** (White Jr.)- That the Director of SPCD provide this Board with a written breakdown of all special permit and variance applications for the last 3 years, broken out by building type, application type, and purpose.
48. **201854: Discuss** (Heuston, McWatters, and the Entire Board)- That the Director of SPCD advise this Board on regulating Air BnB rentals through zoning regulation.
49. **202781: Discuss** (Niedergang, McLaughlin)- That the Director of SPCD and the City Solicitor consider limiting vehicle parking stickers for properties that request parking relief from the Zoning Board of Appeals or Planning Board, and opine on the Traffic and Parking Department's authority to limit parking stickers in such developments.
50. **203191: Discuss** ()- Rod Laurenz submitting comments re: the Community Bike Path.
51. **203235: Discuss** ()- Assistant City Solicitor responding to #202781 re: whether resident parking stickers may be limited for properties that request off-street parking relief from the Special Permit Granting Authority.
52. **203258: Discuss** (Rossetti, Heuston, Niedergang)- That the City Solicitor consult with the Attorney General on recreational marijuana and prepare a draft ordinance.
53. **204125: Discuss** (Heuston)- That the Director of SPCD update this Board on the zoning of Boynton Yards.
54. **204399: Recommend** ()- Requesting the adoption of an amendment to Zoning Ordinance Article 15 to establish a Project Mitigation Fee for Job Creation and Retention.
55. **204400: Recommend** ()- Requesting the adoption of an amendment to Zoning Ordinance Section 15.5 to update the Project Mitigation Contribution for Affordable Housing.
56. **204428: Discuss** (Rossetti, Niedergang, McLaughlin, McWatters)- That the City Solicitor submit a draft amendment to Zoning Ordinance Section 16.10.2, assuring no future option of a waiver from inclusionary affordable housing requirements.
57. **204708: Discuss** ()- Planning Board submitting recommendations re: #204399, #204400, #204524, and #204525, four zoning ordinance proposals for affordable housing linkage fees and/or jobs creation and retention linkage fees.
58. **204953: Recommend** ()- Requesting the adoption of a New Zoning Ordinance (1/2018 update) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.

59. **205055: Discuss** (Ballantyne)- That, to assist in considering the proposed zoning overhaul, the Directors of Finance, SomerStat, SPCD and Planning provide this Board with current reports on 1) SomerVision progress, 2) Capital Improvement Plan, 3) Projected revenues from the proposed zoning, and 4) Debt.
60. **205150: Discuss** ()- Green and Open Somerville submitting comments re: a Somerville Green Standard in the proposed zoning overhaul.
61. **205229: Recommend** ()- Planning Board submitting recommendations re: #204893, a zoning amendment regarding PUD waivers.
62. **205330: Discuss** ()- Kevin Walford submitting comments re: #204953, the proposed zoning ordinance overhaul.
63. **206285: Recommend** ()- City Solicitor submitting Zoning Ordinance Amendments regarding Adult Use Marijuana Establishments.
64. **206492: Discuss** (Ballantyne, and the Entire Board)- That the Director of SPCD prioritize zoning, planning and ordinance work for the "transformative districts."
65. **206508: Discuss** ()- Planning Board conveying its recommendations re: #204953, requesting adoption of a new Zoning Ordinance to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.
66. **206747: Recommend** ()- Requesting the adoption of a New Zoning Ordinance (9/2018 update) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.
67. **206838: Recommend** ()- Planning Board conveying its recommendations re: #206285, zoning ordinance amendments regarding adult use marijuana establishments.
68. **206891: Discuss** ()- Tori Antonino submitting comments re: #206489, a Zoning Ordinance amendment for slope protection.
69. **207245: Discuss** ()- Planning Director submitting public comments received re: #206747, the proposed zoning overhaul.
70. **207246: Discuss** ()- Public comments received re: #206747, the proposed zoning overhaul, since the conclusion of the Planning Board's comment period.

71. **207306: Discuss** (-) Planning Board conveying its recommendations re: #206747, requesting adoption of a new Zoning Ordinance to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.
72. **207332: Recommend** (-) Submitting proposed amendments the Zoning Ordinance to establish new open space requirements in the Assembly Sq Mixed Use District, Transit Oriented Districts, and Planned Unit Developments.
73. **207367: Discuss** (Ewen-Campen)- That the Director of Inspectional Services report to this Board the number of un-permitted dwelling units that are known to exist.
74. **207699: Discuss** (-) Andrew Greenspon submitting comments re: #206481, a proposed Zoning Ordinance amendment to add a new Section 17.8 re: open space requirements for mid-rise and high-rise buildings.
75. **207866: Discuss** (-) Peter and Lai Ying Chan submitting comments re: #206747, the proposed zoning overhaul.
76. **207870: Discuss** (-) Bill Valletta submitting comments re: #206481 and #207460, proposed Zoning Ordinance amendments re: open space.
77. **208702: Recommend** (-) Requesting the adoption of a New Zoning Ordinance (v4.0 update) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.
78. **209269: Recommend** (-) Planning Board conveying its recommendations re: #208702, requesting adoption of a new Zoning Ordinance to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.
79. **209293: Discuss** (Hirsch)- That the Administration advise this Council on what policy would be necessary to enforce green roof and related requirements in the future.
80. **209295: Discuss** (Scott)- That the City Solicitor advise the Committee on Land Use whether the regulation of bedrooms through the zoning ordinance would be allowable by law.
81. **208827: Discuss** (Hirsch, McLaughlin, Ewen-Campen, Ballantyne, Mbah)- That the Director of SPCD consider adding in the new zoning, a requirement that larger new buildings have indoor storage for trash, to reduce the addition of rats with new developments.
82. **208156: Discuss** (Ballantyne)- That the Administration provide the Land Use Committee with a timeline for when changes could be made within Traffic and Parking and whether a retroactive implementation could be made as well.

83. **207273: Recommend** (Mbah)- That the Director of Inspectional Services request an environmental impact statement from any contractor applying for a permit to do a project of any kind.
84. **207371: Discuss** (Mbah, McLaughlin)- That the City Solicitor work with the Director of Sustainability and Environment to draft an ordinance requiring solar renewable energy installation in new commercial development.
85. **207461: Recommend** (Niedergang, Scott, Ballantyne)- Submitting an amendment to the Zoning Ordinance for the Protection of Significant Trees, by amending Article 2-Definitions and Article 10-Landscaping.
86. **207937: Discuss** (McLaughlin)- That the Director of SPCD update the zoning overhaul draft to reflect a 3-year term for Planning Board members.
87. **208831: Discuss** (Scott, Ballantyne)- That the Director of SPCD update this Council regarding the ongoing planning for Boynton Yards.
88. **208577: Discuss** (Scott)- That the Director of SPCD provide a quarterly update regarding development of a neighborhood plan for Brickbottom.
89. **208832: Discuss** (Scott, Ballantyne)- That the Director of SPCD update this Council regarding specific timelines of planning processes for Brickbottom and Union Square East.
90. **198429: Recommend** (-) - Requesting the adoption of a New Zoning Ordinance (updated) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.

**VOTER PETITIONS SUBMITTED PRIOR TO ZONING
OVERHAUL - NO LONGER APPLICABLE**

91. **198275: Recommend** (-) - Thirteen registered voters submitting a Zoning Ordinance amendment to require certain findings by the Planning Board and Zoning Board of Appeals before granting Special Permits.
92. **198276: Recommend** (-) - Thirteen registered voters submitting a Zoning Ordinance amendment to limit the gross floor area increase to 15% for 1- and 2-family dwelling conversions requiring a Special Permit.
93. **204159: Recommend** (-) - Property owner of 125 Lowell Somerville LLC submitting a proposed zoning map amendment for certain parcels on Lowell Street, Belmont Street, Summer Street, and Highland Avenue.

94. **204331: Discuss** ()- Assistant City Solicitor providing a legal opinion regarding #204159, a proposal by a property owner to amend the zoning map for certain parcels, including one owned by that owner.
95. **204524: Recommend** ()- 18 registered voters submitting a proposed amendment to Zoning Ordinance Article 15 to update the housing linkage fee.
96. **205054: Recommend** ()- 22 registered voters proposing an amendment to Zoning Ordinance 6.4 to establish new open space requirements for certain buildings in the Assembly Sq Mixed Use District.
97. **206481: Recommend** ()- 18 registered voters submitting a proposed Zoning Ordinance amendment to add a new Section 17.8 re: open space requirements for mid-rise and high-rise buildings.
98. **206915: Discuss** ()- Representative Provost submitting comments re: #206481, a proposed zoning amendment for open space requirements for mid-rise and high-rise buildings.
99. **207124: Discuss** ()- Representative Provost submitting comments re: #205244, a proposed zoning ordinance to regulate the siting of certain facilities near heavily trafficked roadways.
100. **207460: Recommend** ()- 18 registered voters submitting a proposed Zoning Ordinance amendment to add a new Section 17.8 re: open space requirements for mid-rise and high-rise buildings.
101. **208134: Discuss** ()- Planning Board conveying its recommendations re: open space zoning ordinance amendments #206481, #207460, #205054, and #207332.
102. **208135: Recommend** (Scott)- Amending the Zoning Ordinance map to assign 453 Somerville Avenue to the Business-A zoning district.
103. **208877: Recommend** ()- Hampshire LLC proposing a zoning amendment to re-zone their property at 22 Murdock St to UR.
104. **208878: Recommend** ()- Dean Matarazzo proposing a zoning amendment to re-zone their property at 13 Garfield Ave to UR.
105. **208879: Recommend** ()- Joy St LTD Partnership proposing a zoning amendment to re-zone their property at 86 Joy St to MR4.

106. **208880: Recommend** (-) Sciucco Family Trust proposing a zoning amendment to re-zone their property at 379 Alewife Brook Pkwy to MR4 or MR5.
107. **208899: Recommend** (-) Jack Saade proposing a zoning amendment to re-zone their property at 453 Somerville Ave to UR.

REMOVING OBSTACLES TO CREATING AFFORDABLE HOUSING

108. **207727: Discuss** (Hirsch, Niedergang, Ewen-Campen, Scott, Clingan, Ballantyne, Davis, Rossetti, McLaughlin, Mbah, White Jr.)- That the Director of SPCD discuss the 100% Affordable Zoning Overlay District proposal now being considered by the Cambridge City Council.
109. **209478: Discuss** (Ewen-Campen, Clingan, Niedergang, Hirsch, Davis, Mbah, McLaughlin, Ballantyne, Scott)- That the Director of SPCD present recommendations for an "Affordable Housing Overlay District" to this Council's Committee on Land Use, to facilitate the construction of new affordable housing.
110. **200688: Discuss** (-) Planning Director submitting the Housing Needs Assessment required by Zoning Ordinance 13.8 as a pre-requisite to the completion of any amendments to the Inclusionary Zoning requirements.
111. **209342: Discuss** (Hirsch)- Providing compiled property and zoning relief application data, to inform the affordability requirements built into the zoning overhaul.

SOMERVISION

112. **209551: Recommend** (-) Senior Planner presenting SomerVision 2040 to this Council.

MINIMUM MIXED USE RATIO

113. **200787: Recommend** (White Jr., and the Entire Board)- Proposing a new Article 16B in the city's Zoning Ordinances, with attendant Zoning Map changes, to establish a minimum mixed use ratio in designated areas.
114. **202409: Recommend** (-) Planning Board conveying its recommendations re: #200787, a Zoning Amendment to establish a minimum mixed use ratio.
115. **202864: Recommend** (White Jr., and the Entire Board)- Proposing an updated Article 16B in the city's Zoning Ordinances, with attendant Zoning Map changes, to establish a minimum mixed use ratio in designated areas.
116. **203101: Discuss** (-) Planning Board conveying its recommendations re: #202864, an Updated Article 16B in the City's Zoning Ordinances to establish a minimum mixed use ratio.

117. **206493: Discuss** (Ballantyne, and the Entire Board)- That the Director of SPCD update this Board on the MMUR consultant's work.
118. **198641: Discuss** (Ballantyne)- That the Director of SPCD and the City Solicitor advise this Board in writing by March 30 whether the proposed zoning ordinance complies with state law regarding the co-habitation of 4 unrelated adults and how much authority a municipality has in this regard.
119. **198777: Discuss** ()- Assistant City Solicitor responding to #198641 re: a legal opinion of the city's requirements for unrelated adults residing in a dwelling unit.
120. **201376: Discuss** ()- MIT Graduate Student Council submitting comments re: the city's restriction prohibiting more than 4 unrelated persons from sharing a single dwelling unit.

TO BE DISCHARGED AND REFERRED TO LEGISLATIVE MATTERS

121. **205244: Discuss** ()- 15 registered voters proposing an amendment to the Zoning Ordinances by adding a new Ordinance 7.16 regulating certain buildings near heavily trafficked roadways.
122. **208131: Discuss** (McLaughlin, Davis)- That the City Solicitor draft a Home Rule Petition to create a linkage fee to fund an account for the creation and development of public open space.

ZONING ENFORCEMENT

123. **209222: Discuss** (Rossetti)- That the Administration advise the Committee on Land Use how compliance with zoning is and will be monitored and enforced post-certificate of occupancy.

DISCUSSION OF PRIORITIES

124. **209570: Discuss** (Ewen-Campen)- That the Committee on Land Use review and prioritize its agenda items with the Administration at its January 30 meeting.