



City of Somerville Zoning Overhaul

Zoning Workshop #6 **Permitting Process**

4.5.16



City of Somerville Zoning Overhaul

Process

Subject Matter Workshops: UPDATED schedule

<u>Meeting</u>	<u>Public</u>	<u>BOA Land Use</u>
• Public Space	11.23.15	11.30.15
• Arts & Creative Economy	12.7.15	1.26.16
• Attainable Housing I	1.11.16	2.9.16
• Residential Neighborhoods	1.25.16	2.23.16
• Mobility	2.22.16	4.12.16 (?)
• Process	3.7.16	4.5.16
• Attainable Housing II	3.21.16	4.26.16 (?)
• Economic Development	4.11.16	5.3.16 (?)
• Sustainability	4.25.16	5.1.16 (?)
• Residential Occupancy	5.9.16	tbd
• Residential Neighborhoods II	5.23.16	tbd



City of Somerville
Zoning Overhaul

Mayor Joseph A. Curtatone
Office of Strategic Planning
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Tonight's Objectives

- Review Somervision guidance on zoning process
- Review the toolkit in the overhaul
 - Except "special districts"
- Review how these tools can be used in the new zoning
- Determine a general strategy for applying the tools
- Review examples and collect preliminary feedback that can inform the staff on how to apply the tools in the next overhaul submittal



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Tonight's Schedule

Presentation

- **SomerVision Goals**
- The Permitting Toolkit
 - Preliminary Review
 - Types of Permitting
 - Putting it all Together
- Public Feedback
 - Applying the Toolkit
 - Process Refinement
 - Process Adjustments
- Using Permitting Tools Together – Examples
- Using Permitting Tools Together – Proposals



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SomerVision



*Somerville: an Exceptional Place to
Live, Work, Play, and Raise a Family*

584
Goals, Policies & Actions

182
Implemented through
Zoning

14
Permitting Process



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SomerVision

A Summary

- Establish a more efficient system or small home improvement projects such as windows, dormers and small additions that currently require special permits
- Provide more transparency / predictability in permitting
- Streamline permitting to facilitate the process of opening a business
- Implement more collaborative processes for engaging neighbors in review of development projects
- Require the Special Permit Granting Authority to make a finding that applications for zoning relief support the Comprehensive Plan
- Consider jobs / fiscal impacts



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Types of Permitting

The tools

Preliminary Review

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graph TD
    A(( )) --- B[Pre-Submittal Meeting]
    A --- C[Neighborhood Meeting]
    A --- D[Design Review]
    
```

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Preliminary Review


Pre Submittal Meeting

Purpose:	Informs an Applicant of relevant procedural criteria; allows for review of previous permitting for the site in question; early identification of concerns by the Applicant and City Staff
Who:	Planning Staff and Applicant
Timing:	At least 3 days before application submittal
Applicability:	As required by the code
*Today:	Not currently required by the ordinance; application are frequently missing information; nuances of zoning frequently missed by applicants

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Preliminary Review	
Neighborhood Meeting	
Purpose:	A formalized process for neighborhood input; allows an applicant to present a proposal to the public during the conceptual design phase; allows the public to discuss issues and potential impacts of the proposal with the applicant; used to inform the Boards about issues that must be mitigated through permit approval conditions
Who:	Residents, Applicant, and Ward Alderman
Timing:	At least 10 days before application submittal
Requirements:	Applicants must submit a report with their permit application that documents the meeting, summarizes issues discussed, and provides a description of changes or responses to issues identified as a result of the meeting
Applicability:	As required by the code
*Today:	Not currently required by the ordinance; unpredictable when necessary or unnecessary; frequently happens after application submittal (late in the process)
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Preliminary Review	
Neighborhood Meeting	
What will the project look like?	
When will construction start and how long will it take?	
Where will the dumpster be located?	
Is there a better site design that does not impact development capacity?	
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Preliminary Review

Design Review

- Purpose:** Provides advice and recommendations to an applicant to ensure development protects and enhance the public realm and human scale of the city
- Who:** Urban Design Commission & Applicant
- Timing:** At least 10 days before application submittal
- Requirements:** Applicants must submit a report with their permit application that documents the meeting, summarizes issues discussed, and provides a description of changes or responses to issues identified as a result of the meeting
- Applicability:** As required by the code
- *Today:** Required only in limited circumstances; unpredictable when necessary or unnecessary; frequently happens after application submittal (late in the process)



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Types of Permitting

The tools

Permit Type

-  By Right
-  By Right with Limitations
-  Special Permit
-  Site Development Plan Approval
-  Zoning Permit




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Types of Permitting

“By Right”

Purpose:	Reflects a basic property right to use your land; something must be allowed ‘by right’ in each zoning district by law
Issued By:	Verified by Building Official
Restriction:	Must still follow dimensional or use standards; definitions
Affect:	Building Permit may be issued by ISD for development that is ‘by-right’



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Types of Permitting

"By Right" with Limitations

- Purpose:** Permits a 'by right' use but limits the circumstance in which it can occur or includes more rules it must follow
- Issued By:** Verified by Building Official
- Restriction:** Must still follow dimensional or use standards; definitions; and additional rules
- Affect:** Building Permit may be issued by ISD for development that is 'by-right with limitations'



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Types of Permitting

Special Permit

- Purpose:** Authorizes a predetermined type of exception from the standards or requirements in zoning (ie. 'conditional uses')
- Issued By:** Review Board (PB or ZBA)
- Powers:** The review board has full authority to approve, apply conditions, require project modifications (including reductions), or deny the application
- Restriction:** Only available when offered by the ordinance; denial cannot be arbitrary
- Findings:** Rules guiding the issuance of a special permit; can be customized to have different rules for different special permits
- Typical Use:** Conditional uses; increases in development capacity



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Types of Permitting

Special Permit

Concerns:

- The reduction of development capacity during permitting can have severe negative impacts on affordability. This impacts not only residential uses, but also businesses because it increases development costs which leads to higher rents.
- Everyone involved, from neighbors to developers, also has little predictability in what may or may not be approved.



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Types of Permitting

Site Development Plan Approval

- Purpose:** Administrative verification that development is compliant with zoning
- Issued By:** Review Board (PB or ZBA)
- Powers:** The Review Board can attach reasonable conditions to mitigate impacts
- Restriction:** Cannot be denied if compliant with zoning; denial is only permitted when a circumstance is so intractable that no reasonable condition can address it
- Affect:** Protects entitlement, but allows impact mitigation; predictability is preserved



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Types of Permitting

Site Development Plan Approval

CONDITIONS:

- pedestrian and vehicular access
- parking and loading
- landscaping, screening, and buffers
- lighting
- signage
- storm water management
- architectural style
- water and wastewater systems
- refuse disposal
- construction
- limitations on students or residents
- maintenance guarantees
- noise limits
- ...other concerns that neighbors frequently have



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Types of Permitting

Zoning Permit

Purpose: Certifies that development is compliant with zoning and has met all other necessary procedures, including any Special Permit or Site Development Plan Approval that may or may not be required

Issued By: Building Official

Affect: Building Permit may not be issued by ISD without a Zoning Permit being issued first



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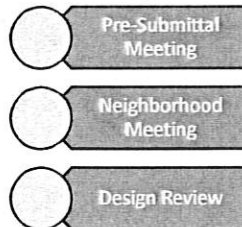
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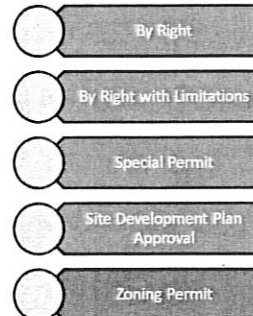
Using Permitting Tools Together

The tools

Preliminary Review



Permit Type



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Using Permitting Tools Together

Triggering the Use of a Tool

	Preliminary Review	Permit Type
Establishment of a Use	Pre-Submittal Meeting	By Right
Development of a Building Type	Neighborhood Meeting	By Right with Limitations
Waiver of a Rule	Design Review	Special Permit
Addressing a Non-conformity		Site Development Plan Approval
		Zoning Permit



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Permitting & Development

Right Process at the Right Time

1. Ask how our permitting process and timing of neighborhood input aligns with:
 - a. lending requirements
 - b. when design decisions are made
 - c. construction timing



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Permitting & Development

Right Process at the Right Time

1. Ask how the permitting process and timing of neighborhood input aligns with:
 - a. lending requirements
 - b. when design decisions are made
 - c. construction timing

We need to figure out what and when details about a development can be known so that we can inform development at each decision point



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Permitting & Development

Right Process at the Right Time



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Permitting & Development

Right Process at the Right Time



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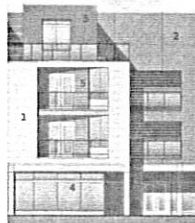
Permitting & Development

Right Process at the Right Time



EXTERIOR MATERIALS

- (1) NICHHA ILLUMINATION SERIES (SMALL BLOCK PANELS)
- (2) NICHHA 6" X 10" LAP SIDING
- (3) NICHHA ILLUMINATION SERIES (LARGE BLOCK PANELS)
- (4) PAINTED STEEL AND STOREFRONT GLAZING
- (5) NICHHA VINTAGE WOOD SERIES (CEDAR)



1154 BROADWAY
SOMERVILLE, MA 02144

EXTERIOR FAÇADE MATERIALS

20



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Permitting & Development

Right Process at the Right Time

1. Processes that might change plans need to be conducted early, before applications are submitted for permits.



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Permitting & Development

Right Process at the Right Time

1. Processes that might change plans need to be conducted early, before applications are submitted for permits.
2. Why?
 - Holding, planning, and permitting costs are all passed down the consumer making housing and retail **more expensive** or designed at **lower quality**



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Permitting & Development

Right Process at the Right Time

1. Processes that might change plans need to be conducted early, before applications are submitted for permits.
2. Why?
 - Holding, planning, and permitting costs are all passed down the consumer making housing and retail more expensive or designed at lower quality
3. We need to figure out what we want and where we want it
4. Set development capacity at the district level



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Public Feedback

Applying the Toolkit

- The level of **neighborhood input** created by the 1990 ordinance must be maintained
 - Or not
- The level of **discretion** created by the 1990 ordinance must be maintained
 - Or not
- Lots of opinions on the permitting of specific uses



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Public Feedback

Process Refinements

- Public notice of a neighborhood meeting should be done at least 7 days in advance of meeting and include door notices of abutters within 300 feet, notice to local newspapers/media, and notice to community groups such as local neighborhood associations, churches, businesses, etc.
- Notification for special permits, variances, and other plan approvals should be sent out in multiple languages. Somerville is a city of immigrants that speak many languages. Notification should not only be in English.
- Public notice should be sent out to renters just like it is for property owners.
- The 300 foot range for notification should be expanded.
- Materials presented to the Design Review Committee should be posted online.
- The date, attendees, and subject property for pre-submittal meetings, should be cataloged, archived, and made publicly available via a sortable database via the City's website within ~48 hours of the pre-submittal meeting



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Group Response

Process Refinements

- Neighborhood meetings: formalized and including mail and hand delivery
- Site Development Plan, special permit and variance notice: in multiple languages, sent to renters and expanded range
- All meetings: create e-mail subscription notification
- DRC meetings: no consensus on posting of pre-submittal materials
- Pre-submittal meetings: no comments available



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Staff Recommendations

Process Refinements

- Neighborhood meetings: formalized and including mail and hand delivery
- Site Development Plan, special permit and variance notice: seek system for multiple language notification, but maintain process through regulations of the boards.
- All meetings: create e-mail subscription notification, and use the email as well as on-site signs to notify renters.
- Maintain the preliminary nature of design review, IF preliminary design review is needed at all
- Maintain the ability for staff to entertain pre-application discussions



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Public Feedback

Process Adjustments

- The "Building Official" should be defined. We should know who this person is that is responsible for zoning code enforcement. (formalize the role of the zoning review planner)
- The criteria for approving a Special Permit should be limited to the statutory standard in MGL 40A (no custom tailored findings)
- Site development plan approval, which is an administrative process, should not require a vote (should not involve public hearing, process, etc.)
- Preliminary meetings should not be required for any development. (neighborhood meetings should remain optional)



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Group Response

Process Adjustments

a) The "Building Official" should be defined. We should know who this person is that is responsible for zoning code enforcement.

- **Formalize the role of the zoning review planner**

b) The criteria for approving a Special Permit should be limited to the statutory standard in MGL 40A

- **No – Have custom tailored findings**

c) Site development plan approval, which is an administrative process, should not require a vote

- **No - Should involve public hearing, process, etc**

d) Preliminary meetings should not be required for any development.

- **Yes for some**
- **No for neighborhood meetings remaining optional**



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Staff Recommendations

Process Adjustments

a) The "Building Official" should be defined. We should know who this person is that is responsible for zoning code enforcement.

- **Formalize the role of the zoning review planner**

b) The criteria for approving a Special Permit should be limited to the statutory standard in MGL 40A

- **No – Have custom tailored findings**

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- **No - Should involve public hearing, process, etc**

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Using Permitting Tools Together

EXAMPLE: A 4-Story Building in 4MU District

- New building
- Building type is compliant with Dimensional Standards
- Fresh Food Market Ground Floor Use
- Office Uses on Upper Floors

Preliminary Review



Pre-Submittal Meeting



Neighborhood Meeting



Design Review

Permit Type



By Right



By Right with Limitations



Special Permit



Site Development Plan Approval



Zoning Permit



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Using Permitting Tools Together

4-Story Building in 4MU District

- New building
- Building type is compliant with Dimensional Standards
- Fresh Food Market Ground Floor Use
- **Residential** Uses on Upper Floors

Preliminary Review



Pre-Submittal Meeting



Neighborhood Meeting



Design Review

Permit Type



By Right



By Right with Limitations



Special Permit



Site Development Plan Approval



Zoning Permit



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Public Feedback

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 - Or not
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Using Permitting Tools Together

Group Activity:

What processes should be required for each project scenario?

- 9 people submitted written responses
- See handout for detailed results

SOMERVILLE ZONING OVERHAUL - PERMITTING MEETING # 1-21									
PROJECT REVIEW SCENARIO									
Example	Should have, according to proposed			Should, what permit process should this be governed by? (check all that apply)					
	Pre-Submittal Meeting	Neighborhood Meeting	Design Review	By Right	By Right with Limitations	Site Development Plan Approval	Special Permit	Not Allowed	Ball Score
1. Building a new single-family house on an average 1/4 acre lot	1	8	1	4	1	2			
2. Adding a second story to an existing two-family house	1	1	1	4	2				
3. Building an addition onto an existing house on a lot in a residential zone	1	1	1	1	1				15
4. Adding a new structure that adds four bedrooms to an existing house	4	2	1	3	1				
5. Building a new addition that is larger and taller than the existing house	1	4	1	1	1	2		1	4.7
6. Adding a new addition to a house on a lot in a residential zone	1	1	1	1	1				
7. Building a new addition that is taller than the existing house	1	1	1	1	1				
8. Building a new addition that is taller than the existing house	1	1	1	1	1				
9. Building a new addition that is taller than the existing house	1	1	1	1	1				
10. Building a new addition that is taller than the existing house	1	1	1	1	1				
11. Building a new addition that is taller than the existing house	1	1	1	1	1				
12. Building a new addition that is taller than the existing house	1	1	1	1	1				
13. Building a new addition that is taller than the existing house	1	1	1	1	1				
14. Building a new addition that is taller than the existing house	1	1	1	1	1				
15. Building a new addition that is taller than the existing house	1	1	1	1	1				
16. Building a new addition that is taller than the existing house	1	1	1	1	1				
17. Building a new addition that is taller than the existing house	1	1	1	1	1				
18. Building a new addition that is taller than the existing house	1	1	1	1	1				
19. Building a new addition that is taller than the existing house	1	1	1	1	1				
20. Building a new addition that is taller than the existing house	1	1	1	1	1				



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Group Responses

Examples 1, 2, 4:

Single or two-family residential construction / small addition

Preliminary Review

☒ Pre-Submittal Meeting

☐ Neighborhood Meeting

☐ Design Review

Permit Type

☒ By Right

☒ By Right with Limitations

☐ Site Development Plan Approval

☐ Special Permit

☐ Not Allowed



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Staff Recommendation

Examples 1, 2, 4:

Single or two-family residential construction / small addition

Preliminary Review

<input checked="" type="checkbox"/>	Pre-Submittal Meeting
<input type="checkbox"/>	Neighborhood Meeting
<input type="checkbox"/>	Design Review

Permit Type

<input checked="" type="checkbox"/>	By Right
<input type="checkbox"/>	By Right with Limitations
<input type="checkbox"/>	Site Development Plan Approval
<input type="checkbox"/>	Special Permit
<input type="checkbox"/>	Not Allowed



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Group Responses

Example 5:

Adding large addition on house

Preliminary Review

<input type="checkbox"/>	Pre-Submittal Meeting
<input type="checkbox"/>	Neighborhood Meeting
<input checked="" type="checkbox"/>	Design Review

Permit Type

<input type="checkbox"/>	By Right
<input type="checkbox"/>	By Right with Limitations
<input type="checkbox"/>	Site Development Plan Approval
<input type="checkbox"/>	Special Permit
<input checked="" type="checkbox"/>	Not Allowed



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Staff Recommendation

Example 5:

Adding large addition on house

Preliminary Review

<input type="radio"/>	Pre-Submittal Meeting
<input type="radio"/>	Neighborhood Meeting
<input type="radio"/>	Design Review

Permit Type

<input type="radio"/>	By Right
<input type="radio"/>	By Right with Limitations
<input type="radio"/>	Site Development Plan Approval
<input type="radio"/>	Special Permit
<input checked="" type="radio"/>	Not Allowed



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Group Responses

Example 3:

Adding 3rd unit to 2-family

Preliminary Review

<input checked="" type="radio"/>	Pre-Submittal Meeting
<input type="radio"/>	Neighborhood Meeting
<input checked="" type="radio"/>	Design Review

Permit Type

<input checked="" type="radio"/>	By Right
<input checked="" type="radio"/>	By Right with Limitations
<input type="radio"/>	Site Development Plan Approval
<input checked="" type="radio"/>	Special Permit
<input checked="" type="radio"/>	Not Allowed



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Staff Recommendation

Example 3:

Adding 3rd unit to 2-family

Preliminary Review

<input type="radio"/>	Pre-Submittal Meeting
<input type="radio"/>	Neighborhood Meeting
<input type="radio"/>	Design Review

Permit Type

<input type="radio"/>	By Right
<input type="radio"/>	By Right with Limitations
<input type="radio"/>	Site Development Plan Approval
<input type="radio"/>	Special Permit
<input checked="" type="radio"/>	Not Allowed

Note: Accessory Units still require further conversation.



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Group Responses

Examples 6:

Medium scale new construction of apartment building

Preliminary Review

<input checked="" type="radio"/>	Pre-Submittal Meeting
<input checked="" type="radio"/>	Neighborhood Meeting
<input checked="" type="radio"/>	Design Review

Permit Type

<input type="radio"/>	By Right
<input type="radio"/>	By Right with Limitations
<input checked="" type="radio"/>	Site Development Plan Approval
<input type="radio"/>	Special Permit
<input type="radio"/>	Not Allowed



City of Somerville
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Staff Recommendation

Examples 6:

Medium scale new construction of apartment building

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☒ Neighborhood Meeting
- ☒ Design Review

Permit Type

- ☐ By Right
- ☐ By Right with Limitations
- ☐ Site Development Plan Approval
- ☒ Special Permit
- ☐ Not Allowed



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Group Responses

Examples 7, 8:

Medium scale new construction of mixed-use & commercial building

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☒ Neighborhood Meeting
- ☒ Design Review

Permit Type

- ☐ By Right
- ☐ By Right with Limitations
- ☐ Site Development Plan Approval
- ☒ Special Permit
- ☐ Not Allowed



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Staff Recommendation

Examples 7, 8:

Medium scale new construction of mixed-use & commercial building

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☒ Neighborhood Meeting
- ☒ Design Review

Permit Type

- ☐ By Right
- ☐ By Right with Limitations
- ☒ Site Development Plan Approval
- ☐ Special Permit
- ☐ Not Allowed



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Group Responses

Example 9:

Adding floors to existing mixed-use building

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☒ Neighborhood Meeting
- ☒ Design Review

Permit Type

- ☐ By Right
- ☒ By Right with Limitations
- ☐ Site Development Plan Approval
- ☒ Special Permit
- ☐ Not Allowed



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Staff Recommendation

Example 9:

Adding floors to existing mixed-use building

Preliminary Review	Permit Type
<input checked="" type="checkbox"/> Pre-Submittal Meeting	<input type="checkbox"/> By Right
<input checked="" type="checkbox"/> Neighborhood Meeting	<input type="checkbox"/> By Right with Limitations
<input checked="" type="checkbox"/> Design Review	<input checked="" type="checkbox"/> Site Development Plan Approval
	<input checked="" type="checkbox"/> Special Permit
	<input type="checkbox"/> Not Allowed



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Staff Recommendation

Examples 10 & 11:

Establishing bar where there is currently a clothing store

Preliminary Review	Permit Type
<input checked="" type="checkbox"/> Pre-Submittal Meeting	<input type="checkbox"/> By Right
<input checked="" type="checkbox"/> Neighborhood Meeting	<input type="checkbox"/> By Right with Limitations
<input type="checkbox"/> Design Review	<input type="checkbox"/> Site Development Plan Approval
	<input checked="" type="checkbox"/> Special Permit
	<input type="checkbox"/> Not Allowed



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Group Responses

Examples 10 & 11:

Establishing a clothing store

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☒ Neighborhood Meeting
- ☒ Design Review

Permit Type

- ☒ By Right
- ☒ By Right with Limitations
- ☒ Site Development Plan Approval
- ☐ Special Permit
- ☐ Not Allowed



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Staff Recommendation

Examples 10 & 11:

Establishing a clothing store

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☐ Neighborhood Meeting
- ☐ Design Review

Permit Type

- ☒ By Right
- ☐ By Right with Limitations
- ☐ Site Development Plan Approval
- ☐ Special Permit
- ☐ Not Allowed



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Group Responses

Examples 12:

Establishing a new chain store

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☒ Neighborhood Meeting
- ☒ Design Review

Permit Type

- ☐ By Right
- ☐ By Right with Limitations
- ☒ Site Development Plan Approval
- ☐ Special Permit
- ☐ Not Allowed



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Staff Recommendation

Examples 12:

Establishing a new chain store

Preliminary Review

- ☒ Pre-Submittal Meeting
- ☒ Neighborhood Meeting
- ☒ Design Review

Permit Type

- ☐ By Right
- ☐ By Right with Limitations
- ☒ Site Development Plan Approval
- ☒ Special Permit
- ☐ Not Allowed



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Group Responses

Examples 13 & 14:

Establishing auto-oriented uses: gas station or surface parking

Preliminary Review	Permit Type
<input checked="" type="checkbox"/> Pre-Submittal Meeting	<input type="checkbox"/> By Right
<input checked="" type="checkbox"/> Neighborhood Meeting	<input type="checkbox"/> By Right with Limitations
<input checked="" type="checkbox"/> Design Review	<input checked="" type="checkbox"/> Site Development Plan Approval
	<input checked="" type="checkbox"/> Special Permit
	<input checked="" type="checkbox"/> Not Allowed



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Staff Recommendation

Examples 13 & 14:

Establishing auto-oriented uses: gas station or surface parking

Preliminary Review	Permit Type
<input type="checkbox"/> Pre-Submittal Meeting	<input type="checkbox"/> By Right
<input type="checkbox"/> Neighborhood Meeting	<input type="checkbox"/> By Right with Limitations
<input type="checkbox"/> Design Review	<input type="checkbox"/> Site Development Plan Approval
	<input type="checkbox"/> Special Permit
	<input checked="" type="checkbox"/> Not Allowed



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A Note about Design Review

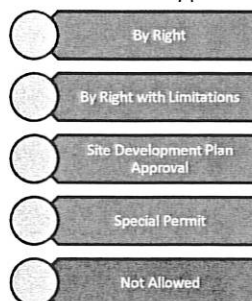
Circumstances where DRC review is proposed:

- New apartments
- New commercial
- Large additions
- Special districts
- Chain stores

Preliminary Review



Permit Type



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Process

Subject Matter Workshops: UPDATED schedule

<u>Meeting</u>	<u>Public</u>	<u>BOA Land Use</u>
• Public Space	11.23.15	11.30.15
• Arts & Creative Economy	12.7.15	1.26.16
• Attainable Housing I	1.11.16	2.9.16
• Residential Neighborhoods	1.25.16	2.23.16
• Mobility	2.22.16	4.12.16 (?)
• Process	3.7.16	4.5.16
• Attainable Housing II	3.21.16	4.26.16 (?)
• Economic Development	4.11.16	5.3.16 (?)
• Sustainability	4.25.16	5.1.16 (?)
• Residential Occupancy	5.9.16	tbd
• Residential Neighborhoods II	5.23.16	tbd



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