

Proposed Legislation

Section 1.2 ("Purpose") of the Somerville Zoning Code is hereby amended by inserting after the words "to preserve the historical and architectural resources of the City;" the following words, "**to protect and promote the affordability of the City's housing stock for individuals and families with low and moderate incomes;**"

Paragraph 5.1.2. ("Information Required for Special Permits") of the Somerville Zoning Code is hereby amended by **replacing the words "and any additional applicable information including, but not limited to, items listed in #5-22" with the words "and any additional applicable information including, but not limited to, items listed in #5-25"**, and by inserting after item 24 on the list the following new item:

25. In the case of applications involving housing, measures taken to provide for, protect, or increase the affordability of housing units within the proposed structure; the degree of such affordability to households of low or moderate income, as defined by HUD; and the duration of legal assurances of such affordability.

Paragraph 5.1.4. ("Findings and Determinations for Special Permits" of the Somerville Zoning Code is hereby amended by inserting after object g. (Fast Food Restaurant) the following new paragraph:

In conjunction with its decision to grant or deny a special permit for the development of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD for different sized households and units.

Revised Zoning Code (how the Proposed Legislation would amend the Code)

ARTICLE 1. - PURPOSE AND SCOPE

[Section 1.1. - Title.](#)

[Section 1.2. - Purpose.](#)

[Section 1.3. - Interpretation.](#)

Section 1.2. - Purpose.

The purposes of the Ordinance are to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; **to protect and promote the affordability of the City's housing stock for individuals and families with low and moderate incomes;** to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.

ARTICLE 5. - SPECIAL PERMITS, SPECIAL PERMITS WITH SITE PLAN REVIEW,

[Section 5.1. - Special Permits.](#)

[Section 5.2. - Special Permits with Site Plan Review.](#)

[Section 5.3. - Procedures for Special Permits and Special Permits with Site Plan Review.](#)

[Section 5.4. - Site Plan Approval.](#)

[Section 5.5. - Variances.](#)

5.1.2. Information Required for Special Permits.

The SPGA, or its designee, shall, in its discretion, require the following basic information (#1-4) for all applications for special permits and any additional applicable information including, but not limited to, items listed in ~~#5-22~~ **in #5 - 25**. Only that information which is applicable to a proposed use or structure will be required of the applicant. The applicant is strongly

encouraged to have a preliminary meeting with the Planning Board staff and, if necessary, the Design Review Committee before submitting the application to help the applicant identify the applicable information requirements as well as any design-related issues that may arise.

Basic Information:

1. names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project;
2. plot plan certified by land surveyor (or, in the case of application to the Zoning Administrator, mortgage plot plan or similar scaled drawing) indicating total land area boundaries, angles, and dimensions of the site and a north arrow;
3. plans showing:
 - a. present and proposed use(s) of the land and existing buildings, if any;
 - b. dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors;
 - c. locations and dimensions of any easements, public or private rights of way, or other burdens existing or proposed;
 - d. at-grade parking and loading areas showing number, location, and dimensions of parking and loading spaces, driveways, access, and sidewalks, preferably indicated on plot plan; and
4. a brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable.

Additional Information, If Applicable:

5. the total floor area and ground coverage ratio of each proposed building and structure;
6. front, side, and rear elevations;
7. existing and proposed contour elevations in two foot increments;
8. provisions for vehicular and pedestrian access ways, including proposals for new or relocated curb-cuts and access for emergency vehicles;
9. color, materials, and exterior features of proposed structures;
10. landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials;
11. measures taken to preserve and protect natural resources;
12. outdoor lighting, including location and intensity of lighting facilities;
13. dimensions and locations of signs, proposed and existing;
14. location and significance of historic structures;
15. method for handling solid waste disposal and for screening of disposal facilities;
16. description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, antennas, and satellite dishes;

17. locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows;
18. demolition and construction procedures including impact mitigation measures; and an estimate of the time period required for completion of the development;
19. a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions;
20. wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated thereunder, 310 CMR 10.00;
21. Change of Nonconforming Use to Another Nonconforming Use. For a change of a nonconforming use to another nonconforming use, a brief written description of the existing or prior use, such as what that use served, the number of employees and/or occupants, and methods and hours of operation, if applicable; and
22. such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and in the SPGA Rules and Regulations.
23. For applications requiring certification of historic designation, a copy of the historic designation certification and a written description of how any proposed façade changes and/or alterations conform to Historic Preservation Commission Guidelines shall be submitted. This may be supplemented with renderings of proposed changes and/or alterations.
24. For applications for Historic Bed and Breakfast, a parking management plan shall be submitted, including, at a minimum, a professionally prepared, scaled drawing indicating parking dimensions. If tandem parking is proposed, the application shall illustrate how cars parked in tandem will be accessed. In all cases, the parking management plan shall describe in detail how the business will anticipate and respond to guest parking needs. In particular, the plan shall address how guest vehicles will be accommodated when the facility is at capacity.
25. **In the case of applications involving housing, measures taken to provide for, protect, or increase the affordability of housing units within the proposed structure; the degree of such affordability to households of low or moderate income, as defined by HUD; and the duration of legal assurances of such affordability.**

5.1.4. Findings and Determinations for Special Permits.

Prior to granting a special permit, the SPGA shall make findings and determinations that the proposed use, lot, building, structure, modification of off-street parking or loading requirements or a specifically authorized modification of dimensional standards or other activity, which is the subject of the application for the special permit:

- a) *Information supplied.* Complies with the information requirements of Section 5.1.2;
- b) *Compliance with standards.* Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit;
- c) *Consistency with purposes.* Is consistent with: (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles; and
- d) *Site and area compatibility.* Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the built and unbuilt surrounding area, including land uses.

Where the SPGA determines that one or more of the following objectives are applicable to the particular application for a special permit, the SPGA shall make a finding and determination that each applicable objective will be met including, but not limited to:

e)

Adverse environmental impacts. The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception;

f)

Vehicular and pedestrian circulation. The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area; and

g)

Fast food establishments. In special permit applications for fast-order, take-out or automobile oriented food service establishments, there shall be establishment of a need for such a facility in the neighborhood or in the City, and impacts on traffic circulation, parking and visual, physical, or historical characteristics of the particular location shall not be detrimental.

In conjunction with its decision to grant or deny a special permit for the development of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD for different sized households and units.