



**CITY OF SOMERVILLE, MASSACHUSETTS**  
***MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT***  
**JOSEPH A. CURTATONE**  
**MAYOR**

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EXECUTIVE DIRECTOR

*PLANNING DIVISION*

**TO:** The Honorable Board of Aldermen  
**FROM:** Planning Division of OSPCD  
**DATE:** **November 25, 2015**  
**RE:** Response to Comments on the Proposed Somerville Zoning Ordinance

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This memorandum summarizes and responds to public comments received by the Office of Strategic Planning and Community Development (OSPCD) regarding the January 22, 2015 draft of the proposed new Somerville Zoning Ordinance. Forty-six (46) members of the public provided ninety-nine (99) comments, questions, concerns, or recommendations at the public hearing held on March 5, 2015. Seventy nine (79) written comment letters were submitted that included four hundred and seven (407) individual comments, questions, concerns, or recommendations. Three hundred and eighty six (386) line item comments, questions, concerns, or recommendations were submitted through the online OpenComment platform. Some individuals provided both oral testimony at the public hearing and submitted separate written comment letters. The total number of individual comments received during the sixty-five (65) day public comment period (January 22, 2015 to March 27, 2015) was eight-hundred and ninety-two (892), excluding requested changes to the proposed zoning map. Specific responses to all eight-hundred and ninety-two (892) comments, questions, or concerns are provided below.

**Public Comments from**  
**Board of Aldermen Hearing**  
**March, 5 2015**

- BOA.1** **The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit. Homeowners with multi-bedroom units should be allowed to rent out extra space to help cover the costs and responsibilities of homeownership. We should be allowed to maximize the legitimate use of our space, rather than leaving extra rooms vacant. All that is needed to restrict the number of unrelated undergraduate students.**

The Board of Aldermen has expressed concern over the conversion of rooms originally provided for eating and socializing into rooms for sleeping, increasing the number of bedrooms that can be exploited for rent by unrelated individuals. OSCPD generally shares this concern. See Public Hearing comments PB 18 and PB 19 for more information.

- BOA.2** **The proposed ordinance should allow – or require – additional floors above the ground floor for commercial use in Mixed Use buildings.**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential.

- BOA.3** **The proposed ordinance retains the existing character of the neighborhoods, but it should be recognized that also takes off the table a lot of new growth and redevelopment opportunities in the neighborhoods.**

This is the intent of the ordinance. The new ordinance is coordinated with SomerVision, which calls for the existing neighborhoods to be conserved and 85% of new development to happen in Transformation Areas of the city.

- BOA.4** **In transformational areas, the special districts, the ordinance should include a minimum required amount of housing to ensure each new neighborhood of the city is truly mixed use - which I think Somerville is all about.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

- BOA.5** **The fabrication districts should be flexible with regards to accepting mixed use and fabrication.**

The fabrication district allows a variety of uses including artisan production, exhibition, arts sales & services, design services, shared workspaces & arts education, community center, educational facility, library, museum, broadcast/recording studio, caterer/wholesale food production, personal services, and co-working by-right as well as some other uses by special permit. The fabrication district allows work/live creative studios by Special Permit. See comment BOA 10 for more information.

- BOA.6** **The proposed ordinance should include a minimum required amount of residential in special districts so that we do not miss put on a significant opportunity to hit the number**

**of affordable housing units (and housing in general) that we are hoping to build according to SomerVision.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

**BOA.7 Special districts should have a 20% affordable housing requirement and rather than a seven (7) unit minimum threshold for when inclusionary housing requirements kicks in, it should be a five (5) unit minimum.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

**BOA.8 The proposed ordinance should have a stronger focus on producing green space.**

Article 8: Public Realm of the proposed ordinance includes a typological menu of Civic and Recreation Spaces with calibrated standards for each type. Each type of Civic and Recreation Space detailed in Article 8: Public Realm is different and each have unique requirements, including different amounts of required landscaping. OSPCD is exploring the development of additional requirements for specific types of Civic and Recreation Spaces in the Special Districts.

**BOA.9 The proposed ordinance should benefit all kinds of people, especially with an eye for long term residents, by having a stated purpose to provide housing.**

The following purpose statement exists in Article 1 of the proposed ordinance:

g. To provide a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

**BOA.10 The proposed ordinance should permit live work space that is restricted to certified artists or arts organizations in the Fabrication District.**

There are 28 total acres of Somerville within the Fabrication District. Within these 28 acres, the buildings that exist today could support an estimated 3,000 jobs. OSPCD has adopted the Space=Work mantra that was developed by a portion of Somerville's artist community and it is of primary importance to the City to ensure space is available for uses from the Arts & Creative Enterprise use category. OSPCD does not support the idea of opening up this limited floor space to uses prioritizing living first and working second. Live-Work uses are more appropriate in residential districts and permitted as Creative Studios.

**BOA.11 The proposed ordinance should permit retail spaces run by arts organizations and tech incubators in the Fabrication District.**

The Artisan Production use category permits the ancillary sales of goods produced on-site and includes uses with retail components such as breweries, candy manufacturers, chocolate makers

and their substantial equivalents. Union Square Donuts, Taza Chocolate, and Q's Nuts would all be classified as Artisan Production. OSPCD is also investigating the possible inclusion of ancillary retail services for uses within the Shared Workspaces & Arts Education category of the Arts & Creative Enterprise uses.

**BOA.12 Somerville residents should have a preference for inclusionary units required under the proposed ordinance and that preference should be extended to those that have been displaced from Somerville within the past two (2) years, as well as homeless individuals and families whose last permanent residence was in Somerville.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

**BOA.13 The proposed ordinance should include a hardship provision or mechanism to ensure rent is based on income for an emergency period of time when a household qualifying for an inclusionary housing unit loses income and are no longer able to afford the original rent of the unit.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.14 The proposed ordinance should include a just cause eviction protection to ensure that people don't lose their housing without establishing some valid reason.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.15 The proposed ordinance includes an inadequate penalty for the offsite development of affordable housing units and should require deeper subsidies for require an increased number of units when provided off site.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.16 Use of 40R and 40S should be looked into.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.17 OSPCD is pursuing various edits to the proposed ordinance to further emphasize the development of commercial uses. The objective of the proposed ordinance is to develop every neighborhood with a broad array of uses.**

Building types are not permitted to have more dwelling units than the number permitted for each type. For instance, a cottage is a one (1) unit building type and is not permitted to have more than one (1) dwelling unit. Similarly, a six-plex is a six (6) unit building type and not permitted to have more than six (6) dwelling units. Article 2: Base Districts of the January 22 draft of the proposed ordinance requires a Special Permit for any alteration or renovation of an existing building that results in an increase of the number of dwelling units, up to the maximum permitted for each type. OCPCD will add the text "up to the maximum permitted for each type" to the text of Article 2 §A.5.c for clarification.

**BOA.18 The proposed ordinance should include incentives for commercial office and research and development uses.**

OSPCD is pursuing various edits to the proposed ordinance to further emphasize the development of commercial uses. The objective of the proposed ordinance is to develop every neighborhood with a broad array of uses.

**BOA.19 The formula for cash contributions to the city as an alternative to building on-site affordable housing units should be modified by 1.5 to provide a much stronger incentive for developers to focus on buildings on-site units that add to the stock of affordable housing rather than just making a cash payment. We also believe this change will allow the city to collect more money from fractional units.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.20 The proposed ordinance should prioritize low income households for affordable housing.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.21 The proposed ordinance should have a 20% inclusionary zoning requirement across the city because it will be less confusing for everyone to understand and less complicated for developers.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.22 The proposed ordinance should prioritize extremely low income households for affordable housing.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.23 The proposed ordinance should not include a cash payout option for required affordable housing.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.24 There should be a mechanism or regulation preventing people who buy or rent housing that does not have parking from parking on the street.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. Exploring the relationship between on-street parking management and Transit-Oriented development is part of that analysis.

**BOA.25 The proposed ordinance should include a jobs linkage fee.**

The current and proposed Somerville Zoning Ordinance includes an affordable housing linkage fee. A jobs linkage fee is not permitted under the state zoning act. The City has filed a Home Rule petition to the State Legislature to permit jobs linkage and the City is awaiting a decision. When the legislature gives the City permission to do so, the City will propose a jobs linkage fee as a zoning amendment.

**BOA.26 There should be a standardized form of community/public benefits for all development, so that benefits do not have to be fought for on a case by case basis.**

The proposed ordinance standardizes provisions for affordable housing, linkage, civic and recreation space. While it is not standard practice to codify further public and/or community benefits agreements in a zoning ordinance, the administration welcomes additional efforts to identify and codify community benefits so they are not debated on a case by case basis.

**BOA.27 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.**

OSPCD agrees and is investigating ways to efficiently deliver public notices in multiple languages.

**BOA.28 The potential profit for developers is increased through a form based code and some of that profit should be returned to the community through a formal community benefits program.**

OSPCD is currently working to develop a public benefits program that both meets the legal parameters of zoning ordinances and ensures public benefits provided by development are appropriately scaled to the zoning entitlement of each district. However, it cannot be assumed that the regulation of building forms increases developer profits. There is no "increased potential profit" inherent in switching from a general dimensional standard applicable to all buildings in a district to a building type based regulatory system that has different dimensional standards for different building types. Up-zoning or down-zoning the development entitlement of a property (for example, changing the zoning district it is mapped as) is what increases or decreases potential return on a development. It should also be noted that both the existing and proposed ordinance already require a number of public benefits including inclusionary housing, linkage payments for affordable housing, open space, and (in the future) linkage payments for job training.

**BOA.29 The proposed ordinance should apply a 20% affordable housing requirement city wide.**

See Public Hearing Comment BOA.13 (above) for more information.

**BOA.30 Special districts should include a minimum residential requirement for new development.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

**BOA.31 White Street should be changed from 3MU to 4MU on the proposed zoning map.**

OSPCD has collected all zoning map change requests, including the multiple requests for White Street, and is submitting each for the Board of Alderman to review. In general, OSPCD supports this change.

**BOA.32 All properties in close proximity to the future green line stations should benefit from transit oriented zoning.**

The provisions of the proposed ordinance are calibrated to Transit-Oriented and Non-Transit Oriented areas of the city.

**BOA.33 The proposed ordinance should permit LIVE-WORK uses.**

See Public Hearing Comment BOA.10 (above) for more information.

**BOA.34 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit.**

OSPCD has carried over and integrated the 'no more than four (4) unrelated individuals' standard into the definition of "Household Living" in the proposed ordinance so that existing and proposed ordinance functions exactly the same way in this respect. OSPCD does not intend to make any changes to this regulation in the next draft. Co-Housing or Cooperative Housing is categorized under the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.

**BOA.35 The proposed ordinance should include an economic focused purpose statement.**

OSPCD will add the following (underlined) to the purpose statements focused on economic development in Article 1 of the proposed ordinance:

- k. To protect and promote a diverse mix of businesses and increase accessibility to diverse employment opportunities within Somerville.
- l. To provide opportunities for businesses to remain in Somerville as they develop and grow.
- m. To increase commercial tax base in support of the fiscal health of the City.

**BOA.36 The economic impact of the affordable housing requirements in the proposed ordinance should be studied and their intervention in the marketplace for housing better understood.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558.

**BOA.37 Affordable housing rules should not be changed for Assembly Square.**

Article 4 §A.4 of the Assembly Square Special District permits the following: "Due to the long-term, comprehensive nature of neighborhood development planning, the Planning Board may, upon granting a Special Permit, waive any provision of this Ordinance that was not applicable to a site located within the plan area of a previously approved neighborhood development plan."

**BOA.38 Davis Square is under-zoned on the proposed zoning map. It should be 5MU.**

In general, OSPCD believes that the zoning map is out of date in Davis Square, but the Davis Square neighborhood planning process is ongoing and staff does not recommend changing the map until the plan for Davis has been completed and vetted with the public.

**BOA.39 The Inner Belt special district should only require 2 acres for large development plans.**

See Public Hearing Comment BOA.30 (above) for more information.

**BOA.40 The economic and fiscal impact of the proposed zoning ordinance should be studied.**

OSPCD is carrying out an Economic Development analysis per Board Order #198542.

**BOA.41 The proposed ordinance should include better incentives for the creation of commercial space**

OSPCD is pursuing various edits to the proposed ordinance to further emphasize the development of commercial uses. The objective of the proposed ordinance is to develop every neighborhood with a broad array of uses.

**BOA.42 The proposed ordinance should include better mechanisms to achieve SomerVision's open space goals.**

OSPCD is currently reviewing the civic space requirements of the Special Districts for possible changes based on public feedback for the second draft of the proposed ordinance. Achieving SomerVision's goal for 125 new acres of open space cannot be achieved through an on-site open space requirement alone. Only a fraction of the lots in Somerville are large enough to feature a properly sized public space. The City must find innovative ways to create a variety of new spaces, including active plazas, passive greens, recreation fields, and shared streets. Therefore, the code continues to focus on providing a valuable civic space or spaces in large development and neighborhood development projects. See the Civic and Recreation Space types detailed in Article 8: Public Realm of the proposed ordinance for minimum acceptable sizes for each type of civic space.

**BOA.43 The proposed ordinance should include a requirement for green space that is distinct from open space. Both are important but fill different needs. We need a typology of green spaces that has different categories and recommended minimums for each. The proposed ordinance does not require a range of spaces and the categories of spaces are not extensive enough.**

Article 8: Public Realm of the proposed ordinance includes a typological menu of Civic and Recreation Spaces with calibrated standards for each type. Each type of Civic and Recreation Space detailed in Article 8: Public Realm is different and each have unique requirements, including different amounts of required landscaping.

**BOA.44 The proposed ordinance should allow developers to meet green and open space obligations by making cash contributions to a fund that pays for much needed high quality green space.**

OSPCD is exploring adding a provision that would permit a payment in-lieu of on-site open space. This would allow smaller developments to pool their open-space resources, and permit the city to find larger, high-quality open space.



**BOA.45 [inaudible] David Webster, Federal Realty Investment Trust (See written and open comments provided by FRIT for further information)**

No response available.

**BOA.46 The proposed standards for dormers seem to be driven by aesthetics rather than structural issues.**

The standards for the proposed dormer 'building component' are based upon design criteria routinely applied to dormers by Planning Division staff for special permits under the current ordinance. The proposed ordinance would allow these components by-right because appropriately designed dormers allow a modest adjustment to existing building form without radically changing the character of a structure or the neighborhood.

**BOA.47 Existing residents should be protected from parking overflow for development that does not have on-site parking spaces. Development in transit oriented areas should restrict access to on street parking permits, or make them more expensive.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. Exploring the relationship between on-street parking management and Transit-Oriented development is part of that analysis.

**BOA.48 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit.**

See Public Hearing comment BOA.34 (above) for more information.

**BOA.49 The existing RA district only permits up to two units on 95% of lots. The proposed NR district will now permit 40 ft. tall, 3 story, 3 unit buildings on these same lots if they are 29 feet wide by 80 feet deep - which most RA lots are.**

To develop the standards for the NR district, OSPCD conducted a physical survey of lots and buildings in the existing RA and RB districts (proposed to become the NR district) to measure and record the existing built character of those areas of the city. The "RA/RB Report" (published in 2013) explains some of the findings of that survey. The NR district removes many provisions of the existing ordinance that allow for incompatible development to be built in the current RA and RB districts, including rear-yard houses, large rear additions, and large multi-family developments. Nonetheless, OSPCD is currently conducting an in-depth analysis of potential residential infill development for all properties in the NR district to determine the likeliness and nature of possible infill development and will adjust the provisions of the NR district based on the results of that analysis to ensure that the level of development permitted is in line with community expectations.

**BOA.50 Highland Avenue has been identified as an area for enhancement in SomerVision and should be zoned using Urban Residential and a minimum of 4MU where appropriate. 3MU is a missed opportunity.**

Highland Avenue is proposed to be mapped as a mix of NR, UR, and MU districts based on the historic development pattern existing today. Zoning districts that permit higher density are mapped at intersections where Highland crosses with major north-south streets. The remapping

of Highland Avenue followed a consistent logic that was carried across the entirety of its length for the proposed map. Areas of existing apartment buildings and large old homes already converted into multi-unit apartment houses (or properties where it is appropriate to do so) were remapped as the UR district. Areas of existing houses were mapped as the NR district. Areas with existing commercial or mixed use buildings were mapped as one of the MU districts. The existing development pattern is one of less to more as one travels east along Highland from Davis Square towards the Medford Street intersection. OSPCD believes this was done with an appropriate balance. Nonetheless, we understand that the individual making this comment was recently approved to develop a four-story building in a proposed 3MU area (without the recommendation of Planning Division staff). With this project already underway, Staff will review the proposal to change the map at this intersection to reflect the recently approved project.

**BOA.51 On-site open space is meaningless if not a valid size. In such cases, a financial contribution to an open space fund should be required.**

A large publicly-accessible civic space is better than a dozen on-site open spaces that are each individually too small to be a viable public space. The civic space vs on-site open space provisions of the proposed ordinance reflect this position. When development is required to provide Civic Space, that space must be designed according to the standards for one of the Civic Space Types in Article 8 of the proposed ordinance. See Public Hearing comments PB 6 for more information.

**BOA.52 The proposed ordinance should require the cost of parking to be un-bundled from the cost of housing for all properties across the city.**

OSPCD agrees that parking spaces should be required to be rented, leased, or sold as an option rather than a requirement of the rental, lease, or purchase of a dwelling unit or non-residential floor space. The proposed ordinance includes a purpose statement "to un-bundle the cost of off-street parking from the cost of housing, so that housing in Somerville is more affordable," but this requirement was inadvertently omitted from §7.B Motor-Vehicle Parking and will be included in the next draft of the proposed ordinance. Un-bundled parking is also required as for any use meeting the thresholds of the Mobility Management section of the proposed ordinance and required for all development in the North Point Special District.

**BOA.53 New development that does not have on-site parking could also restrict or charge more for on street parking permits to limit the possibility of spill over parking impacts.**

See Public Hearing comment BOA 24 (above) for more information.

**BOA.54 The proposed ordinance should include language about cycle tracks.**

Section D. Thoroughfares of Article 8 Public Realm Standards includes minimum standards for new thoroughfares. OSPCD intends to amend this section following completion of the City's mobility plan so that it reflects best practices and community desires incorporated in that plan. Discussions with community members on the design of thoroughfares will be included in the forthcoming mobility planning project.

**BOA.55 The proposed ordinance should lessen the long term impact on the residential tax burden. The impact of current and future development should be assessed related to residential property taxes.**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640. However, Fiscal Impact Analysis are typically conducted during the development of neighborhood plans and used to inform zoning entitlements and development built outs.

**BOA.56 This testimony expressed general support**

No response necessary

**BOA.57 The proposed ordinance should promote the development of neighborhoods that foster a strong community where neighbors support each other.**

OSPCD will adjust the purpose statement about neighborhoods as follows:

d. To develop and maintain complete, mixed-use, walkable, transit-oriented, environmentally sustainable neighborhoods that foster a strong sense of community throughout the city.

**BOA.58 The proposed ordinance should emphasize increasing affordable housing and commercial development.**

See Public Hearing comment BOA 9 and BOA35 (above) for more information.

**BOA.59 What is the purpose of the zoning overhaul? Are there better ways to get there? Where else has this happened? What are the outcomes there?**

The purpose statements for the zoning ordinance can be found in Article 1 Section A.2 of the proposed ordinance. Cities frequently update their zoning ordinance to adjust to changing times and implement Comprehensive Plans.

**BOA.60 What are the effects and impact from this zoning overhaul? How many units have been built since the overhauls for Assembly Square, Union Square, and the Broadway CCD 55 corridor in addition to units approved by the ZBA or Planning Board by special permit?**

OSPCD is carrying out several studies to address this question. Since 2010, 2,255 new units have been permitted in Somerville. In ASQ 580 new units have been permitted, 259 in Union Square, and 68 in the Broadway CCD District.

**BOA.61 What information does the city have to establish how many units have already been added? What kind of housing has already been added? Are they luxury or affordable? How many of each?**

OSPCD estimates that six-hundred and six (606) market rate and one-hundred and twenty two (122) affordable units have been constructed since January 2010. OSPCD does not currently track the type or price point of new housing beyond the number of units that are deed restricted affordable housing. See BOA comment 60 for more information.

**BOA.62 What is the upper limit of how many new residents permitted by the zoning overhaul? How does this make housing more affordable in general as opposed to forced affordable housing?**

The zoning ordinance does not regulate the number of new residents that can move to Somerville. By definition dwelling units may be occupied by no more than four (4) unrelated individuals living together as a single housekeeping unit. MAPC estimates a 400,000+ unit housing shortage for the Boston region that is increasing the cost of housing due to limited supply and increased demand. Most of this demand is for housing in walkable cities like Somerville. Development of new housing helps reduce the average price of housing by increasing supply. MAPC believes that Somerville's portion of the needed new housing is an estimated 9,000 new units.

**BOA.63 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit, but the number of unrelated undergraduates should be regulated.**

See Public Hearing Comment BOA.34 (above) for more information.

**BOA.64 There needs to be an implementation plan for SomerVision so that any discrepancies between the proposed zoning and SomerVision are understood. We also need an independent economic analysis of the proposed ordinance.**

Appendix 3 of SomerVision (p.156) is a broad implementation plan. SomerVision is also being implemented through plans and programs developed specifically for Somerville's individual neighborhoods, main streets, and special districts along with broader plans for open space, mobility, and historic preservation. OSPCD is carrying out an Economic Development analysis per Board Order #198542.

**BOA.65 Public notice should be sent out to renters just like it is for property owners.**

OSPCD agrees and is investigating ways to efficiently deliver public notice to renters, in addition to property owners.

**BOA.66 There needs to be an implementation plan for SomerVision.**

See Public Hearing comment BOA 64 (above) for more information.

**BOA.67 A 20% affordable housing requirement for transformational areas (special districts) might force more housing into the neighborhoods as developers try to avoid the 20% requirement. Additionally, if we're going to have a 20% requirement, we should investigate the use of 40R because the state will provide funding to the city for use of the program.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

**BOA.68 The proposed ordinance should require about one acre of open space for every million square feet of development. The creation of new open space should be funded by new development if it can't be carved right from the development site.**

New development is more nimble than the City itself in producing new civic and recreational spaces desired by the community. OSPCD is reviewing the ratio of development to Civic Space proposed in this comment.

**BOA.69 The proposed ordinance should allow car free housing in some areas of the city.**

The proposed ordinance requires one (1) space/DU minimum in Non Transit-Oriented areas of the city (a context-based approach) and a maximum of one (1) space/DU to prevent the oversupply of parking in Transit-Oriented areas of the city (a more market based approach). This applies different standards for different areas of the city with different levels of access to transit. Additionally, all existing parking is grandfathered and is free to remain as is.

**BOA.70 The inclusion of natural vegetation and the color green should be a part of every new development project because the visual impact of greenness makes life easier and helps the human psyche.**

The standards for each building type and civic space include a minimum percentage of land area that must be landscaped.

**BOA.71 This testimony expressed general support**

**BOA.72 The proposed ordinance should emphasize protection of fabrication and co-working space.**

Multi-purpose facilities dedicated to providing space for multiple creative enterprises, arts centers, creative incubators, culinary incubators, design & fabrication centers, fabrication laboratories, and their substantial equivalents are all classified as the Shared Workspaces & Arts Education category of Arts & Creative Enterprise uses and permitted by right in the Fabrication District. A commercial or non-profit organization providing individuals and small firms access to workplace facilities, including but not limited to, creative studios, office suites, for-rent 'hot-desks', dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services is classified as the Co-Working category of Office uses and permitted by right in the Fabrication District.

**BOA.73 The proposed ordinance should emphasize the production of large public spaces rather than private courtyards.**

See Public Hearing comment BOA 51 (above) for more information.

**Comments from the Planning Board**  
**Public Hearing March 24, 2015**

- PB.1 The apartment building type must be removed from the 4MU through 10 MU districts, which are better suited for primarily commercial development.**

The 4MU through 10MU districts are designed for a mix of residential and commercial development to meet the goals of SomerVision. OSPCD is exploring requiring a Special Permit for residential uses in MU districts to better control the residential and commercial mix. Nonetheless, on some streets, the Apartment Building makes sense in areas of the city mapped as one of the MU districts. Furthermore, despite the list of permitted building types for the MU districts, the Apartment Building type cannot be built on a lot designated with Pedestrian Street frontage. The pedestrian street designation of the proposed ordinance prevents apartment buildings on streets better suited for primarily commercial development while allowing them on side streets, specifically in cases where large or deep lots have frontage on multiple streets. See Open Comment #228 and #363 for additional information.

- PB.2 The commercial building type must be permitted by site development plan approval to incentivize that type of development, while the mixed use building type should require a special permit so that the Board has discretion on how much residential and how much commercial floor space a mixed use building has.**

OSPCD is exploring requiring a Special Permit for residential uses in MU districts.

- PB.3 The proposed ordinance must require units of certain sizes in mixed use buildings that are significant in size.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558. A Housing Needs Assessment is part of that analysis. Understanding actual demand for different types of housing is important if unit size/type requirements are to be added to the proposed ordinance.

- PB.4 The proposed ordinance must not impose a limit of one car per dwelling unit city wide. There are areas of the city, transit oriented areas, where no more than one car per dwelling unit is appropriate, but not city-wide.**

The proposed ordinance requires one (1) space/DU minimum in Non Transit-Oriented areas of the city (a context-based approach) and a maximum of one (1) space/DU to prevent the over supply of parking in Transit-Oriented areas of the city (a more market based approach). This applies different standards for different areas of the city with different levels of access to transit. Additionally, all existing parking is grandfathered and is free to remain as is.

- PB.5 The proposed ordinance should look at connecting parking standards to the construction and operation of the Green Line Extension.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. This type of requirement is being investigated as part of that process.

**PB.6 The proposed ordinance must be improved related to the creation of green space and landscape standards.**

OSPCD is currently reviewing the civic space requirements of the Special Districts for possible changes based on public feedback for the second draft of the proposed ordinance. Achieving SomerVision's goal for 125 new acres of open space cannot be achieved through an on-site open space requirement alone. Only a fraction of the lots in Somerville are large enough to feature a properly sized public space. The City must find innovative ways to create a variety of new spaces, including active plazas, passive greens, recreation fields, and shared streets. Therefore, the code continues to focus on providing a valuable civic space or spaces in large development and neighborhood development projects. See the Civic and Recreation Space types detailed in Article 8: Public Realm of the proposed ordinance for minimum acceptable sizes for each type of civic space.

**PB.7 The proposed ordinance must maintain the level of discretion and neighborhood input created by the 1990 ordinance.**

The existing ordinance does not require a neighborhood meeting, but does permit neighbors to voice their opinion at a public hearing when a special permit is required. To apply for a special permit, applicants typically hire legal representation to navigate the review process and a team of designers to produce detailed site plans, architectural elevations, and engineering documents required for their application. The related costs associated with even applying for a special permit sets up applicants and neighbors for conflict because the opportunity for public input does not happen until after all of these expenses have been made. When input from the public, including changes desired by the boards, is communicated so "late in the game" applicants are reluctant to make expensive changes and cut corners when ordered to do so to make up the difference. This results in inferior quality residential units, commercial spaces, landscaping, and interior and exterior finishes and is the typical result of a discretionary review process that has such unknown final results. The proposed ordinance requires a neighborhood meeting first as well as a meeting with staff prior to application. This allows the neighborhood to set clear expectations earlier in the process. Under the new process, impacts identified early will be mitigation through the site development plan or special permit review process.

**PB.8 The proposed ordinance must not apply a universal one parking space per dwelling unit rule across the entire city. There are going to be places here we can and should look at alternate numbers of parking spots, but a blanket rule may cause more harm than good.**

The proposed ordinance does not apply a universal one (1) parking space per dwelling unit rule across the city. See Public Hearing comment #4 for an explanation of the proposed parking standards for residential uses.

**PB.9 The high-rise apartment building must be eliminated to promote commercial development that will grow the commercial tax base.**

High rise construction is only permitted in 7MU, 10MU, and Special Districts. In these areas of the city, the objective is to develop mixed use neighborhoods that include a broad array of uses, including residential. However, OSPCD is exploring requiring a Special Permit for residential uses in MU districts, which will help ensure that this mix occurs.

**PB.10 We need to figure out the proper way of dealing with projects, such as Assembly Square, that are already underway when the rules of the zoning ordinance change.**

Article 4 §A.4 of the Assembly Square Special District permits the following: "Due to the long-term, comprehensive nature of neighborhood development planning, the Planning Board may, upon granting a Special Permit, waive any provision of this Ordinance that was not applicable to a site located within the plan area of a previously approved neighborhood development plan."

**PB.11 The proposed ordinance must be improved in respect to how it interfaces with Tufts University, including addressing the concerns over the housing of more than four unrelated individuals in a single dwelling unit.**

The regulations for the Tufts University Special District have generally been carried over from the University District of the existing ordinance with only minor changes and clarifications. The city has submitted a home rule petition to enable an institutional master planning process that will permit more robust regulations on institutions in Somerville. OSPCD has carried over and integrated the 'no more than four (4) unrelated individuals' standard into the definition of "Household Living" in the proposed ordinance so that the existing and proposed ordinance function exactly the same way in this respect.

**PB.12 On street parking policy should be coordinated with the zoning ordinance and the actual number of off-street parking spaces available on a lot.**

The proposed ordinance counts off-street spaces provided on a lot and on-street spaces located along the curb when the abutting thoroughfare has on-street parking on the same side of the street. Additionally, OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. Exploring the relationship between on-street and off-street parking and desired mobility patterns is part of this analysis.

**PB.13 The proposed ordinance must emphasize expanding the mixed use and the commercial tax base. We should be putting special emphasis on our squares.**

OSPCD is pursuing various edits to the proposed ordinance to further emphasize the development of commercial uses, including special permits for residential uses in the MU district.

**PB.14 The proposed ordinance must preserve existing housing with multiple bedrooms as housing available for families.**

Zoning has limited legal authority to ensure families will live in multiple bedroom units but OSPCD is trying to set the stage for that possibility. The proposed code does not allow the by-right addition of units, or division of a house into smaller units, within existing building in the Neighborhood Residential district.

**PB.15 The proposed ordinance must be strengthened as it relates to provisions that produce green space and open space.**

See Public Hearing comment PB 6 for more information.



**PB.16 The proposed ordinance must promote the creation of housing, commercial, and maker spaces at a variety of different price points.**

See comment PB 3 for information on housing needs. Special Districts and the 7MU and 10MU districts require 5% of commercial floor area be dedicated to the arts and creative economy uses. Special Districts also have commercial/residential floor space split requirements to ensure SomerVision's commercial development goals are met.

**PB.17 Standards requiring a percentage of commercial space in mixed use development must be strengthened.**

See Public Hearing comment PB 13 for more information.

**PB.18 The restriction on no more than 4 unrelated individuals per dwelling unit must be maintained to promote housing for families. Family sized housing is the first thing that gets put on the chopping block when you create the economic incentive by removing the limit on the number of unrelated individuals that can live together.**

OSPCD has carried over and integrated the 'no more than four (4) unrelated individuals' standard into the definition of "Household Living" in the proposed ordinance so that the existing and proposed ordinance function exactly the same way in this respect. OSPCD does not intend to make any changes to this regulation in the next draft.

**PB.19 The proposed ordinance must include a residential use type that permits the creation of intentional shared residential communities - cohousing or cooperative housing - that is not related to the elderly or previously homeless.**

Co-Housing or Cooperative Housing is categorized under the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.

**PB.20 The one parking space per dwelling unit city wide must be adjusted.**

The proposed ordinance does not apply a universal one parking space per dwelling unit rule across the city. See comment PB 4 for an explanation of the proposed parking standards for residential uses.

**PB.21 The restriction on the number of unrelated individuals that can live together in a dwelling unit must be maintained as exists in the current ordinance.**

See Public Hearing comment PB 18 for more information.

**PB.22 The proposed zoning map must be amended to move properties along White Street from the 3MU to the 4MU zoning district.**

OSPCD has collected all zoning map change requests, including the multiple requests for White Street, and is submitting each for the Board of Alderman to review. In general, OSPCD supports this change.

**PB.23 Residential uses must require a special permit in the MU districts.**

OSPCD is exploring requiring a Special Permit for residential uses in MU districts.

**PB.24 The standards for the Assembly Square Special District must not be changed for the areas already approved under the existing Master Plan.**

Article 4 §A.4 of the Assembly Square Special District permits the following: "Due to the long-term, comprehensive nature of neighborhood development planning, the Planning Board may, upon granting a Special Permit, waive any provision of this Ordinance that was not applicable to a site located within the plan area of a previously approved neighborhood development plan".

**PB.25 Increased requirements for affordable housing should be focused on transformational areas like Union Square.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

**PB.26 Everyone involved in the development of this new zoning ordinance should be identified on an acknowledgements page at the beginning of the document.**

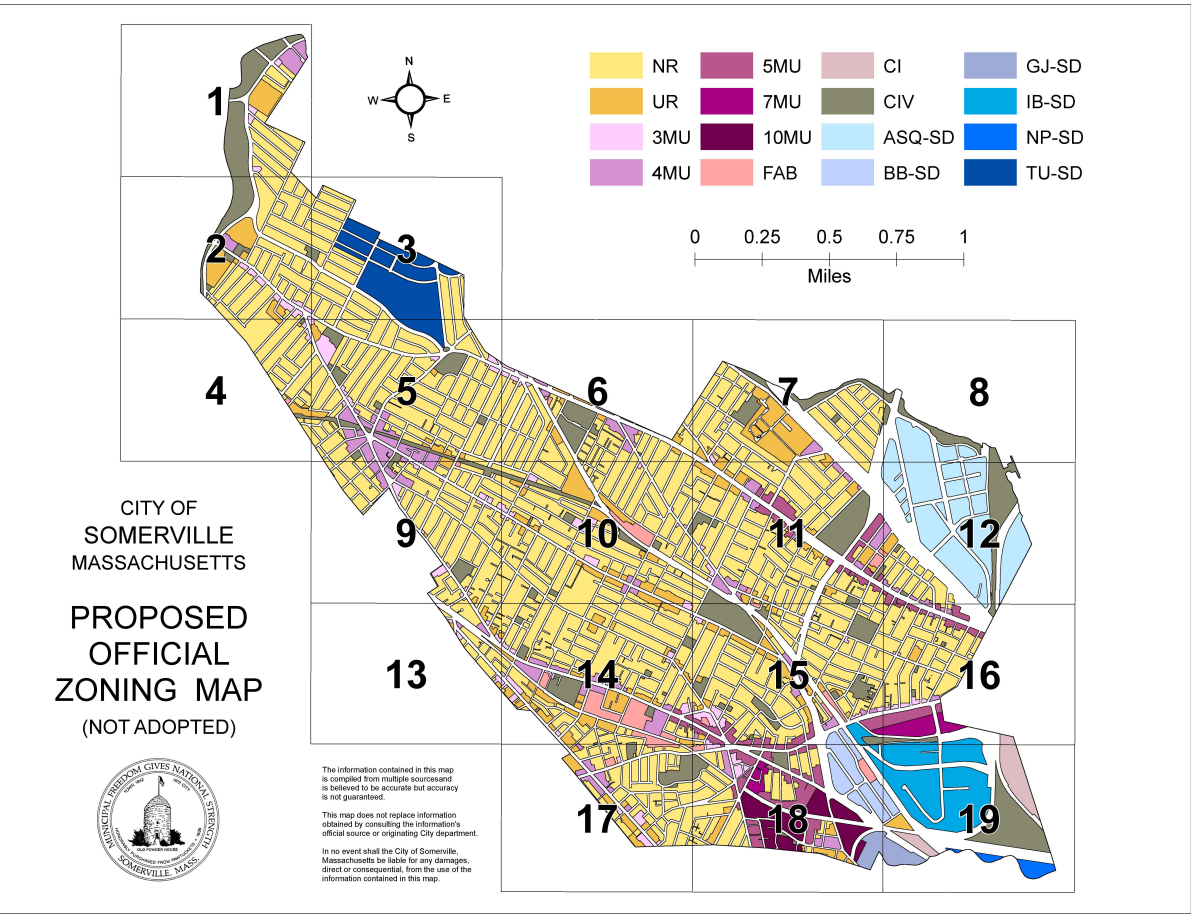
OSPCD is creating a cover and acknowledgements page for the proposed ordinance that will include everyone involved in the development of the code's language, including changes resulting from these public comments.

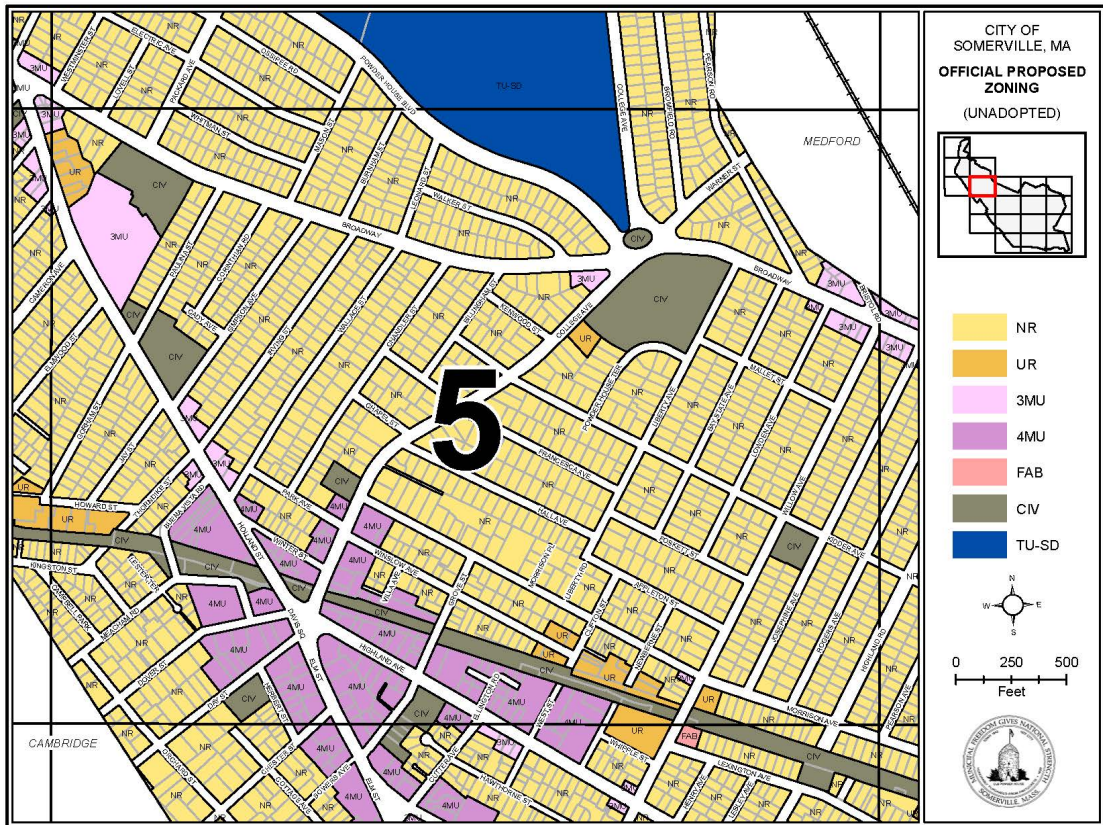
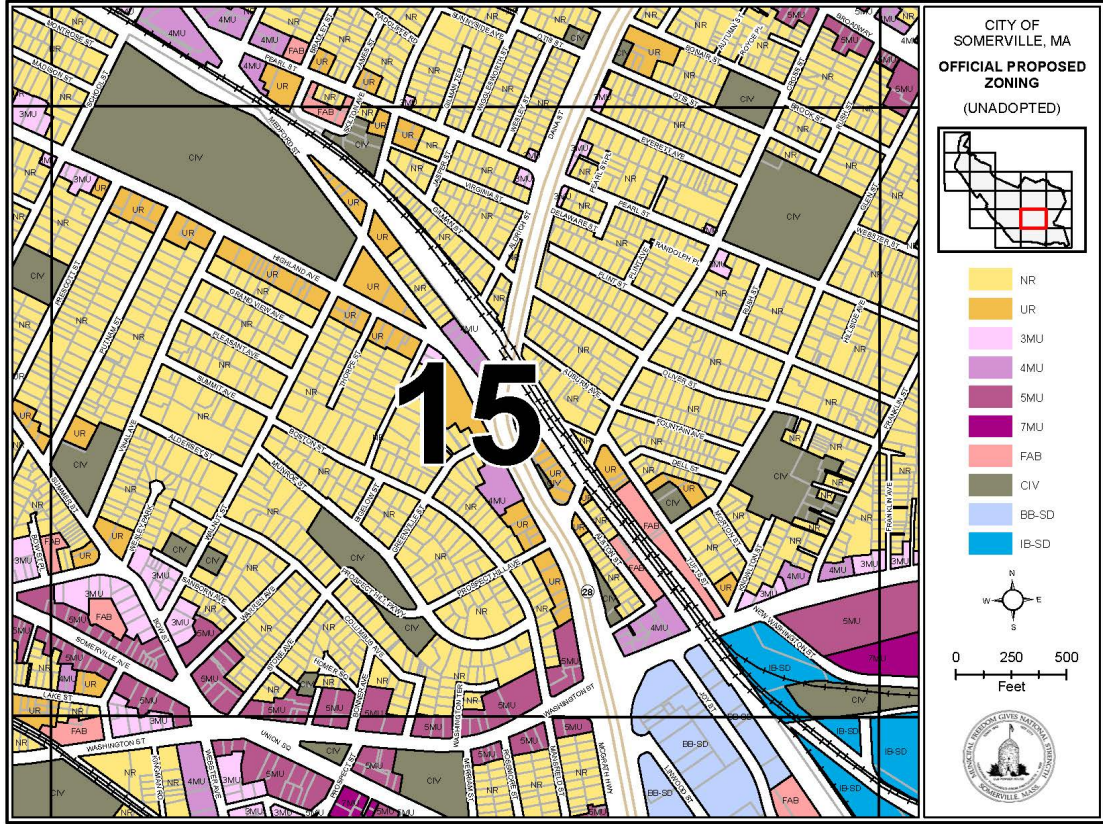
## Public Comments Submitted in Writing

### 1.0 Rob Buchanan, January 12, 2015

#### 1.1 Mixed-use zoning district colors are difficult to differentiate on the Zoning Map

OSPCD has adjusted the colors to create greater differentiation and labeled the districts when they appear on the map. OSPCD has also created an atlas of the zoning map which is an 8 1/2" x 11" booklet subdividing the city into 19 areas for easier printing (similar to the maps in the back of the current zoning ordinance).





## **2.0 Adam Dash, February 2, 2015**

### **2.1 The proposed ordinance needs a section analogous to Section 8.8 of the current SZO**

This public comment was made based on a previous draft where this section was missing. See Article 8, Section B.1 Land Subdivision and Section B.2 Land Parcelization of the January 2015 draft.

### **2.2 The proposed ordinance should permit Tufts University to operate a district scale power facility, including transmission of energy to off-campus locations used by the University**

OSPCD is currently developing standards for Combined Heat and Power and other District Energy/Micro Grid Facilities, and will address this in the next draft.

### **2.3 The proposed ordinance should permit Bike Share and Car Share facilities in any parking lot on the Tufts Campus and facilitate permitting accordingly.**

Staff agrees and recommends an amendment to the proposed ordinance to permit the Bike Share and Car Share use subcategories by-right within the TU-SD. But, the provisions of §5.B.7 requiring a minimum number of parking spaces and annual reporting on the satisfaction of this requirement remain unchanged and would prohibit a reduction in the number of required parking spaces for Bike Share and Car Share uses below the required minimum.

### **2.4 The proposed ordinance should permit “mobile homes” and “modular structures” within the TU-SD**

The current SZO permits a “mobile home in service of a temporary basis, for less than one year” as a residential use and “a trailer or other mobile structure used for an accessory use, but excluding a temporary construction structure” as an accessory commercial, industrial, or institutional use in the University District. The term “Modular Structure” does not exist in the current SZO.

The proposed ordinance separates the regulation of uses from the regulation of structures (in this case accessory structures), but is silent on the permitting of accessory structures such as temporary shelters or facilities in the TU-SD. See Written comment 2.11 for more information.

### **2.5 The proposed ordinance should permit urban agriculture uses within the TU-SD**

See Written Comment 2.11 for more information.

### **2.6 The proposed ordinance should permit wireless communications towers and antennas in the TU-SD**

Wireless communications structures are regulated by §6.C of the proposed ordinance according to Federal regulations governing such structures. They are treated the same in all zoning districts.

### **2.7 The proposed ordinance should permit boarding houses in the TU-SD**

Boarding houses, lodging houses, and rooming houses have been grouped into the Single Room Occupancy Housing subcategory in the proposed ordinance. This use was inadvertently omitted from the Residential Uses permitted in the Tufts University Special District.

**2.8 The proposed ordinance should permit exterior storage in the TU-SD**

Outdoor storage of equipment, inventory, materials, merchandise, supplies, or other items is prohibited.

**2.9 The proposed ordinance should permit a “tradesmen shop” in the TU-SD**

The proposed ordinance recognizes "tradesman’s shop" type of activities carried out on the Tufts campus as incidental to the operation of an Educational Facility in the Tufts University Special District.

**2.10 How is the Household Living residential use subcategory regulated in the TU-SD?**

The proposed ordinance recognizes residential uses for students and faculty as incidental to the operation of an Educational Facility in the Tufts University Special District.

**2.11 The proposed ordinance should list all of the accessory uses common to a College or University since “principal and accessory uses not listed are prohibited”**

OSPCD is adjusting the Educational Facility definition as follows "a public or private facility for the general or specialized education, instruction, or training in subject areas, skills, or vocations including all ancillary facilities, structures, and spaces associated with the day-to-day operations of such services."

**2.12 The criteria in the proposed ordinance for issuing a Special Permit should be the statutory standard of Massachusetts General Laws Chapter 40A.**

The scope of MGL 40A is limited to procedural requirements for the issuance of a special permit, but the Supreme Judicial Court held in *MacGibbon v. Board of Appeals of Duxbury*, 365 Mass. 635, 637-638, 255 N.E.2d 347, 350 (1970) that any ordinance authorizing the granting of a special permit must set forth standards to guide the review board in exercising its discretion to grant such permits and in *Slater v. Board of Appeals of Brookline*, 350 Mass. 70,73 (1996) that a review board may not refuse to issue a permit for reasons unrelated to the standards of the ordinance for the exercise of its judgement. The criteria governing the issuance of a Special Permit are established within the local ordinance. In the current ordinance, they are established in Section 5. In the proposed Ordinance, general criteria are established in Article 10, with more detailed requirements established in the article where the special permit is described.

**2.13 The proposed ordinance needs to explicitly exempt the TU-SD from the Affordable Housing requirements of Article 9**

The affordable housing requirements are applicable to all residential development of six (6) or more dwelling units in all zoning districts. It is not intended for student housing to meet the definition of a residential dwelling unit, but Table 9 identifies a required percentage of affordable dwelling units (ADUs) as 'not applicable' to the Tufts University Special District. OSPCD expects to clarify this in the next draft of the proposed ordinance.

**2.14 The proposed Transit Orientation Map should NOT identify the TU-SD as located within walking distance to an existing or future rapid transit station.**

The Official Transit Orientation Map of the City of Somerville will be edited for clarity to identify rapid transit stations and all land areas located within a one-quarter (1/4) and one-half (1/2) mile walking distance to each station. Portions of the TU-SD are within 1/2 and 1/4 mile of the College Avenue station of the Green Line extension and are appropriately included on the map. TU-SD is exempted from the affordable housing and parking requirements in their respective sections.

**2.15 Article 8 Public Realm Standards should not apply to the TU-SD**

The text of the Tufts Special District does not include a requirement for civic space.

**2.16 Section 7.A Bicycle Parking should not apply to the TU-SD**

The provision of bicycle parking on the Tufts campus is important for achieving the transportation and mobility goals of SomerVision.

**2.17 Section 7.D Mobility Management should not apply to the TU-SD**

It is important that an employer the size of Tufts University continue to work with the city to address the need for reduced traffic and parking in Somerville. Tufts University already participates in many of the proposed mobility management strategies, and already reports their transportation strategies annually to the City.

### **3.0 Jim McGinnis, January 21, 2015**

#### **3.1 The proposed ordinance should not require additional parking spaces or loading facilities for permitted non-residential uses in previously existing or previously permitted buildings.**

Previously existing uses and previously permitted development is grandfathered.



## **4.0 Rob Buchanan, January 21, 2015**

This submittal was based on the December 11<sup>th</sup> Draft of the proposed ordinance. Comments, questions, or concerns raised related to items that were corrected for the January 22<sup>nd</sup> Draft have been omitted from this response to comments.

### **4.1 The Civic District is not necessary and properties with this designation should be rezoned based on use and form goals, similar to the existing ordinance**

The Civic District is used to protect and preserve existing civic and recreation spaces, along with civic sites and buildings, throughout the city. The sites covered by the district are limited to civic buildings and lands, each of which undergo extensive public review prior to any change to uses and structures. This is a common coding strategy.

### **4.2 Why was 4MU excluded from §3.B.3.j Height Restrictions?**

OSCPD determined that the transition was unnecessary between the 2.5 & 3 story buildings of NR and the 4 story buildings of 4MU. There is also no transition required between NR and UR, which has building types with a 4 story maximum. The standard was only applied to districts that have a height difference of two (2) or more stories.

### **4.3 Are mansard roofs nonconforming third stories or conforming half-stories for Shop House buildings?**

Mansard roofs meet the definition of a half story.

### **4.4 The commercial space depth required for the ground floor of Mixed-Use Buildings and Commercial Buildings should be changed to a ratio of net ground floor area to gross ground floor area**

The two metrics that best determine the quality of a first-floor retail space are 1) adequate depth; and 2) adequate ceiling height. Therefore, these are the metrics that are regulated by the proposed ordinance.

### **4.5 The applicability of the standard requiring 50% of the windows of each floor of a building must be operable should be clarified**

Operable windows must open and close. At least half of the windows on each floor of a building must be able to open and close, to provide natural outdoor air into the building.

### **4.6 Clarification is needed for which districts and building types would allow vehicle storage**

Accessory structures intended for the parking of private motor vehicles are defined as a 'garage' and allowed with certain limitations. See Article 6 Section B.2.k and Table 6.1 of the proposed ordinance. Vehicle storage, as would be associated with a Personal Vehicle Repair & Maintenance or Vehicle Sales principal use is only permitted by-right in the Commercial Industry district. The use of an existing parking lot or principal structure for parking would fall under the Motor Vehicle Parking use group and is typically permitted by Special Permit in various districts. See Table 5.1 of the proposed ordinance.

**4.7 Gas stations are not conforming in any zoning district**

This is true. The ordinance would not permit the construction of a new gas station within the City of Somerville.

**4.8 Do uses only permitted in the Commercial Industry district require a variance in other districts?**

Use variances are not permitted by the both the existing ordinance and proposed ordinance. Uses only allowed in the CI zone are not permitted in any other district.

**4.9 Do outdoor lighting standard apply to publicly-owned lighting (such as street lamps)?**

No, the jurisdiction of a zoning ordinance does not extend beyond property lines to public thoroughfares (rights-of-way) because zoning is the exercise of a municipalities authority to regulate private property. Technically, public thoroughfares aren't "owned" by any individual and are legally maintained for public use by governments.

**4.10 The zoning map should specify the type of civic space each existing open space is.**

The Transportation & Infrastructure Division of OSPCD has catalogued all existing civic and recreation spaces in the city as one of the types identified in the proposed ordinance. This will be reviewed in the City's open space plan. The zoning map is not the appropriate tool to identify each existing space by type - similar to how the zoning map does not identify existing buildings by type, but instead a district where certain types are allowed. In the case of civic spaces, all types are permitted in the civic district.

## **5.0 Karen Narefsky, January 23, 2015**

### **5.1 Can you explain the changes to the affordable housing cash payout formula?**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558. Review of the cash payout formula is part of that analysis. A description of how the inclusionary zoning program works will be provided at a future public meeting on the topic.

## **6.0 Adam Dash, February 2, 2015**

### **6.1 Clarification is needed on the designation of lands adjacent to Monsignor O'Brien Highway, near North Point, on the Zoning Map**

This area of the city was inadvertently mislabeled on the proposed zoning map and should be 10MU.

## **7.0 Adam Dash, February 3, 2015**

### **7.1 Clarification is needed on the approval process for Large Development Plans and Neighborhood Development Plans**

The approval process for a Large Development Plan or Neighborhood Development Plan is the same as a Site Development Plan but with longer time frames for review and approval due to the different scope of each type of project. OSPCD is reviewing the regulations of the special districts to determine if or when a Special Permit would be required simultaneously with some Large Development Plans or Neighborhood Development Plans. The approval process is detailed for each of these types in Article 10: Administration of the proposed ordinance.

### **7.2 Administrative approval processes should not involve a vote**

Some towns and cities in Massachusetts have established a site plan approval process in zoning that is purely administrative and do not require public notice, public hearings, and/or votes for approval. Other examples exist where these are all required. The site development plan process in the proposed ordinance requires public notice, a public hearing, and a vote of the Board. In most cases it also requires a neighborhood meeting. OSPCD believes that the method in the proposed ordinance is consistent with the culture of decision making in Somerville.

**8.0 Adam Dash, February 3, 2015**

**8.1 Can a development site include land area within another municipality?**

Yes.

## **9.0 Union Square Neighbors, February 2, 2015**

### **9.1 The proposed ordinance should have stronger mechanisms for creating new open space and that space should be required to have public access.**

OSPCD is currently reviewing the civic space requirements of the Special Districts for possible changes based on public feedback for the second draft of the proposed ordinance. Achieving SomerVision's goal for 125 new acres of open space cannot be achieved through an on-site open space requirement alone. Only a fraction of the lots in Somerville are large enough to feature a properly sized public space. The City must find innovative ways to create a variety of new spaces, including active plazas, passive greens, recreation fields, and shared streets. Therefore, the code continues to focus on providing a valuable civic space or spaces in large development and neighborhood development projects. See the Civic and Recreation Space types detailed in Article 8: Public Realm of the proposed ordinance for minimum acceptable sizes for each type of civic space.

### **9.2 The proposed ordinance should have a mechanism to specifically produce open space called for in the purpose statements of a special district.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

### **9.3 The proposed ordinance only provides 44 acres of new open space and 13 acres of landscaped area or recreation facilities at full build out of the five Transformational Areas identified in SomerVision.**

See Written comment 9.2 for more information.

### **9.4 Forty-four acres is only one third of the open space required in the comprehensive plan. A 30% open space requirement would be more appropriate.**

See Written comment 9.2 for more information.

### **9.5 The proposed ordinance should require all MU development to pay a fee equaling 15% (ideally 30) of the value of an unimproved parcel to an open space development fund.**

OSPCD is exploring adding a provision that would permit a payment in-lieu of providing on-site open space.

### **9.6 The proposed ordinance should require open space to be 50% landscaped rather than the proposed 30% [in the mixed use districts].**

OSPCD is currently reviewing the open space requirements of the Mixed Use districts for possible changes based on public feedback for the second draft of the proposed ordinance. OSPCD is also exploring adding a provision that would permit a payment in-lieu of providing on-site open space.

### **9.7 The proposed ordinance should allow – or require – additional floors above the ground floor for commercial use in Mixed Use buildings.**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential. In that case, the 'Commercial Building' could be understood as a more restricted version of a 'General Building' because it allows only commercial uses on all floors while the 'General Building' has more flexibility.

**9.8 The proposed ordinance should establish an appropriate ratio and require an ongoing balance between commercial and residential square footage in new development.**

There are two strategies proposed to address this issue: a) Most special districts include as provision such as: "At full build-out, no less than sixty-five percent (65%) of the total gross floor area of development must be provided to commercial uses"; and b) Feedback on the proposed ordinance has suggested requiring a special permit for residential uses in the MU districts (while commercial office and research uses would continue to be by-right). Both of these provisions either require or incentivize commercial development and the building types that fully support commercial uses (Commercial Buildings), while still allowing for the possibility of residential development in close proximity to our squares and transit stations.

**9.9 The proposed ordinance should establish better mechanisms for off-site and shared parking strategies.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558 that will include recommendations for shared parking provisions for the new ordinance.

**9.10 Union Square properties designated 5MU should be downzoned to 4MU.**

OSPCD will update the zoning overhaul maps to reflect the Union Square neighborhood plan when it is complete. The current plan draft does recommend some parcels currently zoned CCD-55 be mapped as 4MU.

**9.11 The proposed ordinance should not emphasize symmetrical, center-entry buildings, analogous to mid-century center-entry colonial reproduction suburban homes – a building type that scarcely exists in Somerville, where the majority of buildings are asymmetrical Victorians with the entry to one side. With the emphasis in SomerVision on maintaining Somerville’s “funkiness”, prescriptive architectural standards of this kind seem to have exactly the wrong motivation, and lean towards Seaside in Florida, or Disney’s Celebration, both of which draw on Southern traditions.**

The proposed ordinance does not require or emphasize symmetrical, center-entry residential buildings. Although some of the graphics or illustrations of smaller residential building types do show center entry doors, OSPCD will make adjustments so that some illustrations and graphics show front doors set to one side on the front facade.

**9.12 The proposed ordinance should encourage the adaptation of historic buildings for contemporary uses.**

The proposed ordinance does not differentiate between historic and non-historic buildings in terms of permitted uses, and does not preclude new uses of historic structures.



**9.13 The building standards section of the proposed ordinance should permit a degree of individuality and not needlessly restrict creativity.**

The building design standards of the proposed ordinance represent a minimum standard necessary to ensure all new development reflects the character of Somerville's built environment, while maintaining the ability to include significant architectural creativity while respecting the basic form requirements for each building type.

**9.14 The proposed ordinance permits a scale for the Union Square neighborhood that is inappropriate and the increase in entitlement from the previous zoning should be reconsidered.**

See written comment 9.10 for more information.

**9.15 The thoroughfares section of the proposed ordinance should be reviewed and amended following completion of the City's pending citywide mobility study and the permitting process for new developments should ensure the longer-term implementation of the City's mobility policies.**

Section D. Thoroughfares of Article 8 Public Realm Standards includes basic minimum standards for thoroughfares. OSPCD intends to amend this section following completion of the City's mobility plan so that it reflects best practices and community desires incorporated in that plan. Discussions with community members on the design of thoroughfares will be included in the forthcoming mobility-planning project.

**9.16 The proposed ordinance should include mechanisms that alter parking requirements as the city transitions from auto oriented to transit oriented.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. This type of requirement is being investigated as part of that process.

**9.17 The proposed ordinance should permit the creation of off-site shared parking facilities that serve multiple development as a short- to medium-term solution for development that needs to meet current expectations for tenant parking and understand that the demand for parking will diminish later.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558 that will include recommendations for shared parking provisions for the new ordinance.

**9.18 Policy concerning mobility can and should be taken up subsequent to adoption of the zoning overhaul when the City's mobility plan is complete.**

SomerVision, the City of Somerville's comprehensive Master Plan, includes twelve (12) recommended goals, policies, or actions related to Mobility Management. The Mobility Management provisions of the proposed ordinance are based on national best practices implemented in a host of other cities with similar Transportation objectives. If the mobility plan provides additional mobility strategies or recommends a change to this approach, the zoning can be amended at that time.

- 9.19 There are many who believe that a focus on strengthening the city’s tax base through an emphasis on commercial development in Union Square will have a larger impact on the supply of affordable housing than efforts to generate a concentration of affordable housing in the core of the Square through inclusionary zoning.**

OSPCD shares the opinion that raising real incomes is an important tool to broaden the range of housing that is attainable to households in a variety of income tiers. In Union Square, the objective is to develop a mixed use neighborhood that includes a broad array of uses. The Union Square plan will recommend a proportion of commercial development AND robust inclusionary zoning strategies.

- 9.20 The minimum unit sizes and parking requirements for the NR district are prohibitive for creating “granny” or “in-law” units in existing housing. As the sharing, collaborative economy strengthens, residential sharing has the potential to become more attractive, even for small families, perhaps especially to single parent households. The potential need for second kitchens to support this trend should be reviewed.**

The proposed ordinance does not regulate the number of kitchens in a dwelling unit. Local case law restricts local government from making a distinction between number of units and number of kitchens. Therefore, most local zoning, including the proposed ordinance, does not limit the number of kitchens in a unit. Minimum unit sizes are intended to provide quality residential living environments in new development and are particularly applicable to multi-unit buildings in the UR and MU districts since the minimum floor plate dimensions of the building types permitted in the NR district produce larger units anyway. At this time, OSPCD does not plan to include "tiny houses" or "carriage houses" as principal or accessory building types for the proposed ordinance. However, the proposed ordinance does include provisions for a 'secondary dwelling unit' (essentially an in-law apartment) as an accessory use owned in common with another unit in the building. These are small units permitted in the basement level of owner-occupied building types in the NR district.

- 9.21 The proposed ordinance should not be an obstacle to creative financing for affordable housing, such as a transfer tax or limited equity partnerships.**

The proposed ordinance in no way prohibits creative financing for affordable housing.

- 9.22 The proposed ordinance should support the creation of lower-cost commercial space available for small local businesses and makers.**

There are 28 total acres of Somerville within the Fabrication District. Within these 28 acres, the buildings that exist today could support an estimated 3,000 jobs. OSPCD has adopted the Space=Work mantra, a strategy that was developed by a portion of Somerville's artist community. Therefore, it is of primary importance to the City to ensure space is available for uses from the Arts & Creative Enterprise use category. The generation of more commercial space in the mixed use districts will help keep costs down for small businesses and makers.

- 9.23 The proposed ordinance addresses transitions between MU districts and the Neighborhood Residential district by requiring upper stories to step back in height where parcels abut. This mechanism is not sufficient due to the increase in entitlement in the 5MU district from the previous zoning that creates a dissonance of scale and results in a very different kind of neighborhood than where the 5MU district is mapped today.**

OSPCD is currently reviewing the proposed zoning map for situations where the direct conversion of districts from the existing ordinance to the 5MU district of the proposed ordinance may have created conflicts of scale. Additionally, the neighborhood planning processes currently underway in Winter Hill and Union Square will most likely be completed or near completion by the time a second draft of the proposed ordinance is submitted to the Board of Aldermen in 2016. OSPCD expects map changes will result from engagement with the public in those neighborhoods.

**9.24 The proposed ordinance should include a range of community benefits and zoning strategies to support them.**

The proposed ordinance standardizes provisions for affordable housing, linkage, civic and recreation space. While it is not standard practice to codify further public and/or community benefits agreements in a zoning ordinance, the administration welcomes additional efforts to identify and codify community benefits so they are not debated on a case by case basis.

## **10.0 Adam Dash, February 4, 2015**

### **10.1 The zoning ordinance should provide a simple calculation to determine density.**

The proposed ordinance regulates density by stipulating the exact number of permitted units for 11 of the 13 building types that include residential. For Apartment Buildings and 'Mixed Use' buildings, the proposed ordinance regulates density by controlling the average size of dwelling units in the building. Using this metric, residential unit density can be calculated as follows: Take the Gross Floor Area of all of the residential floors of a building (A), subtract any hallways and other shared circulation areas (B), and divide the result by the permitted minimum average dwelling unit size for the zoning district (C). The formula can be expressed as  $(A-B)/C$ . The density of individual projects would be calculated using known and exact numbers from real floor plans. This new formula is simply different from the one in use today and was chosen because it regulates the most important impact of density (crowding) by ensuring units of adequate size throughout a building. Nonetheless, OSPCD will review this metric and its impacts in the coming months to ensure the correct number is applied for the second draft of the proposed ordinance.

## **11.0 Adam Dash, February 4, 2015**

### **11.1 How do calculate density? Is a 3-story building with a 10,000 sq. ft. floor plate allowed to have 33 units by using the average unit size requirement?**

The proposed ordinance regulates density by stipulating the exact number of permitted units for 11 of the 13 building types that include residential. For Apartment Buildings and 'Mixed Use' buildings, the proposed ordinance regulates density by controlling the average size of dwelling units in the building. Using this metric, residential unit density can be calculated as follows: Take the Gross Floor Area of all of the residential floors of a building (A), subtract any hallways and other shared circulation areas (B), and divide the result by the permitted minimum average dwelling unit size for the zoning district (C). The formula can be expressed as  $(A-B)/C$ . The density of individual projects would be calculated using known and exact numbers from real floor plans. This new formula is simply different from the one in use today and was chosen because it regulates the most important impact of density (crowding) by ensuring units of adequate size throughout a building. Nonetheless, OSPCD will review this metric and its impacts in the coming months to ensure the correct number is applied for the second draft of the proposed ordinance.

### **11.2 What is surface parking? Is it garage parking? Covered parking? Parking under the building? Part way under the building? Parking under an arbor or pergola? A Carport? Is there something allowed between underground parking and "surface parking"?**

Surface parking is an area, usually paved, clear of most obstacles, and sometimes striped that is intended for the use of parking motor vehicles on a temporary basis. OSPCD will clarify parking definitions in the next draft of the ordinance.

### **11.3 Do lots that are too big have to be subdivided to permit construction?**

Lots are not required to be subdivided, but only one (1) building is permitted on each lot. The system built into the proposed ordinance is designed to replicate the small scale lots & buildings that are part of Somerville's character. In the UR or MU districts, if a lot is larger than the maximum floor plate permitted for a building, the lot may be left as is or split into two lots to permit two buildings to be built. In the NR district, a lot can only be split into two if both of the new lots created meet the minimum width and depth standards for the appropriate building type.

## **12.0 Adam Dash, February 5, 2015**

### **12.1 There needs to be a clear measure for the allowed number of residential units in each district for each building type.**

The proposed ordinance regulates density by stipulating the exact number of permitted units for 11 of the 13 building types that include residential. For Apartment Buildings and 'Mixed Use' buildings, the proposed ordinance regulates density by controlling the average size of dwelling units in the building. Using this metric, residential unit density can be calculated as follows: Take the Gross Floor Area of all of the residential floors of a building (A), subtract any hallways and other shared circulation areas (B), and divide the result by the permitted minimum average dwelling unit size for the zoning district (C). The formula can be expressed as  $(A-B)/C$ . The density of individual projects would be calculated using known and exact numbers from real floor plans. This new formula is simply different from the one in use today and was chosen because it regulates the most important impact of density (crowding) by ensuring units of adequate size throughout a building. Nonetheless, OSPCD will review this metric and its impacts in the coming months to ensure the correct number is applied for the second draft of the proposed ordinance.

### **12.2 The affordable unit calculation is too complicated and hard to understand.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

## **13.0 Adam Dash, February 9, 2015**

### **13.1 The frontage of Winter Hill Bank (342 Broadway) should not have a Pedestrian Street designation.**

The neighborhood planning process in Winter Hill has reinforced the importance of this area along Broadway as the main street of Winter Hill and that it should be designated as a Pedestrian Street so that any redevelopment of the Winter Hill bank site is held to these requirements.

## **14.0 Adam Dash, February 9, 2015**

### **14.1 Tufts University should not be identified on the Transit Orientation Map.**

The Official Transit Orientation Map of the City of Somerville will be edited for clarity to identify rapid transit stations and all land areas located within a one-quarter (1/4) and one-half (1/2) mile walking distance to each station. Portions of the TU-SD are within 1/2 and 1/4 mile of the College Avenue station of the Green Line extension and are appropriately included on the map. TU-SD is exempted from the affordable housing and parking requirements in their respective sections.



## **15.0 Adam Dash, February 9, 2015**

### **15.1 The Grand Junction Special District is not mapped.**

This was inadvertently mislabeled on the proposed zoning map. Twin City Plaza is the site of the Grand Junction Special District.

### **15.2 The Floodplain Overlay District is not mapped.**

The FO-SD is an overlay district that does not get mapped. Its boundaries are incorporated by reference to the 100-year base flood elevations shown on the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. This is also the way the floodplain district is addressed in the current zoning.

### **15.3 How can parking be accessed for properties fronting onto a Pedestrian Street via an alley if no alley exists? How would this work for lots with no other street frontage other than the pedestrian street? Are they not allowed to have parking? Can properties fronting onto a Pedestrian Street seek a variance for a new curb cut, or to move an existing curb cut?**

The proposed ordinance is designed to facilitate the development of pedestrian oriented street frontage in appropriate locations. An applicant seeking to develop on a pedestrian street and needing new automobile parking access may provide access from a side street, from adjacent lots, or, where possible, an alley. Otherwise, the project would not be permitted to have on-site parking.

### **15.4 Why are apartment buildings prohibited for properties fronting onto a Pedestrian Street? This should be identified on the use table with a footnote.**

Pedestrian Streets are mapped in areas of the city that are identified as primary retail squares, or identified in neighborhood plans as areas that should become primary retail squares. These streets require first floors to be limited to a group of retail uses that encourage pedestrian visitors and ensure an interesting walk. Apartment buildings are not allowed on these streets because they have residential units on the ground floor. A mixed-use building with first-floor retail and apartments above is permitted. If necessary, this can be noted on the table of Permitted Building Types.

## **16.0 Jim McGinnis, February 9, 2015**

### **16.1 How does the approval criteria used by the Planning Board for an Site Development Plan Approval differ from those used by the Building Official in issuing a Zoning Permit?**

These permits are different from one another. The Supreme Judicial Court (SJC) distinguishes Site Development Plan Approval (they call it "Site Plan Approval") as a different kind of legal instrument from a discretionary Special Permit. A Special Permit can be denied regardless of development's compliance to various requirements and the process of granting a Special Permit allows the Board to reduce the development capacity originally provided by the zoning district. The uncertainty inherent to Special Permits and, when it happens, 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. In contrast, Site Development Plan Approval demonstrates to the public that development is compliant with zoning and cannot be denied. However, a Board can attach reasonable conditions to mitigate impacts as part of the approval. For example, it is within the Board's discretion to attach conditions that address 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; and other concerns that neighbors frequently have. A Zoning Permit is issued by the Building Official to certify 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 have been required. Under the proposed ordinance, a Building Permit may not be issued by ISD without a Zoning Permit being issued first. See Written Comment 16.2 for additional information about Site Development Plan Approval and Neighborhood Meetings.

### **16.2 The standard for denying approval of an Site Development Plan appears much higher than for a special permit, and that the Planning Board is allowed less discretion in reaching their decision - is this correct?**

See Written Comment 16.1. The standard for denying a Site Development Plan is strict and is only permitted when a circumstance is so intractable that no reasonable condition can address it. The proposed ordinance frequently requires a mandatory Neighborhood Meeting prior to the submittal of a development review application so that any issues surrounding a development project (that could inform conditions applied by the Board) are figured out early, by all relevant parties, rather than late in the process as happens today.

## **17.0 Mark Chase, February 9, 2015**

### **17.1 The mobility management regulations need a benchmark for enforcement and goals for reduce demand.**

OSPCD agrees and is exploring the development of appropriate benchmarks as part the Parking & Transportation analysis currently underway per Board Order #198558.

### **17.2 The “not more than 25%” relief standard should be reconsidered and an occupancy study of existing parking near proposed development used to determine appropriate relief in the Tufts University district. Additionally, prescribing the location of parking for Tufts based on campus geography is unrelated to the actual uses that are on the land and what their supply needs are.**

The regulations for the Tufts University Special District have generally been carried over from the University District of the existing ordinance with only minor changes and clarifications.

### **17.3 Do eating & drinking establishments really need long-term bicycle parking?**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. This type of requirement is being investigated as part of that process.

### **17.4 Industrial uses need bicycle parking requirements.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. This type of requirement is being investigated as part of that process.

### **17.5 The proposed ordinance should differentiate between educational uses that have students that do not drive (non licensed) and those that have older students.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. This type of requirement is being investigated as part of that process.

### **17.6 The parking standards for homeless shelters are arbitrary.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. This type of requirement is being investigated as part of that process.

### **17.7 §7.B.3.a.3 needs clarification.**

OSPCD will clarify this provision.

### **17.8 The Thoroughfare Standards of the proposed ordinance should be simplified by requiring compliance with the Urban Street Design Guide and Urban Bikeway Design Guide maintained by the National Association of City Transportation Officials.**

Although OSPCD uses these documents for guidance, the Urban Street Design Guide and the Urban Bikeway Design Guide published by the National Association of City Transportation Officials provide guidelines that are not zoning requirements. OSPCD intends to amend this section following completion of the City's mobility plan so that it reflects best practices and community desires incorporated in that plan. Discussions with community members on the design

of thoroughfares will be included in the forthcoming mobility planning project. Article 8 is designed as a set of minimum standards that will be required in the interim.

## **18.0 Mark Chase, February 9, 2015**

### **18.1 The proposed ordinance should permit Car Share Parking in the Neighborhood Residence district.**

Almost every residential lot within Somerville is within a short walk of a district where car-sharing uses are permitted. This issue has been debated by the Somerville Board of Aldermen in the past, and the Board determined at the time that these uses were undesirable for the RA & RB districts of the existing ordinance. This was carried over for the NR district of the proposed ordinance.

## **19.0 Sebastian Mariscal, February 10, 2015**

### **19.1 The proposed ordinance should not have minimum lot dimensions for each building type.**

The lot depth requirements ensure adequate lot sizes for residential buildings, but are not necessary for areas zoned in the mixed-use districts. Therefore, OSPCD is removing the lot depth requirement for MU districts, but maintains that the minimum lot dimensions are important in the NR and UR districts.

### **19.2 Setbacks should be eliminated in favor of minimum open space requirements.**

Setbacks are a mainstay of zoning practice. They are used in districts where individual buildings need to be a certain distance from lot lines, in order to provide adequate space between buildings or from a thoroughfare.

## **20.0 Union Square Neighbors, February 10, 2015**

### **20.1 Davis Square is under-zoned. It is unclear why a transit-oriented district served by the superior Red Line should be less aggressively zoned than Union Square, served only by a Green Line spur.**

In general, OSPCD believes that the zoning map is out of date in Davis Square, but the Davis Square neighborhood planning process is ongoing and staff does not recommend changing the map until the plan for Davis has been completed and vetted with the public.

## **21.0 Tim Talun (Union Square Neighbors), February 10, 2015**

- 21.1 The proposed ordinance should have better mechanisms to generate commercial development. The financial markets currently favor residential development, but for the future of the City it is critical to achieve SomerVision's jobs goals and Somerville's fiscal stability through commercial development.**

There are two strategies proposed to address this issue: a) Most special districts include as provision such as: "At full build-out, no less than sixty-five percent (65%) of the total gross floor area of development must be provided to commercial uses"; and b) Feedback on the proposed ordinance has suggested requiring a special permit for residential uses in the MU districts (while commercial office and research uses would continue to be by-right). Both of these provisions either require or incentivize commercial development and the building types that fully support commercial uses (Commercial Buildings), while still allowing for the possibility of residential development in close proximity to our squares and transit stations.

- 21.2 Open Space requirements in the proposed ordinance seem inadequate even to meet the basics of a high quality public realm and would achieve only a fraction of the 125-acre SomerVision goal. There are no mechanisms for acquiring and creating larger open spaces.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

- 21.3 The dimensional metrics and Building Design standards of the proposed ordinance should account for the variety of different conditions on each property and permit building variation without reducing or discouraging creativity in building design.**

The building design standards of the proposed ordinance represent a minimum standard necessary to ensure all new development reflects the character of Somerville's built environment, while maintaining the ability to include significant architectural creativity while respecting the basic form requirements for each building type.

- 21.4 The site development plan approval process appears to involve less public input, less consideration of that input when a development is reviewed, and less discretion for the Planning Board or ZBA in deciding whether or not a project should be approved.**

The Site Development Plan Approval process does not involve less public input. The proposed ordinance routinely requires mandatory Neighborhood Meetings for development permitted through Site Development Plan Approval and is different because it requires public input first, instead of last. Neighborhood Meetings provide an opportunity for extensive community input and inform the Boards about issues that should be mitigated through conditions attached to the approval. Neighborhood meetings are not required by the existing ordinance and when they do occur, frequently happen late in the process. Although the standard for denying a Site Development Plan is strict and only permitted when a circumstance is so intractable that no reasonable condition can mitigate the impact, it is within the Board's discretion to attach conditions that address 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; and other concerns that neighbors frequently have.



- 21.5 The site development plan approval process anticipates that every factor that the Planning Board/ZBA would otherwise need to consider in granting a Special Permit can be codified in advance. Because of this, the neighborhood meeting and public hearing for the Site Development Plan could be empty exercises without any chance of influencing the project or the decision of whether to approve it because there will no longer be discretion to influence a compliant proposal during the approvals process.**

The proposed ordinance frequently requires mandatory Neighborhood Meetings prior to the submittal of a development review application so that any issues surrounding a development project (that could inform conditions applied by the Board) are figured out early, by all relevant parties. This is not required by the existing ordinance. OSPCD does not see mandatory neighborhood meetings as an 'empty exercise', but rather an opportunity for extensive community input. Both the applicant and City Staff will be required to submit proceedings of the meeting to inform Boards decision. It is within the Boards discretion to include conditions that address various issues including 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; and other concerns that neighbors frequently have.

- 21.6 The conversion of CCD55 to MU5 has resulted in decreased setbacks between residential neighborhoods and new buildings, increased building heights, decreased landscape requirements, an increase in density, a residential only permitted building types, and no open space requirement.**

The 5MU district was developed to ensure quality five (5) story buildings, especially 5 story commercial buildings. OSPCD is currently reviewing the proposed zoning map for situations where the direct conversion of districts from the existing ordinance to the 5MU district of the proposed ordinance may have created conflicts of scale. The Union Square planning work has identified locations where the 4MU may be a more appropriate district, and those adjustments will be made in the map.

## **22.0 Wenzday Jane, February 11, 2015**

### **22.1 Does the "Fabrication District" exclude buildings from having residential spaces?**

Yes, the January 22 draft of the proposed ordinance does not permit fully residential uses or building types that include residential in the Fabrication District. The Work-Live provision of the Fabrication District does allow an artist to gain permission to live in their studio. But, otherwise, no residential use is allowed. See Written comment 44.6 for more information.

**23.0 Michael LeBlanc, February 13, 2015**

**23.1 The height limit for the 3MU district should be 38 feet in lieu of 35 feet.**

OSPCD will review this requirement.

**23.2 Does providing new sidewalks where they do not currently exist (or expanding existing sidewalks) qualify as a “public amenity”?**

Section C. Density Bonus does not offer a bonus for wider or new sidewalks.

## **24.0 Adam Dash, February 27, 2015**

### **24.1 §7.A.2.a should state that certain residential uses are exempt from the bicycle parking requirements as specified on Table 7.1 Bicycle Parking Standards.**

This subsection explains the applicability of §A Bicycle Parking which is all real property within the City of Somerville. The exemption of §A.2.a.i is actually located in the wrong place and will be moved to §3 Required Bicycle Parking.

## **25.0 Adam Dash, March 2, 2015**

### **25.1 The proposed ordinance should not change any purpose statements for the Assembly Square Special District from the purpose statements of the existing ordinance.**

The purpose statements for the ASQ-SD have been reformatted into the Intent & Purpose section structure that every district has in the proposed ordinance and slightly edited to reflect actual permitting practice and community desires that have evolved since 2004, when the Assembly Square zoning was originally adopted. OSPCD believes the purpose statements continue to accurately reflect the desires of the City and its development partners for the development of Assembly Square.

### **25.2 The proposed ordinance should not change the name of the Assembly Square District Plan (ASDP) to the Assembly Square Plan (ASP).**

OSPCD believes the new name is more appropriate. There is no regulatory impact of this change.

### **25.3 The Assembly Square specific word definitions should not be removed from the proposed ordinance. Additionally, the proposed ordinance should provide more defined terms to increase predictability.**

OSPCD is moving necessary defined terms from the existing Assembly Square zoning language into the Article 12: Definitions of the proposed ordinance. Also, see Written comment 47.4 for more information.

### **25.4 Nothing in the proposed ordinance should apply in any way to a previously approved Planned Unit Development Preliminary Master Plan for Assembly Square.**

Article 4 §A.4 of the Assembly Square Special District permits the following: "Due to the long-term, comprehensive nature of neighborhood development planning, the Planning Board may, upon granting a Special Permit, waive any provision of this Ordinance that was not applicable to a site located within the plan area of a previously approved neighborhood development plan."

### **25.5 The proposed Transit Orientation Map should not identify portions of Assembly Square that are within walking distance of Assembly Square Station due to the previously approved Planned Unit Development Preliminary Master Plan.**

Rapid transit stations and all land areas located within a one-quarter (1/4) and one-half (1/2) mile walking distance to each station are shown on the Official Transit Orientation Map of the City of Somerville. Portions of the ASQ-SD are within 1/2 and 1/4 mile of the Assembly Square station of the Orange Line and appropriately included on the map. Since there are no regulatory references to the Transit Orientation Map in the ASQ-SD, there is no actual regulatory impact of having these areas shown on the map.

### **25.6 The proposed ordinance should not require entrances to be oriented toward a front lot line and instead reference the "street" as in the existing ordinance.**

This sentence and its terminology have been standardized across the entirety of the proposed ordinance.

**25.7 The proposed ordinance does not group some of the land uses permitted by Table 4.3 into use categories.**

The regulations for Assembly Square have generally been carried over from the existing ordinance with only minor changes and clarifications. Therefore the list of uses permitted in the ASQ-SD is directly copied from the existing zoning ordinance.

**25.8 The proposed ordinance should permit “formula retail” and “formula restaurants” in Assembly Square.**

Formula retail and formula restaurants are not regulated any differently than non-formula retail or restaurants in the Assembly Square Special District. The use table for ASQ-SD is unique and does not reference the uses defined in Article 5 because it was copied from the existing ordinance.

**25.9 The proposed ordinance should permit “drive-up” and “drive-through” uses in Assembly Square.**

Drive-up and drive-through uses are prohibited throughout the City of Somerville and have been prohibited in Somerville for many years. Drive-up and drive-through activities are fundamentally inconsistent with the objectives of SomerVision.

**25.10 §4.A.8.f.iii and §4.A.8.f.iv are essentially the same regulation worded slightly different. One should be deleted.**

This will be corrected.

**25.11 §7.B.2.a exempts Assembly Square from the minimum and maximum parking standards of Article 7. The proposed ordinance should state simply that there is no parking or loading requirements in Assembly Square in Section 4.A.**

This subsection explains the applicability of §B Motor-Vehicle Parking which is all real property within the City of Somerville excluding real property in Assembly Square, North Point, or Tufts University Special Districts. The exemptions of §B.2.a.i and §B.2.a.ii are located in the wrong place and will be moved to §3 Parking Requirements.

**25.12 §4.A.10.b and §6.D of the proposed ordinance are different from the §6.4.7.A.3 and the Article 10 of the current ordinance and should not be changed because much has already been built in Assembly Square.**

§6.4.7.A.3 of the current SZO reads:

“Developments shall conform to the applicable landscaping requirements set forth in Article 10.”

§4.A.10.b of the proposed ordinance reads:

“All development must meet the landscape requirements of Article 6. Development Standards.

...

Existing development is grandfathered. New development is subject to the landscape

requirements of Article 6: Development Standards. Article 4 §A.4 of the Assembly Square Special District permits the following: "Due to the long-term, comprehensive nature of neighborhood development planning, the Planning Board may, upon granting a Special Permit, waive any provision of this Ordinance that was not applicable to a site located within the plan area of a previously approved neighborhood development plan."

**25.13 §4.A.10.c and §6.G of the proposed ordinance are different from §6.4.14 of the current ordinance and should not be changed because much has already been built.**

Each provides a similar level of flexibility and the Planning Board the ability to waive requirements of the city-wide sign regulations to address specific solutions for the Assembly Square district. That level of creativity will still be permitted in Assembly Square under the new zoning.

**25.14 Storm water management requirements in the proposed ordinance are not just limited to SPSR-A like in the current ordinance. Additionally, the first sentence of §6.4.9.C.4.d of the current ordinance is not present in §4.A.10.f of the proposed ordinance.**

These are intended changes to properly address issues of storm water management citywide, regardless of the scale of development.

**25.15 The proposed ordinance should not require the Planning Board to consider compliance with the adopted master plan of the City of Somerville in its discretion to approve or deny a special permit for development within Assembly Square because much has already been built.**

To date, one (1) PUD has been approved and eight (8) of eleven (11) blocks have been permitted. The Assembly Row development covers less than half of the land area in the Assembly Square neighborhood. The remainder of Assembly Square must be built-out consistent with SomerVision, the adopted comprehensive Master Plan of the City of Somerville.

**25.16 The proposed ordinance should not require the Planning Board to consider compliance with the adopted master plan of the City of Somerville in its discretion to approve or deny a special permit for development within Assembly Square because much has already been built.**

See Written comment 25.15 for more information.

**25.17 The provisions of the Flood Plain Overlay District (FO-SD) should not alter the previously approved Planned Unit Development Preliminary Master Plan for Assembly Square.**

The regulations of the FO-SD do not change any previously approved PUD Preliminary Master Plan and the boundaries do not overlay any portion of the Assembly Square PUD area. The FO-SD is a direct copy of the regulations that have been in place for many years, and are required for properties in the City to remain eligible for flood insurance.

## **26.0 Claudia Murrow, March 2, 2015**

- 26.1 A presentation of the facts to substantiate the reasons a new zoning ordinance is necessary, the effects from it, and why a substantial increase population is needed should be presented to the public, the Planning Board, and the Land Use Committee of the Board of Aldermen.**

SomerVision identifies over 100+ goals, policies, and actions related to zoning reform.

- 26.2 The proposed ordinance will substantially increase the density of the residential population in Somerville in areas where current zoning districts are converted to new districts, specifically the Urban Residential district. There are many examples of places in Somerville where adjoining lots are combined to enlarge them, which increase the number of units permitted.**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to determine the impact of the proposed ordinance.

- 26.3 What is the purpose of the proposed zoning ordinance?**

The purpose statements for the zoning ordinance can be found in Article 1 Section A.2 of the proposed ordinance. Cities frequently update their zoning ordinance to adjust to changing times and implement Comprehensive Plans. SomerVision, the City's Comprehensive Master Plan, calls for 6,000 new housing units and 30,000 new jobs by 2030.

- 26.4 What are the affects from impacts of the proposed ordinance and what are the pretexts to justify the proposed ordinance?**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to determine the impact of the proposed ordinance. The proposed ordinance is designed to implement a large number of the goal, policies, and actions called for by SomerVision, the City's Comprehensive Master Plan.

- 26.5 How will the proposed ordinance improve the quality of life of current Somerville residents?**

The proposed ordinance is designed to implement a large number of the goals, policies, and actions called for by SomerVision, the City's Comprehensive Master Plan.

- 26.6 What has the city offered to justify the substantial increase in density the proposed ordinance will cause?**

MAPC estimates a 400,000+ unit housing shortage for the Boston region that is increasing the cost of housing due to limited supply and increased demand. MAPC believes that Somerville's portion of the needed new housing is an estimated 9,000 new units. Failure to meet this housing demand will continue to result in increased housing prices, and will impact opportunities for economic growth and jobs in the greater Boston area.

- 26.7 Where have the districts of the proposed ordinance been used previously and what was the outcome?**

The zoning districts of the proposed ordinance were designed specifically for Somerville. They



have not been used previously.

- 26.8 What will be the increased tax revenue caused by the proposed ordinance? What will be the cost associated to municipal services? How much would adding residential units worsen the City's deficits for the future?**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640.

- 26.9 What will be the increase in long-term employment opportunities for residents? What income bracket will those jobs pay? How many jobs per capita are there today?**

OSPCD is carrying out an Economic Development analysis per Board Order #198542.

- 26.10 We are already facing real impacts from additional housing units and population. What are these affects?**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640.

- 26.11 How many units have been built post zoning change in Assembly Square, Union Square, and the Broadway Corridor 55?**

Since 2010, 2,255 new units have been permitted in Somerville. In ASQ 580 new units have been permitted, 259 in Union Square, and 68 in the Broadway CCD District.

- 26.12 What are the number of units allowed by special permits and variances issued by the Special Permit Granting Authorities: the Zoning Board of Appeals and the Planning Board, since 2007?**

OSPCD estimates that six-hundred and six (606) market rate and one-hundred and twenty two (122) affordable units have been approved by Special Permit and/or Variance (including 40B approvals) since January 2010. These numbers have not been calculated for 2007-2009, but are not significant. Not all of these units have been built as of September 2015.

- 26.13 Did the bulk of the special permits and variances by the Special Permit Granting Authorities (SPGA) passed since 2009 fit the proposed zoning specifications?**

OSPCD staff works diligently to ensure the best possible results from the existing discretionary review process that governs most development in Somerville.

- 26.14 How does the proposed zoning make housing more affordable generally, as opposed to forced affordable housing units?**

See Written comment 26.6 for more information.

- 26.15 Pursuant to the number of population and units that have been added to housing, what types of housing were added? How many are luxury and how many are affordable types? Is the affordable housing allowed in this proposed zoning affordable despite its name? What are the income limits that define affordable? Where do the literal poor fit into this zoning proposal?**

OSPCD does not currently track the type or price point of new housing beyond the number of units that are deed restricted affordable housing. See Article 9 of the proposed ordinance for the

income limit qualifications for affordable housing units.

- 26.16 Somerville has many people who do not qualify for subsidized housing by a small margin. How will they be protected? Will they be forced out? Where is the study showing that this zoning proposal will let the people who are living here continue to live here?**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558.

- 26.17 What information does the Planning Board and/or City has to establish how many units have been added? Where does the city keep and update this information for analysis of the growth? Is this available to the public to inspect?**

OSPCD issues SomerVision growth reports every six months to the Board of Aldermen.

- 26.18 The Planning Department claims it will make for more affordable housing. What studies do they have to show that?**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558.

- 26.19 The Planning Department claims the increase in density will keep the costs of housing down. Where is that study?**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558. General economic theory states that when there is an increase in supply that prices stabilize or go down. Each community must do their part to provide additional housing opportunities, including Somerville.

- 26.20 How many units does the proposed Zoning allow? What is the maximum number of units that could be built under the zoning proposal? Or, if developers built all the units this proposed zoning allows, how much would that be?**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to further describe the effects of the proposed ordinance. An estimate build out under the proposed ordinance will be developed for these studies.

- 26.21 How many residents can live in the allowed units according to health codes?**

The City of Somerville does not define occupancy levels in the Health Code. However, the MA Housing and Sanitation code limits the number of residents in an apartment or dwelling, based on the square footage of the rental unit. See 105 CMR 410:400:

410.400: Minimum Square Footage

(A) Every dwelling unit shall contain at least 150 square feet of floor space for its first occupant, and at least 100 square feet of floor space for each additional occupant, the floor space to be calculated on the basis of total habitable room area.

(B) In a dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant.

(C) In a rooming unit, every room occupied for sleeping purposes by one occupant shall contain

at least 80 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet for each occupant.

- 26.22 Depending upon how many units this zoning proposal allows, what will be the effects on traffic, parking, density, overcrowding, green space, crime, sewer, storm water, drainage, flooding, police, fire, schools, ambulance services, Department of Public Works (DPW) services, building department services, trash and recycling, public health, air quality, toxic waste release, loss of green space, loss of historical identity, due to demolishing several historical structures, and more?**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to determine the impact of the proposed ordinance.

- 26.23 Has the need for forecasted facilities and services been identified and analyzed? What are the costs and revenues? Is there a deficit? If so, how much?**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640.

- 26.24 What studies has the Planning Board and/or the city done about the increased density and its impact on the community?**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640.

- 26.25 What studies have the Planning Board and/or the city done to establish that the city infrastructure can take the increase?**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640.

- 26.26 How much will it cost to bring city departments to the necessary levels to service the new density? What is the proposed cost of:**

- a. eminent domain for new service locations;
- b. increasing city services to facilitate and oversee development of new buildings;
- c. Increasing city departments with buildings, personnel, and new machinery, etc., such as Police, Fire, Department of Public Works, Inspectional Services Department, Schools; and City Hall services, such as the City Clerk, elections, treasury, etc.

**Will municipal services have to be moved and/or expanded? If so, from what locations will new and increased municipal services be provided to maintain overall services to the city? What is the process by which municipal services would be amended? Is there a master plan?**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640.

- 26.27 Can the building department handle the proposed increase in building permits and inspections? Based upon how many units and/or structures this zoning proposal allows, does the building department have enough qualified inspectors to handle the proposed increase in their responsibilities well and properly? How much will the department need to be increased? How many more inspectors and staff will be needed? Will they need a new location? If so, where will that be? How much will this cost?**

ISD is adequately staffed to meet the needs of the City and, when needed, additional staff is

requested during the annual budget process. Building Inspectors are state certified and maintain continuing education.

**26.28 How many gallons of sewage daily will this proposed zoning add?**

Sewage generation is estimated by the State to be 110 gallons per day per bedroom, under both the current and any proposed zoning.

**26.29 In what bank or institution does the city's Infiltration/Inflow Stabilization Fund reside? What is the account number? How much money is there currently? Can the public look at deposits made since its inception? What projects have the fund been used to fix? How can the city determine if it can handle the projected increase of sewage and the anticipated reduction of permeable surface? Who is managing adherence to this IISF fund offset? What amounts and what math are the contributions based upon? Does the city have identified in Inflow and Infiltration removal projects that would satisfy the 4 to 1 removal requirement. Where is the list of identified projects?**

Information regarding the current finances of the stabilization fund is not relevant to the zoning ordinance overhaul. Going forward, the City is seeking to implement city-wide policies relative to sewer flow. Development with new sanitary sewer connections adding flow to the system must remove four (4) times the total volume of new inflow and infiltration by:

1. Undertaking a project within the city, at the expense of the developer, to repair a portion of the sewer system where I/I is equal to the volume of I/I that must be removed; or
2. Pay a fee (TBD) equal to the cost of removing the required volume of I/I from the sewer system.

**26.30 How much permeable surface will be lost by this proposed zoning and what are the effects are on flooding? What studies have been done relative to sewage, storm water, flooding, and permeable surfaces?**

The vast majority of new development will replace existing impermeable surfaces in Transformation Areas like Inner Belt and Brickbottom. The City's engineering requirements, storm water and inflow & infiltration policies, as well as the permeable surface requirements of the zoning ordinance ensures adequate flood protection for new development.

**26.31 How does this zoning proposal make the city more livable and green space friendly? How does it provide for the creation, management, and protection of open space, green space, and space for recreation in accordance with the number of units and population this proposal allows? What is the proposed ratio per person to green space? How does that compare with other cities and towns in Massachusetts? What studies have you done to show if green areas will be lost by this proposed zoning? If so, how much?**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to determine the impact of the proposed ordinance. OSPCD is also considering other feedback regarding open space generation in transformational zones. In the proposed ordinance, OSPCD has maintained landscape and permeability requirements. The Civic district is another measure used to protect existing open space.

**26.32 How many cars are anticipated to be added, both registered with the city and non-registered?**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558.

**26.33 What traffic and/or parking studies have the Planning Board and/or the city done?**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558.

**26.34 Under the proposed zoning, how much parking is required? What is the ratio between allowed units, and required parking?**

See Article 7 Section B for Parking Requirements.

**26.35 Is the plan to squeeze out cars or to make it so that, if there is no place to park or drive, residents can't have them?**

There is no plan to squeeze out cars. But, many cities around the world have discovered the advantages of putting pedestrians first. Mobility in the 21st century will continue to be about more than just parking cars and moving traffic. The best way to prevent increased traffic and congestion from new development is to stop requiring more off-street parking than is necessary. Parking spaces induce vehicle ownership and use, even in neighborhoods that are heavily served by public transit. The proposed ordinance uses a context-based approach for new development in Non-Transit-Oriented areas of the city (1 space/DU minimum) and a market based approach and cap that prevents the oversupply of parking in Transit rich areas of the city (1 space/DU maximum). All existing parking is grandfathered and is free to remain as is.

**26.36 Have you studied health effects on residents from increased cars and traffic congestion?**

The health effects of automobile traffic traveling through Somerville, by drivers that live elsewhere, far outweighs the health impact of automobiles owned by residents of Somerville. Travel data shows that Somerville residents typically use a variety of non-automobile transportation options for local trips. The Somerville Transportation Equity Partnership and Tufts University have done significant research on the air quality impacts of automobile traffic. The development of regional housing and job opportunities in the inner core communities like Somerville will reduce overall health impacts relative to enticing more sprawl in outer suburbs.

**26.37 How does it make it more commuter friendly including for those who have and will keep cars?**

The best way to prevent increased traffic and congestion is to stop requiring more off-street parking than is necessary because parking spaces induce vehicle ownership and use, even in neighborhoods that are heavily served by public transit.

**26.38 Ward 2 has flooding and a high water table.4 Can underground parking be allowed where the water table is high? The development at 17 Ivaloo St. with underground parking was flooded. What level of the water table would preclude underground parking?**

There are effective construction techniques available for building underground parking in high water table areas.

**26.39 The proposed zoning calls for, "If provided, off-street parking must be located underground or in structures and accessed from an alley."5 If parking is provided within the structures, will this be on the first floor and/or behind retail? Will it be on the second floor accessed with car lifters or elevators? Where will cars park within the structures as contemplated by this proposed zoning? How many cars can be parked inside a building that is not a parking garage? If buildings with residential units have parking inside, will that require an alley way, which appears to be another word for a driveway to enter? Will these**

**be shared by adjacent buildings? Where are examples of architecture that could accommodate this part of the proposed zoning?**

Not all structured parking is created equal. However, the proposed ordinance does not regulate the architectural solutions in accommodating structured parking but instead regulates issues of concern related to parking. For instance, the proposed ordinance includes parking maximums with 1/4 mile of a transit station for commercial uses and within 1/2 mile of a transit station for residential uses - limiting the number of parking space permitted within a structure.

**26.40 Why do six-plexes and 7 unit developments, in certain minimum lot sizes, have to be allowed by-right with the required site plan? Why not leave it as it is, by special permit, which allows for comment and appeal?**

Per regulation and case law, each district of a zoning ordinance must have some type of development by-right (without requiring a special permit). Building types permitted by-right in the proposed ordinance are established to permit development consistent with the objectives of SomerVision. Under most circumstances, these buildings require Site Development Plan Approval which allows a local board to address neighborhood impacts through appropriate conditions attached to the approval. OSPCD is exploring requiring a Special Permit for residential uses in MU districts.

**26.41 What studies have been done to determine how many historical properties can be demolished? What will be the impacts on the Somerville identity and generally to replace historical buildings with a line of similar building types that are architecturally cheap looking with cheap materials as are exemplified by buildings that have been built and are in the pipeline? For example, at the corner of 595 Somerville Avenue and Spring St., 6 and at 587-589-593 Somerville Avenue. This building type is proposed in drawings for other buildings planned for Somerville Avenue.**

Properties in a historic district cannot be demolished. The Community Preservation Committee has commissioned development of a Historic Preservation Plan for the City.

**26.42 Does this Planning Board consider these, turn of the century and earlier homes, a historic resource that should be protected as a group at large as opposed to being subject to the 9 month demolition ordinance?**

The NR district is designed to conserve the traditional housing stock of Somerville's neighborhoods while allowing these existing houses to adapt to changing household needs over time. A well-crafted zoning district will be a far better strategy for conserving neighborhood character than any short-term demolition delay.

**26.43 Many of these homes have asbestos and other toxic materials. Is the city capable of handling this removal relative to public safety? Somerville does not have an asbestos removal ordinance, unlike, Cambridge, Arlington, Boston, Everett, Malden, and other cities and towns?**

Asbestos removal is regulated by a variety of State and Federal laws.

**26.44 Can utilities and air-conditioning generators and units be placed on buildings visible from the street? If not, where would they be placed?**

These items are not permitted on Facades (the primary building front). As it is necessary to place these items somewhere on a lot, they are permitted on side elevations, and rear elevations.

Furthermore, they are subject to the review of a board on any project subject to Site Development Plan approval.

**26.45 Would the increase in population in smaller apartments and in close living arrangements with unrelated persons sharing kitchens and the density increase overall violence, and crime? If so, how much? What will be the cost of increased Police and related services?**

For information about evacuation strategies, contact the Region 1 (Northeast) Office of the Massachusetts Emergency Management Agency 365 East Street, Tewksbury, MA 01876 (978) 328-1500

**26.46 Would the increase in population in smaller apartments and in close living arrangements with unrelated persons sharing kitchens and the density increase overall violence, and crime? If so, how much? What will be the cost of increased Police and related services?**

There is no evidence that crime will increase due to the size of apartments or the sharing of kitchens between unrelated persons.

**26.47 Would increased development and density increase rats, rodents, cockroaches, and other unwanted varmint populations? What is the effect of increased use of pesticides and harsh chemicals to rid them? Do said chemicals get into the water supply?**

The rodent population in Somerville has been reduced significantly in recent years. Rodent populations can be controlled through proper storage of trash. This is not a zoning issue.

**26.48 Does the proposed zoning require room in each structure for one recycling container and one trash container for each unit with corresponding assigned numbers to each unit? Where would these containers, be placed in the building?**

Different projects have different solutions to addressing trash and recycling issues. This is the type of thing a Review Board can condition as part of an approved Site Development Plan, Special Permit, or Variance.

**26.49 After the snowstorm on January 27, there was no place to put recycle on the sidewalk for my building and the building next door for pick up until March 11, 2015. There was no room to put the recycle bins on the sidewalk between mounds of snow and on the street where the cars drove close to the mounds of snow. There was no place to drop off the recycling. Now that Somerville Avenue was narrowed, where would the proposed number of increased residents leave their recycle and trash in a major snowstorm? What studies have been done on trash and recycling pick up for the number of units allowed under this zoning? What is the cost of the increase?**

Residents who are eligible for public trash and recycling collection will place trash and recycling at the curb. Residents who are not eligible for public trash and recycling collection will coordinate trash pickup on their lot. This is no different than the strategy that is used now.

**26.50 Somerville Avenue cost approximately 23 million dollars of federal and state money to rebuild. The design was to narrow the road to slow down traffic and push it off onto the side streets. After it was completed, during rush hour, the traffic goes from the Somerville Avenue intersection all the way down Park St. to the Beacon Street intersection where it gridlocks. Paying 23 million dollars to increase traffic congestion and fumes going into residential vents seems contrary to what would be expected. Did this turn out the way it was planned?**

This comment is not related to the proposed zoning ordinance.

**26.51 Is Assembly Row providing the net tax base to the city that was promised by the Planning Department, Planning Board, Mayor Curtatone, and Alderman? Do their tax revenues cover their expenses? If not, what is the deficit? Where are the studies on this?**

Yes to all questions. The Assessor's Office has provided this information to the Board of Aldermen in the past.

**26.52 Is there anybody in the City asking these questions?**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to determine the impact of the proposed ordinance.



## **27.0 Renee Scott (Green & Open Somerville) via Somerville Transportation Equity Partnership, March 2, 2015**

### **27.1 The proposed ordinance should include a requirement for green space that is distinct from open space.**

Each type of Civic and Recreation Space detailed in Article 8: Public Realm is different and each have unique requirements, including different amounts of required landscaping. OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance. Requirements for specific types of Civic and Recreation Spaces are being explored.

### **27.2 The proposed ordinance should include a typology of green spaces with different, calibrated standards for each type.**

Article 8: Public Realm of the proposed ordinance includes a typological menu of Civic and Recreation Spaces with calibrated standards for each type.

### **27.3 The proposed ordinance should allow require development to meet open space requirements by making a cash contribution to a fund that pays for of open space.**

OSPCD is exploring adding a provision that would permit a payment in-lieu of on-site open space.

### **27.4 The proposed ordinance should encourage development that improves the health of the urban environment.**

OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations and will provide appropriate changes for the next draft of the proposed ordinance.

### **27.5 The proposed zoning ordinance should prioritize development of office and R&D spaces to increase the commercial tax base and revenue available for green and open space.**

OSPCD is pursuing various edits to the proposed ordinance to further emphasize the development of commercial uses. Special Districts include provisions that require a minimum percentage of commercial floor space in the proposed ordinance.

## **28.0 Renee Scott (Green & Open Somerville), March 5, 2015**

Staff received this letter directly following the circulation of the same feedback on the Somerville Transportation Equity Partnership's mailing list. Although nearly identical in substance, this version includes more support signatures from members of the Somerville community. It is included here to illustrate the increasing support for the comments/concerns identified by Green and Open Somerville.

For responses to the comments/concerns, please see responses **27.1 – 27.5**.

## **29.0 Jacob Taylor, March 5, 2015**

- 29.1 The proposed ordinance should require a 20% inclusionary housing percentage across the city for all development of 5 or more units so that there is one easy to understand requirement for affordable housing.**

See Written comment 12.2 for more information.

- 29.2 The cash buyout required by the proposed ordinance should be increased to encourage the production of on-site units.**

See Written comment 12.2 for more information.

- 29.3 The proposed ordinance should require developers that choose to build off-site housing to provide additional units and more affordable units to help encourage the construction of more economically diverse neighborhoods.**

See Written comment 12.2 for more information.

- 29.4 The proposed ordinance should differentiate between open space and green space and incorporate a green space requirement.**

Each type of Civic and Recreation Space detailed in Article 8: Public Realm is different and each have unique requirements, including different amounts of required landscaping. OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance. Requirements for specific types of Civic and Recreation Spaces are being explored.

- 29.5 The proposed ordinance should also incorporate a provision that allows developers to make cash contributions in lieu of meeting the open and green space requirements.**

OSPCD is exploring adding a provision that would permit a payment in-lieu of on-site open space.

## **30.0 Paula Wooley, March 5, 2015**

### **30.1 The proposed ordinance should include increased permeable surface requirements and sidewalks and paved surface should not count toward open space requirements.**

There are a few key items to note here: 1) Specific terms used in the ordinance must be understood: A 'permeable area' is a surface that lets water drain through the ground rather than run off; a 'yard' is the area of a lot that is not covered by buildings or parking areas and is typically landscaped, but is intended for use by the public rather than the public; an 'open space' is land area of a lot accessible to and designed for public access, gathering, or use, but is typically more functional in purpose; a 'civic space' is a refinement of 'open space' designed to specifically to support social or recreational activities beyond simple access by the public. 2) On-site open space is not necessarily pervious or landscaped (green) area. 3) The proposed ordinance requires on-site 'open space' to be more functional than just landscaping (greenery) and one of those options is increased sidewalk width because wide sidewalks are a public amenity in districts with more intense development. 4) Civic Spaces detailed in Article 8: Public Realm of the proposed ordinance include permeable surface and landscape requirements, but many types also require some paved sidewalks and walking paths for pedestrians. 5) Through the required permeable area for private lots and the required permeable area for civic spaces, the proposed ordinance increases the required amount of permeable surfaces overall than what is required by the existing ordinance today. 6) OSPCD is investigating increasing the permeable area requirements for private lots beyond what was included in the proposed ordinance. 7) OSPCD is also reviewing the standards for Thoroughfares in Article 8: Public Realm to ensure that all sidewalks are of high quality with frequent street trees and benches.

### **30.2 The proposed ordinance should restrict heights to correlate with the height of existing buildings.**

The zoning map ensures that heights remain consistent in the 'conserve' areas of the SomerVision map, makes modest adjustments to encourage quality retail and commercial space in the 'enhance' areas of the SomerVision map, and permits new height in the 'transform' areas of the SomerVision map (such as Inner Belt and Brickbottom). The methodology is explained in a memo to the Board of Alderman and also on the website [somervillema.gov/zoning](http://somervillema.gov/zoning).

### **30.3 The new ordinance should include a mechanism to ensure the production of affordable three-bedroom dwelling units for families and micro-units for single or the elderly.**

See Written comment 12.2 for more information.

### **30.4 The proposed ordinance should only permit reduced off-street parking in locations that have access to public transit.**

The proposed ordinance requires one (1) space/DU in areas of the city that are considered outside walking distance to transit. The Official Transit Orientation Map of the City of Somerville is included as part of the proposed zoning map. Areas of the city within close walking distance to transit have different parking standards than areas of the city outside of close walking distance to transit.

**31.0 Stephen Mackey, Somerville Chamber of Commerce, March 5, 2015****31.1 The proposed ordinance should include a purpose statement focused on the overall economic reasoning behind the ordinance.**

OSPCD will add the following (underlined) to the purpose statements focused on economic development in Article 1 of the proposed ordinance:

k. To protect and promote a diverse mix of businesses and increase accessibility to diverse employment opportunities within Somerville.

l. To provide opportunities for businesses to remain in Somerville as they develop and grow.

m. To increase commercial tax base in support of the fiscal health of the City.

**31.2 The economic impact and consequences of the Inclusionary Housing formula in the proposed ordinance should be studied and scrutinized.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558.

**31.3 Davis Square should be mapped in the 5MU zoning district.**

See Written comment 20.1 for more information.

**31.4 The proposed ordinance should have a smaller land area requirement for large development or neighborhood development planning in Inner Belt.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

### **32.0 Marcie Campbell, March 9, 2015**

- 32.1 The proposed ordinance should include incentives or standards to ensure that office and/or R&D spaces are developed in Special Districts and transit-oriented areas of the city.**

See Written comment 9.8 for more information.

- 32.2 The proposed ordinance should balance the development of residential and commercial uses so that the goals of SomerVision are met.**

See Written comment 9.8 for more information.

- 32.3 The proposed ordinance and the mapping of zoning districts should address the transition between the NR districts and 4MU and above.**

See Written Comment 4.2 for more information.

### **33.0 Tomas Bok, March 6, 2015**

- 33.1 If a developer wanted to tear down an existing 2-family nonconforming structure on a 4400 sq. ft. lot in the RA zoning district, and put up a new building, they would be limited to a 1 unit / 3300 sq. ft. / 2.5 stories / 35 feet tall structure.**

This is incorrect. Under the current code, if you tear down an existing building on a 4,400 sq. ft. lot in an RA district, you cause the lot to become unbuildable because it does not meet the minimum lot size of the existing ordinance. The minimum lot size in the RA district is 10,000 square feet. Under the existing ordinance, 98.42% of the lots are nonconforming. The average lot size in the RA district is 4,382 square feet.

- 33.2 Other than taking the items listed in 5.c.4.c into consideration, the ZBA is not compelled in any way to rule against a triple-decker special permit in a neighborhood of 2.5 story houses.**

Staff is currently conducting an in depth analysis of potential residential infill development for all properties in the Neighborhood Residence district. Based on the results of that analysis, OSPCD will develop standards to limit the proliferation of the Triple Decker building type in areas where they are not already present.

- 33.3 Lots in the existing RA zoning district that are 29' wide x 80' deep or bigger are effectively getting up zoned by the proposed ordinance because a triple decker would be permitted by special permit whereas the dimensional standards of the old ordinance prevent it entirely.**

See Written comment 33.2 for more information.

### **34.0 Kirk Buggy, March 12, 2015**

- 34.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit, but the number of unrelated undergraduates should be regulated.**

OSPCD has carried over and integrated the no more than four (4) unrelated individuals standard into the definition of "Household Living" in the proposed ordinance. The existing and proposed ordinances function exactly the same way in this respect. Co-Housing or Cooperative Housing is categorized under the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.



## **35.0 Nancy, March 12, 2015**

**35.1 The proposed ordinance should restrict the number of unrelated individuals that can live together in a dwelling unit.**

See Written comment 34.1 for more information.

**36.0 Eric Fellingner, March 13, 2015**

**36.1 The proposed ordinance should restrict the number of unrelated individuals that can live together in a dwelling unit.**

See Written comment 34.1 for more information.

**37.0 Toni Rogers, March 13, 2015**

**37.1 The proposed ordinance should restrict the number of unrelated individuals that can live together in a dwelling unit.**

See Written comment 34.1 for more information.

## **38.0 Zone Smart Somerville, March 2015**

- 38.1 The proposed ordinance should not limit the rents that can be collected by forcing unused bedrooms to remain vacant, limit the way properties can be utilized, or restrict the freedom of Somerville residents to choose their living arrangement.**

See Written comment 34.1 for more information.

- 38.2 The proposed ordinance forbids ore than four (4) unrelated people to live in a dwelling unit regardless of the number of bedrooms. This restriction has an economic impact, forcing 5 or 6 bedroom homes to leave unused bedrooms empty, an environmental impact, reducing the inventory of rentable bedrooms increasing the demand for new development instead of the efficient use of existing homes, and a community impact, placing upward pressure on rents and limiting the freedom of households to choose a living arrangement that works for them.**

See Written comment 34.1 for more information.

- 38.3 The proposed ordinance should allow residents, excluding undergraduates, to occupy a dwelling unit up to its fire and health code limit of unrelated 1 person per bedroom.**

See Written comment 34.1 for more information.

## **39.0 William Valletta, March 16, 2015**

### **39.1 The proposed ordinance should not include “purpose” and/or “intent” sections in each chapter.**

Establishing the purpose and intent of sections of an ordinance helps the public further understand the organization of the document and why the provisions of each article exist. Furthermore, such language connects the provisions of the ordinance to the police power rights and regulatory authority of MGL 40A, and helps to make sure the ordinance provisions are enforceable under appeal.

### **39.2 The “building types” should be removed from the proposed ordinance for non-residential and mixed-use zoning districts and replaced with the traditional zoning mechanisms of Floor Area Ratio and building “envelopes”.**

These two mechanisms function as follows: 1) a building “envelope” is an invisible box on every lot that is created through the combination of required front, side, and rear setbacks and maximum height limits; and 2) Floor Area Ratio (FAR) is the amount of built floor space permitted to be constructed in relation to the amount of lot area. When used together, floor area is allowed to be built within the imaginary “envelope”. These conventional zoning mechanisms do not provide the level of predictability the community is looking for now that SomerVision has been adopted. The building types in the proposed ordinance are established to permit development consistent with the objectives of SomerVision. The dimensional standards required for each building type differentiate the physical design of one building type from another and provide a level of detail not available when using generic dimensional standards applied to all buildings equally.

### **39.3 The proposed ordinance should not include any “aesthetics” findings for project approvals in non-residential and mixed-use zones.**

Both building form and building aesthetics are a routine focus of concern voiced by Somerville residents. The provisions of the proposed ordinance permit architectural creativity while also ensuring predictable outcomes.

### **39.4 The proposed ordinance should not require preliminary meetings for any development applications.**

The proposed ordinance codifies a level of public process that has become well accepted by the community over a number of years.

### **39.5 The Brickbottom, Inner Belt, Boynton Yards, and Grand Junction special districts of the proposed ordinance should be combined into no more than two more generic “transition” zones.**

Each of these districts is based on objectives of SomerVision and individual planning efforts in these neighborhoods. Each has different requirements. Each is designed to be able to be amended without making changes in the other neighborhoods. For this reason, OSPCD recommends retaining these as separate districts.

**40.0 Mark Chase, March 17, 2015**

- 40.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit and instead regulate impacts of such a residential use on neighbors (noise, automobiles, etc.).**

See Written comment 34.1 for more information.

**41.0 Mark Alston-Follansbee, Somerville Housing Coalition, March 17, 2015****42.1 The proposed ordinance should not adversely affect the ability to house homeless residents of Somerville, particularly as it relates to minimum dwelling unit sizes.**

The average dwelling unit size requirement does not apply to uses within the Group Living principal use category. The Group Living residential use category includes the types of housing used to provide shelter for homeless individuals. OSPCD will work to clarify this in the next draft of the proposed ordinance.

**42.0 Will Gerstmyer, March 17, 2015**

**42.1 The proposed ordinance should not adversely affect the ability to house homeless residents of Somerville, particularly as it relates to minimum dwelling unit sizes.**

See Written comment 41.1 for more information.



### **43.0 Cecil Cummings, March 19, 2015**

#### **43.1 The proposed ordinance should not devalue previously existing residential housing in the city.**

OSPCD believes that the proposed ordinance does not devalue residential housing. There will be a few cases where the proposed ordinance reduces the development capacity of lots in the Neighborhood Residence district, but this is intended to prevent development that is out of context with the existing form and pattern of existing building and reflects the objective in SomerVision to conserve existing residential areas of the city.

#### **44.0 Innovative Housing Institute, March 19, 2015**

##### **44.1 The proposed ordinance should stipulate ratios of required residential development to the commercial development built in the Special Districts.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

##### **44.2 The proposed ordinance should not be predicated on the apparent belief that the current market interest in the development of new residential housing will continue indefinitely. The apparent presumption is that there is an inexhaustible investment interest in residential housing that the zoning plan needs to ward off, rather than accommodate.**

OSPCD is carrying out an analysis to determine the depth and breadth of the housing market for the foreseeable future. It is the priority of the Mayor's Office to accommodate Somerville's fair share of the regional demand for housing.

##### **44.3 The proposed ordinance should not expect that the development marketplace will achieve a balance of new residential development and commercial uses. Private development will invest in building the products that offer the highest returns in response to market demands. Implicitly, the plan recognizes this by setting minimum percentages of commercial square footage and requiring 5% of square footage as leasable space for Arts and Creative Enterprise use in certain districts. What it doesn't do is define spaces for new residential development or mandate certain portions of development plans that will achieve the hoped for balance of residential and commercial uses.**

See Written comment 44.1 for more information.

##### **44.4 The proposed ordinance should permit the adaptive reuse of already existing civic and institutional facilities for purpose built affordable housing.**

OSPCD has prioritized the creation of space for Arts & Creative Enterprise uses for the reuse of nonconforming principal structures or municipally owned buildings in the Neighborhood Residence district.

##### **44.5 The proposed ordinance should permit affordable housing as an alternative to the 5% of floor space that must be provided as leasable floor area for uses from the Arts and Creative Enterprise use category.**

Although there is high demand for housing, there is also strong need for affordable commercial space for businesses from the Arts & Creative Enterprise use category and this standard is designed to ensure space is provided for these uses. Permitting this floor area to be traded for housing would inhibit the achievement of multiple objectives in SomerVision to support the Arts & Creative Economy. Affordable Housing is already produced through other mechanisms.

##### **44.6 The proposed ordinance should permit LIVE-WORK units in the Fabrication and Commercial Industry zoning districts.**

There are 28 total acres of Somerville within the Fabrication District. Within these 28 acres, the buildings that exist today could support an estimated 3,000 jobs. OSPCD has adopted the

Space=Work mantra that was developed by a portion of Somerville's artist community and it is of primary importance to the City to ensure space is available for uses from the Arts & Creative Enterprise use category. OSPCD does not support the idea of opening up this limited floor space to uses prioritizing living first and working second. Live-Work uses are more appropriate in residential districts and permitted as Creative Studios.

**44.7 The proposed ordinance should not stipulate minimum floor space requirements for dwelling units (by number of bedrooms).**

Minimum unit sizes are intended to provide quality residential living environments in new development and are particularly applicable to multi-unit building types in the UR and MU districts. OSPCD will review this metric and its impacts in the coming months to ensure the correct unit sizes are applied for the second draft of the proposed ordinance.

**44.8 The proposed ordinance should permit Mixed Use building types to have residential entrances and door yards on secondary frontages and office, lodging, and home enterprises uses on the upper floors.**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential. Lobby Entrances for upper story residential uses are a frontage type provided in the proposed ordinance and are not prohibited from secondary frontages.

**44.9 The proposed ordinance should not require (1) outdoor amenity space for each dwelling unit in areas of the city where there are provisions for nearby open space.**

Article 3, Section F of the proposed ordinance allows amenity spaces to be shared in mixed-use and apartment building types and requires shared outdoor amenity space for upper story units in tall buildings. OSPCD will review the purpose of the amenity spaces requirements and the circumstances where adjacent civic spaces may meet the outdoor amenity space needs of residents.

**44.10 The proposed ordinance should include the Mixed Use building type on the list of permitted Principal Uses for Assembly Square.**

The Assembly Square Special District does not use building types.

**44.11 The proposed ordinance should clarify the Planning Board's discretion to specify permitted uses and make it clear that it applies to all LDPs and NDPs in Assembly Square.**

The ASQ-SD retains the Planning Board special permit where it exists under the current ordinance.

**44.12 The proposed ordinance should establish minimums for residential development that reflect overall development capacity and the City's housing goals for the Brickbottom Special District**

See Written comment 44.1 for more information.

**44.13 The proposed ordinance should not prohibit Single Room Occupancy and Homeless Shelters in Special Districts.**

This is an unintended omission and will be fixed for the next draft of the proposed ordinance.

**44.14 The proposed ordinance should establish minimums for residential development for the North Point Special District and residential uses should not require a special permit.**

The regulations for the North Point Special District are carried over from the current zoning. These regulations were negotiated with the various land owners, community stakeholders, and officials from the cities of Somerville and Cambridge. At full build-out, no less than sixty-five percent (65%) of the total gross floor area built within the City of Somerville and no less than three-hundred and fifty thousand (350,000) square feet must be dedicated to principal uses within the Retail & Consumer Service, Commercial Office, and/or R&D and/or Laboratory use categories. Significant land area on the Cambridge portion of North Point is being built as residential.

**44.15 The proposed ordinance should not set the price point for studios the same as the price for one (1) bedroom units. The number of bedrooms is used to determine price, with studios being calculated as units having one (1) bedroom. This results in a similar price. An efficiency should be recognized as serving one person, a one (1) bedroom unit as serving two (2) people, a two (2) bedroom units as serving three (3), etc.**

The proposed ordinance sets price points for affordable dwelling units by substituting the number of bedrooms a unit has for the number of persons in a household in the formula set by the US Department of Housing and Urban Development to determine the maximum amount of gross income that can be spent on housing expenses by a household without becoming cost burdened.

The provisions of the proposed ordinance are consistent with current Housing Division policies and can be modified or clarified programmatically by the Housing Division.

**44.16 The deduction of Private Mortgage Insurance, Real Estate Taxes, Condominium fees, Homeowners Insurance and required parking fees from the price setting calculation for a for-sale affordable housing unit should be examined to determine if it will result in developers avoiding the development of housing because of the stringent and costly inclusionary requirements. An alternative would be allowing the residents of affordable units to opt out of site amenities and parking to reduce costs themselves as desired.**

These are standard deductions from the allowable for-sale price of an Affordable Dwelling Unit (ADU) to ensure that a household is not paying more than 30% of their income in housing costs (is. "Cost-Burdened"). It is OSPCD's belief that a resident of an ADU is entitled to equal access to site amenities as residents of market-rate units.

**44.17 The proposed ordinance should permit the City to transfer its right of first refusal to purchase an affordable dwelling unit to qualified organizations that are capable of managing and maintaining the ADUs and which may have access to additional subsidies to support lower income households.**

OSPCD will take this proposal into consideration. See Written comment 12.2 for more information. OSPCD will recommend that the right of first refusal be available to the City or its designee (including, but not limited to, the Affordable Housing Trust Fund, Somerville Housing Authority, Community Housing Development Organization, or other qualified housing manager) according to the provisions of §9.A.8. Buyouts & Payments.

- 44.18 Research should look into whether partnering opportunities with established affordable housing providers ought to be included within the Alternative Compliance section for developers seeking to provide ADUs at an alternative location.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558.

- 44.19 Research should look into whether the inclusionary zoning requirements will create the largest number of affordable units within range of public transportation and other amenities or if development of larger numbers of units on-sites with lower land costs might be more productive.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558.

**45.0 Peter DeMasi, March 19, 2015**

- 45.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit, but the number of unrelated undergraduates should be regulated. Impacts on neighboring properties should be handled thorough improved policing and noise ordinances rather than zoning restrictions.**

See Written comment 34.1 for more information.

**46.0 David Webster, Federal Realty Investment Trust, March 20, 2015****46.1 The proposed ordinance should not change the rules retroactively on the Assembly Row development.**

See Written comment 25.4 for more information.

**46.2 Increasing the inclusionary housing requirements on Assembly Row from 12.5% to 20% could jeopardize the yet-to-be-built 843 housing units approved under the Planned Unit Development approval but still needing special permit approval.**

See Written comment 25.4 for more information.

**46.3 Rather than mandating a higher percentage of affordable housing units, the proposed ordinance should incentivize affordable housing through density bonuses, tax breaks, and other financial carrots.**

Requiring developers that choose to build projects of a certain density to provide Affordable Dwelling Units through Inclusionary Zoning has been standard practice in Somerville for multiple decades.

**46.4 The broad economic consequences of the proposed ordinance should be fully vetted prior to adoption.**

OSPCD is carrying out an Economic Development analysis per Board Order #198542.

**46.5 The impact of the proposed ordinance on existing growth should be studied prior to adoption to avoid unintended consequences.**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to determine the impact of the proposed ordinance.

## **47.0 Denise Provost, March 22, 2015**

- 47.1 The proposed ordinance should not emphasize building style to the point that a building's size and the number of units in it – and the important metric of minimum lot size - loses the significance it should have in zoning.**

Each of the building types in the proposed ordinance continues to use these important metrics that regulate minimum lots size, density, and building size. The 13 building types of the proposed ordinance function as an organizational tool because the dimensional standards required for each building type differentiate the size and scale of one building type from another and provide a level of detail that is not available when using generic dimensional standards applied to all buildings equally, as is done in the existing ordinance. Emphasis appears to be on how things look, but each building type instead is regulated through a series of metrics that regulate minimum lot size (width, depth, area), building size and scale (height, stories, floor plate), and density (average dwelling unit size and minimum dwelling unit size) unique to each type. The proposed ordinance does not regulate architectural style and does not seek to classify buildings according to their appearance, decorative details, construction materials, historic period, or other elements that shape the vocabulary of one architectural style from another.

- 47.2 The terms “small plate” and “moderate plate” are used to differentiate the cottage and house from one another, but neither is defined in the definitions section. If plate size is set out elsewhere in the draft, it should be repeated – or cross-referenced – in the “forms” section.**

The 'plate' terms used in the definition for each building type are intended to be descriptions of what makes these types different. Each building type detailed in Article 3: Buildings include minimum and maximum width and depth dimensions and a maximum area (in square feet) for the floor plate of each building. Fundamentally, the difference between a cottage and a house is in these dimensions, but the cottage is also limited to a lower overall height and number of stories than a house and is only permitted to have a single unit.

- 47.3 The term “plate” presumably has the same meaning as the more familiar term “building footprint” – why not use that term?**

The term 'footprint' is used to reference the area of a property that a building covers and is sometimes also known as 'lot coverage' in zoning. Typically, footprint and lot coverage are expressed as ratios or percentages in reference to the full land area of the lot. In the proposed ordinance, 'floor plate' is defined as the gross area of one whole floor of a building and is used for two reasons: 1) it is a more familiar term for architectural design and building construction; and 2) it sets an upper limit on building size without referencing the amount of land. If a ratio or percentage of lot area was used (footprint or lot coverage), buildings would be able to increase in size as more lot area was acquired by a developer. Floor plate was used because it is a defined, static number of square feet that is predictable.

- 47.4 The lack of definitions in the proposed ordinance both invites litigation, and puts the city at a disadvantage if litigation occurs.**

Article 12 of the proposed ordinance includes defined words. Every use is also defined in Article 5, and will be cross-referenced in Article 12 in the next draft. If there are still individual terms that need to be defined, OSPCD staff will add these terms to Article 12. Article 1: Section A.7 of the proposed ordinance states: "words, phrases, and terms used in this Ordinance are defined in



Article 12. Measurement & Definitions. Words, phrases, and terms not defined in Article 12 are subject to definition by the Commonwealth of Massachusetts State Building Code. Words, phrases, and terms not defined by either Article 12 or the Commonwealth of Massachusetts State Building Code are subject to definition by the most recent edition of Webster's Unabridged Dictionary."

- 47.5 The proposed ordinance doubles densities in the NR district by permitting a four-unit paired house by right and a six-unit paired triple-decker by special permit whereas the current RA district permits one- and two-unit dwellings by right and three-unit dwellings by special permit. The pressure to build at these densities will be especially strong in areas within a quarter mile of a transit station where parking requirements – a break on density, even if other merits are debatable – are dispensed with.**

OSPCD is committed to ensuring that permitted building types fit their neighborhood context. The building types of the proposed ordinance, including the dimensions for each and their required lot sizes, are based on existing building forms and patterns in Somerville and were developed to conserve the existing character of Somerville's residential neighborhoods. OSPCD will closely review each building type for adjustment and review the permitting of new paired-houses and paired triple-deckers in the NR district for the next draft of the proposed ordinance to determine if it is the correct strategy.

- 47.6 The proposed ordinance permits the four-unit paired house by right and the six-unit paired triple-decker by special permit in the NR district. The four-unit four-plex and six-unit six-plex are not permitted. Presuming the primacy of "form" included in the proposed ordinance, this sends a clear signal to developers that this increase in density can be built in the NR district simply by modifying rooflines.**

To develop the standards for the NR district, OSPCD conducted a physical survey of lots and buildings in the existing RA and RB districts (now the NR district) to determine what building types were typical in those areas. The "RA/RB Report" was published in 2013 explains some of the findings of that survey. Although some apartment buildings, four plexes, and six plexes can be found in the NR district, the primary development pattern is a single building with no more than three units on an individual lot. This pattern typically exists as a building that is fully detached on its own lot. However, there are many existing examples in Somerville where the building is attached on one side (sharing a party wall on the lot line) to another similar building. This is not a difference in the roofline, but a difference in how the lot is platted and owned and whether the building is fully detached or semi-attached. The measurements recorded during the physical survey were used to develop the building types of the proposed ordinance that replace the provisions of the RA and RB in the existing ordinance. This was done so that new development is more predictable and consistent with the existing character of residential buildings in Somerville. Nonetheless, OSPCD will review the permitting of new paired houses and paired triple deckers in the NR district for the next draft of the proposed ordinance to determine if it is the correct strategy.

- 47.7 The proposed ordinance does not permit any traditional residential building types – singles, triple deckers, paired triple deckers – at all in the Urban Residence district. Why?**

The Urban Residential district is intended to have higher density residential building types: four-plexes, six-plexes, row houses, apartment houses, and apartment buildings. In locations where singles, doubles and triples are preferred, the district should be changed to a NR district. See Written comment 47.9 for additional information.

**47.8 The proposed zoning map re-zones virtually all of Highland Avenue as the Urban Residence district. Consequently, the table of uses will render non-conforming all the lovely, well-maintained residential buildings along Highland.**

There were a number of comments submitted to OSPCD suggesting that zoning on Highland Avenue is either too dense, or not dense enough. Highland Avenue is proposed to be a mix of NR, UR, and MU districts based on historical development patterns and higher intensity nodal development at intersections with major north-south streets. The remapping of Highland Avenue followed a consistent logic that was carried across the entirety of its length for the proposed map. Areas of existing apartment buildings and large old homes already converted into multi-unit apartment houses (or properties where it is appropriate to do so) were remapped as the UR district. Areas of existing houses were mapped as the NR district. Additionally, compliant building components can be added to a building that is not one of the permitted building types in district where the building is located. Nonconformity to the "type" designation only is not intended to inhibit the adaptation of a building in ways that conform to the rest of the code. Article 11 of the proposed ordinance includes rules for alterations to existing nonconforming uses, structures, site characteristics, lots, and signs. OSPCD will edit the text of Article 11 to clarify what can and cannot be done to nonconformities. OSPCD will also review all of the UR zoned lots along Highland Avenue to ensure that they were not mapped into the wrong district of the proposed ordinance. See Written comment 60.15 for additional information.

**47.9 The non-conformance designation will complicate the ability of current owners to make changes to their property**

Generally, compliant building components can be added to a building that is not one of the permitted building types in the district where the building is located. Nonconformity to the "type" designation only is not intended to inhibit the adaptation of a building in ways that conforms to the rest of the code. Article 11 of the proposed ordinance includes rules for alterations to existing nonconforming uses, structures, site characteristics, lots, and signs. OSPCD will edit the text of Article 11 to clarify what can and cannot be done to nonconformities.

**47.10 The non-conformance designation will enormously increase the pressure to redevelop existing properties as the “four plex” and “six plex” building types that would be allowed as of right, and as the larger apartment building and row house, which would require only design review.**

See written comment 47.8 on Highland Avenue districts. OSPCD will also review all of the UR zoned lots along Highland Avenue to ensure that were not mapped into the wrong district of the proposed ordinance.

**47.11 The proposed ordinance requires a smaller lot width for paired houses and paired triple-deckers than the width required for a cottage, house, or standard triple-decker. The text is not clear that each side of the conjoined paired house is subject to the lot width requirement. Additionally, decreased lot width requirements create pressure to aggregate lots, in order to build more units where there are now fewer.**

The paired house and paired triple decker lot widths were determined after studying the existing paired houses and paired triple deckers in Somerville. These types are on narrower lots because they are attached to another structure on one side. The definition of a paired house clearly states, 'a paired house is attached on one side to another paired house'. OSPCD is reviewing the names

and descriptions of the paired house and paired triple decker for clarity and will make necessary changes for the next draft of the proposed ordinance.

- 47.12 The failure to include residential options for maker space zones is a lost opportunity. Why would “makers” not be allowed to dwell in proximity to their workspaces? It’s a traditional juxtaposition, which should be at least considered.**

See Written comment 22.1 and 44.6 for more information.

- 47.13 The proposed zoning map designates a high-density UR zone between the narrow end of Vernon Street – one traffic lane wide – and the railroad tracks. Surely this can’t be a serious suggestion.**

This up zoning was a proposed outcome of the Lowell Street station area planning process and is based on public engagement with residents of the area and included in the already published Lowell Street station area plan document. Properties on the south side of Vernon Street are within a 1/4 mile of the Lowell Street station of the Green Line Extension and one of the only places with lots deep enough to facilitate development of apartment buildings. One of the primary objectives in the Lowell Street Station Area Plan was to promote attainable housing and this up zoning supports achievement of that goal. Nonetheless, if community input from Vernon Street establishes that the participants in the neighborhood planning were wrong, the Board of Aldermen can adjust the mapping of this district on those lots.

- 47.14 The proposed zoning map designates the Fabrication District in such a scattershot manner to give the appearance of “spot zoning”.**

Spot zoning is the designation of a zoning district to a specific parcel or parcels of land in opposition with a City's comprehensive plan, when the surrounding areas are zoned differently, to apply unjustified narrowness or benefits to a specific property owner. The burden of a landowner to prove spot zoning is "heavy" (see Crall vs Leominster, 1972). Of the 49 cases reviewed by Mark Bobrowski in his Handbook of Massachusetts Planning Law, only 15 have been overturned as 'spot zoning', and none were a part of a comprehensive city-wide rezoning. There are 28 total acres of Somerville within the Fabrication District. Within these 28 acres, the buildings that exist today could support an estimated 3,000 jobs. In the case of the distributed nature of how the Fabrication district is mapped, the designation is applied to match the existing conditions of those parcels, provides no unjustified narrowness or benefits to a particular land owner, does not undermine the rights of any adjacent properties, and is consistent with the policies and land use intent set out in SomerVision, the City's Comprehensive Plan. While it is understandable that it may appear that the district was developed as 'spot zoning', the planning efforts that were undertaken to develop the code will adequately prove otherwise.

- 47.15 It would appear that mixed-use buildings in some of the new mixed-use areas would allow commercial use only on the ground floor, with residential above. The proposed ordinance should allow office space above the ground floor, and residential above that.**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential.

- 47.16 If we’re going to experiment with truly urban landforms, then we need to move away from the monoculture zoning that has led to so much sprawl development.**

OSPCD agrees, and believes that this ordinance will continue to evolve into a document that further moves the city from single use zoning towards a regulatory system that meets the objectives of SomerVision.

**48.0 Joaquin, March 24, 2015**

- 48.1 The proposed ordinance should permit buildings with less than 6 dwelling units in the 3MU district.**

OSPCD agrees. This will be addressed in the next draft of the proposed ordinance.

## **49.0 Richard Ribeiro, March 21, 2015**

**49.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit.**

See Written comment 34.1 for more information.

## 50.0 Erik & Lindsay Neu, March 25, 2015

- 50.1 The proposed ordinance does not permit the “house” building type in the 3MU district, making existing houses nonconforming. The proposed zoning map designates parts of Bow Street (in Union Square) and the existing houses on those lots as 3MU. Together these suggest that the City of Somerville views the “highest and best use” of this area to be more than strictly residential. Because these homes are also designated as historic buildings, the Somerville Historic Preservation Committee governs all exterior modifications. Combined with the prescriptive nature of form based zoning, this greatly limits the modifications that will ever be allowed. This in turn limits the future uses that these buildings will be able to support. The desired use of these properties implied by the proposed ordinance and intended preservation of the historic structures are clearly at odds, and from my review of the proposed ordinance, there is no process to reconcile the two.**

OSPCD is will review the interaction between the building types permitted for each district and the standards regulating nonconforming structures to identify any unintended consequences that necessitate adjustments for the next draft of the proposed ordinance. Historic designation places further limitations on a property and supersedes the zoning ordinance in terms of the potential to reach full entitlement conferred by zoning. The Historic Preservation Committee has the authority to determine the extent to which a designated historic structure could be added to, expanded, or adapted.

- 50.2 Of the nine Building Components included in the proposed ordinance, eight would likely be disallowed by SHPC because they would modify the street-visible portions of the historic structure.**

The Historic Preservation Commission has the authority to determine the extent to which the historic structure could be added to, expanded, or adapted. Where these components would not pass a review by HPC, it would be no different than circumstances today where the HPC does not permit many home additions permitted by-right or by special permit.

- 50.3 The dimensional standards for the rear-addition building component limit its possible size and prohibit larger extensions. Furthermore, the required setback from a rear property line has been increased in the proposed ordinance, which further limits the potential size of a rear addition beyond the size permitted.**

In an effort to achieve SomerVision's goals to preserve residential neighborhoods, the dimensions permitted for rear additions are based upon historic building practices and ensure that new rear additions are appropriately sized in comparison to the main body of the building. OSPCD has received extensive complaints from residents concerning oversized rear additions that are permitted by-right under the existing ordinance.

- 50.4 Although Floor Area Ration (FAR) is a crude tool to use for city planning, it does provide an indication of desired allowed density. The result of the new standards for building components (replacing FAR) will be properties that essentially cannot be modified to support many mixed uses and a neighborhood that is less dense and dynamic than the ordinance otherwise indicates is desired.**

OSPCD believes the building type and component system developed for the proposed ordinance provides a number of unique combinations that allow individual buildings to adapt and change over time in a manner that is both predictable and flexible in support of the uniqueness embodied

by Somerville's existing built environment. Each building type and components were created by surveying and measuring existing buildings in Somerville so that new buildings and additions or modification to existing buildings replicate the existing character of Somerville.

**50.5 I want to ensure that there is not an oversight with regards to reconciling historic preservation vs. form-based zoning.**

The Historic Preservation Commission developed draft guidelines that are still incomplete. OSPCD has reviewed these guidelines and incorporated appropriate dimensions into the standards for building components in the proposed ordinance.



## **51.0 Thomas Robertson, March 20, 2015**

### **51.1 Zoning that restricts the number of unrelated individuals that can live together in a dwelling unit was struck down by the Massachusetts Supreme Court in CITY OF WORCESTER vs. COLLEGE HILL PROPERTIES, LLC.**

This is not an accurate portrait of this case. The City of Worcester attempted to use the state's lodging house act G. L. c. 140, §§ 22-32, not their local zoning, to regulate occupancy of greater than 4 unrelated individuals. The court determined that, a City's concerns about unrelated individuals would be "better addressed through enforcement of applicable zoning ordinances." This is what Somerville has had in place for several decades. Therefore, while this case overturned Worcester's regulatory strategy for addressing a similar concern, the case actually reinforces and affirms Somerville's existing practice.

### **51.2 Given the outrageously high cost of living in Somerville caused by a limited availability of housing in the face of high demand, the proposed ordinance should not restrict owners of multi-bedroom units from sharing accommodation with others to allocate the costs and burdens of keeping a household or raising a family between multiple parties.**

There are many opportunities available to these owners. Owner-occupants may rent up to three extra bedrooms. They may rent two bedrooms for short term accommodations under the 'tourist home' regulations. They may seek to establish Co-Housing or Cooperative Housing, which is categorized under the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.

### **51.3 Group living and other co-housing living situations are far from unique and there are many situations throughout Somerville where groups of family and friends and live together in harmony.**

Co-Housing or Cooperative Housing is categorized under the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.

## **52.0 Adam Dash, March 26, 2015**

### **52.1 The Applicability subsection of Article 7 (§7.D.2) of the proposed ordinance is too broad and the number of employees threshold should be increased so that it does not unfairly burden small businesses.**

In a review of forty (40) ordinances that address vehicular trip reduction or mobility management, the threshold for the number of employees/students ranged anywhere from 10 to 250 with the most common being 100 (60%) and the threshold for gross square feet of floor area ranged from 25,000 to 100,000 with the most common being 25,000 (80%). OSPCD recommends adjusting the thresholds for business to 50 employees/students and 50,000 more total square feet.

### **52.2 The square footage thresholds should be increased from 20,000 square feet to 50,000.**

See Written comment 52.1 for more information.

### **52.3 The Mobility Management standards of the proposed ordinance should only be triggered by an application for a zoning permit, instead of a business permit. A Business Permit is required every 6 years or so for an existing business. Existing businesses should be grandfathered.**

OSPCD agrees and will edit the text of Article 7 §D.2 Applicability to clarify that only new development is subject to the mobility management provisions.

### **52.4 The mobility management section of the proposed ordinance should have a more predictable, less subjective standard as to what complies and what does not.**

Article 7 §8 provides standards for all required and voluntary mobility management programs and services. The requirements are designed to provide an appropriate amount of flexibility in their implementation. OSPCD will review the text of §8 to identify programs and services that need further clarification.

### **52.5 The mobility management section of the proposed ordinance creates disincentives to fix up buildings and expand businesses and sends the wrong message to the world. We are already one of the top biking cities in the country with no mobility management plans at all. This is really a solution to something that is not a problem.**

SomerVision, the City of Somerville's comprehensive Master Plan, includes twelve (12) recommended goals, policies, or actions related to Mobility Management. Including that 50% of new trips are via transit, biking, or walking. The Mobility Management provisions of the proposed ordinance are based on national best practices implemented in a host of other cities with similar transportation objectives. The transformational growth of Kendall Square with a net reduction in vehicle trips on key roadways is a testament to the value of successful Mobility Management planning. The types of transformational development expected under the ordinance require ongoing management of traffic impacts, and all employers need to participate in those solutions.

### **53.0 Andrew Walker, March 27, 2015**

- 53.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit and instead regulate impacts of such a residential use on neighbors (noise, automobiles, etc.).**

See Written comment 34.1 for more information.

**54.0 Aron Qasba, March 26, 2015**

- 54.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit and instead regulate impacts of such a residential use on neighbors (noise, automobiles, etc.).**

See Written comment 34.1 for more information.

## **55.0 Brendan McDonagh, March 25, 2015**

- 55.1 The consensus built over several years of SomerVision was clear that promoting a family friendly community was of vital importance. Keeping three plus bedroom units available to large families is a start and the limit on no more than four (4) unrelated individuals per dwelling unit helps with that, especially given how few 3+ bedroom units remain.**

The proposed ordinance seeks to implement this goal, to the extent that it is possible to do so with a zoning ordinance. It retains the limitations on unrelated individuals in a home. It requires special permits to divide houses and add units. It prioritizes quality outdoor space for neighborhood building types. It provides opportunities to do modest additions but does not permit oversized home extensions that are inconsistent with neighborhood character.

- 55.2 The best way to deal with new development is to require it to fit into the community based on a scale that is already in the neighborhoods and encouraging homeowners who want to make changes to their house to do so in a way that fits the character of the city.**

The system of building types and building components are designed to achieve this goal.

**56.0 Celia Halstead, March 25, 2015****56.1 What building type is a Philadelphia style two-unit house that has been converted to three units?**

This is a "house" building type, which is nonconforming with respect to the number of residential dwelling units.

**56.2 If a current structure, use, or parking area is non-conforming can it stay non-conforming as long as nothing is done to trigger a need to make it conforming?**

Yes.

**57.0 Ellin Reisner, March 26, 2015****57.1 The proposed ordinance does not really protect existing neighborhoods that have been identified as not being subject to significant development changes.**

OSPCD is currently conducting an in-depth analysis of potential residential infill development for properties in the Neighborhood Residence district to ensure that the building types and metrics in the ordinance achieve the objectives of SomerVision.

**57.2 The proposed ordinance does not provide a reliable approach to ensure implementation of SomerVision's goal of expanding open space by 125 acres in the city. Enabling increased density without addressing the city's desperate need for more open space is not acceptable if we want to have a good quality of life in the city for all residents.**

See Written comment 9.2 for more information.

**58.0 Jill Maio, March 26, 2015**

- 58.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit and instead regulate impacts of such a residential use on neighbors (noise, automobiles, etc.).**

See Written comment 34.1 for more information.



**59.0 Kimberly Rego, March 26, 2015**

**59.1 The proposed ordinance should restrict the number of unrelated individuals that can live together in a dwelling unit.**

See Written comment 34.1 for more information.

**59.2 I do not believe there are residential apartments in Somerville constructed with six bedrooms. What I have seen is the use of every available space being converted to bedroom like areas to increase profit for landlords acting like rooming houses.**

Comment noted.

## **60.0 Mark Niedergang, March 26, 2015**

- 60.1 The Site Development Plan (SDP) process, which would replace the Special Permit process for all projects of significant scale as well as some smaller projects, provides for less discretion by the Planning Board and Zoning Board of Appeals.**

See Written comment 16.1, 16.2 and 21.4 for more information.

- 60.2 The SDP process also gives neighbors and the community less influence and standing to negotiate with developers for improvements than does the current Special Permit process.**

See Written comment 16.1, 16.2 and 21.4 for more information.

- 60.3 A process like the SDP in which developers can do projects by right, without any room for neighbors or community members to force adjustments, would disenfranchise the community and give too much power to developers.**

See Written comment 16.1, 16.2 and 21.4 for more information.

- 60.4 In a small, crowded City, we need a fair balance between predictability of development and community influence.**

See Written comment 16.1, 16.2 and 21.4 for more information.

- 60.5 The proposed ordinance should have more emphasis on and incentivize commercial office, R&D and lab development and less allowance for and incentive for residential development. Office and other commercial uses should be allowed, and perhaps in some areas even required, above the first floor in mixed-use buildings.**

OSPCD is pursuing various edits to the proposed ordinance to further emphasize the development of commercial uses. OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential.

- 60.6 The proposed new inclusionary zoning numbers are not high enough to address this crisis and are also unnecessarily complicated. I favor a flat 20% inclusionary affordable rate everywhere in Somerville for new construction of more than three units.**

See Written comment 12.2 for more information.

- 60.7 The proposed ordinance is too prescriptive and inflexible, and restricts design options. As such, it does not allow for creativity and the funkiness and quirkiness that is a hallmark of Somerville's built environment.**

The building types and standards of the proposed ordinance represent a minimum standard necessary to ensure all new development reflects the character of Somerville's built environment, without limiting creativity in architectural style.

**60.8 The proposed ordinance does not require enough open space to get to the 20-year SomerVision goal of 125 new acres of open space.**

See Written comment 9.2 for more information.

**60.9 The proposed ordinance does not have adequate requirements for green space. Even if the open space requirements were adequate, there is insufficient green space required. We need more parks and playing fields. Also, the City should establish a Green Space mitigation fund to which developers could contribute funds instead of putting a tiny plot of grass or shrubbery on a site. One large publicly-accessible green space is better than a dozen tiny little plots that may not even be accessible for public use.**

OSPCD agrees that large publicly-accessible civic space is better than a dozen on-site open spaces that are too small to be viable public space. The civic space vs on-site open space provisions of the proposed ordinance reflect this position. OSPCD is exploring adding a provision that would permit a payment in-lieu of onsite open space. See also Written Comment 9.2 and 30.1 for more information.

**60.10 All driveways and parking should be required to be a permeable surface. The new ordinance should strengthen the existing permeable surface requirements to reduce flooding. If paved surfaces count towards open space, they should be permeable.**

OSPCD intends to strengthen permeable surface requirements for the next draft of the proposed ordinance and does not object to requiring that driveways and parking areas be permeable when soil conditions and topography are appropriate to do so. Paved surfaces intended for parking and vehicular access do not count towards landscape requirements, as landscaped areas, by definition, exclude curbing and pavement for vehicular uses.

**60.11 Under the current and new proposed zoning, it is too easy for a property owner to cut down trees on their property if they want to expand a building or build a new structure. If someone seeks a building permit, the government and the community has an interest in regulating whether a property owner can cut down a tree on their land. We have too little green space and too few trees in Somerville, so there is a public interest in preserving the trees we have, on public and private property.**

During the development of SomerVision, the Neighborhoods Committee engaged in a significant debate surrounding this subject and came to a collective decision that tree cutting on private land should be addressed through an information campaign but not through outright regulation (see p44 of SomerVision for more information). Nonetheless, the proposed ordinance does not allow the removal of trees from lot areas within required setbacks. See Article 6 Section 5.D.

**60.12 The proposed ordinance should include requirements on at least commercial buildings for green roofs and/or solar installations, not just incentives. There should be incentives for commercial developers of properties with large roofs to consider building playing fields on top of them.**

MGL 40A, Section 3 prohibits zoning ordinances from regulating or restricting 1) the use of materials and 2) the methods of construction of structures regulated by the state building code. Therefore, OSPCD does not recommend a mandated requirement for green installations.

However, this subject is addressed multiple ways in the proposed ordinance.

1) Urban Agriculture principal uses are permitted by-right with limitations in all MU districts and

community farms/gardens are permitted in all districts. Urban Agriculture accessory uses are permitted by-right with limitations in NR, UR, and all MU districts. None of these activities are prohibited from happening on rooftops.

2) Solar collectors are permitted by-right in all districts and exempt from height limits to ensure proper functionality.

3) Article 6. §G.3.d Roof Albedo requires flat roofs to have a solar reflectance index rating of seventy-eight (78) for at least seventy-five percent (75%) of the roof and pitched roofs to have a solar reflectance index rating of twenty-nine (29) for at least seventy-five percent (75%) of the roof. Solar Reflectance Index is a measure of a constructed surface's ability to stay cool in the sun by reflecting solar radiation and emitting thermal radiation. It is defined such that a standard black surface has an initial SRI of 0, and a standard white surface has an initial SRI of 100. This index is used because it does not specifically regulate materials, which is prohibited by MGL 40A, and recognizes that a variety of methods and materials available to meet energy efficiency objectives.

While playing fields may be technically feasible on rooftops, this is still an experimental idea. So, while zoning would not prohibit it, OSPCD believes any incentives for the development of playing fields on large rooftops should be provided through some other means than the zoning ordinance.

**60.13 The new zoning in NR would allow narrower side setbacks (i.e., the width of area between houses) of as little of five feet, and allow fire escapes and overhangs within two feet of the neighboring lots. Our neighborhoods are already pretty crowded and tight, I am not sure why we would want houses to be even closer together than currently.**

The proposed ordinance was calibrated to recreate existing conditions in residential districts because they are identified as something to protect and preserve in SomerVision. A house with two wide side yards is atypical in Somerville.

**60.14 There is concern that the transition between residential and business districts will be too sharp with the heights allowed in the new zoning.**

The proposed ordinance requires increased side and rear setbacks for all building types in all of the MU Districts ("business districts") when they abut lots in the NR district. Additionally, Article 3 §B.3.i requires a building on any lot in the 5MU, 7MU, or 10MU district abutting the side or rear lot line of a lot in the NR district to be shorter than a forty-five degree (45°) plane angled from a height of thirty-five (35) feet at the side or rear setback. The effect of this standard causes buildings to be three (3) stories tall at the rear setback line and step back at least an additional 10 feet for each additional story. OSPCD determined that this same transition was unnecessary between the 2.5 & 3 story buildings of NR and the 4 story buildings of 4MU. There is also no transition required between NR and UR, which has building types with a four (4) story maximum. The standard was only applied to districts that have a height difference of two (2) or more stories.

**60.15 Some parts of Highland Avenue already have apartment buildings, and those areas would be appropriate for UR. Others are comprised primarily of large old homes, many of which have been turned into multi-unit apartments; if they were made UR, there is a possibility those homes would be demolished and new apartment buildings built. I do not think additional density in some parts of Highland Avenue is a problem, but we do not want to lose architectural gems for just a few more units of housing.**

See Written comment 47.8 for more information.

- 60.16 The proposed ordinance allows, by right, private clubs to operate function halls with alcohol in residential neighborhoods, with events up to 80 nights a year and lasting until 1 AM on weekdays and midnight on weeknights. This seems unwise and not good for the neighbors.**

The proposed ordinance permits this use by special permit with these limitations. This is more restrictive than the regulations in the current ordinance.

- 60.17 There is a movement in the U.S. to build tiny houses and micro apartments. Many cities use accessory buildings such as garages, barns, etc. for housing; but both the current and proposed ordinance prohibits it. Why shouldn't a parent, parent-in-law, son, daughter or other person be able to live in a garage that is currently used just for storage? There are some legitimate safety concerns to address, and we should go down this path slowly and thoughtfully. But each of these three ideas could have significant benefits. Small houses in a small city – it makes sense. All three of these are being done successfully in other U.S. cities.**

At this time, OSPCD does not plan to include "tiny houses" or "carriage houses" as principal or accessory building types with residential uses in the proposed ordinance. While the ordinance opens up the opportunity to use carriage houses for home offices, studios, and other accessory uses, the discussion of residential uses in these buildings is more complicated. OSPCD acknowledges the value of this conversation but because the safety and quality of life concerns of these proposals are significant, we recommend further review of these items at a future date.

- 60.18 The proposed ordinance should include stronger incentives in the zoning code for developers to build apartments that are big enough for families. Currently, most residential construction in Somerville is studios, 1 BR, and 2 BR apartments.**

Minimum unit sizes are intended to provide quality residential living environments in new development and are particularly applicable to multi-unit building types in the UR and MU districts. These minimums will increase average unit sizes from what is typically built today. Density bonuses allow for more units in buildings where there is a greater variety of unit sizes. Bedroom count minimums are also required in larger developments. It is an objective of OSPCD to ensure that a diversity of housing is available in the Somerville market.

- 60.19 The proposed ordinance significantly reduces parking requirements. This makes sense for perhaps 10 years from now, but I am concerned about the immediate effect of reducing parking requirements so much. We need an interim, transitional period to get to a radical new parking regime. After all, three of the five new Green Line stations will not be completed until 2020 at the earliest. We are going through a change in our reliance upon cars, but it is a gradual transition. Building a lot of new housing without parking, and allowing new residents to get parking stickers and park on our already-crowded streets, will make life more difficult for current residents who park on the street. If the proposed parking reductions became law, there should be a change in parking policies. Perhaps residents of new housing units should not be allowed to get parking stickers & guest permits, perhaps they should pay more for them. It is time for the City to figure out a way to ration parking more efficiently and fairly.**

OSCPD is carrying out a Parking & Transportation analysis per Board Order #198558 that will address this issue.

- 60.20 Notifications should be in several languages and notices should go out to occupants (renters), not just owners, since many owners are absentee landlords while many tenants have been living in a neighborhood for many years. Some have said that the 300 foot limit for notification is too narrow a range in a city as dense as Somerville.**

OSPCD agrees and is investigating ways to efficiently deliver public notice to renters, in addition to property owners. OSPCD is also investigating methods for notifying residents in multiple languages.

- 60.21 The proposed zoning map should not up zone the properties on the south side of Vernon Street, which abuts the railroad tracks, to Urban Residential.**

See Written comment 47.13 for more information.

- 60.22 The proposed zoning map should up zone the small businesses and warehouses in the Murdock Street hook, between Cedar and Murdock Streets to Urban Residential to allow more business development there.**

The Urban Residential district does not permit commercial uses. OSPCD is open to the idea that the Fabrication District may be appropriate for these parcels.

**61.0 Nancy Donahue, March 26, 2015**

**61.1 The proposed ordinance should restrict the number of unrelated individuals that can live together in a dwelling unit.**

See Written comment 34.1 for more information.

## **62.0 Victoria Antonino, March 26, 2015**

### **62.1 The proposed ordinance should require on-site open space in the 3, 4, and 5 MU districts like it does in the 7 and 10 MU districts.**

Development opportunities for lots in the 3, 4, and 5MU districts are very different than the opportunities in the 7 and 10MU or Special Districts. An on-site open space requirement on small lots can the prohibit development of modest buildings that helps to achieve the employment and housing goals of SomerVision. Nevertheless, OSPCD is currently reviewing the on-site open space requirements for the Mixed Use districts for possible changes based on public feedback for the second draft of the proposed ordinance. OSPCD is also exploring adding a provision that would permit a payment in-lieu of providing on-site open space.

### **62.2 To reach the SomerVision goal of 125 acres of new open space, the proposed civic space requirement should be increased to 43% from the proposed 12.5%.**

See Written comment 9.2 for more information. Staff believes achieving SomerVision's goal for 125 new acres of open space must be achieved through means other than only an on-site open space requirement because on-site open space is meaningless if not a valid size. Only a fraction of the lots in Somerville are large enough to feature a properly sized public space. See the Civic and Recreation Space types detailed in Article 8: Public Realm of the proposed ordinance for minimum acceptable sizes for each type of civic space. While OSPCD is reviewing the proposed 12.5% open space number, an on-site open space percentage at 43% would require extensive building height to counter balance the need to achieve other goals (such as job creation and affordable housing). The balance between open space and building height must be established in a way that best achieves all of the objectives of SomerVision.

### **62.3 More time is needed for the public to review the proposed ordinance.**

OSPCD is currently reviewing all public comments and exploring edits to the ordinance inspired by this feedback. Additionally, the Board of Aldermen has requested studies covering the impact of the proposed ordinance on housing, affordable housing, economic development, fiscal impact, parking, and transportation that will inform additional changes to the proposed ordinance. Upon completion of these changes and further public outreach and engagement, OSPCD will release a new draft of the proposed ordinance for public comment. This release is anticipated for the spring of 2016.



**63.0 Adam Dash, March 27, 2015**

- 63.1 The proposed new affordable housing requirements should not apply to Federal Realty, as it already has an approved PMP and it would be unfair to change the make-up of the Assembly Row project half way through the process.**

See Written comment 25.4 for more information.

- 63.2 The following should be added as the second sentence of 4.A.4: Residential development approved as part of a PUD Preliminary Master Plan approved prior to the adoption date of the Ordinance shall be required to include twelve and a half percent (12.5%) of the total number of approved residential units in the PUD Preliminary Master Plan as affordable dwelling units (ADUs).**

See Written comment 25.4 for more information.

- 63.3 The following should be added to 4.A.4: All development approved as part of a PUD Preliminary Master Plan approved prior to the adoption date of the Ordinance shall be required to pay a linkage fee of no more than five dollars and fifteen cents (\$5.15) per square foot over thirty thousand (30,000) gross square feet of non-residential floor area, and no jobs linkage fee shall apply.**

The proposed jobs linkage fee has been submitted to the state legislature as a home rule petition. Because this petition is still pending, there is no jobs linkage proposal in the zoning overhaul. Potential exemptions to a jobs linkage amendment can be addressed at the time that the city proposes a jobs linkage amendment.

## **64.0 Affordable Housing Action Committee, March 27, 2015**

- 64.1 As a form based code, the proposed ordinance increases potential profit for developers is and some of that profit should be returned to the local community through linkage payments, affordable housing, good jobs, and other community benefits.**

OSPCD is currently working to develop a public benefits program that both meets the legal parameters of zoning ordinances and ensures public benefits provided by development are appropriately scaled to the zoning entitlement of each district. However, it cannot be assumed that the regulation of building forms increases developer profits. There is no "increased potential profit" inherent in switching from a general dimensional standard applicable to all buildings in a district to a building type based regulatory system that has different dimensional standards for different building types. Up zoning or downzoning the development entitlement of a property (for example, changing the zoning district it is mapped as) is what increases or decreases potential return on a development. It should also be noted that both the existing and proposed ordinance already require a number of public benefits including inclusionary housing, linkage payments for affordable housing, open space, and (in the future) linkage payments for job training.

- 64.2 The Table 9.1 in the proposed ordinance should be replaced by a citywide inclusionary zoning requirement of 20%, with developments of 4 or fewer units exempted.**

See Written comment 12.2 for more information.

- 64.3 A 20% requirement citywide will ensure that the corridors and areas around future T stations also generate desperately needed affordable housing. In addition, a city-wide requirement of 20% inclusionary housing will be easier for developers and residents to understand.**

See Written comment 12.2 for more information.

- 64.4 The proposed ordinance should require any off-site inclusionary units to be family sized-units, affordable to the same tier 1 & 2 households as would be the onsite units, and should include an extra unit for every five units that would have been required onsite.**

See Written comment 12.2 for more information.

- 64.5 The payment for fractional units required should be based on 100% of the cost of the subsidy required for the next inclusionary unit.**

See Written comment 12.2 for more information.

- 64.6 In order to promote housing stability and remedy displacement, lotteries for inclusionary units should prioritize income-eligible households in the following order:**

- **First priority: Households currently residing in Somerville**
- **Second priority: Households that have been displaced from Somerville in the last four years by:**
  - **inability to pay rent**
  - **sale of the property by the owner**
  - **conversion of the property to a condominium**
  - **foreclosure on the property**

- **Third priority: Households with at least one member working in Somerville**

See Written comment 12.2 for more information.

**64.7 In order to protect property owners and tenants from the human and financial costs of eviction, all inclusionary zoning units shall have a City-approved lease that includes the following provisions:**

- **Eviction from inclusionary units shall be only be based on good cause related to tenant fault. Good cause is defined as a substantial or repeated violation of a material lease term including but not limited to the obligation to pay rent**
- **Any notice of termination or non-renewal shall state the complete reasons for the proposed eviction and the facts upon which such reasons are based.**

See Written comment 12.2 for more information.

**64.8 The City should commission an updated nexus study to explore the possibility of requiring a higher linkage fee to more adequately address the crisis of displacement and to better reflect the increased need for affordable housing in the City created by non-residential development.**

The City is currently carrying out a Housing Needs Assessment per the requirements of the existing zoning ordinance.

**64.9 Homeless shelters and Single Room Occupancy residential uses should be permitted by special permit in all of the Special Districts.**

This was omitted in error and will be corrected.

**64.10 The proposed ordinance should include a “Non-Program-Based Group Living” category of residence to allow occupancy by four or more unrelated adults, so that the number of such adults is appropriate to the number of bedrooms and bathrooms.**

This is categorized under the general "Group Living" residential use category and permitted by Special Permit in a number of zoning districts.

**64.11 Development in special districts should include a phasing mechanism that requires non-residential construction be phased in along with a required minimum of residential construction.**

The proposed ordinance requires a residential and commercial split in special districts. OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the next draft of the proposed ordinance.

## **65.0 Alan Moore, March 27, 2015**

**65.1 The proposed ordinance should include provisions to ensure the creations of the following connections between neighborhoods:**

- **Grand Junction/Twin City – from the Somerville Community Path and the North Point Path to the Grand Junction Path and the East Cambridge neighborhoods (note: the important connecting points are in Somerville)**
- **Assembly Square to Everett via the future Mystic River Crossing and Sullivan Square via the little used dual railroad tracks from the east end of Assembly Square that go under Sullivan Square to Inner Belt**
- **Inner Belt – Connections to the Community Path near the Harvard art storage building. Connections to Inner Belt from Assembly Square along the little used dual railroad tracks from the east end of Assembly Square.**

The special districts require any significant development to enter into the Large Development Plan (LDP) or Neighborhood Development Plan (NDP) process. Each of these processes requires applicants to establish consistency with SomerVision and with local neighborhood plans. Many of these suggested connections are being explored through the neighborhood planning process for Union Square, Assembly Square, and others. Applicants going through the LDP and NDP process will be expected to participate in contributing to infrastructure costs relative to the size of their proposed development and completing these types of connections would be a part of that infrastructure investment strategy.

**65.2 The site development plan approval process should include public feedback and allow for small, affordable changes in development proposals so in a way that balances predictability for developers and flexibility make changes based on public input.**

See Written comment 16.1, 16.2 and 21.4 for more information.

**65.3 The proposed ordinance does not include enough emphasis and incentives for getting the commercial office, R&D and lab development tax base that we need and has too much allowance for and incentive for residential development.**

OSPCD is pursuing various edits to the proposed ordinance to further emphasize the development of commercial uses. The objective of the proposed ordinance is to develop mixed use neighborhoods that include a broad array of uses.

**65.4 The affordable housing requirements of the proposed ordinance not high enough to address this crisis and are also unnecessarily complicated. The requirements should be a 20% rate everywhere in Somerville for new construction of more than three units.**

See Written Comment 12.2 for more information.

- 65.5 The City should establish a Green Space mitigation fund to which developers could contribute funds instead of putting a tiny plot of grass or shrubbery on a site. Also, possibly a linkage fee with a required contribution by developers. One large publicly-accessible green space is better than a dozen tiny little plots that may not even be accessible for public use.**

OSPCD agrees that large publicly-accessible civic space is better than a dozen on-site open spaces that are too small to be viable public space. The civic space vs on-site open space provisions of the proposed ordinance reflect this position. OSPCD is exploring adding a provision that would permit a payment in-lieu of on-site open space.

- 65.6 The proposed ordinance should require the replacement of any trees four inches or larger that were cut down to expand or construct a new building and require that the City's Tree Warden, rather than a building inspector, to make determinations about the health of trees.**

The proposed ordinance incentivizes the preservation of trees and requires the replacement of existing trees within setback areas as a result of construction damage. See Article 6 §D.5 Tree Preservation. OSPCD will amend the section to identify a certified arborist at the agent able to determine if a tree is in 'good health and not damaged, diseased, or a threat to public health or safety.'

## **66.0 Charlie McKenzie, March 27, 2015**

### **66.1 The proposed ordinance will severely limit existing operations of current tenants on properties located in the Inner Belt Special District, as well as those of future tenants.**

The existing operations of current tenants in the Inner Belt are protected under grandfathering rights. OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance. The intent of the Inner Belt District is to permit continued industrial activity while allowing additional activity through the large development plan process.

### **66.2 For the Inner Belt Special District of the proposed ordinance, the intent statement “to create a neighborhood of mixed-use, high density, transit oriented development with a diverse mix of uses including commercial industry, fabrication, production, office, research & development, and residential uses” is not consistent with the permitted uses in the district.**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

### **66.3 For the Inner Belt Special District of the proposed ordinance, the purpose statement “to incentivize the coordinated planning of development and redevelopment at multiple scales” is not consistent with the provisions of the district. Only modest, small-scale development is permitted under the IB-SD base zoning and major development can occur through an LDP or NDP. There is no mechanism to allow for moderate scale development.**

See Written comment 66.2 for more information.

### **66.4 The minimum land area requirements for a Development Site are too large to encourage existing owners to participate. Most existing lots in the District are in the 1 to 3 acre range; therefore the assembly of multiple parcels would be necessary. A reduction from 8 acres to 4 acres for Development sites would provide a greater incentive to existing owners and subsequent development to occur more rapidly. Further, since a Neighborhood Development Plan which requires at least 20 acres offers no greater zoning flexibility than a Large Development at 8 acres, there is no incentive to assemble land at a larger scale.**

See Written comment 66.2. In general, the draft was intended to encourage existing owners to cooperate, as the development of Inner Belt likely requires significant investment in infrastructure including new roads. However, OSPCD will review the exact minimum development area sizes required for redevelopment prior to issuance of the next draft of the proposed ordinance.

### **66.5 The proposed ordinance provides no clear path to subdivision without obtaining LDP or NDP approval. With a 20,000 square foot maximum lot size and existing lots that are typically 100,000 square feet or larger, will nonconforming lot sizes trigger the need for a special permit if a lot is otherwise conforming?**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

- 66.6 The introduction of minimum and maximum lot dimensions and building setback requirements for the IB-SD district results in virtually every existing lot becoming nonconforming, increasing the likelihood that special permits (and potentially variances) will be triggered for exterior alterations. Retaining the existing IA dimensional requirements until the approval of the first LDP or NDP in the IB-SD district would not place an undue permitting burden on existing property owners, giving them some additional flexibility until the district begins to transition.**

See Written comment 66.5 for more information.

- 66.7 The introduction of minimum and maximum dimensional requirements relating to the design of a building also renders most of the existing buildings in the Inner Belt district nonconforming, which in turn significantly increases the likelihood that altering these buildings will require a special permit. As previously suggested, retaining the existing IA dimensional requirements until the approval of the first LDP or IDP in the IB-SD District would not place an undue permitting burden on existing property owners, giving them some additional flexibility until the area begins to transition.**

See Written comment 66.5 for more information.

- 66.8 Industrial Uses are more strictly regulated than the existing IA district. Can more uses be allowed by Special Permit? For example, medical device manufacturing, or small manufacturing incubator spaces, would be suitable uses that don't appear to be addressed in proposed Use Table.**

OSPCD is reviewing and considering adjustments to both the Commercial Industry district and the Inner Belt Special District to address this concern.

- 66.9 Would Wholesale Trade & Distribution allow for parcel delivery or commercial mail delivery? Can the Use category definition in Article 5 be amended to reflect these specific uses?**

OSPCD is adding language to the definition of Wholesale Trade & Distribution to include postal processing facilities. Standard neighborhood post offices are considered Commercial Services.

- 66.10 Section 7.D Mobility Management of the proposed ordinance places an additional burden on small business owners. Reporting thresholds should be raised to 50,000 sf and 150 employees/students.**

In a review of forty (40) vehicular trip reduction or mobility management ordinances, the threshold for the number of employees/students ranged anywhere from 10 to 250 with the most common being 100 (60%) and the threshold for gross square feet of floor area ranged from 25,000 to 100,000 with the most common being 25,000 (80%). OSPCD recommends adjusting the thresholds for businesses to 50 employees/students and 50,000 more total square feet.

- 66.11 The proposed ordinance should designate someone other than the Building Official as the person responsible for approving Mobility Management plans.**

Massachusetts General Law 40A requires that the Superintendent of Inspectional Services or other person designated by the zoning ordinance enforce the Somerville Zoning Ordinance. OSPCD will change the person responsible for reviewing Mobility Management plans and annual

reports to the Director of Traffic & Parking, whom is already charged with reviewing annual Mobility Management Plans for Tufts University along with the installation of Bicycling Parking, the necessity of Loading Facilities, and the design of Bicycle Lanes by the proposed ordinance. As always, all applications for development review are reviewed by the Zoning Review Planner to ensure compliance with the provisions of the Somerville Zoning Ordinance prior to their distribution to other departments.

**66.12 The requirement for an annual mobility management plan will make it more difficult to find suitable business tenants that are prepared to make such commitments. Can the plan be updated every three years as opposed to annually?**

The annual reporting requirement is not designed to be burdensome and is a best practice that ensures implemented programs and services are achieving desired outcomes while also allowing administrators to review and adjust programs and services as a business evolves. The type of transformational development proposed under the ordinance requires ongoing management of traffic impacts. A three year reporting cycle can leave a business locked into programs and services that are no longer necessary, which may be far more burdensome than filling out a simple annual form. OSPCD has worked extensively over the years to develop standards that are business friendly and that create straightforward methods for predictable review. OSPCD expects that reporting on mobility management will be straightforward and take limited time.

**66.13 The proposed ordinance should maintain the flexibility found in the existing ordinance that allows for one nonconforming use to change to another nonconforming use regardless of use category by a special permit.**

The proposed ordinance limits the change of a nonconforming to use to uses within the same use category as the existing nonconforming use (by special permit).

The existing ordinance creates a significant incentive to maintain a non-conforming use because that use can be changed to ANY other non-conforming use if the applicant can meet the findings of a special permit. The proposed ordinance retains this special permit, but limits the amount of change that can be made between non-conforming uses. The use categories in the proposed ordinance are designed to allow significant flexibility within that category, but the proposed ordinance changes things from how they work in the existing ordinance because there is an interest across the community to bring non-conforming uses into conformity.

**66.14 Special permits allowing the alteration of nonconformity in Section 11.A of the proposed ordinance include a consideration that appears to be beyond the purview of the Planning Board.**

The language of Section 11.A states that the applicant must establish a need for alterations to a non-conforming structure or use, in order to receive a special permit. OSPCD will review the provisions regulating non-conformities for possible edits to the next draft of the proposed ordinance.

**66.15 With the majority of buildings and lots in the Inner Belt going from conforming to nonconforming under the proposed ordinance, existing business owners will be required to seek special permits more often for even minor changes because they will most likely alter a nonconforming aspect of the building.**

See Written comment 66.5 for more information.



**67.0 Claudia Murrow, March 27, 2015**

This comment letter was submitted to the Somerville Board of Aldermen and is identical in substance to a comment letter submitted to the Somerville Planning Board, except for a new introduction.

For responses to these comments/concerns repeated here, please see responses **26.1 – 26.52**.

## **68.0 Denise Provost, March 27, 2015**

### **68.1 The shrinking of setbacks and allowance of more building height in even the most protected residential neighborhoods will transform us, over time, into a city without yards.**

The dimensional standards of the building types in the proposed ordinance work in combination with the minimum lot size dimensions to preserve yards. Additionally, the proposed ordinance has a minimum landscape area requirement.

### **68.2 Rising heights, from closer-together, denser buildings (no FAR) will deepen our shadows.**

The dimensional standards of the proposed ordinance are based off of extensive survey work that measured already existing lots and structures in Somerville, with particular attention paid to the existing houses and other residential buildings found in the proposed Neighborhood Residence district (RA & RB today). Although OSPCD believes that the new ordinance will not result in an increase of significant shadow impacts staff will complete a number of case studies to determine the likelihood of this outcome. In the few districts where they are permitted, high-rise buildings are required to submit shadow studies as a part of the permitting process.

### **68.3 Lack of arable land and natural light will render us virtually without gardens. This will be a terrible loss, especially given our paucity of public open space.**

The dimensional standards of the proposed ordinance are based off of extensive survey work that measured already existing lots and structures in Somerville. Many of Somerville's lots have successful gardens today and new lots built to similar standards should be able to feature gardens.

### **68.4 What thought was given to the conditions necessary for growing plant life – including trees – in Somerville?**

See Written comment 68.3 for more information.

### **68.5 Were shadow studies conducted, to determine how much light will be lost, at maximum allowed build outs, on public and private land – especially private homes abutting districts which allow substantial height?**

OSPCD includes the analysis of net new shadows as a component of neighborhood planning. The proposed ordinance requires developers to conduct shadow analysis for all high rise building types.

### **68.6 Has anyone calculated the amount of unpaved land that will be left, at maximum build out?**

The vast majority of new development will replace existing impermeable surfaces in Transformation Areas like Inner Belt and Brickbottom. The City's engineering requirements, storm water and inflow & infiltration policies, as well as the permeable surface requirements of the proposed ordinance ensure adequate flood protection for new development.

### **68.7 What modeling has been done of storm surge scenarios along the Mystic?**

FEMA flood maps establish a 100 year floodplain. In Somerville, that 100 year flood area only reaches two private lots. The land around Dilboy Stadium and the parkland around Ten Hills and

Baxter State Park (near Assembly Square) provide flood storage for surges along the Mystic River. A climate change vulnerability assessment will be conducted by the Office of Sustainability & Environment during FY 2016.

**68.8 How does zoning in the potential flood zone area reflect planning for flood resiliency?**

The regulations of the FO-SD meet Federal requirements for flood control and resiliency. The vast majority of the 100 year floodplain in Somerville is within the area of waterfront parks along Alewife Brook Parkway and the Mystic River. Nonetheless, a climate change vulnerability assessment will be conducted by the Office of Sustainability & Environment during FY 2016 and will address flood resiliency planning.

**68.9 What studies have been made of the capacity of the city's sewers and storm drains to carry the additional water usage and surface runoff, at different build out scenarios maximum build out?**

OSPCD is carrying out a Fiscal Impact analysis per Board Order #198640. The City is aware that additional infrastructure investments are necessary to realize the full build out of Transformation Areas identified in SomerVision.

**68.10 Has there been any thought of where residents will put snow, as the area of privately owned opened land diminishes?**

The dimensional standards of the proposed ordinance are based off of extensive survey work that measured already existing lots and structures in Somerville. These are homes in neighborhoods that have been addressing snow issues for decades. On smaller lots, OSPCD is confident that there is adequate unbuilt area and that conditions surrounding snow storage will not be exacerbated by the proposed ordinance. Projects of any significant size are subject to Site Development Plan Review and/or Special Permit review. Snow storage and removal issues can be addressed through conditions required by the review board for permit approval.

**68.11 There is a significant missed opportunity here to set out clearly the requirements for the permitting of solar panels and other renewable energy infrastructure, to replace the slow and unpredictable process that residents complain of now.**

Solar collectors are permitted by-right in all districts and exempt from height limits to ensure proper functionality.

**68.12 New roofs should be required to have solar PV panels, to be "green" roofs (built to support soil and plant life), as the City of Paris is now requiring. At minimum, new roofs should be made of white roofing materials, to counter "urban heat island" effect.**

See Written comment 60.12 for more information.

**68.13 The provision of electric car charging stations should be mandatory whenever developers are providing new parking; there should also be requirements for providing charging stations when municipal facilities are constructed.**

OSPCD will review this idea to determine if this is appropriate as a requirement.

**69.0 Eric Parkes, March 27, 2015**

- 69.1 The building standards need to be coordinated with the historic commission's guidelines - not sure of the status of the revised guidelines that were generated a couple of years ago. Perhaps a meeting should be scheduled? A good example is shed dormers. Per the zoning's building standards, they need to be set back 1'-6" from the side wall below. I believe our proposed historic guidelines allow the wall of a shed dormer to align with the wall below, as that is the correct historic precedent for larger shed dormers. As you probably know, the siting of a dormer depends on the type of dormer & style of building. In cases such as these I believe the historic commission is not allowed to relax zoning requirements & would be stuck using the zoning's building standards.**

See Written comment 50.5 for more information. The Historic Commission cannot waive a zoning requirement.

- 69.2 How the process works when someone wants to "defy" the standards. Does it become a Special Permit? I would certainly hope they don't get kicked into needing a variance. There needs to be a smooth, easy to navigate path for people who want to make a case that their porch ceiling should be less than 8' (for example).**

In general, unless a zoning ordinance specifies that a special permit is available to waive a standard then a deviation from that standard would require a variance. OSPCD is reviewing circumstances whereby the design standards of the ordinance would be able to be waived by special permit.

- 69.3 Additions to houses with mansard roofs should be allowed to receive mansard roofs, with eaves that align with existing.**

Rear additions are only permitted to be two stories in height so that they remain as secondary to the main body of the building. Because a mansard roof meets the definition of a half story, a two story rear addition cannot have a mansard roof. If a 1.5 story rear addition with a mansard roof was added to a 1.5 story house with a mansard roof, the eaves of the rear addition's roof would be permitted to align with the eaves of the roof of the main building.

**70.0 David Webster, March 27, 2015**

This comment letter was submitted to the Somerville Board of Aldermen and is identical in substance to a comment letter submitted to the Somerville Planning Board, except for a new introduction.

For responses to these comments/concerns repeated here, please see responses 46.1 – 46.5.

## 71.0 Fred Berman, March 27, 2015

**71.1 I would suggest replacing the percentages in Table 9.1 with a citywide 20% inclusionary rate for on-site construction of the required units, and higher requirements for off-site construction and cash-in-lieu of construction. I would exempt buildings and developments with 4 or fewer units, thereby exempting most property owners and most properties and small-scale development in largely residential neighborhoods. A uniform 20% rate would permit the City to maximize Chapter 40R and 40S revenues would create a consistent landscape for developers, would avoid muddying the impact of other provisions intended to incentivize smart growth by allowing greater density where parking is more limited, and would maximize the inclusionary contribution to the city's affordable housing stock.**

See Written comment 12.2 for more information.

**71.2 Unit size requirements should be based on the number of bedrooms, and not the number of occupants. ... "Offsite units must be designed to house three person or larger households, even if the market rate units are designed primarily to house one- and two-person households."**

OSPCD will make this adjustment in the next draft of the proposed ordinance.

**71.3 if developers are going to build their inclusionary units offsite, they should be required to build more units and bigger units than would be required onsite, and those units should be at least as affordable as they would be if they were onsite using the following table:**

	3BR	4BR	2BR
1 <sup>st</sup> Required Unit	1		
2 <sup>nd</sup> Required Unit	1	1	
3 <sup>rd</sup> Required Unit	1	2	
4 <sup>th</sup> Required Unit	2	2	
5 <sup>th</sup> Required Unit plus Additionally Required Unit	2	2	1 + 1 additional Tier 2 unit

See Written comment 12.2 for more information.

**71.4 The proposed ordinance should prescribe a disincentive for buying out of the inclusionary requirement.**

See Written comment 12.2 for more information.

**71.5 In calculating the subsidy required for any of the inclusionary units not built or the subsidy required for the next inclusionary unit, the schedule of affordability prescribed in Table 9.4 "ADU Diversity" should be used; that is, if the next inclusionary unit required would have been a Tier 1 rental unit affordable to households with 40% of the AMI, then the payment calculated should be based on the subsidy needed to make such a unit affordable to households with income equal to 40% of AMI.**

See Written comment 12.2 for more information.

**71.6 Eligibility for inclusionary units should be prioritized for appropriate-sized, income eligible**

**households that currently live or work in Somerville or who have been displaced from Somerville since January 1, 2005.**

See Written comment 12.2 for more information.

**71.7 Rental inclusionary housing units should include eviction prevention measures attached to the lease.**

See Written comment 12.2 for more information.

**71.8 The proposed ordinance should prohibit the total charge for an inclusionary housing unit, including access to any onsite amenities, from exceeding the Unit Price calculation in §9.A.4.**

See Written comment 12.2 for more information.

**71.9 The mixed-use building type in the proposed ordinance is too limited and should be replaced with at least two mixed-use buildings as follows:**

- **"Mixed Use - Residential" would have the same meaning as the current "Mixed Use Building" and would include ground floor commercial uses and upper story residential with six or more dwelling units, provided that, for buildings with six (6) or more stories, the inclusionary zoning requirement would increase by 5% overall for each floor above five (5) floors, as follows: If the inclusionary zoning requirement were 20% for a five-story building, then the inclusionary zoning requirement for a seven-story building would be 30% and the inclusionary zoning requirement for a 10 story building would be 45%. Developers constructing such buildings would be exempted from any linkage requirements associated with such buildings if they could demonstrate that their cost in satisfying the increased inclusionary requirement - that is, affordability of residential units above and beyond the baseline 20% requirement - exceeded the ordinary linkage requirement for the non-residential square footage of the building.**
- **"Mixed Use - Residential/Non-Residential" would have ground floor commercial, upper story with residential and non-residential, such that 25-30% of total square footage would be residential, remainder would be non-residential (e.g., commercial, office, R&D, arts).**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential.

**71.10 The proposed ordinance should include a phasing mechanism for development in the Special Districts that requires non-residential construction be phased in along with residential construction to prevent the accelerated development of residential units while commercial construction languishes.**

OSPCD agrees and will explore including this type of requirement in the next draft of the proposed ordinance.

**71.11 The City should commission an updated nexus study to explore the possibility of requiring a higher linkage fee and expanding its applicability.**

The current linkage fee was set in 2013 and is reviewed for update every 3 years.

- 71.12 The proposed ordinance should require a variance to subdivide an existing dwelling unit into two-or more dwelling units for any existing cottage, house, paired house, duplex, triple-decker, paired triple-decker, four-plex, six-plex, or row house. Creation of an accessory unit ("mother-in-law apartment") should be the one exception that requires only a special permit.**

The addition of units to the building types in the NR district is only allowed by special permit. Building types are not permitted to have more dwelling units than the number permitted for each type. For instance, a cottage is a one (1) unit building type and is not permitted to have more than one (1) dwelling unit. Article 2: Base Districts of the draft of the proposed ordinance requires a Special Permit for any alteration or renovation of an existing building that results in an increase of the number of dwelling units, up to the maximum permitted for each type. OCPCD will add the text "up to the maximum permitted for each type" to the text of Article 2 §A.5.c for clarification.

- 71.13 The proposed ordinance should require that developers clearly specify in their submitted development plans how and by whom new parcels of open space and green space will be maintained, once the residential and non-residential properties they are constructing are occupied, and those commitments should be binding on the new owners/tenants of those properties.**

OSPCD will include a civic space maintenance plan as a required submittal material for Large Development Plans and Neighborhood Development Plans. The Boards have the authority to apply conditions or require a bond to ensure compliance with the agreed upon maintenance plans.

- 71.14 The proposed ordinance should prioritize publicly accessible open space and green space over private spaces, while encouraging green roofs and other amenities that improve the overall environment**

OSPCD agrees and will embed this into the provisions of the proposed ordinance.

- 71.15 The proposed ordinance should prioritize larger, useable, recognizable open spaces and green spaces over fragmented spaces, while rewarding fragments of open and green space that improve the pedestrian experience.**

OSPCD agrees that large publicly-accessible civic space is better than a dozen on-site open spaces that are too small to be viable public space. The civic space vs on-site open space provisions of the proposed ordinance reflect this position. See the Civic and Recreation Space types detailed in Article 8: Public Realm of the proposed ordinance for minimum acceptable sizes for each type of civic space. Additionally, OSPCD is exploring adding a provision that would permit a payment in-lieu of on-site open space.

- 71.16 The proposed ordinance should prioritize green spaces, plazas, sidewalks, and bikeways over wider traffic lanes. Traffic lanes should be wide enough for safe driving at the posted speed, and do not need to be as wide as highway lanes. Instead of widening driving lanes -- which will only encourage more through-traffic -- expand the space for these other uses.**

OSPCD agrees. The Thoroughfare standards of the proposed ordinance include maximum lane widths.



- 71.17 The proposed ordinance should Allow developers to reduce the "furnishings area" of sidewalks in favor of alternate and equivalent amounts of open space or green space. For example, the zoning could allow a trade-off, whereby a sidewalk would include the 6-foot minimum of pavement, but the extra 8 feet would be used to create a small linear green space, or two 4-foot-wide linear green spaces that separate the bikeway from the traffic.**

The public realm standards were developed to ensure pedestrian safety and comfort, promote economic vitality, preserve and enhance the character of the public realm along designated pedestrian streets, and to ensure a variety of functional, well-designed civic and recreation spaces that complement the character of adjacent properties. The furnishing zone can have trees, bus stops, benches, lights, etc. and may include a variety of low-impact development strategies that will essentially serve as a linear greenspace. The thoroughfare standards do not anticipate the placement of a green space between the bikeway and the travel lanes. The forthcoming city mobility plan will address street standards and make appropriate recommendations.

- 71.18 The proposed ordinance should Reward the creative use of airspace over the tracks as an open space. At one meeting, City staff cited the High Line in New York as a precedent. I encourage the City to explore options for using that airspace to provide better pedestrian linkages between the north and south sides of the tracks, to create new green spaces, play areas, growing spaces (like the Urban Farm in the Boynton Yards area), and walking spaces.**

Article 1 §C.1.c of the proposed ordinance states that any unmapped land is subject to the provisions of Article 8: Public Realm Standards and is classified as a Civic district, unless rezoned according to the Map Amendment procedures of Article 10. Rail rights-of-way are unmapped because the appropriateness of air-rights development over rail lines cannot be predetermined and development of any kind should be a determined through public dialogue. See the proposed Union Square neighborhood plan which addresses possible locations for track crossings.

- 71.19 The proposed ordinance should Establish at least minimum requirements for open space/green space in MU3, MU4, and MU5 districts.**

Each of the Civic and Recreation Space types of Article 8: includes minimum sizes that ensure a viable public space of that type. These minimum sizes must be taken into consideration when analyzing the ability of an on-site open space requirement to generate viable public spaces. The average lot size in 5MU is about 7,350 sq. ft. A 15% on-site open space requirement would produce about 1,100 sq. ft. of open space, which only permits design as a very small pocket park. The average lot size in 7MU is about 13,780 sq. ft. A 15% on-site open space requirement would produce about 2,065 sq. ft. of open space, which could be designed as a pocket park. The average lot size in 10MU is about 20,800 sq. ft. A 15% on-site open space requirement would produce about 3,120 sq. ft. of open space, which could be developed as a pocket park or playground. A 15% on-site open space requirement has minimal impact and any reasonable increase to the required percentage of on-site open space will struggle to result in the creation of quality civic and recreation spaces desired by the community, yet each increase reduces the viability of each lot as a site for the potential development of commercial space or housing. OSPCD believes achieving SomerVision's goal for 125 new acres of open space must be achieved through additional or other means because an on-site open space requirement will not meet expectations.

## **72.0 Karen Molloy, March 27, 2015**

### **72.1 Some sort of implementation plan is needed to ensure the new zoning ordinance meets the needs of SomerVision.**

Appendix 3 of SomerVision (p.156) is a broad implementation plan. SomerVision is also being implemented through plans and programs developed specifically for Somerville's individual neighborhoods, main streets, and special districts along with broader plans for open space, mobility, and historic preservation. OSPCD is carrying out an Economic Development analysis per Board Order #198542.

### **72.2 20 percent affordable housing (for both working and lower middle classes) should be throughout the city, not just in TOD areas.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

### **72.3 Highland Avenue is underutilized and could withstand more commercial activity (as it once did long ago when the streetcars ran down it) and more building height. It's a wide main street that could handle a good deal of first floor commercial development. In my many years in Somerville, I've seen a fair amount of commercial properties converted to housing on Highland Ave. and the trend continues this year, which is not a good trend in my opinion. I'm not sure why the zoning proposal calls for "urban residential" zoning on this street.**

There were a number of comments submitted to OSPCD suggesting that zoning on Highland Avenue is either too dense, or not dense enough. Highland Avenue is proposed to be a mix of NR, UR, and MU districts based on historical development patterns and higher intensity nodal development at intersections with major north-south streets. The remapping of Highland Avenue followed a consistent logic that was carried across the entirety of its length for the proposed map. Areas of existing apartment buildings and large old homes already converted into multi-unit apartment houses (or properties where it is appropriate to do so) were remapped as the UR district. Areas of existing houses were mapped as the NR district. Additionally, compliant building components can be added to a building that is not one of the permitted building types in district where the building is located. Nonconformity to the "type" designation only is not intended to inhibit the adaptation of a building in ways that conform to the rest of the code. Article 11 of the proposed ordinance includes rules for alterations to existing nonconforming uses, structures, site characteristics, lots, and signs. OSPCD will edit the text of Article 11 to clarify what can and cannot be done to nonconformities. OSPCD will also review all of the UR zoned lots along Highland Avenue to ensure that they were not mapped into the wrong district of the proposed ordinance. See Written comment 60.15 for additional information.

## **73.0 Lucas Rogers, March 27, 2015**

### **73.1 The Neighborhood Residence district of the proposed ordinance, which will replace the existing RA & RB districts, will exacerbate existing pressures towards harmful infill development in Somerville's established residential districts.**

This is certainly not the intent. The NR district removes many provisions of the existing ordinance that allow for incompatible development to be built in the current RA and RB districts, including rear-yard houses, large rear additions, and large multi-family developments. Nonetheless, OSPCD will review the provisions of the NR district and is currently conducting an in-depth analysis of potential residential infill development for all properties to determine the likeliness and nature of possible infill development.

### **73.2 The proposed ordinance should prohibit the construction of new buildings in back yards, new buildings in side yards, substantial additions to accommodate new units, new dwelling units to existing buildings, further encroachment on established setbacks, and subdivision.**

OSPCD seeks a balance between the desires suggested here and the need for dwelling units to adapt to changing household and family needs as follows: 1) Article 2: Base Districts §5.c.iii of the proposed ordinance requires a special permit to permit new units in existing buildings. This is a change from current practice, that allows new units by-right on larger lots; 2) The construction of new buildings in back yards is prohibited, as Article 8: Public Realm §6.a requires all lots to abut a thoroughfare or civic space and Article 3: Building Types §B.1.a.i of the proposed ordinance limits the number of buildings permitted on each lot. Both of these rules are changes from the current code, which permits buildings to be on the rear of a lot, and permits multiple buildings on one lot by special permit; 3) Building expansion is limited to contextual additions. "Substantial additions" to existing buildings must be compliant with the dimensional requirements for the Building Components identified in Article 3 §D. Each building component included in the proposed ordinance has individual dimensional standards that do not permit additions to become inappropriately sized; 4) Article 11: Nonconformance §A.3.vii requires any alterations to an existing nonconforming structure that increases the degree of an existing nonconformity to receive a Special Permit. This section is being reviewed for further clarification in the next draft; 5) But, the proposed ordinance does permit a wide lot to be divided into two or more lots that would facilitate infill development. But, the new structures are typically smaller than those permitted today. This permits contextual new family residential housing within existing neighborhoods. Lot splits must result in conforming lots, so a new building would not be permitted in side yards unless the lot and building met the standards of the proposed ordinance. For the next draft of the proposed ordinance, OSPCD will review the circumstances where certain building types and lot splits are permitted.

### **73.3 The character of Spring Hill, with its substantial number of large lots and small residential structures, is not embodied in the Neighborhood Residence district that the proposed ordinance illustrates in its pages, assumes exists, and attempts to preserve.**

Spring Hill is, essentially, a neighborhood of cottages, houses and paired houses. Nonetheless, OSPCD is currently conducting an in-depth analysis of potential residential infill development for all properties in the Neighborhood Residence district that will inform possible changes for the next draft of the proposed ordinance.

**73.4 The Neighborhood Residence district, while relatively conservative for the later ‘streetcar’ era style patterns of development in Somerville, will lead to radical change in Spring Hill.**

Spring Hill is, essentially, a neighborhood of cottages, houses and paired houses. Nonetheless, OSPCD is currently conducting an in-depth analysis of potential residential infill development for all properties in the Neighborhood Residence district that will inform possible changes for the next draft of the proposed ordinance.

**73.5 The drastic reductions in lot minimums will present significant opportunities for harmful subdivision, and subsequent construction of new housing in Spring Hill’s back and side yards. The proposed ordinance should retain the 10,000 square foot lot size minimum of the current ordinance.**

Even in Spring Hill, the 10,000 square foot minimum lot size is far in excess of the current lot sizes, and only exists as a strategy for rendering the entire city non-conforming to exercise unreasonable and inconsistent control over home additions and development. If the division of lots is a concern on Spring Hill, it may make more sense to control lot splits on existing residential lots, or implement further historic district protections on Spring Hill. All of this is being reviewed by OSPCD. See also Written Comment 73.1 for more information.

**73.6 The proposed ordinance should not encourage the subdivision of residential lot to encourage infill housing and the sentence stating “if a lot is larger than the maximum for a certain building type, the lot should be split to accommodate another building” should be struck from the proposed ordinance.**

The system built into the proposed ordinance is designed to replicate the small scale lots and buildings that are part of Somerville's character. In the UR or MU districts, if a lot is larger than the maximum floor plate permitted for a building, the lot may be left as is or split into two lots to permit two buildings to be built. In the NR district, a lot can only be split into two if both of the new lots created meet the minimum width and depth standards for the appropriate building type. This system replaces the one in the existing ordinance that encourages applicants to propose larger, contextually inappropriate buildings in the RA and RB districts. OSPCD is reviewing possible development in the NR district (conserve areas identified in SomerVision) to ensure that the level of development permitted is in line with community expectations. OSPCD is aware that the application of the provisions of the NR district as it relates to areas with wider lots, such as the Spring Hill neighborhood of Somerville, requires more scrutiny.

**73.7 The proposed ordinance requires only a zoning permit for a lot split (the division of a lot or parcel of land into two (2) smaller lots or parcels of land). Lot splits should be folded into the same process that is used to approve subdivisions (the division of a lot, tract, or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale, legacy, or development at any time, where a new thoroughfare or way is needed to provide access to the lots which would otherwise be landlocked). The current ordinance requires site plan approval of all subdivisions (including lot splits)**

The proposal for lot splits replicates the existing process in the current ordinance, which includes a type of 'minor subdivision' that permits the Planning Director to approve the division of one lot into two lots. See also Written Comment 73.6 for more information.

- 73.8 The “paired house” is a four-unit structure posing as a two-unit structure and introduces, for the first time, a by-right four-unit structure in the former RA and RB districts.**

Despite how things look on the exterior, a paired house is not a four unit structure. Paired houses are a semi-detached building with up to two dwelling units and sharing one party wall with a neighboring building on a different lot. This building type is already found throughout Spring Hill. OSPCD will change the name of this building type to the "Semi-Detached House" which is more familiar term used by the real estate industry for this existing building type of Somerville. But, furthermore, the strategy to permit new paired houses in the NR district will be reviewed by OSPCD for the next draft of the proposed ordinance.

- 73.9 Blending the RA and RB zones will subject residents to the risk of up-zoning to 3-unit (in existing RA) and six-unit (in existing RA and RB), as well as the uncertainty of the special permit process. In this case, the proposed ordinance’s goal of replacing case-by-case permit decisions with clear standards has been upended.**

OSPCD is currently conducting an in depth analysis of potential residential infill development for all properties in the Neighborhood Residence district.

- 73.10 To permit the conversion of houses that have the look and feel of single-unit buildings into triple deckers and paired triple deckers does not uphold the purpose statement “to respect existing built form and development patterns” and the proposed special permit process to authorize them adds the stress of having to argue this point with an uncertain outcome.**

Yes. For this reason, OSPCD is currently conducting an in depth analysis of potential residential infill development for all properties in the Neighborhood Residence district. The full extent of infill permitted in the NR district will be determined by that analysis.

- 73.11 The proposed ordinance includes reduced front and side setbacks that are unjustified, even in the attempt to reduce nonconformity. The existing legal setbacks, were they do exist, are appropriate and worth maintaining. Narrow side setbacks will encourage dark areas between buildings, and noise issues between neighbors.**

The setbacks proposed in the ordinance were developed following an extensive survey and measurement of the existing residential lots in Somerville. The proposed setbacks will ensure that development will match existing neighborhood patterns.

- 73.12 We find no limits in the proposed ordinance on how much side wings and rear additions may project into a setback. See, for example, Article X. Section B.2.c.i and Article X, Section D.10 of the proposed code. If this is an oversight, it should be corrected. Side wings and rear additions have no place in the very modest, and reduced, setbacks of the proposed ordinance, and should be eliminated as of right additions within setbacks.**

The proposed ordinance requires that all "buildings and structures must be located at or behind any required minimum front, side, or rear setback" including all building components (side wings and rear additions). See Article 3 Section B.2.

## **74.0 Mark Niedergang, March 27, 2015**

- 74.1 The proposed ordinance should require that a property owner replace any trees four inches or larger that were cut down to expand or construct a new building and require that the City's Tree Warden or a certified arborist, rather than a building inspector, make determinations about the health of trees.**

OSPCD calls for the preservation of trees and requires the replacement of existing trees within setback areas as a result of construction damage. See Article 6 §D.5 Tree Preservation. OSPCD will amend the section to identify a certified arborist at the agent able to determine if a tree is in 'good health and not damaged, diseased, or a threat to public health or safety.'

## **75.0 Myriam Scrugli, March 27, 2015**

### **75.1 The proposed ordinance should not restrict the number of unrelated individuals that can live together in a dwelling unit, but the number of unrelated undergraduates should be regulated.**

OSPCD has carried over and integrated the no more than four (4) unrelated individuals standard into the definition of "Household Living" in the proposed ordinance. The existing and proposed ordinance functions exactly the same way in this respect. Co-Housing or Cooperative Housing is categorized under the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.

## **76.0 Sarah Radding, March 27, 2015**

### **76.1 The proposed ordinance should permit in-law apartments in a carriage house or above a garage, in addition to basements.**

OSPCD does not plan to include residential "carriage houses" as a building type for the proposed ordinance. The existing ordinance permits reuse of historic carriage houses for things other than residential use and this standard is being carried over for the proposed ordinance. At this time, there is not support from the Board of Aldermen to permit residential accessory structures. The proposed ordinance does permit secondary dwelling units in basements of owner occupied buildings in the NR district by Special Permit. The house building type was created to maintain the main body of a house as a structure with up to two (hopefully family-sized) units. Allowing a separate third residential unit under the roof leads to excessive dormers, egress issues (the building code is different for 1 & 2 families and 3+ families), and smaller units overall that limit options for families seeking more space.

### **76.2 Many of the housing types seem redundant, distinguished only by whether they are on one or two lots. These shades of meaning between building types would be more readily understood if the lot conditions were more explicitly highlighted.**

Some building types are similar in illustration but buildings must comply with both lot and dimensional standards which is the purpose of the separate building types.

### **76.3 I'm concerned that the paired house typology could create an unintended effect. Suppose you have a single vacant lot that is at least 27' wide but not 32' wide. It is technically unbuildable on its own. But if the lot next to it is the same size with an existing single family 'cottage' on it, it could be purchased, the cottage demolished and two paired houses, for a total of 4 units, could be built in its place. This may unintentionally encourage the demolition of existing housing stock. Furthermore, is there a mechanism to stop someone from building a one-sided paired house with 0 setback from the side lot line, if there is not currently an existing party wall condition?**

By definition, "one sided paired houses" are not permitted because they must be attached to another paired house that is on its own lot. In relation to the circumstances described in this comment, there are very limited circumstances where a 27 foot wide lot happens to be directly beside a cottage lot that would encourage redevelopment of this nature to take place.

### **76.4 Why wouldn't triple-deckers be allowed as of right in UR districts?**

The Urban Residential district is intended to have higher density residential building types: four-plexes, six-plexes, row houses, apartment houses, and apartment buildings.

### **76.5 Perhaps rather than declaring horizontal window to be de facto nonconforming, they might be subject to design review. While they tend to be unsightly when inserted into a traditional facade, they can be quite appropriate in modern construction.**

OSPCD is considering the addition of a Special Permit that would permit specific types of relief from the design standards of the proposed ordinance at the discretion of the Boards. This is the best way to permit design flexibility with adequate review in circumstances where an applicant may choose to ask to deviate from the standards.



**76.6 The prohibition of reflective glass is at once restrictive and vague (what is the threshold for non-compliance?) and seems likely to create unnecessary confusion and debate.**

This standard is established to ensure that first floor commercial activity is visible from the public realm and that upper floor windows do not reflect undue solar energy back onto neighboring structures. Manufacturers produce glass with known light transmission and reflection ratings.

**76.7 Landscaping in parking lots. Article 7.B.7. There should be requirements for tree plantings in this section, both for beautification and sustainability.**

There are no landscape standards for surface parking lots because surface parking lots over six spaces are prohibited for all new development.

**76.8 Where compliance with ADA requirements is referred to, MAAB (CMR 521) should also be added.**

This will be corrected.

**76.9 For several housing types, the minimum width of the building, when paired with the minimum side setbacks, do not allow for a driveway on one side of the lot if it is the minimum compliant width. Was this intentional?**

This is intentional. Not all lots will have parking accessed by a front driveway. Minimum lot width is based upon lots with no driveway. Minimum lot width requirements do not prevent wider lots when front driveway access is necessary. However, to provide clarity, OSPCD is adjusting the Lot Dimensions section of each building type table to include minimum lot widths for lots with No Driveway Access, Side or Rear Driveway Access, and Front Driveway Access.

**76.10 There need to be provisions for zoning relief for accessibility, due the city's stated objective to facilitate aging in place.**

Zoning relief for accessibility is established through federal, state, and other local ordinances. The Fair Housing Act of 1988 and the Massachusetts Fair Housing Act provide individuals with disabilities reasonable accommodation in rules, policies, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. The Board of Aldermen have approved a local 'reasonable accommodations ordinance' which permits applicants to request and staff to grant reasonable waivers from zoning to meet accessibility needs. Accessibility ramps are also exempt from dimensional requirements in zoning, per state law. OSPCD is open to additional specific suggestions on provisions that can facilitate aging in place.

**76.11 Design Review Considerations. Article 3.H.1. Consideration of the landscape design and features should be added to this section.**

OSPCD will make this adjustment in the next draft of the proposed ordinance.

**76.12 Although I don't believe the intent is to prevent innovative and high-quality design from happening, designs that don't strictly comply with the ordinance will open themselves to opposition, and the same 'design by committee' that happens now for projects requiring a special permit due to minor non-conformities apply for zoning relief. Maybe the proposed design standards can be maintained for simple, everyday projects, with language added to allow for design review of projects that don't strictly comply with the prescriptive**

**standards.**

The building types and standards of the proposed ordinance represent a minimum standard necessary to ensure all new development reflects the character of Somerville's built environment, while maintaining the ability to develop significant architectural creativity. Nonetheless, OSPCD is considering the addition of a Special Permit that would permit specific types of relief from the design standards of the proposed ordinance through discretionary Board approval. This is the best way to permit design flexibility with adequate neighborhood review in circumstances where an applicant may choose to ask to deviate from the standards.

- 76.13 X.G.4.a. Building facades must provide surface relief through the use of bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other equivalent architectural features that either recess or project from the average plane of the facade by at least four (4) inches. The surface relief described means a building with a taut glass façade, such as the new Cambridge Public Library, is out of compliance.**

This is true. However, if the Cambridge Public Library were in Somerville, it would be a Civic Building under municipal ownership and not subject to the building types and design standards of the zoning ordinance (see Article 1). Public engagement processes outside of zoning are better equipped for providing public oversight of the development municipal buildings according to community desires.

- 76.14 3.G.4.b. Building facades must be vertically articulated with architectural bays between six (6) feet and fifty (50) feet in width to create an equal, central, and/or ends focused composition as illustrated in Figure 3.1. This suggests that an asymmetrical façade composition may not be allowed. I think it's arguable that the classic vernacular New England salt box does not comply with this requirement – there is no vertical articulation of bays on the façade.**



Architectural bays are used to vertically subdivide the façade of a building and are not the same projecting bay windows. The pictured salt-box that was attached to this comment has 5 architectural bays, one for each window, and is a center focused composition of bays as permitted by the proposed ordinance.

- 76.15 3.G.4.c. Buildings greater than one hundred (100) feet in width must be designed to read as a series of smaller buildings with varied architectural design and fenestration patterns or include a change in vertical plane of the façade of at least four (4) feet (in depth or projection) for at least one (1) bay in width for every one-hundred feet of total Like the afore-mentioned Cambridge Public Library, the David Aposhian project at 432 Norfolk Street (Cambridge and Somerville) does not comply with the above language. It's a successful and attractive development that has transformed its light industrial no-mans-land. It uses a pergola, lush landscaping and detailed stonework at grade to achieve its pleasant scale, but does not disguise the building's length.**



See Written comment #76.12 for more information.

**76.16 The following examples (none of them local, but all nicely crafted and at a human scale) do not comply with the requirements that the base be “be visually differentiated from the stories above by a horizontal expression line or cornice and include a change in color, building material, or pattern of fenestration...”**



The horizontal articulation of a building's facade is an existing condition of the overwhelming majority of Somerville buildings and an important element that's makes up the character of Somerville's built environment. As written, the horizontal articulation standards allow for a wide range of possibilities to achieve the requirements for a base, middle, and top. See also Written comment #76.12.

**76.17 Under Standards for All Building Types 3.B.4.A.i.a, the draft code stipulates that “All fenestration (doors and windows) of a facade must be square or vertical in proportion, except...” (with 2 exceptions). Adele Santos’ residence in Somerville will be out of compliance for the horizontal clerestory windows:**



Horizontal fenestration can be achieved through combinations of windows that are square or vertical in proportion themselves. Also, see also Written Comment #76.12.

## **77.0 Danny LeBlanc, March 27, 2015**

- 77.1 We endorse all the recommendations made the Affordable Housing Organizing Committee to strengthen the Inclusionary Housing provisions of the Ordinance, including enhanced protections for residents of current and future Inclusionary Housing units.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

- 77.2 The Planning Board and Board of Aldermen should seek all assurances possible in the Zoning Code that the City's stated goal for housing units and, particularly affordable housing units can be met with the new Zoning Code.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

- 77.3 The Dimensions of Displacement report, authored by the Metropolitan Area Planning Council (MAPC) with the City of Somerville and SCC, details the need for up to 9100 new units of housing, with 35% of that new housing to be affordable to households at or below 80% of Area Median Income. With that documented need, it is imperative that the City carefully enable the creation of that affordable housing both through its Inclusionary Housing policies, as well as Zoning to enable the creation of hundreds of units of "purpose-built" or all-affordable housing developments.**

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that includes a Housing Needs Assessment and a review of how the provisions of the proposed ordinance produce affordable housing in relation to that need. Additionally, OSPCD will take into consideration possible changes based on public feedback for the second draft of the proposed ordinance.

- 77.4 Considering that much of both the new commercial and the new housing development is slated for the designated transformational districts, and that expectations for both pose dramatic change and implication for Somerville, we recommend that models be run and presented to the Planning Board and Board of Aldermen that demonstrate build out allowed by the new zoning that meets both the commercial, job-generating goals as well as the housing goals set forth in SomerVision.**

OSPCD is carrying out a number of studies including economic development, housing, fiscal, and parking analysis to determine the impact of the proposed ordinance.

## Public Comments Submitted through Open Comment

**001 I'm having a really hard time wrapping my mind around how these changes will work for Union Square. It would be super helpful if you could explain through case studies. Can you take five current businesses in Union Square: Market Basket, Ricky's, Somerville Grooves, Reliable Market, and Cantina La Mexicana and tell us what you think will happen to them in 1, 5, and 10 years with this new rezoning? Do they stay? If they're renters, how much does their rent increase? Do they get more business? Do their costs (for customers) go up?**

**Then can you explain through case studies (based on varying levels of income) how resident's lives will change in 1, 5, and 10 years with this new rezoning? How much do we spend to live here now? How will rent and other costs of living (groceries, transportation) go up and what will we need to make in order to afford to stay in Somerville?**

OSPCD is creating a number of case studies for example development in each of the zoning districts in the proposed ordinance. OSPCD is also developing estimates of economic impact of the ordinance. Further changes to the ordinance may be required in Union Square, based upon the outcome of the Union Square Neighborhood Plan. While these studies will address many of these questions, no zoning study can predict the timing of particular development or the cost of rent, groceries, and transportation.

**001b I like the idea of presenting some illustrative case examples of how the new zoning would apply to recent development proposals. It would be helpful to understand whether these existing proposals would meet the proposed zoning, and if not, why? I have a few case suggestions:**

- **16 Linden Ave: 8 unit infill among 2-3 family neighborhood**
- **11 Linden Ave: Addition of rear "carriage house" duplex**
- **9-11 Aldersey Street: addition of two new multi-family structures on a lot with a single 3-family building**
- **139 Summer Street: conversion of 2-unit to 3-unit with side entrances**
- **314-316 Somerville Ave: addition of 2 floors and 2 residential units over commercial w/ non-conforming features**
- **70 Prospect Street: 5 story development: residential over small commercial unit and ground floor covered surface parking**

OSPCD is creating a number of case studies for example development in each of the zoning districts in the proposed ordinance.

**001c I am also very concerned about what will happen in the residential areas specifically. The code proposes to make one residential distinction that includes triple deckers, and this is just wrong in some residential areas. You said at the meeting that allowing a triple decker in an area of 2 and 3 story homes would never happen, but if it's in the code, believe me it will. I understand your focus on increasing the business tax base in Somerville. But this cannot happen at the expense of the lovely residential neighborhoods we have.**

OSPCD is currently conducting an in depth analysis of potential residential infill development for all properties in the Neighborhood Residence district. Based on the results of that analysis, OSPCD will develop standards to limit the proliferation of the Triple Decker building type in areas where they are not already present. It is not the intent of the ordinance to radically change two-unit two-story building neighborhoods into triple deckers. As proposed, triple deckers are

only permitted by special permit in the Neighborhood Residence district and only on a lot that meets the exact dimensional standards specifically calibrated for triple deckers.

**002 Add - Environmentally friendly**

OSPCD will adjust the purpose statement about neighborhoods as follows:

d. To develop and maintain complete, mixed-use, walkable, transit-oriented, environmentally sustainable neighborhoods that foster a strong sense of community throughout the city.

**003 And nightly life as well!**

Day time and night time activities are covered as a part of "daily life". The phrase "daily life" is generally inclusive of "social activities or entertainment available at night" because the word "day" primarily means "a period of twenty-four hours as a unit of time" as opposed to using the word "daytime".

**003b Agree [with comment #003].**

See Open Comment #003 for more information.

**004 Thanks for including this language about housing stock in the preamble.**

OSPCD stresses that this is a city-wide goal and broad purpose statement of the proposed ordinance. Implementation of housing types, sizes, and price points will be different for different areas of the city and different types of buildings.

**005 Using "may" as permissive and "may not" is mandatory is confusing. "Shall not" or "Must not" would be better for mandatory negatives.**

Former Massachusetts Assistant Attorney General Robert W. Ritchie has provided OSPCD with guidance on ordinance writing to improve communication and reduce confusion while remaining legally correct. His instructions call for use of the active voice, present tense, and third person singular verbs along with strict use of the word "shall" to impose a duty to act upon another person or board.

Use of the term "shall" is improper when used to indicate the future tense, to impose a duty not to act (ie. shall not), to impose a limitation, or to declare a legal result rather than give a command. Correspondingly, the word "may" is used exclusively to grant discretion or authority to a particular actor.

To prohibit an action, the words "shall not" are misleading; the appropriate term is "may not." The words "shall not" mean that a person does not have a duty to or is not required to engage in the described action, while the words "may not" serve to deny the actor power or authority to engage in the action.

The Staff and the Legal Department of the City have accepted the former Assistant Attorney General's recommendations and have completed an edit of the proposed ordinance accordingly.



- 006 So as not confuse the expression Transit Oriented (used elsewhere) with Transit Orientation, please consider renaming Transit Proximity, which indicates what its purposes actually is.**

OSPCD has received multiple comments concerning the TOD map, use of the term "transit-oriented", and coordination of regulations that relate to transit proximity. As a result, language in Article 1: Introductory Provisions; Article 7 Mobility, Parking, & Access; and Article 9: Community Benefits is being re-written for clarity and to streamline terminology and references across sections.

- 007 It may be better to remove the word "rail", thereby including hypothetical bus rapid transit service.**

OSPCD will rewrite this section to improve clarity. Article 7 and Article 9 will also be edited in a corresponding move. See Open Comment #006 for more information.

- 008 I think you mean "...shall remain valid per statute", since these types of permits have expiration dates if they are acted on.**

OSPCD will edit this text to read "subject to Massachusetts General Laws (M.G.L.) Chapter 40A, as amended, and all conditions attached to the approval".

- 009 I welcome this effort to provide a unified set of regulations. I wanted to comment about how districts are zoned.**

**I am not a developer; I have lived in Somerville for 15 years and am raising my family here. Like many people I am concerned by the rapid gentrification - and as active volunteer in young sport I am stunned by the number of coaches that are asking to reconstitute their teams because so many of their player's families have moved out of Somerville because of the high housing cost.**

**From attending a number of the planning department open meetings I now realize that the demand of Somerville housing is essentially infinite - demand far exceeds supply, and so prices will continue to rise beyond the ability of single earner families as other configurations with more earning potential per bedroom outbid them. So I have reluctantly concluded that the viable way to keep some balance is to encourage development with lower income housing set aside.**

**The option of no development will lead us to no children in Somerville.**

**I understand why this document tries to limit new development to major through-fairs, but I think this is too limiting, and so we will quickly fall back to the old approach of managing by exception - which favors the well connected. We can't change the awful apartment buildings and commercial properties that have dominated some of the lessor streets - so I think we need to have less of a bright line between pure residential and mixed used areas. If the street is already dominated by apartment buildings and other properties lets allow the few remaining houses to convert so we have a concentration of these buildings and we at least get some low income housing out of it. I realize this requires finesse and judgement but there is really no guidance in this document about how these areas will be tackled.**

OSPCD agrees with this strategy and has worked to map areas that are primarily apartment buildings in the UR (Urban Residence) district.

- 010 The mansard is a unique Building Type that is not listed here and there are many in Somerville. If it is a three-story building, they are not really a triple decker form. However, they'll get lumped in with them under this classification matrix.**

A mansard roof is a permitted type of half story, not a building type unto itself.

- 011 If Paired Houses and Paired Triple Deckers are allowed [in Neighborhood Residence], why not Four Plex and Six Plex? They seem to have very similar outward appearances and urban densities.**

To develop the standards for the NR district, OSPCD conducted a physical survey of lots and buildings in the existing RA and RB districts (now the NR district) to determine what building types were typical in those areas. The "RA/RB Report" published in 2013 explains some of the findings of that survey. Although some apartment buildings, four plexes, and six plexes can be found in the NR district, the primary development pattern is a single building with no more than three units on an individual lot. This pattern typically exists as a building that is fully detached on its own lot. However, there are many existing examples in Somerville where the building is attached on one side (sharing a party wall on the lot line) to another similar building. The difference is whether there is two buildings on two lots attached at the side (paired house or paired triple decker) or one building on one lot (four plex & six plex) and how the lots are platted and owned. Nonetheless, OSPCD will review the permitting of new paired houses and paired triple deckers in the NR district for the next draft of the proposed ordinance to determine if it is the correct strategy.

- 012 [Shop houses and neighborhood stores] should be allowed everywhere for a more mixed-use feeling**

Shop houses are permitted under specific conditions in locations that are otherwise primarily residential. These areas benefit from small scale, neighborhood serving retail in a location where it will have minimal impact while also being most likely to succeed. Therefore, these types are permitted on corners, where there is traffic and visibility from different directions.

- 013 Should "Use Restrictions" appear under "Use Provisions" below?**

The standards of Section 4 are special use provisions that apply throughout the district to any building meeting the qualification. The specific use restrictions for Shop Houses and Neighborhood Stores are only applicable for Shop Houses and Neighborhood Stores. The subsection is designed to be self-contained by locating all of the limitations in one place.

- 014 Would this permit other professional services to be provided in shop house or neighborhood store? There are many examples in Somerville of dentist offices, doctor's offices and small legal or other services in this building type**

As proposed, shop house uses in the Neighborhood Residential district are limited to the following principle use category, specifically arts sales and service, creative studio, design services, consumer goods, fresh food market and/or grocery store. These are activities with limited visitor traffic or those where visitor traffic usually walks from within the adjacent

neighborhood.

- 015 Subdivision of an existing one-unit, two-unit, or three-unit building to create a larger number of units within that building should require a variance, and not a special permit, except in the case of creation of so-called mother-in-law apartments in a basement that was previously not used as a living quarters. Such creation of a mother-in-law apartment should only require a special permit, since it does not result in the loss of bedroom capacity in the existing units. This change is recommended, given the importance of more or less maintaining the current density of such neighborhoods, and the goal of retaining as much as possible of the existing-sized housing stock in these neighborhoods.**

Building types are not permitted to have more dwelling units than the number permitted for each type. For instance, a cottage is a one (1) unit building type and is not permitted to have more than one (1) dwelling unit. Similarly, a six-plex is a six (6) unit building type and not permitted to have more than six (6) dwelling units. Article 2: Base Districts of the January 22 draft of the proposed ordinance requires a Special Permit for any alteration or renovation of an existing building that results in an increase of the number of dwelling units, up to the maximum permitted for each type. OCPCD will add the text "up to the maximum permitted for each type" to the text of Article 2 §A.5.c for clarification.

Secondary Dwelling Units are allowed by Special Permit in the proposed ordinance. See §5.C.6.a

- 016 ... not withstanding Article 11.A.2...**

This item has been corrected.

- 017 Basically there is no provision to convert a large non-conforming commercial or industrial use in an NR district to any other use other than the [Arts & Creative Enterprise uses listed here]. Adaptive reuse for housing, for instance, is expressly not allowed per this and Article 11.A.**

This is true; OSPCD has prioritized the creation of space for Arts & Creative Enterprise uses for the reuse of nonconforming principal structures or municipally owned buildings in the Neighborhood Residence district.

- 018 Consider adding Impact on Existing Trees and vegetation [for triple deckers].**

OSPCD does not agree that this should be a consideration for whether or not a triple-decker be permitted. The proposed ordinance incentivizes the preservation of trees and requires the replacement of existing trees within setback areas as a result of construction damage. See Article 6 §D.5 Tree Preservation.

- 019 Consider adding Impact on Existing Trees and vegetation [for paired triple deckers].**

See Open Comment #018 for more information.

- 020 [Is the paired triple decker] allowed or no?**

No, the proposed ordinance does not permit Paired Triple Deckers in the UR district.

- 021** **Subdivision of an existing four-plex or six-plex to create a larger number of units within that building should require a variance, and not a special permit. This change is recommended, given the importance of more or less maintaining the current density of such neighborhoods, and the goal of retaining as much as possible of the existing-sized housing stock in these neighborhoods.**

Conversion of a four-plex or six-plex to increase the number of units is not permitted by the proposed ordinance. See Open Comment #015 for more information.

- 022** **Why would Triple Deckers not be permitted [in the UR District]?**

The Urban Residential district is intended to have higher density residential building types: four-plexes, six-plexes, row houses, apartment houses, and apartment buildings - all of which are found in Somerville.

- 022b** **Agreed - a triple decker is a common Building Type in existing Res-C districts many of which are being converted to UR.**

See Open Comment #021 for more information.

- 023** **Why would [shop houses and neighborhood stores] only be permitted on corners? Highland Ave across from City Hall is zoned UR and there are many shop houses and neighborhood stores along the street. It seems appropriate to allow shop houses or neighborhood stores mid-block in this district.**

Shop houses are permitted under specific conditions in locations that are otherwise primarily residential. These areas benefit from small scale, neighborhood serving retail in a location where it will have minimal impact while also being most likely to succeed. Therefore, these types are permitted on corners, where there is traffic and visibility from different directions.

- 023b** **Agree with above comment, it seems overly restrictive to only allow shop/store units on corners in UR.**

See Open Comment #023 for more information.

- 024** **Is it the lot that fronts or the store itself?**

For the proposed ordinance, frontage is defined an area of a lot and that areas adjacency to either a public thoroughfare or civic space. The shop house building type is not permitted on a lot that only has frontage on a dead end thoroughfare.

- 025** **Subdivision of an existing four-plex or six-plex to create a larger number of units within that building should require a variance, and not a special permit, except in the case of creation of so-called mother-in-law apartments in a basement that was previously not used as a living quarters. Such creation of a mother-in-law apartment should only require a special permit, since it does not result in the loss of bedroom capacity in the existing units. This change is recommended, given the importance of more or less maintaining the current density of such neighborhoods, and the goal of retaining as much as possible of the existing-sized housing stock in these neighborhoods.**

See Open Comment #015 for more information.

- 026** **Should this be expanded to allow for other neighborhood oriented professional services? (Medical, legal, etc.)**

See Open Comment #014 for more information.

- 027** **The 3MU zone [should] be allowed in the existing RC zone on Highland Ave. There are many shops and businesses on Highland Ave and by allowing most of Highland Ave to remain as a mixed use zone, it will support existing local businesses to grow and promote more pedestrian activities.**

There were a number of comments submitted to OSPCD suggesting that zoning on Highland Avenue is either too dense, or not dense enough. Highland Avenue is proposed to be a mix of NR, UR, and MU districts based on historical development patterns and higher intensity nodal development at intersections with major north-south streets. The remapping of Highland Avenue followed a consistent logic that was carried across the entirety of its length for the proposed map. Areas of existing apartment buildings and large old homes already converted into multi-unit apartment houses (or properties where it is appropriate to do so) were remapped as the UR district. Areas of existing houses were mapped as the NR district. Additionally, compliant building components can be added to a building that is not one of the permitted building types in district where the building is located. Nonconformity to the "type" designation only is not intended to inhibit the adaptation of a building in ways that conform to the rest of the code. Article 11 of the proposed ordinance includes rules for alterations to existing nonconforming uses, structures, site characteristics, lots, and signs. OSPCD will edit the text of Article 11 to clarify what can and cannot be done to nonconformities. OSPCD will also review all of the UR zoned lots along Highland Avenue to ensure that they were not mapped into the wrong district of the proposed ordinance.

- 028** **remove 'smaller' - this is too much of a generalization and may discourage flexibility**

The word smaller refers to the size of the household residing within a dwelling unit. See Open Comments #004 and #040 for additional information.

- 029** **This is a mixed-use district and apartment buildings (residential on all floors) are not mixed use buildings - this should either not be permitted or require a special permit**

The Apartment Building type cannot be built on a lot designated with Pedestrian Street frontage. The pedestrian street designation of the proposed ordinance prevents apartment buildings on streets better suited for primarily commercial development while allowing them on side streets, specifically in cases where large or deep lots have frontage on multiple streets. OSPCD is exploring requiring a Special Permit for residential uses in MU districts. See Open Comment

#035 and #029b for additional information.

- 029b** Based on a review of the proposed map, there seem to be a lot of 3-MU lots where commercial would not be appropriate at the ground floor or would not be viable. Transitional lots to neighborhoods as an example, so I think this flexibility [to build an apartment building in 3MU] is needed.

Yes, this is the reason the apartment building was included as a permitted type in the MU districts. Removal of the apartment building type will create a number of situations where commercial uses could be developed yet are undesirable.

- 030** Consider requiring 1 shade tree and 3 shrubs per parking space, or other vegetated requirements to offset impermeable surfaces.

There are no landscape standards for surface parking lots because surface parking lots over six spaces are prohibited for all new development.

- 031** Should consider adding bike parking requirements.

See Article 7 Section A for the Bicycle Parking provisions of the proposed ordinance.

- 032** Interesting ... and kind-of awesome. Dealing with pre-existing buildings might be an issue though.

Previously existing uses and previously permitted development is grandfathered.

- 032b** yeah!

See Open Comment #032 for more information.

- 033** The fact that buildings are sized in number of stories seems to work against this goal of housing type diversity. I expect most new construction will be of the maximum stories and maximum story height allowed by the code. If a developer of a particular site had to make a tradeoff between, for example, 5 stories at 12-foot story height or 6 stories at 10-foot story height, then we might see a better balance between 12' story height luxury condos and more affordable 10' story height apartments.

The proposed ordinance does not regulate maximum story heights, except that a first floor greater than 25 feet in height counts as two floors. Only minimum story height, the total number of stories, and the total height of a building are regulated by the proposed ordinance. For each story of a building, a developer may choose to provide a ceiling height of their choosing provided that it meets the minimum standard. Individual stories can be built with different ceiling heights and those floors all add up to the permitted number of stories and total permitted height for the building. The proposed ordinance provides for housing diversity through the various building types permitted in each district, unit size requirements, and the mapping of different zoning districts in different location of the city. Additionally, the proposed ordinance encourages housing diversity in terms of unit price and tenure type through the type and size of housing permitted in different areas.

**034 remove 'smaller'**

The word smaller refers to the size of the household residing within a dwelling unit. See Open Comments #004 and #040 for additional information.

**035 This is a mixed-use district and apartment buildings (residential on all floors) are not mixed use buildings - this should either not be permitted or require a special permit**

A mixed use zoning district does not mean that every building must be mixed use itself, instead meaning that the overall district will have a mix of uses. Both the all-residential 'apartment building' and the all-commercial 'commercial building' are appropriate components of a district that is, overall, mixed-use. See Open Comment #029b for more information.

**036 Buildings in 4MU are not required to include open space (outside of set-backs), so is it likely the zoning would produce 4MU developments with expansive interior courtyards, as illustrated here?**

Some 4MU building sites will be able to accommodate courtyards. The district's building types do not preclude a courtyard. The 4MU graphic in the code is for illustrative purposes.

**037 Should consider adding bike parking requirements.**

See Article 7 Section A for the Bicycle Parking provisions of the proposed ordinance.

**038 Consider requiring 1 shade tree and 3 shrubs per X amount of parking spaces, or other vegetated requirements to offset impermeable surfaces.**

See Open Comment #030 for more information.

**039 Public realm requirements are missing from this section. There should be an open space requirement for 5MU. This is particularly important for Union Square, where more very large properties in 5MU could potentially be developed without any open space. While this would not be appropriate for every small lot in 5MU, 10% could be a reasonable requirement, with an exemption provided for lots under a certain size or a payment in lieu of open space permitted for lots under a certain size that would allow for the aggregation of small individual open spaces.**

Each of the Civic and Recreation Space types of Article 8: includes minimum sizes that ensure a viable public space of that type. These minimum sizes must be taken into consideration when analyzing the ability of an on-site open space requirement to generate viable public spaces. The average lot size in 5MU is about 7,350 sq. ft. A 15% on-site open space requirement would produce about 1,100 sq. ft. of open space, which only permits design as a very small pocket park. The average lot size in 7MU is about 13,780 sq. ft. A 15% on-site open space requirement would produce about 2,065 sq. ft. of open space, which could be designed as a pocket park. The average lot size in 10MU is about 20,800 sq. ft. A 15% on-site open space requirement would produce about 3,120 sq. ft. of open space, which could be developed as a pocket park or playground. A 15% on-site open space requirement has minimal impact and any reasonable increase to the required percentage of onsite open space will struggle to result in the creation of quality civic and recreation spaces desired by the community, yet each increase reduces the viability of each lot as a site for the potential development of commercial space or housing. OSPCD believes achieving

SomerVision's goal for 125 new acres of open space must be achieved through additional or other means because an on-site open space requirement will not meet expectations.

**040 If you are "promoting diversity in housing"(as specified in purpose b.) why state that one specific type of housing is being promoted in purpose c.?**

This clause is meant to encourage unit type diversity. The intent is to promote the inclusion of housing for smaller households in upper stories of mixed-use buildings in 3MU, 4MU, and 5MU districts and housing for larger households and families in other building types.

**041 What is a "neighborhood and community serving" commercial use? How about just general office/commercial space?**

This is a reference to the market served by a retail use: the neighborhood, all of Somerville, or the Metro region. OSPCD is editing this text to properly reference 'retail' instead of 'commercial'.

**042 Given that apartment building types are 100% residential, does it makes sense to allow them in Mixed Use districts? Some of the CCD zoning today would potentially lose 1st floor commercial (particularly if not along a "pedestrian street."). Is this the intent?**

See Open Comment #035 and #029b for more information. In most places where the CCD district of the existing ordinance would require commercial on the first floor, the proposed ordinance applies a 'pedestrian street' requirement that is actually more specific in the types of commercial uses required on the ground floor. Pedestrian streets are typically mapped along main streets. Some lots within the MU districts also have frontage along side streets and in these locations an apartment building may be more appropriate than a mixed use or commercial building, so the 'pedestrian street' is not mapped along that frontage in those specific circumstances.

**042b This is a mixed-use district and apartment buildings (residential on all floors) are not mixed use buildings - this should either not be permitted or require a special permit. Specific language should be included that does not permit an apartment building to replace a building with ground floor retail/commercial use.**

See Open Comment #035 and #029b for more information.

**042c One other thing - permitting apartment buildings in MU districts appears to be one of the biggest changes from previous zoning. Where this is permitted needs to be looked at closely.**

See Open Comment #042, #035 and #029b for more information.

**043 Buildings in 5MU are not required to include open space (outside of set-backs, access alley), so is it likely the zoning would produce 5MU developments with expansive interior courtyards, as illustrated here?**

The drawings depicting a full block of hypothetical development for each district and are for illustrative purposes only. This is identified as such below each illustration.



- 043b agree - there are also no 5MU blocks that are this big anywhere in Somerville, and no conditions where 5MU is designated around the entire perimeter of a block.**

See Open Comment #043 for more information.

- 044 I appreciate the intent [arts uses in MU districts], but is this too narrow a restriction? What if the required space is too big or too small to be usable by the desired type of tenant?**

OSPCD chose to carry this regulation over from the requirements of the CCD district in the existing ordinance because of the priority in SomerVision for the arts and creative economy.

- 044b Agree...**

See Open Comment #044 for more information.

- 044c I agree as well, 5% of overall GFA could end up being a significant percentage of the overall ground floor commercial space in a building, there needs to be more flexibility in allowing for different retail uses**

See Open Comment #044 for more information.

- 045 Should consider adding bike parking requirements.**

See Article 7 Section A for the Bicycle Parking provisions of the proposed ordinance.

- 045b see page 217-8 - bike parking requirements are significant and much improved**

OSPCD agrees.

- 046 Consider requiring 1 shade tree and 3 shrubs per X amount of parking spaces, or other vegetated requirements to offset impermeable surfaces.**

See Open Comment #030 for more information. See Article 6.d Landscaping and tree preservation for landscaping requirements.

- 047 Consider a standard such as, above-grade parking must be set back at least [40-50] feet from a public way.**

Above ground, structured parking must be setback according to the Parking Setback requirements for the Building Type where the parking is located.

- 047b The Open Comment wouldn't allow me to make a separate comment, so I am doing this as a reply... The language should make clear that grade-level structured parking is allowed. This was inhibited in the former CCD by having that structured parking count as FAR, but this appears to no longer be the case. Also, a small on-grade parking lot should be allowed (for up to six cars as allowed with UR and 3-MU) because this kind of small lot can support the commercial uses better, provide better HC access, and can allow a structured parking area to have more restricted hours for security purposes.**

OSPCD will review this language to ensure that the proposed ordinance adequately establishes

that grade level structured parking and surface parking for up to 6 vehicles is permitted.

**047c The comment above applies to all the MU districts**

Noted.

**048 Consider requiring 1 shade tree and 3 shrubs per X amount of parking spaces, or other vegetated requirements to offset impermeable surfaces.**

See Open Comment #030 for more information. See Article 6.d Landscaping and tree preservation for landscaping requirements.

**049 Should consider adding bike parking requirements.**

See Article 7 Section A for the Bicycle Parking provisions of the proposed ordinance.

**050 [Setbacks are] adjusted in what direction (increased or reduced)?**

Increased. This language will be edited for clarification in the next draft of the proposed ordinance.

**050b This needs more study on specific sites and examples - we have identified some strange conditions this would produce in Union Square**

OSPCD has closely studied numerous sites throughout Union Square during the course of the Union Square Neighborhood Planning Project. If redevelopment occurs, this provision will increase sidewalk width along designated pedestrian streets as expected.

**051 15% is too low. Comparable projects of similar density elsewhere typically provide more open space. Mechanism should be provided to allow for aggregation of some portion of required open space in larger public parks and open spaces serving multiple individual developments. Somerville will not achieve SomerVision open space goal with such a low requirement.**

See Open Comment #039 for more information. If an on-site open space requirement remains in the proposed ordinance, OSPCD agrees that a tool should be created to allow its aggregation, by allowing either a payment in lieu of the required space or providing the space off site when another location is already under control of the applicant.

**052 It would be interesting to study this [open space requirements] more. Does this amount of open space conflict with the type of urban form you want to achieve? Could it result in too-wide sidewalks, or underutilized rear courtyards?**

Staff believes achieving SomerVision's goal for 125 new acres of open space must be achieved through means other than an on-site open space requirement alone, because on-site open space is meaningless if not a valid size. Only a fraction of the lots in Somerville are large enough to feature a properly sized public space. See the Civic and Recreation Space types detailed in Article 8: Public Realm of the proposed ordinance for minimum acceptable sizes for each type of civic space. OSPCD is interested in having developers build well-designed civic spaces, but is also open to exploring a payment in lieu option to provide larger, shared, open spaces with developer

funds.

- 053 This is not what most residents would recognize as 'open space'. While increased sidewalk width, alleys, etc. are desirable and should be required/provided for as appropriate, there needs to be a more specific definition of open space. Recommend a minimum dimension (i.e. 15' minimum dimension in any direction), allowance for public access, at grade location, etc.**

In most circumstances, this type of on-site open space requirement does not produce quality civic or recreation spaces as a public amenity. The proposed ordinance defines open space as land area that is accessible to and designed for public use or gathering (access), but is typically more functional in purpose. OSPCD has introduced the separate term civic space, as a refinement on open space that is further designed to support social or recreational activities beyond simple use or access by the public. The Civic and Recreation Space types of Article 8: Public Realm Standards provide a menu of quality spaces that can be produced to meet requirements for civic space in the Special Districts. See Open Comment #039 for the size of open space that these districts will generate.

- 054 Consider adding what 'Landscaped' means, such as, for every X-amount of linear feet of property line, one is required to plant X-amount of trees and X-amount of shrubs and ground cover. Many recent Somerville projects have skimped out on what is planted, going with cheapest, lowest quantity possible with no repercussions.**

The word landscape is defined in the proposed ordinance as: The improvement of land, generally for use as passive outdoor space, through the planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other, low-growing plants that are native or adaptable to the urban climatic conditions of Somerville. Landscape includes natural or manufactured materials including, but not limited to, reflecting pools, works of art, walkways, screens, walls, fences, and benches or furniture and other non-living materials used as components of an outdoor space, such as rocks, pebbles, sand, bark mulch, landscape pavers, and earthen mounds, when occupying less than twenty-five percent (25%) of the landscape area. Landscape excludes curbing and pavement for vehicular use.

- 055 [Apartment buildings] should not be permitted in 10MU - mixed use or commercial building types only.**

See Open Comment #042, #035 and #029b for more information.

- 056 Consider requiring 1 shade tree and 3 shrubs per X amount of parking spaces, or other vegetated requirements to offset impermeable surfaces.**

See Open comment #030 for more information. See Article 6.d Landscaping and tree preservation for landscaping requirements

- 057 Should consider adding bike parking requirements.**

See Article 7 Section A for the Bicycle Parking provisions of the proposed ordinance.

**058 [The Open Space requirement in 10MU District should be] 25%**

See Open Comment #039 for more information.

**058b Better, but even 25% may be insufficient - consider higher requirement that allows some percentage to be provided off site**

See Open Comment #039 for more information.

**058c You're right. It's 43%. We need this number to be 43% to reach our Open Space goal of 125 acres. And this needs to be applied to all the 'Special Districts' whose percentage is as low as 12.5%. Negotiable only if the monetary equivalent of required space is given to an 'Open Space' fund.**

See Open Comment #039 for more information.

**059 See comment under 7MU**

See Open Comment #039 for more information.

**060 Consider adding what 'Landscaped' means, such as, for every X-amount of linear feet of property line, one is required to plant X-amount of trees and X-amount of shrubs and ground cover. Many recent Somerville projects have skimped out on what is planted, going with cheapest, lowest quantity possible with no repercussions.**

See Open Comment #054 for more information.

**061 [the Fabrication District is] neat**

OSPCD believes this is unique as well.

**062 It would be great if cafes, bars, and other small eating/drinking establishments can be included in fabrication zones. Food can be very creative.**

The Artisan Production subcategory permits the ancillary sales of goods produced on-site and includes breweries, candy manufacturers, chocolate makers and their substantial equivalents. Union Square Donuts, Taza Chocolate, and Q's Nuts would all be classified as Artisan Production under the Arts & Creative Enterprise Use Category.

**063 This phrasing about "start-up, entry-, and mid-level businesses" seems designed to limit the types of businesses that can use this space--which is a great way to preserve the spaces for arts and creative workers. But what do you mean by "start-up, entry-, and mid-level businesses"? This section would be more helpful if you defined that more.**

OSPCD is researching possible definitions for "start-up, entry-, and mid-level businesses." However, zoning ordinances are limited in their ability to discriminate between uses of the same type in the same zoning district by the Equal Protection clause of the United States Constitution. Zoning standards are better suited to create physical situations that support "start-up, entry-, and mid-level businesses" by regulating other factors, such as floor plate size.

**064 [The Commercial Building] should be by Special Permit [in the Fabrication District] if the intent really is to keep these buildings/properties for arts, creative, incubator spaces**

The uses permitted in the Fabrication District achieve the goal of maintaining creative spaces in Somerville. The dimensional standards of the Commercial Building in the Fabrication District are similarly sized to 3MU, naturally limiting their construction to areas of the fabrication district that don't already have significant structures, and ensuring that the structure is creating smaller spaces.

**064b To clarify - I meant that 'Commercial Building' should be by special permit, not by site development permit**

See Open Comment #064 for more information.

**065 What is "Fabrication Loft" exactly?**

A fabrication loft is a moderate to large floor plate, multi-story building type subdivided for multiple tenants, often designed with tall ceilings, expansive windows, wide corridors, service elevators, and loading docks. The Rogers Foam building that hosts Vernon Street Studios is a good example of a fabrication loft.

**066 Should there be a separate district for parks and open space?**

Civic and Recreation Spaces are mapped as the Civic District. The district serves as a tool for the management of all civic assets.

**067 Are no [building types] permitted [in the Civic District]?**

None of the 17 building types in Article 3 are permitted in the Civic District. Structures in the Civic District are permitted in one of two ways: 1) Article 8: Public Realm Section C.2.i of the proposed ordinance says: "Accessory structures common to civic spaces, including but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters, outdoor theaters/performance stages, field houses, and their substantial equivalents are permitted."; 2) The City's own structures are exempt from the ordinance, allowing expansions to city buildings without zoning review. Zoning review in these cases is not necessary, as such expansions will undergo the typical robust public process that public buildings go through in Somerville before they are designed and financed.

**067b The Civic Zoning District has no building types defined; however, I noticed that many civic uses are allowed in the other zoning districts, which makes me wonder whether a Civic District is really necessary. On the map, it appears that the Civic Zoning district encompasses most, but not all, publicly owned land. Rather than tie a zoning district definition to public ownership (which could change through a sale of property), I'm wondering if it isn't better to zone for use and form goals. For example, the DPW facility could be zoned CI; the waste transfer station-site could be zoned FAB or (open space if there was such a district); and the Recreation Building on Walnut Street could be zoned NR or UR. Schools and other civic buildings could be zoned NR, which I believe is how it is currently reflected in the zoning.**

Zoning ordinances routinely use an open space or civic district for publicly owned land as well as land owned by the local, state, or federal government and utility companies. The Civic District of

the proposed ordinance covers both Civic and Recreation Spaces in addition to Civic Buildings. Having a highly restrictive zoning district tied to public land is precisely the objective of OSPCD for such circumstances. When such a lot is sold, development of any kind should be a determined through public dialogue. The zoning map amendment process required to rezone said property ensures that public dialogue takes place through the Board of Aldermen.

**068 [Article X should be] Article 3**

This will be corrected.

**069 Is there a building typology for parking garages? Bicycle parking? (Maybe that is later on ...)**

The proposed ordinance submitted on January 22, 2015 did not include a stand-alone, parking structure building type. The ordinance intends for parking, including public parking, to be placed behind and/or below floor space used for other purposes.

**070 The distinction between mixed use buildings and mixed use districts is confusing. Apartment buildings that are not mixed use are permitted in mixed use district, and commercial buildings that are mixed use are not called 'mixed use'.**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential.

**071 What about more than ground-floor commercial, like two floors? It's not typical but it happens.**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential.

**071b I agree. A mixed-use building could feature ground floor commercial with a mix of residential and commercial uses on the upper floors. We shouldn't preclude the possibility.**

See Open Comment #071 for more information.

**071c I don't think this wording necessarily precludes [a greater mix of uses in a mixed use building]. Consider a 4-story building with commercial on the 1st and 2nd floor, residential on the 4th, and a mix on the 3rd. This is (1) a multistory building, (2) with ground floor commercial, and (3) upper story residential uses. So, it would appear this would conform to the wording as written here.**

See Open Comment #071 for more information.

**071d I think the language deserves some clarification, so there's no confusion.**

See Open Comment #071 for more information.

**071e On page 66, it states mixed-use buildings only permit residential uses on upper floors.**

See Open Comment #071 for more information.

- 071f Having Commercial only on the ground floor is problematic when the lot becomes very deep and, as in many cases, becomes transitional to residential neighborhoods. A solution would be to require only commercial uses for the first 50' to 70' of building depth measured from the commercial front of the building. The remaining parts of the ground floor would allow accessory parking and residential. The residential can be appropriate especially if the lot is transitioning to residential neighborhood behind it.**

In these cases, the rear of a building could be commercial office, lab, co-working, or creative industry space. SomerVision calls for creating more jobs, and having quality commercial space is important to achieve that goal.

- 072 To avoid confusion with "Fabrication District," is it possible to use different terminology for "Fabrication Loft," such as an Enterprise Loft? (...or Creative Loft?)**

OSPCD does not believe there is confusion between the Fabrication District and the Fabrication Loft building type.

- 073 I don't understand why a paired house is allowed in NR but a triple decker isn't? A paired house is essentially a four-unit structure? Why would a four-unit structure be allowed in NR when a three-unit structure is not?**

Despite how things look on the exterior, a paired house is not a four unit structure. Paired houses are a semi-detached building with up to two dwelling units sharing one party wall with a neighboring building on a different lot. OSPCD will change the name of this building type to the "Semi-Detached House" which is more familiar term used by the real estate industry for this existing building type of Somerville. But, furthermore, the strategy to permit new paired houses in the NR district will be reviewed by OSPCD for the next draft of the proposed ordinance.

- 074 Why wouldn't triple-deckers be allowed as of right in UR districts?**

The Urban Residential district is intended to have higher density residential building types: four-plexes, six-plexes, row houses, apartment houses, and apartment buildings. This district is mapped over locations where these building types either already exist, or are most appropriate.

- 075 Suggest 'NO' (see below)**

- 075b Sorry, that comment didn't end up where I wanted it - suggest permitting apartment buildings only by special permit, and not allowing them in 7MU or 10MU districts**

The Apartment Building type cannot be built on a lot designated with Pedestrian Street frontage. The Pedestrian Street designation of the proposed ordinance prevents apartment buildings on streets better suited for primarily commercial development while allowing them on side streets, specifically in cases where large or deep lots have frontage on multiple streets. OSPCD is exploring requiring a Special Permit for residential uses in MU districts.

- 076 Does this mean multiple buildings on a lot are not allowed?**

This is correct; multiple primary structures are not permitted on one lot. The development of buildings behind buildings on the same lot has been the cause of significant concern within the community. In the NR district, a second structure can only be built when the lot is split into two

new lots that meet the minimum width and depth standards for the appropriate building type.

**076b Perhaps there can be special provisions for allowing more than a single building on a lot?**

This provision exists in the current ordinance, and it has been a cause for significant concern. See Open comment #076 for more information.

**076c Agreed, multiple principal structures allowed by Special Permit. In some cases the lot creating the by-law envisions is not going to work, yet the lot can support the additional building area. Rather than be forced to create one large structure, the multiple principal structures is a better solution.**

Permitting multiple structures on one lot creates a development pattern inconsistent with desired neighborhood character. If a new lot cannot be created that complies the ordinance, then the remaining area of the lot must remain as yard space. See Open Comment #076 for more information.

**077 We propose to eliminate min lot dimension requirements per building type. It will create many non-conforming lots unnecessarily and will limit the potential of development in many areas that need it. We feel that specifying building and use types in a district is enough to manage development outcomes, without adding an additional layer of lot dimension requirements.**

Dimensional requirements are fundamental parts of any zoning code. They ensure that the desired building type is on an appropriately sized lot. Dimensions are in the existing regulations in text form. By being clearer about expectations for development in Somerville the building type dimensions in the proposed code are not more limiting than the existing code, but, they are easier to understand.

**077b I agree that there are too many regulations regarding the dimensional requirements of lots and buildings which are severely limiting the ability to design and build good buildings.**

See Open Comment #077 for more information.

**078 What if a lot is too small for a particular building type, but the type that it is sized for is not allowed in the district?**

Existing development is grandfathered, allowing the building to still be modified by adding building components or following the non-conforming structures section of the ordinance (which will have some changes in the next draft of the proposed ordinance). Vacant, undersized lots cannot be built upon within the regulations of the proposed code - just as it works under the current code.

**079 I do not think a maximum lot area needs to be designated when there is already a maximum floor plate.**

This will be reviewed and addressed in the next draft of the proposed ordinance.



- 080 We propose to eliminate setbacks where possible in favor of minimum open space requirements. As it is currently written, the code incentivizes maxing out the development footprint, with all open space pushed to the perimeter. The proportions of the setbacks do not encourage the development of quality open green spaces in the form of courtyards and plazas. Rather, the developer is encouraged to create a box with windows opening on to shallow perimeter open spaces within a short distance to neighbors, creating poor levels of privacy, lighting, and ventilation.**

The proposed ordinance has both setbacks AND minimum landscape requirements. On-site open space is not required to be landscaped. OSPCD is investigating the inclusion of on-site open space requirements for all districts for the next draft of the proposed ordinance, but does not suggest removing setbacks. Required setbacks are an important tool to maintain in a zoning ordinance because they are used to position individual buildings a certain distance from lot lines, in order to provide adequate distance between buildings and from sidewalks. The purpose of front and side setbacks is not to create courtyards or plazas, but instead to maintain proper access, lighting, and ventilation. In the UR and MU districts, the maximum floor plate size will permit buildings to occupy the majority of a small lot. However, when the lot is larger than the maximum floor plate size, the floor plate size restriction will encourage the use of the remaining lot area for other purposes - as Floor Area Ratio does in the existing ordinance.

- 080b Agree with this comment in general, though I would not favor eliminating setbacks particularly between NR and MU districts. One of the good things about FAR was that, when properly specified, it allowed for flexibility in arranging a fixed building volume on a site, potentially allowing for open space to be located where most appropriate and flexibility in building massing. This issue is most acute in Union Square, where there are many larger properties zoned MU. As written, every new development will be an exercise in fitting as much building volume as possible within permitted setbacks.**

Development under any zoning ordinance is an exercise in maximizing as much building volume as possible within permitted setbacks and other important standards – such as landscaping, parking, or on-site open space. Floor Area Ratio (FAR) is an insufficient mechanism for low- and mid-rise buildings because it provides too much flexibility in situations where neighbors expect infill to be contextual. Similarly, FAR does not encourage or guarantee the location of on-site open space in the most appropriate location and permits unknown outcomes where specific urban design objectives are desired.

The de-facto FAR for a building in any of the MU district in the proposed ordinance is the permitted number of stories times the maximum floor plate size or the size of the lot, whichever is less. Maximum floor plate size restricts the ultimate size (floor plate) of a building regardless of lot size once the maximum is achieved and, as a result, leaves excess land area available for other purposes. In contrast, the permitted FAR of the existing ordinance always increases the more land area that is aggregated into a lot. In that way the proposed ordinance produces buildings that are smaller and more predictable in form and scale than the existing ordinance.

An example forty thousand (40,000) square foot lot in the 4MU district of the proposed ordinance would result in an eighty-eight thousand (88,000) square foot building (4 floors at 22,000 square feet each). Eighteen thousand (18,000) square feet of lot area would remain unbuilt because the building floor plate is always capped at twenty-two thousand (22,000) square feet. Under the existing ordinance, an example forty thousand (40,000) square foot lot in the CCD45 district could result in a one hundred thousand (100,000) square foot building and the permitted FAR could be spread across as much as 80% of the lot for one or more floors of the building, leaving

behind just eight thousand (8,000) square feet of lot area unbuilt. Even if that 100,000 square feet was evenly distributed across the building permitted height (4 floors at 25,000 square feet each), only fifteen thousand (15,000) square feet of lot area would remain unbuilt.

**081 This needs to be studied on actual building sites. May create strange setbacks when adjacent to residential buildings with large setbacks.**

OSPCD will be completing examples of what the proposed (and existing) ordinance will permit on a variety of actual building sites in Somerville.

**082 Should consider adding bike parking requirements.**

See Article 7 Section A for the Bicycle Parking provisions of the proposed ordinance.

**083 Perhaps there should be an exemption [in the façade buildout requirements] for corner lots which do not have a 90 degree angle at the intersection of the streets. This condition would force some very inefficient buildings otherwise.**

OSPCD will review this requirement in preparation for the next draft.

**083b I think [the requirement for parallel facades] should be struck entirely. Efficiency gains can often be realized by rotating a plan on the site. I am not sure what motivates this restriction, probably aesthetics, but I don't think nonparallel buildings harm the aesthetics of a block. One might even argue they can enhance it.**

One of the features of Somerville's existing built character is a public realm (sidewalks, thoroughfares, and civic spaces) that is spatially defined by buildings and landscape. Many of the provisions of the proposed ordinance work together to ensure this characteristic is preserved and enhanced. This standard is one of those provisions. Purpose statements for many of the Special Districts call out this objective overtly, but the purpose statements for the ordinance overall (see Article 1) are unintentionally vague. OSPCD will clarify the purpose statements in Article 1 of the proposed ordinance as follows:

j. To require a strong connection and gradual transition between the public realm (sidewalks, thoroughfares, and civic spaces) and private realm (yards and building interiors).

n. ~~To preserve and enhance the design of Somerville's and public realm.~~ To ensure building orientation and landscape design contributes to the physical definition of the public realm as outdoor rooms and corridors.

**084 Does the facade measurement include projections from the sides of the building? What about areas of the facade which are carved away, such as to allow a driveway to pass?**

OSPCD will review and clarify the way this is measured for the next draft of the proposed ordinance.

**085 Should this be floor to floor height? Why regulate ceiling heights in zoning?**

These requirements are in place to ensure that quality ceiling heights are provided across all types and prices of living and work space.

- 086 What about the "flat" (upper pitched) portions of mansard roof houses, which I believe might be lower slope than that?**

OSPCD will review and clarify the way this is measured for the next draft of the proposed ordinance.

- 087 This [height exceptions] is a significant change from current zoning requirements in MU districts, where rooftop equipment and structures are limited to 15' above roof. Please consider specifying height for mechanical penthouses & equipment.**

- 088 [Height restrictions] Include 4MU as well?**

In general, the transition between a four-story building and an adjacent house is not as significant as those that are more than one story taller than the house. Therefore, only the 5MU and above were included in this provision.

- 089 Would this encourage a sloped angle to the building facade--along the 45 degree plane? Someone I was talking to said that in Tokyo, which adopted this kind of language, you see a lot sloped buildings--sometimes with storage tucked under angled space. Not sure if this is a good thing or a bad thing, but I thought to mention it in case it would be an unintended consequence.**

Although this built condition is not prohibited, the economics of construction are different in Somerville than in Tokyo and should limit the developed of marginal space in apartment, mixed-use, and commercial buildings needing to meet this requirement. Nevertheless, this concern is best addressed during Design Review, which is a required preliminary step prior to submittal of a Site Development Plan Review application for these building types.

- 090 The prohibition of reflective glass is at once restrictive and vague (what is the threshold for non-compliance?) and seems likely to create unnecessary confusion and debate.**

This standard is established to ensure that first floor commercial activity is visible from the public realm and that upper floor windows do not reflect undue solar energy back onto neighboring structures. Manufacturers produce glass with known light transmission and reflection ratings.

- 091 Is this really enforceable [fenestration requirements]? This may not be desired in many situations and seems too prescriptive for a zoning code. Flexibility needed for future innovations in glass types and architectural design.**

OSPCD works closely with ISD and the Zoning Review Planner on the review of all building permit applications. This requirement is straightforward to measure and therefore enforceable. OSPCD is considering the addition of a Special Permit that would permit specific types of relief from the design standards of the proposed ordinance through discretionary Board approval. This is the best way to permit design flexibility with adequate neighborhood review in circumstances where an applicant may choose to ask to deviate from the standards.

- 092 The comment above was intended for 4.a.i.a, though this requirement also seems far too prescriptive and limiting of creativity in building architecture.**

See Open Comment #091 for more information.

- 093 I'm still not clear how this [tenant depth requirements] would impact projects that propose to use a portion of the ground floor for surface parking--for example if the upper floors on the back half of building are on "stilts" over surface parking? In my example, does the "70% of the floor area" standard described here apply to just the interior of the ground floor of the building, or does it apply to the space that is proposed for covered parking? How would the project being built at 70 Prospect Street have been impacted, if at all, by this requirement?**

New proposals for development will have to meet the depth requirement specified for their building type. Mixed-use and commercial buildings are required to have first floor commercial uses. To ensure that these are viable spaces, 70% of the floor area of any tenant space on the first floor of the building must meet the minimum depth requirement (either 20 or 30 feet depending upon the building type). Beyond that minimum depth, the standard does not apply. OSPCD will develop a graphic to more clearly illustrate this standard.

- 093b Agree with comment above. The intent of this requirement seems good, but as worded it is not clear how it would be applied.**

See Open Comment #093 for more information.

- 093c I don't think this is the best way to measure the amount of commercial tenant space. If one has a very deep lot and a large floor plate (as allowed in the large MUs) then one could end up with un-rentable commercial space that is too far off the street. 70ft is usually the rule for commercially viable depth for frontage type commercial use that I am familiar with.**

OSPCD will clarify the language for this provision and develop a graphic to clearly illustrate this standard. Ground story tenant spaces are required to have at least twenty or thirty feet of depth from the front façade (depending on zoning district) for at least 70% of the floor area included in that depth.

- 094 I don't understand why the by-law is trying to dictate market forces. If the goal is to have inclusionary units of a certain size, then standards such as these are fine. But if these apply across the board for market rate units, they will make it even more difficult for a developer to recapture the cost of the boosted inclusionary ratios for much of the City. Why not let market forces decide what size the average market rate unit is to be? In some areas this will be a small unit, some areas large, but making the equivalent of a small two-bedroom be the average across the city makes no sense. If the concern is to limit the total number of units now that Lot Area per Unit is history, perhaps another more flexible method could be used.**

An important purpose statement in the proposed ordinance is "to provide a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Somerville's residents at all income levels". After decades of larger, family-sized units being converted into smaller units, one of the only ways to re-balance housing availability is to make adjustments to the supply through new construction. SomerVision included specific objectives for the type of community our housing is desired to facilitate, so some amount of direction is necessary to steer the housing market. The average dwelling unit size standard is a market adjustment for only 2 of 13 buildings types in the proposed ordinance. The trend in housing construction is to create new smaller units while ignoring the market for family sized units. This is in direct conflict with SomerVision's objective to attract and retain families in Somerville. However, OSPCD is reviewing the average dwelling unit size metric to ensure the correct number is applied and that the metric produces the desired types of housing in the right areas of the city.

One potential change is calibrating this requirement by zoning district where larger unit size would be required for NR and UR and smaller unit size permitted for MU districts. This could also be calibrated according to transit proximity, so that smaller units are permitted closer to transit stations. Additionally, OSPCD is reviewing the minimum floor area requirements for units with different bedroom counts to determine that the proper sizes are identified. As with the average dwelling unit size provision, these could be calibrated by zoning district or even proximity to transit.

- 095 This is all pretty difficult to get one's head around because Somerville has historically been against all lot subdivision and has taken to court developers to attempt to subdivide a large lot into two conforming lots. Now subdivision is becoming required (!).**

The system built into the proposed ordinance is designed to replicate the small scale lots & buildings that are part of Somerville's character. In the UR or MU districts, if a lot is larger than the maximum floor plate permitted for a building, the lot may be left as is or split into two lots to permit two buildings to be built. In the NR district, a lot can only be split into two if both of the new lots created meet the minimum width and depth standards for the appropriate building type. This system replaces the one in the existing ordinance that encourages applicants to propose larger, contextually inappropriate buildings in the RA and RB districts. OSPCD is reviewing possible development in the NR district (conserve areas identified in SomerVision) to ensure that the level of development permitted is in line with community expectations.

- 096 Gross Floor Area definition does not specify if it includes usable attic space and or basements.**

The definition of Gross Floor Area says "accessible levels of a building" which is inclusive of attics and basements if they are accessible. However, use of the term Gross Floor Area is limited in reference to residential building types permitted in the NR or UR district specifically to avoid this type of confusion.

- 096b The significance of this requirement as written cannot be overstated. Our studies have shown this could permit as much as double the number of residential units on the same site in mixed-use districts, encouraging far lower average unit sizes. Please look closely at this and adjust accordingly. Also please consider going back to a residential density calculation based on lot area. A calculation based on GFA incentivizes building as much as possible within the allowable setbacks.**

OSPCD reviewed this case study and determined that the density of 43 possible units was calculated incorrectly. Staff believes this occurred because the density metric of the proposed ordinance was not properly explained and is working to clarify the text for the next draft of the ordinance. The proposed ordinance regulates density by stipulating the exact number of permitted dwelling units for 11 of the 13 building types that include residential. For Apartment Buildings and 'Mixed Use' buildings, the proposed ordinance regulates density by controlling the average size of dwelling units in the building. Using this metric, residential unit density can be calculated generically as follows: Take the Gross Floor Area of all of the residential floors of a building (A), subtract any hallways and other shared circulation areas (B), and divide the result by the permitted minimum average dwelling unit size for the zoning district or building type (C). The formula can be expressed as  $(A-B)/C$ . For a real world development project, the formula is even simpler in that the total gross floor area of all dwelling units added together divided by the number of units cannot result in less than 900 square feet. This new way for controlling density was chosen because it regulates the most important impact of density (crowding) by ensuring

units of adequate size throughout a building. Nonetheless, OSPCD will review this metric and its impacts to ensure the correct number is applied for the next draft of the proposed ordinance. OSPCD will also illustrate how the proposed ordinance will impact development on a number of case study lots to assess the impact of the new density metric.

**097 Not sure what this means [No existing residential use may be converted to conflict with this standard].**

This requirement is designed to establish that an applicant cannot convert an existing building to incorporate more units than what is permitted by that existing building's type.

**097b I'm not sure either. Does it mean that we couldn't convert our 3-bedroom unit to a 2 bedroom and a studio? I don't think that's fair as families get smaller. Or people may want to age in an existing house but get some rent out of a part of it.**

See Open Comment #024 for more information. Consider that the ability right now for a structure to be converted for additional units is based upon a ratio to lot size - a metric that has little to do with the actual building on the lot. Under the proposed ordinance, the ability to add units depends on the building type. In general, the conversion of existing houses to add additional units is likely to be rare, as the City seeks to continue to encourage the preservation of housing for families with children.

**098 Is there a definition for usable floor area?**

OSPCD will add this to the definitions of Article 12.

**099 Please consider options for micro housing under this amount. These can be great options for either grad students or seniors, or folks with disabilities. For example: <http://www.nytimes.com/2015/02/22/realestate/micro-apartments-tiny-homes-prefabricated-in-brooklyn.html> If done well, the actual living area isn't as important as the additional amenities.**

At this time, OSPCD does not plan to include "tiny houses" or "carriage houses" as principal or accessory building types for the proposed ordinance. However, the proposed ordinance does include provisions for a 'secondary dwelling unit' as an accessory use in the basement level of owner-occupied building types in the NR district.

**099b I know I'm replying to myself here, but this is another place I wanted to mention that the "tiny house" should be an option. And I don't think they hit that level in some cases.**

See Open Comment #099 for more information.

**100 Under the average unit rule that this by proposes, there is a high level of disincentive to build a studio, in spite of their appeal and demand. Essentially for every studio built, a 1,400-SF three bedroom has to be built to maintain the average of 900-SF.**

As currently proposed, the average dwelling unit size and minimum floor area requirement for units with different bedroom counts can be reduced if a development project provides specific public benefits. See Article 9.C Density Bonuses for more information. OSPCD is reviewing the average dwelling unit size and minimum floor area requirement for units with different bedroom

counts to ensure these standards produce the desired results the community is looking for. Aside from adjustments to the numbers, another potential change is calibrating these requirements by zoning district where larger unit size would be required for NR and UR and smaller unit size permitted for MU districts. This could also be calibrated according to transit proximity, so that smaller units are permitted closer to transit stations.

**101 What about Accessory Dwelling Units? Portland, OR has gone ADU crazy in the last few years and as a result generated a ton of new small housing units in space that could not accommodate traditional units.**

At this time, OSPCD does not plan to include "tiny houses" or "carriage houses" as principal or accessory building types for the proposed ordinance. The proposed ordinance does allow secondary dwelling units in basements of owner occupied buildings in the Neighborhood Residential District. While OSPCD welcomes further discussion of these provisions after a new ordinance is in place, it is worth noting that Portland, Oregon has a population density of 4,375 people per square mile and an average lot size of 7,000 square feet. Somerville's population density is 18,404 people per square mile and an average lot size of approximately 4,500 square feet. Accessory units in outbuildings have greater impacts on the lots in Somerville than would occur on the lower density development in Portland.

**102 I would also like to see an option for some number of tiny houses. Maybe they fit the "cottage" definition, but in case they don't--please consider a way to include this type of affordable private residence.**

At its smallest permitted floor plate size, the cottage is five hundred and twenty-eight (528) gross square feet on a lot that is at least 32 feet wide by 70 feet deep (2,240 sq. ft.). The cottage type is also limited to one (1) dwelling unit. This is a bit larger than typical "tiny houses". See Open Comment #101 for more information.

**102b I agree. It looks like these Cottages are meant to be stand-alone houses on lots? They can't be built as Accessory units on existing lots with larger buildings?**

Yes, the Cottage is a principal building type. Only one (1) principal building is permitted on each lot. The proposed ordinance does not permit accessory structures that include a dwelling unit. See Open Comment #101 for more information.

**103 All dwellings should have ground level first floor entrances. It's so important that new construction be "visitable" -- not necessarily fully handicapped accessible, but adaptable for people with mobility problems to visit and also to ensure that people can age in place.**

It is typical in Somerville that residences have a partially exposed basement level of 2-4'. This allows first-floor living areas to have window sills above pedestrian eye level from the sidewalk. There are a number of accepted strategies to make such units 'visitable', including incorporation of ramps into front porches and sloping up back yards to rear entrances. OSPCD will waive the requirement for an elevated first floor when necessary, under the 'reasonable accommodations' ordinance passed by the Board of Aldermen in 2012.

**103b This requirement has most likely been inserted into the housing types in an effort to maintain contextual infill in our older residential neighborhoods, but it is in direct conflict with requirements for accessibility, particularly on the constrained lots of Somerville 24 feet is the minimum length needed for an accessible ramp to this elevation. There needs to be a**

**compliance path for accessible residential design.**

See Open Comment #103 for more information.

- 104 What about long, narrow lots and the only place to grow is at the rear of a structure, so many Somerville homes are already 48' or close to that. Also if you have a lot 100' or more, that leaves quite a bit of unusable space.**

The main body of the house building type is 48'. Behind the main portion of the house, an owner may add the slightly smaller 'rear addition' building component. Beyond that, the proposed ordinance maintains the remainder of this lot as a usable rear yard.

- 105 Could this be changed to 3, so many 2 1/2 story homes in Somerville are 3 dwellings, this is implying that the only allowed 3 family structure should be a triple-decker. Also if you tally up the max structure size and the Gross Floor Area including the 3rd floor space, it makes for 2 (max allowed) 1600sf + Units, well over the 900 gfa per 2-bed unit.**

All existing 3-family units in houses will be grandfathered. OSPCD is attempting to maintain houses that have two, family-sized units. Allowing new third residential units leads to excessive dormers, egress issues (the building code is different for 1 & 2 families and 3+ families), fewer options for growing families seeking larger units and increased density that does not conserve neighborhood districts.

- 105b Agreed!! Many of the 2.5 story homes in my current and past neighborhood are 3 unit 2.5 story houses (think mansards and Philly styles). From a character/architecture standpoint they are totally different than a triple-decker (if all were to be replaced by triple decker the neighborhood feel would completely change). Accordingly, permitted building components allowed for 'houses' make more sense for these buildings than 'triple-decker' despite being 3 units; specifically decks and dormer windows. Additionally, I know many who have benefited from availability of the affordable top floor, in the eaves, unit. Often these one - two bedroom units are the best choice available for young families and people just starting out. As such they have value in enabling housing accessibility and maintaining economic diversity.**

See Open Comment #105 for more information. OSPCD is encouraging the creation of units for smaller households in Urban Residential and Mixed Use districts, while maintaining family-sized units in the NR district.

- 106 Only 27 feet? A cottage and single family require a wider lot! Inconsistent lot widths /areas for the type of buildings allowed.**

Lot width is determined by the building width minimum, a side yard setback, and whether a driveway is required/desired. These calculations are based upon studies of hundreds of typical Somerville lots and buildings. The minimum lot width requirements do not prevent wider lots. To provide clarity, OSPCD is adjusting the Lot Dimensions section of each building type table to include minimum lot widths for lots with No Driveway Access, Side or Rear Driveway Access, and Front Driveway Access. Therefore minimum lot widths for lots with front driveway access will be greater than in the previous draft.



- 107 Coordinate these dimensions with those of the "house". For example, min lot width sounds way too short.**

See Open Comment #106 for more information.

- 108 A side wing addition to an existing triple decker should be an allowed building component if the lot width allows for it.**

Side wing additions are not typical components on Somerville triple deckers.

- 109 Another glaring inconsistency here. Only 29 feet for a paired triple? Impossible. Again, this is a smaller lot than required for a cottage or single family. Inconsistent lot width/area for the type of building.**

See Open Comment #106 for more information.

- 110 This can't be right. 24' width for 2 units including stairs?**

See Open Comment #106 for more information.

- 111 Is it necessary to have both Four-Plex and Paired House? They seem so similar that having both introduces unnecessary complexity to the code.**

The four-plex and the paired-house were designed to provide different lot and building ownership options in different circumstances, relative to typical development patterns in Somerville. OSPCD will review this strategy for the next draft of the proposed ordinance.

- 111b I believe the distinction is that the 4-plex is on 1 lot, while the paired house is on 2. This is similarly true for the paired triple decker and the 6-plex. This distinction might be more apparent if a second table was developed (similar to 3.2) summarizing dimensional characteristics (lot configuration, height, # of stories, # of units, setbacks) for the various housing types. The lot configuration could be one of the columns, making this attribute more readily apparent. An alternative would be to include the lot configuration in the description right below the title, or to reinforce the similarities with naming.**

See Open Comment #111 for more information. Based on the public comments received to date, OSPCD will provide more clarity in the differences between these two building types.

- 112 For this and several housing types, the minimum width of the building, when paired with the minimum side setbacks, does not allow for a driveway on one side if the lot is the minimum compliant width. For instance: for a four-plex min lot width 48', min side setbacks 5' each side, min building width 38'. So with a 48' wide lot, you cannot comply with the zoning and have a driveway on one side. Is this intentional?**

See Open Comment #106 for more information.

- 113 Is it necessary to have both Six-Plex and Paired Triple Decker? They seem so similar that having both introduces unnecessary complexity to the code.**

See Open Comment #111 for more information. This situation is similar to that of the Four-Plex

and Paired House.

- 114 There should be accommodation for accessible ramps up to first floor if the first floor elevation has to be 2 feet above grade.**

These accommodations are already provided by federal, state, and local laws. Ramps are exempt from zoning setbacks by both state law and the 'reasonable accommodations' ordinance passed by the Somerville Board of Aldermen in 2012.

- 115 There should be accommodation for accessible ramps up to first floor if the first floor elevation has to be 2 feet above grade.**

See Open Comment #114 for more information.

- 116 This facade build out requirement is problematic, in that it does not allow for a bypass driveway, particularly in the UR district where there are required side setbacks. Also, if balconies do not count as part of the facade then these become nearly impossible to provide as well. Consider, perhaps, exemptions for these items or removing this requirement.**

Facade build out is a required minimum standard, as is lot width. Not all lots will have parking accessed by a front driveway. The minimum lot width identified is the narrowest a lot can be without a driveway. However, minimum lot width requirements do not prevent wider lots when front driveway access is necessary. To provide clarity OSPCD will adjust the Lot Dimensions section for each building type to identify minimum lot widths for lots with No Driveway Access, Side or Rear Driveway Access, and Front Driveway Access. OSPCD will also review the required facade build out for each building type to ensure the proper percentage is provided.

- 117 What is the intent of specifying a maximum floor plate size? If it is to help ensure building sizes in character with existing buildings in Somerville, these numbers need to be looked at closer as some of these numbers would produce enormous buildings out of scale with most other buildings in our existing squares and commercial districts.**

The maximum floor plate sizes permitted for each building type are based on existing buildings in Somerville for the 3MU, 4MU, and 5MU districts and modest infill buildings elsewhere in the region for 7MU and 10MU. Only one parcel within an existing square or commercial district in Somerville is mapped as the 7MU district. The 10MU district is mapped in Boynton Yards, an area identified in SomerVision for Transformational redevelopment. Nonetheless, OSPCD is using the neighborhood planning work underway in Union Square to closely scrutinize the floor plate sizes of the proposed ordinance to ensure buildings in the 7MU and 10MU districts are properly sized. This effort is taking into consideration both the existing neighborhood character and the market needs of commercial tenants (employers) that SomerVision identifies as a necessary part of Somerville's future.

- 118 Could you please explain why it is necessary to mandate 9' minimum ceiling heights in residential units?**

These requirements are in place to ensure that quality ceiling heights are provided across all types and prices of living and work space.

- 119 There should be accommodation for accessible ramps up to first floor if the first floor elevation has to be 2 feet above grade.**

See Open Comment #114 for more information.

- 120 You should delete "converted", as in many cases these structures were designed / built this way, rather than converted at a later date.**

OSPCD will change the word "converted" to "designed" for the next draft of the proposed ordinance.

- 121 Would it be consistent with the intent of the neighborhood districts to amend the building height maximum to state?**

- **NR, UR = 2.5 stories (28 feet)**
- **3MU = 3 stories (35 feet)**

Height is regulated by building type. In NR: The tallest permitted building in the NR district is the triple-decker, which is 3 stories and 40 feet. Other NR buildings are 2.5 stories, 28 feet. OSPCD is reviewing the circumstances surrounding the permitting of triple-deckers in the NR district. In UR: This district is designated for residential apartment houses and apartment buildings. Apartment buildings are permitted at 4 stories and 45 feet. In 3MU: 3MU is designated for 3 story buildings, including apartment and mixed-use buildings at 35 feet, and commercial buildings at 40 feet. This is designated this way because commercial buildings require higher ceilings than residential buildings.

- 122 Please consider changing either this title or the mixed-use district title - having both called 'mixed use' when this is really only one type of a mixed use building (residential building with ground floor retail) is a bit confusing**

OSPCD is considering changing the Mixed-Use Building to "General Building".

- 123 oops**

No response required.

- 124 How is minimum depth measured for a pie-shaped/gridiron building where the entrance is at the front corner? (for example, 70 Prospect Street)**

OSPCD will review this unique circumstance. It is worth noting that there will always be unique situations that a zoning ordinance cannot anticipate. The proposed ordinance accounts for this and ensures a clear and consistent interpretation in across circumstances by using a 'written interpretation' (see Article 10 Section C.4) to answer questions when unique situations arise. Under the proposed ordinance, 70 Prospect Street would have to provide more commercial space and would have needed to forego the grade-level parking.

- 124b My above comment was in reference to "Use & Occupancy: Tenant Space Depth (min)" on the right side of the page.**

See Open Comment #124 for more information.

**125 Flexibility for second floor commercial use?**

See Open Comment #125b for more information.

**125b Sorry, this comment was intended to reference 'Upper story permitted use category'**

OSPCD is considering changing the Mixed-Use Building to "General Building" and permitting upper floor flexibility instead of only allowing the upper floors to be residential.

**126 There was recently a very nice little 3 story infill building permitted in Union Square at 380 Somerville Ave, replacing the old Fiesta bakery building which had been damaged by fire. That was a good solution for that site, but does not appear it would have been permitted by this minimum dwelling unit requirement. This is a problem for some infill on very small lots in the squares, particularly in historic areas.**

A lot of this size still has a number of options under the code. A multistory commercial building is permitted by-right on this site. If this were not feasible, the applicant could pursue a smaller residential building. This would require a variance application, and the applicant would need to argue that the small size of the lot creates a hardship.

**127 Typical commercial buildings have greater than 50% fenestration on upper stories. What is the purpose of this requirement?**

This fenestration requirement stipulates that no more than 50% of a façade be glazed with clear glass. It does not preclude a curtain-wall building. The rule helps to promote buildings that are inherently more energy efficient by default without needing extensive engineering or technological solutions and works toward achieving City wide goals for reduced energy use. OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations and will provide appropriate changes for the next draft of the proposed ordinance.

**127b Agreed, it would be nice to have a justification for the fenestration requirements. Also see my comment on this page to the right.**

See Open Comment #127 for more information.

**128 I understand that there was not time to study how to properly incorporate energy efficiency into the by-right codes, but it might be nice to specifically mention that buildings specifically designed for efficient daylighting could apply for permits to go beyond 50% fenestration in the upper stories.**

See Open Comment #127 for more information. OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations and will provide appropriate changes for the next draft of the proposed ordinance.

**129 I am submitting this as a public comment on the new zoning ordinance and ask that you incorporate the issues raised here into the anticipated amendments to the proposed code. Although I will focus on my own property's issues as a means to provide clarity and concreteness, please consider this to be a broader use-case for certain unintended implications of the proposed new zoning. My wife and I purchased [address redacted] in**

**2013. I believe that the issues that we have recently encountered are illustrative of unintended consequences for the entire Bow Street Historic District, as well as potentially other historic districts and historic structures throughout Somerville...**

This OpenComment submittal was also delivered to OSPCD as a written comment. OSPCD is will review the interaction between the building types permitted for each district and the standards regulating nonconforming structures to identify any unintended consequences that necessitate adjustments for the next draft of the proposed ordinance. Historic designation places further limitations on a property and supersedes the zoning ordinance in terms of the potential to reach full entitlement conferred by zoning. The Historic Preservation Committee has the authority to determine the extent to which a designated historic structure could be added to, expanded, or adapted.

**130 What about cupolas, turrets, or other building components not listed here?**

The height exceptions in Section 2.B.3.h includes "cupolas" and "other non-habitable architectural features"

**131 I feel it would be wise to allow decks on triple deckers and paired triple deckers. Traditionally many three family houses had rear decks on each floor, often they would serve as egress and areas of refuge. As tenants and residents get older, rear decks may be their only outdoor space available, especially those on second and third floors.**

Front and rear porches are permitted on triple deckers and paired triple deckers. This is the typical type of outdoor amenity space provided with these building types.

**131b I agree, the occupants of each individual unit should be allowed to enjoy a minimal amount of open space without walking all the way to the ground or to the roof and as an additional means of egress it is also a safety feature.**

See Open Comment #131 for more information.

**131c Agreed, many triple deckers have decks already.**

See Open Comment #131 for more information.

**132 Would deck be permitted above porches or at intermediate floors?**

This is permitted.

**133 Why [set dormers back from sidewalls]**

See Open Comment #133b for more information.

**133b This needs to be revised. There is ample historic precedent for dormers that have no setback from the sidewall below. It really depends more on the style of house. In the case of wider shed dormers the historic precedent is almost exclusively to have the wall planes align vertically - makes no structural sense otherwise.**

Most dormers require a special permit under the existing ordinance. The Zoning Board of

Appeals routinely requires dormers to be set back from the sidewall because it reduces the visual impact of the dormer in the composition of the building, its roof, and to other building components. Dormers are used to let light into an attic and to create habitable space without the expense of adding an entire new floor. Architecturally, a poorly designed dormer can drastically change the appearance of a house and its roof. The properly designed dormers in Somerville are carefully designed to read as subordinate and secondary element of the roof of the house and do not overwhelm the elevation below.

**134 Does this serve any structural purpose? Why not go to the full height of the ridge line?**

See Open Comment #133b for more information.

**135 Is this just from the front / primary facade? There really is no reason to require such a large setback from the rear elevation of a house.**

This requirement does not apply for the rear elevation of any building type because only exterior walls oriented toward front lot lines meet the definition of a façade in the proposed ordinance. Side wings do not have a required setback from the rear.

**136 I would delete this requirement, as it really depends on the situation. There certainly is historic precedent for rear additions aligning with existing side walls, and I think is overly restrictive to creative design schemes. It also prevents the simple extension of gable / walls to the rear of a building - suitable in some cases.**

Zoning provisions of the current ordinance, particularly FAR, have permitted rear additions that are of a size and scale that has caused significant issues in many Somerville neighborhoods over recent years. The modest rear addition building component included in the proposed ordinance reflects the size and scale of rear additions on houses that were built prior to FAR being adopted in Somerville.

**137 There are many existing examples of homes with rear extensions (either added or original) that have flat roofs.**

This requirement addresses health and safety concerns by ensuring proper roof drainage and to prevent injury to people or damage to buildings. Despite the existence of some rear additions with flat roofs, this standard will promote improved design in the future.

**138 Why? Wouldn't you be better off specifying a clearance from the head of the door?**

This metric refers to the height of the portico's ceiling, which will also be above a door frame.

**139 This is excessive and more than many existing front porches provide. Result could discourage or prohibit people from building front porches when this code should be doing the opposite.**

Applicants who build new porches are required to build a porch that is deep enough to hold a table and a few chairs so that it functions as a proper outdoor amenity space for the residents.

- 139b I agree. Given the variation of building types / styles / settings I think you would be very hard put to provide a dimension that covers all situations. What is the mechanism for not complying with this (or any) standard (haven't gotten to the nonconformance section yet)**

See Open Comment #139 for more information. This rule has no impact on existing porches. OSPCD will review the provisions regulating non-conformities for possible edits to the next draft of the proposed ordinance.

- 140 Are decks permitted on top of porches? Many wonderful existing examples of this in Somerville.**

Decks are allowed on the 2nd story of buildings but may not be fully enclosed. See 3.E.5.v of the proposed ordinance.

- 141 This is excessive and more than many existing front porches provide. Result could discourage or prohibit people from building front porches when this code should be doing the opposite.**

See Open Comment #139 for more information.

- 142 I get the point of the illustration, but it seems like this design would have major accessibility issues.**

Zoning relief for accessibility is established through federal, state, and other local ordinances. The Fair Housing Act of 1988 and the Massachusetts Fair Housing Act provide individuals with disabilities reasonable accommodation in rules, policies, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. The Board of Aldermen have approved a local 'reasonable accommodations ordinance' which permits applicants to request and staff to grant reasonable waivers from zoning to meet accessibility needs. Zoning also specifically exempts accessibility ramps from dimensional requirements, per state law.

- 143 Would this be in addition to required open space or could it be part of it? It sounds like amenity space would be private and open space would be publicly accessible, but this distinction should be made.**

In some circumstances, amenity spaces may be shared amongst the users of a building. But, area designated as a publicly accessible open space cannot also be an accounted as an outdoor amenity space for the tenants of a building.

- 144 Wow -- bold move. I like it.**

No response required.

- 145 consider deleting 'seating' - should provide for flexibility in use of space**

The proposed ordinance requires that sufficient space be provided for seating, not that seating itself is provided.

- 146 Apartment buildings should be able to meet their outdoor amenity space requirement in ways other than balconies and roof decks. Attached and common patios, decks & yards seem like they should be able to meet this requirement. Particularly in the UR district where there is a 25% landscape requirement. There are other existing apartment buildings with this condition.**

Apartment building and mixed-use building types may provide shared outdoor amenity space, provided that the space includes the total seating area required for each unit that the shared space is meant to serve. OSPCD will edit Table 3.6 to permit private patios for these two building types and will investigate allowing shared amenity space may be provided in the form of a yard.

- 147 How does this account for south facing windows shaded by other buildings?**

OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations and will provide appropriate changes for the next draft of the proposed ordinance.

- 148 For this (and some others) it's not entirely clear what is a requirement and what is a guideline.**

Article 1 §A.7 states that the words “may” and “should” are permissive and that “guidelines” are indicated by use of the terms “may” or “should” to identify actions or built outcomes that are strongly encouraged to fulfill the intent of specific sections of this Ordinance

- 149 While well-meaning, I think this [daylight and views] section is not well thought out - from a practical standpoint.**

These standards are developed based upon performance metrics established by the US Green Building Council as a part of the LEED certification standards. OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations and will provide appropriate changes for the next draft of the proposed ordinance.

- 150 Please provide more information on how these [daylight and views] requirements were established.**

These standards were developed based upon performance metrics established by the US Green Building Council as a part of the LEED certification standards. OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations and will provide appropriate changes for the next draft of the proposed ordinance.

- 151 Will the folks at ISD be checking this for every mixed-use project when reviewing drawings for mixed-use buildings.....?**

OSPCD will work closely with ISD and the Zoning Review Planner to ensure applications and plan documents demonstrate compliance with ordinance requirements.



- 152 This is incorrect and significantly too restrictive. For example, this would effectively prohibit a passive solar building.**

This standard does not prohibit a passive solar building that collects, stores, and distributes solar energy (in the form of heat) in the winter and reflects solar heat in the summer. Additionally, this provision was developed using performance metrics established by the US Green Building Council as a part of the LEED certification standards. OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations and will provide appropriate changes for the next draft of the proposed ordinance.

- 153 Consider requirement for roofs to be "PV-ready"?**

OSPCD will review PV-ready zoning provisions for possible inclusion in the next draft of the proposed ordinance.

- 154 [The storefront design standards are] too restrictive**

The storefront design standards of the proposed ordinance ensure that the fundamental elements of a quality storefront are present, but do not regulate the individual style of those elements or prevent unique expressions of character. However, OSPCD understands that some circumstances may require flexibility and is considering allowing design deviations from these provisions by Special Permit.

- 155 Consideration of the landscape design and features should be added to th[e Design Review considerations] section.**

OSPCD will add this to the review considerations by the Urban Design Commission.

- 156 Why isn't Boynton Yards [a Special District]?**

The district mapped over the land area of Boynton Yards was a 'direct translation' for the existing TOD district, see Map Conversion Memo submitted to the Board of Alderman. As the neighborhood planning process is concluding for Union Square and Boynton Yards, OSPCD will evaluate the appropriateness of a Boynton Yards Special District.

- 157 Grand Junction is not defined on the zoning map. Also please make sure no development gets in the way of the Grand Junction path.**

The GJ-SD was inadvertently mislabeled on the proposed zoning map. Twin City Plaza is the site of the Grand Junction Special District. One of the purpose statements for the Grand Junction Special District is to ensure site planning that does not preclude connections to a potential transit station along the Grand Junction rail line or any extension of the Grand Junction community path. See written comment 15.1 for more information.

- 158 "5)d: each development will allocate 25% of the total surface area of to green or open space, where total surface area is equal to the area of the lot plus the surface area of all buildings in that lot, If 25% cannot be reached the developer will contribute to a Green Space fund for Somerville. In addition to square footage each development must reach a certain 'green standard'. The Green Standard would be based on the GAR (Green Area Ratio) formula passed into zoning laws by Washington D.C. in 2013.**

[http://ddoe.dc.gov/sites/default/files/dc/sites/ddoe/service\\_content/attachments/GAR%20Guidebook\\_errata%2003\\_03\\_2015.pdf](http://ddoe.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/GAR%20Guidebook_errata%2003_03_2015.pdf)

See Open Comment #039 for more information.

- 159 The title of this section, "Public Realm Standards," suggests these are standards (requirements), whereas the language under the sub-section "Thoroughfares," which states that "sidewalk design \*may be\* designed according to the provisions..." suggests this is a guideline. Suggest clarifying.**

The title of this article will be edited to just "Public Realm" as it may include both standards and guidelines. As stated in Article 1 §A.7, the words "may" and "should" are permissive and "guidelines" are indicated by use of the terms "may" or "should".

- 160 Does the reference to the "Assembly Square Public Realm Design Guidelines" refer [to] this section, some other section of the ordinance, or a separate document?**

The Assembly Square Public Realm Design Guidelines is a separate document and actually titled "Assembly Square: Design Guidelines for the Public Realm." This document is a portion of the Assembly Square Plan as referenced elsewhere in this Section and defined in Article 12. This reference will be changed to "Assembly Square Plan."

- 161 "at least 25% of total land area of a development site subject to large development..."**

See Open Comment #039 for more information.

- 162 All roofs of new buildings must be able to support rooftop urban agriculture, including but not limited to, gardens, apiary structures, greenhouses, and recreational fields. These areas would be designated as "civic spaces".**

MGL 40A, Section 3 prohibits zoning ordinances from regulating or restricting 1) the use of materials and 2) the methods of construction of structures regulated by the state building code. Urban Agriculture principal uses are permitted by-right with limitations in all MU districts and community farms/gardens are permitted in all districts. Urban Agriculture accessory uses are permitted by-right with limitations in NR, UR, and all MU districts. None of these activities are prohibited from happening on rooftops. OSPCD maintains the position that property owners should be allowed, rather than mandated, to conduct Urban Agriculture activities on their property.

- 163 The first story of all multi-storied buildings must allocate a certain depth of space for a terrace that accommodates a green roof, dining, or civic space. Basically, this would lessen the dwarfing capacity of large buildings and add to the beautification of our city. Imagine having coffee atop the coffee shop where you just purchased your coffee. Crazy things have happened, no? ;)**

The proposed ordinance does not prohibit this built condition.

- 164 Shall we require the use of solar or wind power? 33% of a buildings energy consumption must come from renewable sources.**

The specific section of code this comment was made on is referencing the Assembly Square

Special District that was carried over from the existing ordinance. See Written comment 60.12 for additional information.

**165 Let's not stop there; what about buildings like this: <http://www.bullittcenter.org/>**

This comment is found twice in the Open Comment collected online, but appears to be out of place in this instance. See Open Comment #244 for more information.

**165b It is good to see thoughtful consideration for future civic and recreational spaces. We need more, and we need to care for and protect what we currently have. We need a requirement for green space that defines it separately from open space. Both are important, but lumping them together ignores the fact that each plays an important, but very different role in a healthy community.**

This comment is found twice in the Open Comment collected online, but appears to be out of place in this instance. See Open Comment #244b for more information.

**165c perhaps a certain percentage of all civic space be green or have green elements to them. I don't know what that percentage is yet.**

This comment is found twice in the Open Comment collected online, but appears to be out of place in this instance. See Open Comment #244c for more information.

**165d Could you provide more detail on the connection between these spaces and the requirements of actual developments and districts? Is there a mechanism for actually creating many of these spaces, particularly the larger spaces? Are developments that are required to provide open space required to choose a space they are providing from this section?**

This comment is found twice in the Open Comment collected online, but appears to be out of place in this instance. See Open Comment #244d for more information.

**166 25% of total development site designated as civic space. half of which must be green.**

See Open Comment #039 for more information.

**167 Assuming all ~65 acres in Brickbottom are developed subject to a large development plan or a neighborhood development plan, this would yield approx. 8 acres of publicly accessible civic space. Is the 12.5% civic space requirement in Brickbottom high enough, in the context of civic space requirements in other transformation areas, to produce the citywide goal of 125 acres of new open space as described in SomerVision?**

OSPCD is currently reviewing the civic space requirements of the Special Districts for possible changes based on public feedback for the second draft of the proposed ordinance.

**168 This special district does not appear on the zoning map (as of 1/25/15). What parcels will be included?**

See Open Comment #157 for more information.

**168b What Rob said. And where is the Grand Junction?**

See Open Comment #168 for more information.

**169 It says "permitted by-right" but the table that follows shows there requirements for LDP or NDP and requirements that do not require LDP or NDP. These seem to conflict.**

For many special districts, a building type is permitted by right if size "A" but requires approval of a Large Development Plan or Neighborhood Development Plan for a larger size "B". A and B are figurative for this example. However, OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance. Feedback provided on the provisions of the Special Districts is being considered for likely revisions that will be included in the second draft of the proposed ordinance.

**170 It says "subject to approved neighborhood development plan " but the table that follows shows the requirements for LDP or NDP and requirements that do not require LDP or NDP. These seem to conflict.**

This will be clarified in the next draft of the proposed ordinance. See Open Comment #169 for more information.

**171 [Upper Story Fenestration] This is too restricting on commercial building design**

This standard does not prohibit glass curtain walls, but does impact their design.

**171b The comment above applies to the upper story fenestration maximum.**

See Open Comment #171 for more information.

**172 I support this overhaul in general; however, I ask that you please consider reducing the 8 acre threshold for LDP in the Inner Belt. I understand the intentions behind this proposed limit, but I believe the 8 acre requirement is too high.**

In general, the draft was intended to encourage existing owners to cooperate, as the development of Inner Belt likely requires significant investment in infrastructure including new roads. Nevertheless, OSPCD is will review all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance.

**173 Assuming all ~115 acres in Inner Belt are developed subject to a large development plan or a neighborhood development plan, this would yield approx. 14 acres of publicly accessible civic space. Is the 12.5% civic space requirement in Inner Belt high enough, in the context of civic space requirements in other transformation areas, to produce the citywide goal of 125 acres of new open space as described in SomerVision?**

See Open Comment #167 for more information.

**174 Some of these uses generate more income than others-- such as software development. This means some potential tenants would be able to pay more for rent than other tenants (such as artists), and therefore drive them out. Given that this section seems designed to encourage the arts, is there a provision that can be added to address this?**

The uses classified in the Arts & Creative Enterprise Use Category include Artisan Production, Arts Exhibition, Creative Studio, Design Services, Shared Workspaces and Arts Education, and Work/Live Creative Studio. OSPCD believes that, within the 28 total acres of the Fabrication district, all uses proposed can flourish.

- 175 "This [definition] seems limiting where a library can also be a public gathering space, meetings, etc."**

OSPCD will revise the definition of Library as follows: "A facility providing unrestricted physical or digital access to information resources for reference or borrowing by the general public and often providing areas for study, research, and collaboration."

- 176 "Maybe we should consider removing the need for a Special Permit for all Minor Utility Facilities. As Somerville attempts to cut its GHG emissions, we will need easy processes in place to install renewable energy projects, and adding in hurdles can delay these projects. It might be helpful to look through the map now and determine which sites could house these projects without the need of a Special Permit and which would still require one. This way, ideal and inoffensive sites can easily be built on when ready."**

While there are significant benefits to installation of energy facilities, the impacts can be unique, specifically local, and difficult to capture through a set of specific performance standards. For this reason OSPCD recommends retaining the Special Permit at this time.

- 177 "Could a recording studio also include a music studio v. a telecommunications utility or broadcast facility? For instance, Q Division @ 363 Highland seems more appropriate for the FAB district v. 4MU. And Davis is lacking in FAB opportunities."**

Recording studios, music studios, broadcast studios, television & radio stations, film stages, etc. are regulated together as Broadcast/Recording Studio under the Commercial Services use category and permitted by-right in the Fabrication district and all Mixed Use districts. Transmission towers/dishes are regulated separately as accessory structures. All of the Arts & Creative Economy uses are permitted either by-right or by-right with limitations in 4MU. OSPCD has not proposed any map changes for Davis Square because neighborhood planning efforts are still underway and the result of that planning should inform changes to the zoning map.

- 178 "I don't see why we need to restrict bed & breakfast establishments. When my family comes to visit, there is a dearth of places for them to stay so they end up staying in other towns often. Would like them to be able to stay closer."**

Bed & Breakfast uses require a Special Permit under the existing zoning ordinance and OSPCD has carried over the requirement for the proposed ordinance.

- 179 "I would like to see an additional use category here for alternative living arrangements for adults or families in co-housing or co-op situations. That is not restricted by age or requires disability categorization. Think the Golden Girls, but maybe more people. Or the great co-housing situations in places like San Francisco."**

This living situation is categorized under the general "Group Living" residential use category and permitted by Special Permit in a number of zoning districts.

- 180 Seems like occupancy should be governed by a formula with # of bedrooms and # of bathrooms as the input. Limit of 4BR is too many for a 1BR, 1Bath apartment, too few for a 6BR, 3Bath**

The Somerville Board of Aldermen has expressed particular concern over the conversion of rooms originally provided for eating and socializing into rooms for sleeping, increasing the number of bedrooms that can be exploited for rent by unrelated individuals. OSCPd generally shares this concern. At this time, the proposed ordinance distinguishes between household living and group living by using four (4) unrelated individuals as the difference between living situations that are permitted by-right and those permitted by Special Permit.

- 180b "This would make a lot of sense.**

**Comparing the current zoning ordinance with the proposed one, and not having followed any of the revision work that might've been made public, what I see is that ""family"" as a defined term is being replaced with ""household."" If that's true, this is fantastic! Defining family is a tricky proposition at best, particularly in a place of such diversity of family structures as Somerville.**

**But why limit household size to 4, relegating larger households to a ""community or group residence"" definition? I can see very little difference in how they are treated throughout the proposed ordinance, and the differences I do see are obscure to my untrained eye. I would like a clearer definition, not only of these terms, but of the difference in how the city is treating them, somewhere in the document. "**

OSPCD agrees that defining a "family" as no more than four (4) unrelated individuals is difficult, but has maintained the four (4) unrelated individuals standard by including it in the definition of "household living" in the proposed ordinance. The existing and proposed ordinances function exactly the same way in this respect. Residential living situations with more than four (4) unrelated individuals, including Co-Housing and Cooperative Housing, is categorized as the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.

- 180c (To clarify my comment above: what I would really like is an expansion of household to include more than four people. Only if the separate category of community/group residence is truly necessary should that category remain, and there should be justification for it.)**

Residential living situations with more than four (4) unrelated individuals, including Co-Housing and Cooperative Housing, are categorized as the general "Group Living" residential use category and permitted by Special Permit in the NR, UR, and the MU districts.

- 180d I agree: I understand and support concerns for safety, noise/nuisance and quality of life issues, however, I believe that these should be delineated and dealt with directly (e.g., through minimum square-footage requirements, clear safety requirements (regardless of the blood relationship of the occupants), community policing and enforcement of noise ordinances).**

See Open Comment #180 for more information.

- 181 The occupancy requirement should disregard blood relation; or, it should be scaled to unit size; or the restriction on unrelated persons should be limited to young adults; or the**

**restriction on unrelated persons should be waved for owner-occupiers.**

See Open Comment #180, #180b, and #180c for more information.

**181b Agreed.**

See Open Comment #180, #180b, and #180c for more information.

**181c I agree: there should be no arbitrary prohibition on the number of unrelated persons living together in a dwelling. It is unfair, it will negatively impact rents, it favors large developers over local residents, it threatens the viability of housing cooperatives, and it also runs counter to SomerVision's goal of environmental sustainability in our community.**

See Open Comment #180, #180b, and #180c for more information.

**181d I agree, it should either only impose limits on undergraduates or it should be scaled to unit size via an outline of what constitutes a legitimate bedroom.**

See Open Comment #180, #180b, and #180c for more information.

**182 "As a home owner near Tufts, I fully support the "no more than 4 unrelated tenants" rule - and for all rentals, not just those for students! This long standing ordinance is actually PRO-FAMILY because it encourages landlords to rent out their 5, 6 and 7+ bedrooms to families rather than unrelated individuals. Apartments generally have just one kitchen (and living room et al.) and as a practical matter, are better utilized by a single family sharing meals etc. than a disparate group of individuals. Additionally when every room that can function as a bedroom is turned into one by a landlord, living conditions become overcrowded, and as my neighbors and I can personally attest, late night activities are generally louder and move outside onto decks, porches and yards.**

**There's a group called "Zone Smart Somerville" that has been asserting the "no more than 4 unrelated tenants" rule represents a change in the zoning policy, rather than a continuation of it, and speak of current properties becoming "devalued..." Their proposed and in fact NEW policy to overturn that so as to not "limit the rents we can collect by forcing unused bedrooms to remain vacant" would in fact be ANTI-FAMILY: by allowing every single bedroom in a property to be occupied by an individual unrelated tenant, rents on 5+ bedrooms would certainly go up, and families that now legally occupy the 5, 6, 7 and more bedroom properties would be financially forced out as those properties were legally converted to rooming houses...**

**Board of Directors**

**The West Somerville Neighborhood Association**

**<http://WestSomerville.org>**

See Open Comment #180, #180b, and #180c for more information.

**182b Ed I must disagree. You say you are pro-family but the definition of "family" is hard to agree on and has evolved quite a bit. Somerville has quite a diversity of household structures and they all deserve equal respect. It is dangerous to attempt to engineer how households "should" form when economic forces ultimately win out over poorly designed code. The rule is a great example of a lazy attempt to solve a complex issue. As for overcrowding, I have yet to hear a good definition of what is meant by this and what exactly**

the problem is that it describes. There are legitimate concerns about noise, trash and parking that can all be dealt with via writing specific code addressing those problems. There are real households who can be affected on both sides of this issue. You are correct that this code already exists, but everyone admits it is rarely enforced! Then how does it help? Rents are going wherever market forces take them, and all this code does as it is written is discourage landlords from pulling permits, and encourage bad tenants to use the code against good landlords. You should get behind rewriting this rule if you sincerely want the code to be effective in solving real issues.

See Open Comment #180, #180b, and #180c for more information.

183 "Here is what I suggest you replace section 10 and 10a with:

**10. RESIDENTIAL USE CATEGORY**

The residential principal use category includes uses that provide living accommodations for one or more persons in a principal building type. Residential use of an accessory structure is prohibited. Uses where tenancy is arranged for time periods shorter than one month are considered Lodging uses. See Â§5.B.8. Lodging Use Category and Â§5.C.3. Lodging accessory Use Category for more information. The residential principal use subcategories are:

a. **Household Living:** Residential occupancy of a building in legal dwelling units by owners and their family or by tenants rented on a month to month or longer basis provided further that occupancy by more than four unrelated tenants who are enrolled as full-time undergraduate students at a post-secondary educational institution shall be prohibited.

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This is balanced to allow some limitation on undergraduate occupancy but steers clear from getting heavily into engineering neighborhood composition or limiting any other type of legitimate use."

See Open Comment #180, #180b, and #180c for more information.

184 **If there are two principal functions within a space, is there a way to determine which use is "principal" and which is "accessory"?**

The proposed ordinance breaks down uses into principal uses, accessory uses, and ancillary activities. As with the current ordinance, more than one principal use is permitted in the same space, within the same building, and on the same lot.

185 **Why? This [family day care rule] is arbitrary and unnecessarily restrictive. This could potentially prohibit my sons home daycare provider from operating, who has worked for over 30 years taking care of multiple generations of children in Somerville. Please be mindful of the impact of random restrictions like this.**

Child care is permitted as a principle use in all districts. Family day care is an accessory use. The definitions of both uses come from Chapter 15D, Section 1A of Massachusetts General Laws. These definitions have been in the current ordinance since 1991. Lawfully pre-existing uses are grandfathered.



**186 This is where Airbnb activities are covered.**

AirBnB is regulated as the "Short Term Rental of a Dwelling Unit" in circumstances where individuals are seeking to rent entire units on a short-term basis. Rental of individual rooms on a short term bases is regulated as a "Tourist Home".

**187 "If I am reading this section correctly, an in-law apartment may only be added to a basement. Why wouldn't this type of use be allowable for a carriage house, or above a garage? In addition, some existing residences may have a location other than a basement that is most suitable for such an apartment, and this limitation seems unnecessarily onerous. Facilitating the construction of in-law apartments seems to be in keeping with a policy of facilitating changes that respond to families' changing needs, as described in the informational flyer on Dormers and Home Additions. □"**

**Related to this, there does not seem to be a reference to historic carriage houses anywhere in the draft ordinance. I know this is an issue that has plagued homeowners who have these structures on their property, and the current ordinance addresses this in section 7.12. Their status should be clarified in the new SZO, perhaps simply by mentioning them in Article 5.C.2. "**

OSPCD does not plan to include residential "carriage houses" as a building type for the proposed ordinance. The existing ordinance permits reuse of historic carriage houses for things other than residential use and this standard is being carried over for the proposed ordinance. At this time, there is not support from the Board of Aldermen to permit residential accessory structures. The proposed ordinance does permit secondary dwelling units in basements of owner occupied buildings in the NR district by Special Permit. The house building type was created to maintain the main body of a house as a structure with up to two (hopefully family-sized) units. Allowing a separate third residential unit under the roof leads to excessive dormers, egress issues (the building code is different for 1 & 2 families and 3+ families), and smaller units overall that limit options for families seeking more space.

**188 Confused why Creative Studio use would be prohibited in the Fabrication zoning. Reading the definitions, it seems to be exactly what the designation was intended for.**

Creative Studio uses are specifically intended to allow appropriately scaled Arts & Creative Enterprise uses within the Neighborhood Residence district. Other uses in the Arts & Creative Enterprise use category permit similar activities in the Fabrication District.

**189 Why is it that no civic uses are allowed in the "Civic" district? Also what happened to municipal buildings, parks, police & fire, &c. (or is that exempt from zoning altogether)?**

Real property used or occupied by the City of Somerville is exempt from the provisions of the Zoning Ordinance.

**190 Fabrication zones should allow cafes, bars, and small restaurants. This will allow workers to have places to eat lunch and allow the districts to have some life at night instead of being dead.**

See Open Comment #062 for more information.

- 191 Again, would be great if Fabrication districts could have cafes, bakeries, and small restaurants. Food can be very creative and artistic. It would enable evening use and make the locations more attractive to workers due to lunch options.**

See Open Comment #062 for more information.

- 192 Is there no place [for SRO] uses can go as-of-right? I think a special permit can be very difficult for these use types, as they would be often subject to appeal.**

Typically, group residential uses that are not protected by federal law require a Special Permit where they are permitted in zoning ordinances. The 'Community or Group Residence', which is limited to handicapped individuals as defined by federal law, is permitted by-right.

- 193 With the growing interest in rooftop uses for urban agriculture, I think it would be prudent to permit for these uses in the fabrication districts where large, flat rooftops are plentiful.**

Table 5.1 Principal Uses will be modified to permit a Commercial Farm by-right in the Fabrication District in the next draft.

- 194 Why not permit people to rent driveway space to ZipCar or other car sharing services? Many already do with relay rides.**

Almost every residential lot within Somerville is within a short walk of a district where car-sharing uses are permitted. This issue has recently been debated by the Somerville Board of Aldermen whom determined at the time that these uses were undesirable for the RA & RB districts of the existing ordinance. This was carried over for the NR district of the proposed ordinance.

- 195 If not done right (compost bins), can attract rodents.**

Compost bins are permitted by right with the following limitation: "Compost bins must have a ground gate and pest proof lids." Residents are recommended to consult p.7 of the ABC's of Urban Agriculture guide book published by OSPCD.

- 196 Satellite dishes are unattractive, especially when they multiply over time on some buildings.**

This is one of many concerns Somerville residents have related to the aesthetics of the built environment. Note that satellite dishes need to be located with specific orientation to accommodate appropriate signal reception. See Open Comment #197 for a full description of the standards governing the placement of satellite dishes.

- 197 No satellite dish can be visible from the street, sidewalk or any public space. Dishes are relegated to the least visible area of any structure.**

"It is important to regulate the impact of satellite dishes and do it within the limitations of 47 CFR 1.4000 and the Telecommunications Act of 1996, which prohibit local zoning from impeding the ability for customers to receive a satellite signal. The limitation for satellite dishes in the proposed ordinance includes a typo. It should read as follows:

Satellite Dish:

A dish antenna for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or services. Small satellite dish antennas are one meter or less in diameter and large satellite dish Antennas exceed one meter in diameter. The following standards apply:

- i. Satellite dish antennas must be permanently installed as building-mounted or ground-mounted structures and must not be portable or movable.
- ii. Building-mounted satellite dishes may not be installed on any facade unless such placement is required for reception of an acceptable signal, according to a written statement from a licensed, authorized installer on company letterhead that includes the installer's signature.
- iii. Roof-mounted satellite dish antennas must be located a minimum of five feet from any roof edge.
- iv. Large satellite dish antennas are permitted only in rear yards, and must be set back from all lot lines a distance that is at least equal to the height of the dish, or five feet, whichever is less. "

**197b I appreciate the intent of this, but satellite dishes need to be located with specific orientations that may make this impossible, especially given Somerville's dense neighborhoods. I'd suggest residents should have the discretion to put up a dish on their property.**

Building-mounted satellite dishes are only permitted on facades when such placement is required for reception of an acceptable signal, according to a written statement from a licensed, authorized installer on company letterhead that includes the installer's signature.

**198 Should be a provision that limits # of dishes to 1 per unit, to force removal of old dishes.**

OSPCD will add this provision to the next draft of the proposed ordinance.

**199 I don't know if this is the applicable section, but can we mandate that all dish satellite structures be relegated to the least visible area of a building, like the roof. Dish Satellites cannot be visible from the street, sidewalk, or other public arena.**

See Open Comment #196 and #197 for more information.

**200 I support the sentiment, but is [a landscape maintenance requirement] really enforceable through zoning?**

The proposed ordinance requires the trimming of all vegetation to prevent encroachment by growth onto the sidewalk of any public thoroughfare that obstructs use of the sidewalk by pedestrians in any way. The ability to enforce such a requirement as an exercise of police powers draws its legality from *Goried v. Fox* 274 U.S. 603, 604 (1927) where the Supreme Court could not find setback requirements to be "clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare." Using this as a test for the requirement in question here, maintaining a clear path of travel on public sidewalks is directly connected to the health, safety, and general welfare of the public in general and a reasonable exercise of police powers.

**201 [This] was 10' in CCD districts in previous zoning - is this a reduction?**

The proposed ordinance changes this provision by requiring a narrower buffer but including a quality component that is missing from the existing ordinance. Currently the 10' landscape buffer can be grass only. The proposed 4' buffer requires trees, shrubs, and a fence. OSPCD will review the design impacts of this change, when illustrating the code impacts on real project sites, allowing the community to determine the impact of this change.

**202 Is this limiting all fences to 6' maximum? It may be desirable to have taller fence if located on a hill and wishing to screen something uphill.**

The existing and proposed code prohibits fences greater than 6'. If a unique condition presents itself, an applicant can request a variance. The ZBA has granted variances for fence heights in the past when the topography of the lot deems that such a variance is appropriate.

**203 Mechanical PH in CCD required setback behind 45 degree line from edge of roof and had a maximum height of 15' above roof. Are there similar restrictions now?**

6.F.3.a. Mechanical equipment and elevator/stairwell penthouses must be screened from ground level view from abutting properties, public thoroughfares (not including an alley), and civic spaces by a parapet wall or other screening structure constructed of the same materials as the principal building.

**204 Why are [roof mounted sustainable energy systems (solar panels)] exempt?**

Roof-mounted sustainable energy systems are exempt from screening requirements (but not building or electrical permits) because they are embraced by the community and not considered an aesthetic eyesore.

**205 It should be recommended that at least some short-term bike parking be covered, if possible, to protect bikes from rain or snow.**

The bicycle requirements were developed with input from the Somerville Bicycle Committee (SBC) and based on requirements from cities around the world.

**206 A 5' wide access aisle must be required to be designated from a public way to bicycle parking area (not just for bicycle parking area). Within bike parking area, many rack mfr's recommend less than 5' as a minimum depending on rack type - may want to provide flexibility.**

The bicycle requirements were developed with input from the Somerville Bicycle Committee (SBC), and based on requirements from cities around the world.

**207 I would add another purpose [in the motor vehicle parking section]: To ensure that off-street parking requirements do not artificially reduce the allowable FAR of a property. Often, the shape and size of buildings as well as the usable open/green space on a property are constrained by designing around (required) parking. Parking should be just one possible part of a development and should not be the primary driver of its design.**

A purpose statement expressing this sentiment will be added to the next draft of the proposed ordinance.

- 208 [Un-bundled parking] is very important for making housing more affordable and attracting residents who don't own or don't want to own a car.**

OSPCD agrees that parking spaces should be required to be rented, leased, or sold as an option rather than a requirement of the rental, lease, or purchase of a dwelling unit or non-residential floor space. The proposed ordinance includes this purpose statement but the requirement was inadvertently omitted from §7.B Motor-Vehicle Parking and will be included in the next draft of the proposed ordinance. Un-bundled parking is also required for any use meeting the thresholds of the Mobility Management section of the proposed ordinance and required for all development in the North Point Special District.

- 209 This is great, but it really needs to be coupled with charging a market value for on street parking permit. People choose to save money by not renting off street and just park on the street because it only costs \$30/year. New developments do NOT self-park. Most opposition to development is over traffic and parking. If you increase the cost above the basically free level it is now, there will be way less of that and we can have more development to absorb demand and therefore slow down price increases. You could phase in the increase over 7 years or something.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558. Exploring the relationship between on-street parking management and Transit-Oriented development is part of that analysis.

- 210 [an 85% occupancy rate of on-street parking spaces] will \*never\* happen unless we start charging market rates for on street parking permits. Please stop giving away this public real estate for free to individuals who choose the most destructive mode of transportation there is.**

See Open Comment #206 for more information.

- 210b I agree with this. Proper pricing of on-street parking is the only way to reach the goal of 85% occupancy.**

See Open Comment #206 for more information.

- 211 This is excellent. The removal of parking minima in TOD areas is probably the single most important change in this document.**

No response necessary.

- 211b Agreed.**

See Open Comment #211 for more information.

- 211c "I agree 100% as well. Removing minimums from TOD areas is really important. Shared parking should be the primary parking solution in TOD areas in order to keep continuous street walls and to allow people to park once and walk to all the places they wish to visit."**

See Open Comment #211 for more information.

- 212 "Non TOD areas should have parking maximums rather than minimums, just as TOD areas will. (Most of the city will soon be within 1/2 mile of rapid transit, and most already is**

served by buses within that distance. One could argue that the whole city is a TOD district in many ways.)

**Particularly in residential areas, our lot sizes are small and each parking space takes up a lot of valuable land. Required parking often ends taking the place of usable open/green space such as gardens, patios, etc, and can result in buildings that are shoehorned around required parking rather than having parking integrated into them. We also want to be able to have some new residences designed with no on-site parking provided, to appeal to car-free residents or because parking is available nearby off-site.**

**If the City does decide to still have minimums for non-TOD areas, they should provide ways for property owners/developers to reduce those minimums on a per project basis (i.e. providing 1 car-share space in place of 8 private car space, pay a fee per space not provided to a city fund for shared parking, providing free transit passes to residents, agreeing to price the parking that is built in such a way as to reduce the demand for it.)"**

The proposed ordinance requires one (1) space per DU minimum in Non Transit-Oriented areas of the city (a context-based approach) and a cap of one (1) space per DU maximum to prevent the oversupply of parking in Transit-Oriented areas of the city (a more market based approach). This applies different standards for different areas of the city with different access to transit. The proposed ordinance has more detailed landscape requirements, to ensure that landowners do not prioritize parking at the expense of landscaping. The ordinance also permits relief from the parking standards by Special Permit.

- 212b Very glad to see this section. Transportation demand management is a great way to reduce parking and traffic needs. Kendall Square Cambridge has seen significant reductions in traffic even as more development has taken place.**

Noted. See Open Comment #241b under Mobility Management for more information.

- 213 The City should set up a process whereby a building owner can petition to convert excess parking into other uses, such as patios, gardens, outdoor seating, etc. These uses could be permanent or allowed on a seasonal basis.**

Accessory parking provided due to a minimum parking requirement must be maintained exclusively for the parking of motor vehicles and not for the storage of other objects. This is standard zoning language, and OSPCD would not want landowners to make promises about providing off-street parking and then replace that parking with something else without proper review. OSPCD does not object to a Special Permit that could allow a property owner to convert required parking area or spaces into other uses or to seasonally expand or contract the minimum amount of parking provided on site when the property owner deems that parking to be excessive. OSPCD will review this possibility for the next draft of the proposed ordinance.

- 214 What about temporary activities such as food trucks or farmers' markets?**

The intent of this standard is that accessory parking provided due to a minimum parking requirement must be maintained exclusively for the parking of motor vehicles and not for the storage of other objects. Transit-oriented commercial areas in Somerville do not have minimum parking requirements, therefore, food trucks and farmers markets would be permitted. However, the outdoor storage of equipment, inventory, materials, merchandise, supplies, or other items is prohibited, except in the Fabrication and Commercial Industry districts, so surface lots would

only be able to be reused for things other than storage.

- 215 Parking requirements for mixed-use developments should be lower than the sum of all uses, perhaps following ITE measurements of internal capture of trip generation. For example, a mixed-use development with a restaurant, a dentist's office, and housing would have peak demand from these uses at very different times of day.**

OSCPD is carrying out a Parking & Transportation analysis per Board Order #198558 that will include recommendations for shared parking provisions for the new ordinance.

- 215b I agree that parking for mixed-use development or shared parking in general should require fewer spaces than the combined total for individual uses.**

OSCPD is carrying out a Parking & Transportation analysis per Board Order #198558 that will include recommendations for shared parking provisions for the new ordinance.

- 216 [parking requirements for multiple principal uses are the] "sum" or "average" [of the requirements for each use]?**

This standard is being edited to reflect the sharing of parking between uses and part of the Parking & Transportation analysis being carried out by OSPD per Board Order #198558.

- 217 This sounds like it should refer to Table 7.2.**

This will be corrected in the next draft of the proposed ordinance.

- 218 Clarify if zero parking is allowed if only a maximum is expressed.**

A maximum parking requirement permits any amount of parking up to the permitted maximum number of spaces, including zero.

- 219 Clarify if zero parking is allowed if only a maximum is expressed.**

See Open Comment #218 for more information.

- 220 A better policy would be to make this column maximums instead of minimums, like the other columns. Please see my comment on previous page under Non-Transit Oriented Areas.**

See Open Comment #212 for more information.

- 221 I hope that car share parking will be implemented in more transit oriented residences and offices. I think it's totally fair to let people trade off some of the previous parking space burdens if they accommodate car share parking.**

OSPCD also hopes that car-sharing continues to be embraced by the Somerville community.

- 222 Clarify if zero parking is allowed if only a maximum is expressed.**

See Open Comment #218 for more information.

- 223 Clarify if zero parking is allowed if only a maximum is expressed.**

See Open Comment #218 for more information.

- 224 A better policy would be to make this column maximums instead of minimums, like the other columns. Please see my comment on page 217 under Non-Transit Oriented Areas.**

See Open Comment #212 for more information.

- 225 Still, I think [1.0 / 500 sq.ft. for Restaurant, Café, Bakery] is a bit high for non-TOD areas.**

OSPCD is carrying out a Parking & Transportation analysis per Board Order #198558 that will include recommendations for any necessary adjustment to the proposed parking standards.

- 226 Very glad to see these [parking] relief methods. This gives people much-needed flexibility when it comes to providing off-street parking.**

Noted.

- 226b I would add other ways to provide minimum parking requirement relief: (d) paying into a city fund for shared parking for each space not provided on-site, (e) the availability of off-street parking nearby (i.e. within 1/4 or 1/2 mile).**

OSPCD will review these suggestions for possible inclusion in the next draft of the proposed ordinance.

- 227 [Off site accessory parking in NR/UR districts] What about public/shared off-street parking?**

OSPCD does not anticipate a need for public/shared off-street parking in the NR and UR districts.

- 228 There should be requirements for tree plantings in this section, both for beautification and sustainability. This has already been noted by another commenter in the building types article.**

"See Open Comment #030 for more information. See Article 6.d Landscaping and tree preservation for landscaping requirements."

- 229 [Access for off-street parking] is very important. We want parking to be behind buildings, not between buildings and the sidewalk. Does this also mean that ground-level garage parking is not permitted along the front edge of a building? If not, it should include that. Parking garages adjacent to sidewalks (with either windows or doors) are very people-unfriendly.**

OSPCD agrees. All parking, except underground parking, must be setback behind the required Parking Setback identified for each building type.

- 230 Does [the forward direction requirement] include residential driveways/garages? If so, it should not.**

No, this standard is only applicable to parking lots and structures.



- 231 The 20 car threshold is way too high before allowing compact spaces to be used. Encouraging other modes of transportation is part of the urban design intent. Encouraging more compact cars is in line with that objective. The threshold should be closer to the number of units in the average residential development. Probably closer to 8.**

OSPCD will review this requirement.

- 232 Clarify how to apply the multiplier. For example, do they apply only to the number of required parking for the affordable units or do they apply to the number of required parking for the whole project if the proposal includes affordable units.**

The multiplier applies to the affordable dwelling units on site. OSPCD will review and determine if this needs to be clarified for the next draft of the proposed ordinance.

- 233 In general, the City should discourage ground-floor structured parking adjacent to a public sidewalk. It tends to be a street killer, even with windows. It's much better to have an active use on the street edge (particular retail, but also office or residential.)**

See Open Comment #229 for more information.

- 234 Allowing 2 curb cuts for paired triple decker and other higher density developments on shallower lots allows the project to actually have a meaningful back yard in the middle between the rows of parking spaces directly off the 2 driveways on each side of the building. Sticking to one curb cut makes you wipe out essentially all your rear yard to parking spaces and drive aisle.**

OSPCD has placed a priority on the pedestrian. Allowing more than 1 curb cut per lot impacts the walking experience on a street while also removing public off-street parking to further facilitate private parking spaces.

- 235 [The restriction on curb cut location] is very important. Curb cuts should provide parking access from side streets and alleys rather than main streets. We want minimal interruptions to people walking along a street due to driveways and parking access.**

See Open Comment #234 for more information.

- 236 Some residential houses have very large lots. Particularly when it comes to multifamily homes, it seems ridiculous not to allow off street parking on a portion of the facade of the building between the facade and the lot line. Why not ease the requirement to perhaps allow for one curb cut off the street but a wider driveway, a portion of which may encroach upon the facade of the house but perhaps by no more than 20%. This would allow for parallel parking. Cars used today are much smaller than they were when these rules were originally written and if you want to get cars off the street then you need to allow homeowners the ability to widen their driveways.**

Parking is and has been prohibited in the front yards of homes for decades. This is to ensure a certain level of street activation, lot permeability, and general aesthetics. This rule has served Somerville well, as many surrounding communities without this regulation have seen front yards paved and filled with vehicles. OSPCD believes this rule is fundamental to maintain neighborhood character in Somerville.

- 237 **"This proposed zoning tends to place parking behind buildings (in relation to the street). That is generally a good idea, but it causes long driveways and reduces the landscape area as compared to building forms that allow for parking more in the middle of the lot. It makes sense in projects that do not have cars coming and going that often, such as residential developments, to allow narrower driveways because you get more landscaping; and you don't have high enough movement of cars that causes mandatory two-way car passing each other. For such sites, a one-way drive will do as one car can simply wait for the other car. The driveway can be wider AT THE CURB ONLY to allow for one car to pull over to one side and allow the other car to pass. This would solve the landscape area and the traffic puzzle."**

Driveways serving six (6) or fewer vehicles may be narrower, as indicated in the proposed ordinance. OSPCD will be adjusting permeability standards for the next draft of the proposed ordinance.

- 238 **Shared driveways should be encouraged wherever they would result in fewer curb cuts.**

Shared driveways are permitted by right in the proposed ordinance because they reduce curb cuts, consolidate vehicular movements, and allow for more landscaping.

- 239 **Very glad to see th[e flexible use of accessory parking provision]. This could allow for the creation of outdoor seating for restaurants (year-round or seasonally), or the creation of patios, gardens, or playgrounds for residences where there isn't otherwise space for them.**

See Open Comment #215 for more information.

- 240 **Can [loading docks and service areas] be required as a discretionary determination, without an actual schedule based on building use and size?**

Zoning ordinances have little ability to accurately predict the loading facilities needed by various commercial operations. Applicants are required to meet with appropriate City departments prior to submittal of an application for development review. Applications are not considered complete until all necessary information has been supplied by the applicant. The Director of Traffic and Parking must sign off on the loading facilities proposed for the development prior to submittal.

- 241 **"Non TOD areas should have parking maximums rather than minimums, just as TOD areas will. (Most of the city will soon be within 1/2 mile of rapid transit, and most already is served by buses within that distance. One could argue that the whole city is a TOD district in many ways.)"**

Particularly in residential areas, our lot sizes are small and each parking space takes up a lot of valuable land. Required parking often ends taking the place of usable open/green space such as gardens, patios, etc, and can result in buildings that are shoehorned around required parking rather than having parking integrated into them. We also want to be able to have some new residences designed with no on-site parking provided, to appeal to car-free residents or because parking is available nearby off-site.

If the City does decide to still have minimums for non-TOD areas, they should provide ways for property owners/developers to reduce those minimums on a per project basis (i.e. providing 1 car-share space in place of 8 private car space, pay a fee per space not provided

**to a city fund for shared parking, providing free transit passes to residents, agreeing to price the parking that is built in such a way as to reduce the demand for it.)"**

This comment was found in two places and appears to be accidentally posted in this section. See Open Comment 212b for more information.

- 241b Very glad to see this section. Transportation demand management is a great way to reduce parking and traffic needs. Kendall Square Cambridge has seen significant reductions in traffic even as more development has taken place.**

The Mobility Management provisions of the proposed ordinance are based on national best practices implemented in a host of other cities with similar Transportation objectives as those laid out by the Somerville community in SomerVision.

- 242 Yes! This keeps continuous street walls along the front of buildings and keeps all the loading and vehicular access in the rear off of an alley or side street.**

Noted. New blocks created in Transformational Areas will be created with an alley based access system so that these sorts of challenges can be addressed.

- 243 Th[e requirement block size requirements are] very smart. It will prevent Somerville from ending up with pedestrian-unfriendly superblocks.**

Yes, the intent is to establish logical and complete rules for land subdivision for the first time since Somerville was granted a Home Rule petition to exempt itself from the Subdivision Control Act by the State Legislature - which left no standards for the subdivision or parcelization of land in place.

- 244 Let's not stop there; what about buildings like this: <http://www.bullittcenter.org/>**

OSPCD and the Office of Sustainability and Environment are reviewing the sustainability and energy efficiency regulations of the proposed ordinance and will provide appropriate changes in the next draft.

- 244b It is good to see thoughtful consideration for future civic and recreational spaces. We need more, and we need to care for and protect what we currently have. We need a requirement for green space that defines it separately from open space. Both are important, but lumping them together ignores the fact that each plays an important, but very different role in a healthy community.**

Each type of Civic and Recreation Space detailed in Article 8: Public Realm is different and each have unique requirements, including different amounts of required landscaping. OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance. Requirements for specific types of Civic and Recreation Spaces are being explored.

- 244c perhaps a certain percentage of all civic space be green or have green elements to them. I don't know what that percentage is yet.**

Each type of Civic and Recreation Space detailed in Article 8: Public Realm is different and each have unique requirements, including different amounts of required landscaping.

- 244d Could you provide more detail on the connection between these spaces and the requirements of actual developments and districts? Is there a mechanism for actually creating many of these spaces, particularly the larger spaces? Are developments that are required to provide open space required to choose a space they are providing from this section?**

OSPCD is currently reviewing all of the Special Districts included in the January 22 draft of the proposed ordinance for possible changes based on public feedback for the second draft of the proposed ordinance. Requirements for specific types of Civic and Recreation Spaces are being explored.

- 245 "Can we add Wi-Fi connectivity as a standard for all civic spaces? And maybe self-cleaning toilets like the kind they have in France?"**

The proposed ordinance does not prohibit these amenities within civic spaces, but it would be a reach to require them through zoning.

- 246 Where compliance with ADA requirements is referred to, MAAB (CMR 521) should also be added.**

This will be corrected.

- 247 The distinction between publicly owned public spaces and privately owned public spaces needs to be addressed.**

Zoning ordinances are not legally permitted to require the transfer of private land into public ownership. All areas of land that meet requirements for 'open space' and 'civic spaces' under the code are expected to be privately owned public spaces (POPS) unless acquired by the City through purchase or offered to the City by the owner.

- 248 Suggest there be a "Public Realm" zoning map that identifies what land is designated as Regional Park. Otherwise, it's unclear what parcels are subject to the standards in this section.**

Development of any new Civic Space in any district is subject to the standards for Civic and Recreation Spaces of Article 8: Public Realm Standards. The Transportation & Infrastructure Division of OSPCD has catalogued all existing civic and recreation spaces in the city as one of the types identified in the proposed ordinance, but the zoning map is not the appropriate tool to identify each existing space by type - similar to how the zoning map does not identify existing buildings by type in other districts.

- 249 Suggest clarifying that 10 acres is minimum. No maximum, correct?**

OSPCD will make this edit. There is no maximum.

- 250 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a community park. Otherwise, it's unclear what parcels are subject to the standards in this section.**

See Open Comment #248 for more information.

- 251 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a**

**neighborhood park. Otherwise, it's unclear what parcels are subject to the standards in this section.**

See Open Comment #248 for more information.

- 252 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a public common. Otherwise, it's unclear what parcels are subject to the standards in this section.**

See Open Comment #248 for more information.

- 253 No examples are included.**

OSPCD is aware of this omission. To date, no public common types of civic space exist within the City of Somerville.

- 254 This is great to think about, but there does not appear to be anything in this ordinance which would facilitate the creation of a new open space this large.**

This is incorrect. For example, the Inner Belt Special District is over 62, acres in size. Even with a proposed Civic Space requirement of 12.5%, the development of Inner Belt through a Neighborhood Development Plan would result in 7.75 acres of land area to be allocated as civic space. This space is more than enough to permit a proposal for a Public Common of generous size.

- 255 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a public square. Otherwise, it's unclear what parcels are subject to the standards in this section.**

See Open Comment #248 for more information.

- 256 No examples are included.**

OSPCD is aware of this omission. To date, no public square types of civic space exist within the City of Somerville.

- 257 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a plaza. Otherwise, it's unclear what parcels are subject to the standards in this section. For example, Union Square Plaza doesn't appear on the zoning map, whereas the main part of the Davis Square Plaza does appear on the zoning map as part of "Civic District." This seems inconsistent, and is another example of why the Civic District doesn't have much meaning as presented in this proposed ordinance.**

The plaza in Davis Square is a parcel of land owned by the MBTA while the plaza in Union Square is Right of Way, which is not a part of a parcel in the City's assessor's map. Only lots and parcels are assigned a district on the zoning map. The Civic District is used to protect and preserve existing civic and recreation spaces, along with civic sites and buildings, throughout the city. See Open Comment #067b and #248 for more information.

- 258 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a pocket park. Otherwise, it's unclear what parcels are subject to the standards in this section.**

See Open Comment #248 for more information.

- 259 A well-cared for grass field is less expensive than a well-cared for artificial turf field. Grass should always be the first consideration. If artificial turf is chosen, it should not count towards green space.**

Both grass and turf fields are 'civic spaces'. The community-wide discussion about the best surface for playing fields is not an issue that is addressed through zoning. The determination of materials used for the surface of a recreation field are best addressed during Design Review, which is a required preliminary review step prior to Site Development Plan review required for all Civic Spaces.

- 260 Wood chips are a good choice. Crumb rubber would be considered a hazardous waste if it were still in its original tire form.**

The determination of materials used for the surface of a recreation field are best addressed during Design Review, which is a required preliminary review step prior to Site Development Plan review required for all Civic Spaces. All materials used for playground surfacing must meet all Federal, State, and local regulations. See Open comment 108 for more information.

- 261 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a dog park. Otherwise, it's unclear what parcels are subject to the standards in this section.**

See Open Comment #248 for more information.

- 262 Nunziato Dog Park is adjacent to a recreation field, right? I assume this gets grandfathered in?**

Existing Civic Spaces are grandfathered.

- 263 Dogs need more room, a 10,000 sq. foot min/max with a 15' minimum implies a 670' x 15' park would be appropriate but such dimensions wouldn't work at all.**

The standards for dog parks were developed based upon extensive review of national best practices. The design details are best addressed during Design Review, which is a required preliminary review step prior to Site Development Plan review required for all Civic Spaces.

- 264 Sections X and VII seem to be at odds with one another.**

A sub-base of crushed gravel is required for the fenced off area of a dog park while planting beds are required along the outside of the perimeter fence. OSPCD will revisit this text to ensure clarity.

- 265 The dimensions of the required area should be defined as well as what defines the 'area' the proposed code says the watering area consists of a standard hose bib.**

These details are better addressed during Design Review, which is a required preliminary review

step prior to Site Development Plan review required for all Civic Spaces.

- 266 I note that many other proposed zoning rules do not include a "development review" section. Such guidance as proximity to other similar amenities seems to appear only here. The review should also include a nuts to bolts costs to the public such as loss of freely accessible open space. Once its a fenced off as a doggie zone, people without off-leash dogs are, de facto, excluded from the space.**

No other civic space types have a special permit to adjust their minimum size. This is why the development review section is included here.

- 267 Suggest there be a "Public Realm" zoning map that identifies landmarks.**

See Open Comment #248 for more information.

- 268 Suggest there be a "Public Realm" zoning map that identifies what land is designated as a community garden. Otherwise, it's unclear what parcels are subject to the standards in this section.**

See Open Comment #248 for more information.

- 269 Very glad to see [lane width maximums]. This is very important so our larger streets don't feel like highways.**

The provisions of Section D. Thoroughfares in Article 8 Public Realm Standards are applicable to private real property where new thoroughfares are necessary to unlock or create developable lots through subdivision. These areas of the city are primarily the "transformational" areas identified in SomerVision where the new local street grid does not necessitate more than 2 vehicular travel lanes in either direction.

- 270 It would be good to add guidance for cycle tracks/protected bike lanes as well.**

Section D. Thoroughfares of Article 8 Public Realm Standards includes basic minimum standards for thoroughfares. OSPCD intends to amend this section following completion of the City's mobility plan so that it reflects best practices and community desires incorporated in that plan. Discussions with community members on the design of thoroughfares will be included in the forthcoming mobility planning project.

- 271 Bike lanes should be allowed to the right of right-turn only lanes in some situations, but only if the right-turn only lane and bike lane have separate traffic signal phases. (Cambridge has done this on Brookline St at Waverly St for example.)**

See Open Comment #141 for more information.

- 272 I think bike lanes should be in between the sidewalk and the parked cars so bikes are protected for most of the time, they would not be protected at intersections which this clause is concerned with, but more special attention can be made in those locations in exchange for being totally safe the other 85% of the time.**

See Open Comment #141 for more information.

- 272b** **Bike lane striping should also be dashed THROUGH intersections as well, and possibly colored green where there are many motor vehicles crossing over it to turn.**

See Open Comment #141 for more information.

- 273** **Concrete should be the preferred material for the walkway portion of sidewalks, since it is smooth and easy to maintain. A smooth walkway is very important to people in wheelchairs and scooters as well as people pushing strollers.**

See Open Comment #141 for more information.

- 274** **"The corner curb radii of sidewalks and sidewalk extensions should be as tight as possible to require drivers to slow down as much as possible when turning. If a street occasionally needs access by large vehicles such as fire trucks, the sidewalk extension can be designed so that large vehicles can drive over part of it on those rare occasions. Curb ramps should be installed perpendicular to the path of travel. (Generally, this means 2 curb ramps per corner.) Apex ramps should only be used in rare situations, as they are not perpendicular to the path of travel and can be quite awkward for people to use."**

See Open Comment #141 for more information.

- 275** **In general, they should be no wider than 7' when parallel parking is present, especially when there is not a bike lane present, because bicyclists will naturally ride along the right edge of the travel lane/shoulder.**

See Open Comment #141 for more information.

- 276** **This section outlines standards for thoroughfares, which I understand to be: streets, commercial alleys, residential alleys, and mid-block passages. Similar to other elements in the Public Realm section, the lack of a map that displays what land is subject to these standards and guidelines makes this difficult to interpret.**

OSPCD will add an Applicability subsection to Section D. Thoroughfares of Article 8: Public Realm Standards that reads: "This section is applicable to all real property within the City of Somerville". See Open Comment #269 for more information.

- 277** **Should all streets with mixed-use buildings be designated pedestrian streets?**

Pedestrian Street designations were maintained for sites where it was important to have no driveway entrances, and have first floor uses limited to active retail/restaurant uses. In areas where active retail may be mixed with offices and apartments, and/or along side streets where parking access to corner buildings should be provided, the Pedestrian Streets designation is not applicable.

- 278** **[vehicular access for lots with a pedestrian street frontage designation must be] from a public alleyway**

See Open Comment #278b for more information.

- 278b** **I mean that private ways should not be utilized as primary access points. As a property owner and resident along a private way, I have concerns about not only my ease of use but**



**also who is going to be responsible for upkeep and enforcement (such as parking) along private ways as redevelopment under the proposed code forces both more residential (many more cars coupled with fewer parking spots, including commercial loading zones) and commercial traffic (think deliveries and dumpsters to the thriving 1st story businesses) over a private way and classifies it as an "alley". An "alley" just doesn't conjure my view of my street at all and contrasts sharply with the SomerVision plans, which seem to more pedestrian friendly.**

There are very few, if any, existing alleys in Somerville. The residential private ways with houses fronting on them are streets, not alleys, as defined in the ordinance. The proposed ordinance encourages the development of alleys in higher density mixed use districts because an alley consolidates access for multiple lots to one curb cut, making it more pedestrian friendly. OSPCD does not foresee the conversion of private ways into alleys. Furthermore, a zoning ordinance cannot require the public dedication of any thoroughfare, including alleys.

- 279 Perhaps any mixed use requires more sidewalks. I would argue for the same setback along any pedestrian focused street. If you build it, they will come... I'm thinking of feeling sort of squeezed near porter square where the mixed-use businesses (mostly less than 5 story construction) have sort of a need for more sidewalk.**

Increased sidewalk width is required for any lot with a pedestrian street frontage designation and all lots in the 7MU and 10MU districts in the proposed ordinance. OSPCD is currently investigating inclusion of the 4MU and 5MU districts in this requirement. Many of the properties in the 3MU district are simply too shallow to facilitate expansion of sidewalks through increased setbacks. In these cases, viable commercial space depth is of more concern.

- 280 Awesome. Great rule [required curb extensions], could this expand to include islands/medians in more than 2 lane streets?**

New thoroughfares are not permitted to have more than two vehicular travel lanes in either direction. Pedestrian safety islands are not recommended for a thoroughfare unless a pedestrian has to cross three or more travel lanes in one direction. The only "street" in Somerville with more than 3 travel lanes in one direction is McGrath Highway and the City of Somerville does not have jurisdiction to place requirements onto Mass DOT. However, Mass DOT is currently conducting a major redesign project that seeks to reduce the number of lanes and improve crossing times for pedestrians at McGrath. A proposed design is in the Union Square Neighborhood Plan.

- 281 This seems incomplete - only affordable housing is addressed. What about open space, public infrastructure improvements, job training, donation of land to City, contributions to schools or scholarships, incubator commercial/retail space, etc.**

The chapter labeled "Community Benefits" covers inclusionary housing and linkage, as well as a bonus incentive program for other benefits. Open Space is covered in Article 8. Job Training will be added to this section if the job training linkage home-rule petition is approved. The other items are not usually addressed in a zoning ordinance. In many cases, these items have no 'rational nexus' to the project, and therefore cannot be required in an ordinance. In other cases (like infrastructure) the issues are addressed through other programs (like District Improvement Financing).

- 282 Why don't we also require that residential developments with two to six dwelling units at least make a graduated "in-lieu payment" toward affordable housing? Could this help smooth out the market distortion caused by exempting developments with 6 or less units**

from inclusionary housing requirements? I think this idea was raised at the summer zoning workshops.

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558 that is investigating various applications of "in-lieu payments" for required affordable housing.

- 282b The decrease in property values that subsidized housing require[s] are better absorbed by owners of parcels large enough to allow for 6 or more units. Small time landlords, including people who live in one unit and rent out the others, should not have to disproportionately contribute to charity; the cost should be spread out amongst all citizens.**

Typically, larger developments are able to absorb the cost of affordable housing units. For this reason, projects of less than six units do not have on-site inclusionary housing requirements.

- 283 "Why [ADUs must be proportional in quality to on-site market rate units]? It seems very limiting and proportionately costly - it may cost require an enormous subsidy to provide a similar unit on site restricted to required income guidelines, and that money may be able to be better spent. If, for example, a luxury building was being constructed, why could that not fund a co-housing development, senior housing, etc. elsewhere?"**

OSPCD is aware of this situation. The in-lieu of payment for a single luxury unit could perhaps produce more than one unit on another site. However, concern remains over the actual probability of producing that off-site unit using an in-lieu payment. OSPCD will review the impacts of this language for the next draft of the proposed ordinance.

- 284 [This comment is referencing Table 9.1: Required ADU's] Is it possible or desirable to consider a more fine-grained approach? Instead of a blanket increase that could discourage moderately priced market rate housing, reducing requirements for moderately priced market rate housing, as Boston is currently considering?**

SomerVision calls for new affordable housing construction in proximity to transit stations, along transportation corridors, and in [transformational] areas of the City that are prioritized for growth (p.115). The affordable housing provisions of the proposed ordinance are calibrated to have higher requirements in these areas. However, OSPCD is carrying out an Affordable Housing analysis per Board Order #198558. Investigation of decreased affordable housing requirements if units are produced at different price point is being explored.

- 285 Consider requiring a deed restriction, covenant or other comparable legal instrument prior to issuance of a building permit.**

An affordable housing implementation plan is required by the Housing Division prior to the issuance of a certificate of occupancy for the building.

- 286 Why [are off-site units] only permitted in rare circumstances? Why require affordable housing to be located on high value sites in high value buildings when potentially more affordable housing could be provided for the same cost in a different type of building in a different location?**

It is rare for an applicant to have control of an appropriate off-site location to provide quality affordable units. In the past 5 years, there has not been a circumstance where a developer has been able to provide more or better affordable housing off-site. Therefore, while there may be circumstances where such a situation may occur, OSPCD believes that it is rare.

**287** "Why [must off-site units must be compatible in all respects with the market rate units built on site]? It seems very limiting and proportionately costly - it may cost require an enormous subsidy to provide a similar unit on site restricted to required income guidelines, and that money may be able to be better spent. If, for example, a luxury building was being constructed, why could that not fund a co-housing development, senior housing, etc. elsewhere?"

See Open Comments #283 for more information.

**288** Why [must off-site units be designed to house three- (3) person or larger households]?

OSPCD is carrying out an Affordable Housing analysis per Board Order #198558. The off-site requirement will be evaluated in the analysis.

**289** This addresses my comment above. Consider enforcing at building permit.

OSPCD will investigate the most appropriate time to require approval and execution of any covenants, contractual agreements, or other documents necessary to ensure compliance with the Affordable Housing provisions of Article 9.

**290** Is this bonus [of Table 9.7] even relevant? Permissible unit density is so high and average permissible unit size so low that there may be no demand for additional bonus.

The development community has expressed (through these comments) a significant interest in reducing average unit size. There is a demand for smaller units and a greater variety of units. There will likely be interest in providing bonus items in exchange for a smaller overall unit size. OSPCD is carrying out an Affordable Housing analysis per Board Order #198558. The study will review these incentives.

**291** What about other community benefits? Infrastructure improvements, off-site public realm improvements, funding for community events or organizations, scholarships, education funding, job training sponsorship, local hiring, etc. Should also address potential subsidized retail, commercial, industrial (fabrication) space.

See Open Comment #281 for more information.

**292** How do you define an "artist"?

This is handled through a certification process managed by the Somerville Arts Council.

**293** How was 1% arrived at to calculate required value of public art in exchange for 10% density bonus? Could 1% requirement be higher and still be an attractive incentive to developers seeking density bonus?

The density bonus program was developed based on case study research of similar programs in other zoning ordinances.

- 294 Suggest that review application documentation must be posted on the City website at least 7 days prior to the notice of a public hearing before the Zoning Board of Appeals, the Planning Board, or appearance before the Urban Design Commission. The lack of notice and time to review plan documents in advance is a major challenge for community members who wish to submit written or oral comments on plans.**

OSPCD intends to maintain the current project review schedules that were established in 2011 through the rules and regulations of the permit granting authorities. This ensures that staff reports and plans are posted 6 days prior to zoning board and planning board hearings unless there are extenuating circumstances.

- 294b Currently, materials presented to the Design Review Committee (to be renamed Urban Design Commission) are never posted on the City website, or subsequently removed when newer versions are prepared. It's important for community members to be able to have access to each version of a submitted proposal in order to compare what has changed from the last version. Suggest that it be required that each version of application documentation be clearly dated and posted on city website.**

The meeting schedule and online posting requirements are typically addressed through the Rules and Regulations of the relevant board. Upon passage of a new ordinance, OSPCD staff will work with the boards to update their requirements.

- 295 I suggest that in order to enhance transparency and create formal documentation processes, pre-submittal meetings, including the date of the meeting, attendees, and subject property, 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.**

The zoning ordinance is not designed to regulate the day to day operations of the Planning Division office

- 296 Suggest more detail regarding how noticing must be conducted for a Neighborhood Meeting. Noticing 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.**

Currently, neighborhood meetings are not required. Notices are usually sent through an email by the Ward Alderman and/or fliers, this process is not formalized. The proposed code requires a neighborhood meeting for projects of a certain size but maintains Aldermanic prerogative on the notification procedure for such a meeting.

- 297 Instead of the Building Official (Superintendent of ISD) having authority to approve zoning permit applications, would it more efficient and effective for the Planning Director to review and approve zoning permit applications--since that is their area of expertise?**

Massachusetts general law prescribes that the chief building official of a city enforce the zoning ordinance or a person of their designation. OSPCD in cooperation with ISD created the position of Zoning Review Planner as their designee. The position's responsibility includes ensuring compliance with provisions of the zoning ordinance and all relevant conditions using a broad range of planning knowledge. This position has been filled since November 2014.

- 297b Is the building official defined somewhere? If it is ISD, it should not be, they are charged with building code enforcement they cannot be expected to review zoning code enforcement, it is outside of their realm of expertise and at times they have been known to make incorrect judgement on such matters, requiring appeal to the planning department. Just have the planning department do that part of the review when plans are submitted.**

The Superintendent of Inspectional Services or their designee (hereafter referred to as “Building Official”) is the enforcement authority for this Ordinance. For additional information see Open Comment #297.

- 298 [Zoning Board Rules] Suggest including a requirement that rules of procedure and policy be posted on the City's website.**

The current rules and regulations of the Zoning Board of Appeals are posted online. Any new policies and procedures will also be posted.

- 299 [Urban Design Commission] Suggest including a requirement that rules of procedure and policy be posted on the City's website.**

Any new policies and procedures for the UDC will be posted.

- 300 [Planning Board] Suggest including a requirement that rules of procedure and policy be posted on the City's website.**

The current rules and regulations of the Planning Board are posted online. Any new policies and procedures will also be posted.

- 301 If I understand this correctly, the ability to change from a non-conforming use to a less non-conforming use in a different Use Category does not appear to be specifically allowed. As an example, an industrial structure within an NR district could be converted to residential in the existing zoning with the granting of a SP. Now it appears to be prohibited and I'm not sure what good that serves as there are many such non-conforming structures in residential neighborhoods.**

Uses are permitted, permitted with limitations, or not permitted. Existing uses can be conforming or non-conforming to those standards. As written, a nonconforming use can change to any other permitted use by-right and to another nonconforming use within the same use category by Special Permit. As proposed, the change in uses from an existing nonconforming use to a nonconforming use in a different use category is not permitted. This is to encourage uses to convert to conforming uses. OSPCD will review the provisions regulating non-conformities for possible edits to the next draft of the proposed ordinance.

- 302 Is it the case that any new structure which does not conform to the standards of one of the enumerated principal building types is therefore a nonconforming structure? If so, then I think it would be important to ensure we have enumerated as many principal building types as possible (i.e. churches, schools, park pavilions, theatres, boathouse, etc.,) or make the nonconformance language less restrictive. There may be special circumstances that require a greater degree of flexibility than what is presented here.**

In all districts except the Civic District, if a new structure does not conform to the standards of one of the enumerated principal building types, it would be a nonconforming structure. The

Dover Amendment (MGL 40A Section 3) of the Massachusetts Zoning Act permits churches and schools to deviate from zoning (within reason) so that a proper facility can be constructed to facilitate the services these uses offer. Park pavilions and boathouses are generally permitted as accessory structures in civic spaces and within the Civic District. OSPCD will edit the text of Article 8 Public Realm Standards addressing these types of buildings to improve clarity. OSPCD is also reviewing the provisions regulating non-conformities for possible edits to the next draft of the proposed ordinance.

**303 In terms of unique circumstances that may require greater flexibility, would this preclude a church, for example, from re-constructing an historic steeple?**

The use of property for religious purposes is not prohibited by the zoning ordinance. Furthermore, 3.B.3.h exempts steeples from height requirements. OSPCD will review the provisions regulating non-conformities for possible edits to the next draft of the proposed ordinance to ensure an appropriate level flexibility is provided.

**304 This standard [alterations to existing nonconforming structures] seems like it might be subject to debate.**

The nature of nonconformity will need to be determined by the ZBA or interpreted by the building official. OSPCD will review the provisions regulating non-conformities for possible edits to the next draft of the proposed ordinance.

**305 "(missing section)**

**...v. Alterations to an existing nonconforming structure are not permitted, when the alteration will:**

**c). Increase the number of dwelling units beyond the maximum permitted for each building type.**

**d). Increase the number of dwelling units beyond above three (3) in any building in an NR district...**

**Comment - This is problematic in that any large non-conforming structure in a residential district cannot be converted to a residential building with greater than the three allowed. This will have a lot of unintended consequences including tearing down historic structures rather than adaptive reuse and causing disincentive to discontinue existing non-conformance."**

This interpretation is correct. OSPCD is encouraging the adaptive reuse of these structures for Arts and Creative Economy uses including artisan production, arts sales and services, design services, and shared workspace and arts education.

**305b "(missing section) ...5. NONCONFORMING LOTS**

**a. Vacant lots with a dimension smaller than the corresponding dimension of all allowed building types in a zoning district are unbuildable.**

**Comment - this is onerous and very problematic. There are lots which would be completely buildable under the existing zoning because they had adequate frontage and lot area, or would have required a SP, and are now unbuildable. Since the lot area and frontage are now longer the major criteria for build-ability, and now lot width and depth are the sole criteria for the build-ability of a lot, many lots which were lawfully created and deemed buildable for decades are now unbuildable. I think they only way out of this is to allow**

**lawfully created lots, created before the zoning is enacted, to still have validity provided they meet certain reasonable criteria (equal in area to the new minimum lot area etc.). Furthermore, because the new zoning map indicates the districts by LOTS and not by dimension from street, many lots that appear to be high density are in fact unbuildable because the lot dimension of these lots is too small. Under the former CCD55 for instance, these smaller lots could still participate in the high density corridor development because there was no minimum lot area. Since would no longer be the case."**

Under the proposed ordinance, as with the current ordinance, lots that do not comply with the minimum lot size dimensions are unbuildable without a variance. There may be a few cases where this creates unbuildable vacant lots that were not unbuildable in the past, but they are likely few and far between. Some of these lots may have grandfathered rights under Section 6 of Chapter 40A of Massachusetts law.

**306 This is more or less the existing definition [of net floor area], however are [there] some cases where the code requires parking in a grade level structure to be included in NFA?**

No. Net Floor Area is only used in a few Special Districts in the proposed ordinance, but does not include space devoted to parking. OSPCD will review all types of references to floor area (gross, net, leasable, etc.) to ensure consistency.

**307 The language should make clear whether this is intended to be the projected footprint of all levels or just the first level.**

OSPCD is adjusting the definition to "The total gross floor area of any single story of a building, excluding balconies".

**308 What is the "mean direction of the side lot lines?" For a six-plex lot, can one side lot line be less than 85', the other side lot line greater than 85', and thus the median of the two gets you to the required 85' depth?**

OSPCD will add a diagram so that this is clearly understood, but this essentially means straight back from the midpoint of the front lot line to the midpoint of the rear lot line or at an angle that is the average of the angles of the side lot lines, but is not related to their length.

**309 Many non-conformities were never conforming, so it doesn't make sense to require that a non-conformity prove that at one time it was conforming. Otherwise the code inadvertently creates two classes of non-conformity.**

OSPCD will remove this defined term and address it in the language of Article 11, because it is better explained in all its nuances in Article 11.