

**CITY OF SOMERVILLE  
ORDINANCE NO. 2023-  
IN CITY COUNCIL: \_\_\_\_\_, 2023**

**AN ORDINANCE AMENDING ARTICLE 12 OF THE SOMERVILLE ZONING ORDINANCE TO MODIFY THE AFFORDABLE HOUSING LINKAGE FEE AND THE TIMING OF THE PAYMENTS OF THE LINKAGE FEE.**

WHEREAS, an established body of law supports a municipality's right to require monetary or other contributions in connection with commercial and/or residential development, including conditioning a development permit upon such payments or contributions when a "reasonable relationship" can be demonstrated between the required fee and the government's legitimate purpose;

AND WHEREAS, developing and preserving affordable housing for low- and moderate-income households, constitutes a legitimate government purpose, as indicated by authorizing state legislation;

AND WHEREAS, Somerville established and codified a housing linkage policy in 1990, and amended it in 2013 and in 2017 each amendment based on the results of a Nexus Study Commissioned by the City;

AND WHEREAS, a Nexus Study commissioned by the City and completed in 2022 by a qualified consultant recommended that the City simplify and update the City's linkage policies by revising the affordable housing linkage fee project size threshold exemption and linkage fee payment schedule to match those of the jobs linkage,

AND WHEREAS, the consultant further recommended that the City maintain its jobs fee rate at \$2.75 and that doubling the current affordable housing linkage fee of \$11.23 to \$22.46 was warranted based upon the financial analysis conducted in the reports and that a fee increase of \$11.23 is unlikely to impact Somerville's competitiveness in either attracting development investment or tenants.

AND WHEREAS, establishing a graduated linkage fee for in which projects with at least 15,000 square feet (SF) pay 50% of the full housing linkage fee for SF between 15,000 and 30,000 and pay the full housing fee on the amount of SF above 30,000 was also warranted by the financial analysis.

NOW THEREFORE, be it ordained the City Council, in session assembled, that Article 12 of the Somerville Zoning Ordinance is amended as follows

Additions are underlined, subtractions are ~~crossed-out~~

## 12.2 LINKAGE

### 1. Applicability

- a. Unless otherwise specified, this Section is applicable to building types as specified in Article 3: Residential Districts, Article 4: Mid-Rise Districts, Article 5: High-Rise Districts, Article 7: Special Districts, and Article 8: Overlay Districts.
- b. DEVELOPMENT may not be segmented or phased in any manner and APPLICANTS may not establish surrogate or subsidiary entities to avoid compliance with this Section.

### 2. Affordable Housing Linkage

- a. Purpose
    - i. To mitigate the impact of the increased demand for housing generated by employees of new commercial DEVELOPMENT wanting to live within Somerville.
    - ii. To support the DEVELOPMENT of affordable housing that is available to qualifying households over the long-term.
    - iii. To recapture a public benefit from the increased value of land resulting from the adoption of this Ordinance.
  - b. Applicability
    - i. This section is applicable to all non-residential DEVELOPMENT, except the following:
      - a). Real property owned by the City of Somerville
      - b). Religious & Educational uses protected by M.G.L. 40A. Sec. 3
      - c). CREATIVE STUDIOS
      - d). ~~Accessory~~ Vehicular Parking
  - c. Fees
    - i. General
      - a). All applicable DEVELOPMENT must pay an affordable housing linkage fee of ~~ten dollars (\$10)~~ twenty-two dollars and forty six cents (\$22.46) per gross square foot, except as follows:
        - i). DEVELOPMENT with less than ~~thirty thousand (30,000)~~ fifteen thousand (15,000) gross square feet is exempt.
        - ii). Development that has at least fifteen thousand (15,000) gross square feet must pay fifty percent (50%) of the full housing linkage fee per gross square foot in excess of fifteen thousand (15,000) gross square feet up to thirty thousand (30,000) gross square feet.
        - iii). The first ~~thirty thousand (30,000)~~ fifteen thousand (15,000) gross square feet of DEVELOPMENT that has more than thirty thousand (30,000) gross square feet in total is exempt.
      - iv). Development that has more than thirty thousand (30,000) gross square feet must pay the full housing linkage fee per gross square foot in excess of thirty thousand (30,000) gross square feet.
    - b). MODIFICATIONS to an existing STRUCTURE that increases the total GROSS FLOOR AREA to more than ~~thirty thousand (30,000)~~ fifteen thousand (15,000) gross square feet must pay the affordable housing linkage fee for the additional square footage using the same graduated formula of fifty percent (50%) per gross square foot in excess of fifteen thousand (15,000) up to thirty thousand (30,000) gross square feet.
    - c). Modifications to an existing structure that increases the total gross floor area to more than thirty thousand (30,000) gross square feet must pay the full affordable housing linkage fee for the additional square footage in excess of thirty thousand (30,000) gross square feet..
  - ii. Inflation Adjustment
    - a). The affordable housing linkage fee is adjusted for inflation annually, beginning on March 1, ~~2019~~2024, based on the change in the Boston Consumer Price Index. The Director of Housing shall publish and annually update the adjusted housing linkage fee on the City website.
  - iii. Payment
    - a). Affordable housing linkage fees must be paid to the Somerville Affordable Housing Trust Fund, in ~~three (3)~~ two (2) equal annual installments. The first payment is due prior to the issuance of the Building Permit and the second payment is due prior to the issuance of the Certificate of Occupancy.
    - b). ~~The Building Official may not issue a Certificate of Occupancy for real property that has not paid the first installment of the affordable housing linkage fee.-~~
    - c). ~~Affordable housing linkage fee payments must be paid annually on the anniversary of the first payment, or the next business day if that date falls on a weekend or federal, state, or local holiday.-~~
- d. Compliance
  - i. The Building Official may not issue a Building Permit for development until the first installment of the affordable housing linkage fee is paid.
  - ii. The building official may not issue a Certificate of Occupancy for development until the second installment of the affordable housing linkage fee is paid.
  - iii. ~~The review boards shall require Applicants to-~~

## 12. DEVELOPMENT BENEFITS

### Linkage

- ~~execute and record a covenant or deed restriction agreeing to pay the housing linkage fee with the Middlesex South Registry of Deeds or filed with the Land Registration Office as a condition of any Discretionary of Administrative permit approval.~~
  - iv. ~~The Building Official may not issue any Certificate of Occupancy for development subject to this Section until a covenant or deed restriction agreeing to pay the housing linkage fee is executed and recorded with the Middlesex South Registry of Deeds or filed with the Land Registration Office.~~
  - e. Enforcement
    - i. In accordance with §1.1.7. Fines & Penalties, the BUILDING OFFICIAL shall consider each day as a separate offense for DEVELOPMENT that is not in compliance with the provisions of this Section.
    - ii. Fines must be paid to the Somerville Affordable Housing Trust Fund.
  - f. Formula Recalculation
    - i. The Director of Planning & Zoning shall prepare a Nexus Study every five (5) years to determine the suitability and performance of the provisions of this section and recommend any possible revisions or improvements necessary to address changing demand for affordable housing to the City Council.
- ### 3. Employment Linkage
- a. Purpose
    - i. To create and maintain employment opportunities within the city of Somerville for the residents of Somerville.
    - ii. To mitigate the impact of large-scale DEVELOPMENTS on the cost of housing.
    - iii. To provide training and services that will enable residents to ACCESS employment opportunities that will permit them to succeed and maintain adequate incomes to continue to afford living in Somerville.
    - iv. To expand resident ACCESS to employment opportunities provided by new commercial DEVELOPMENT.
    - v. To recapture a public benefit from the increased value of land resulting from the adoption of this Ordinance.
  - b. Applicability
    - i. This section is applicable to all commercial DEVELOPMENT requiring site plan approval or a special permit, except the following:
      - a). Real property owned by the City of Somerville
      - b). Religious & Educational uses protected by M.G.L. 40A, Sec. 3
      - c). CREATIVE STUDIOS
      - d). ~~Accessory~~ Vehicular Parking
  - c. Fees
    - i. General
      - a). All applicable DEVELOPMENT must pay a job creation and retention linkage fee (hereafter referred to as “jobs linkage fee”) of two dollars and ~~forty-six cents (\$2.46)~~ seventy-five cents (\$2.75) per gross square foot, except as follows:
        - i). DEVELOPMENT with less than fifteen thousand (15,000) gross square feet is exempt.
        - ii). The first fifteen thousand (15,000) gross square feet of DEVELOPMENT that has more than fifteen thousand (15,000) gross square feet in total is exempt.
      - b). MODIFICATIONS to an existing STRUCTURE that increases the total GROSS FLOOR AREA to more than fifteen thousand (15,000) gross square feet must pay the jobs linkage fee for the additional square footage.
  - ii. Inflation Adjustment
    - a). The jobs linkage fee is adjusted for inflation annually, beginning on March 1, ~~2019~~2024, based on the change in the Boston Consumer Price Index. The Director of ~~Housing~~Economic Development shall publish and annually update the adjusted jobs linkage fee on the City website.
  - iii. Payment
    - a). Jobs linkage fees must be paid to the Somerville Municipal Job Creation and Retention Trust Fund, in two (2) equal installments. The first payment is due prior to issuance of the Building Permit and the second is due prior to the issuance of the Certificate of Occupancy.
    - b). ~~The Building Official may not issue a Building Permit for development, excluding a foundation permit, until the first installment of the jobs linkage is paid.~~
    - c). ~~The Building Official may not issue a Certificate of Occupancy for development until the second installment of the jobs linkage fee has been paid.~~
  - d. Compliance
    - i. The Building Official may not issue a Building Permit for development until the first installment of the employment linkage fee is paid.
    - ii. The building official may not issue a Certificate of Occupancy for development until the second installment of the employment linkage fee is paid.
    - iii. ~~The review boards shall require Applicants to execute and record a covenant or deed restriction agreeing to pay the jobs linkage fee with the Middlesex South Registry of Deeds or filed with the Land Registration Office as a condition of any~~

- ~~iv. Discretionary of Administrative permit approval. The Building Official will not issue any Certificate of Occupancy for development subject to this Section until a covenant or deed restriction agreeing to pay the jobs linkage fee is executed and recorded with the Middlesex South Registry of Deeds or filed with the Land Registration Office.~~
- e. Enforcement
  - i. In accordance with §1.1.7. Fines & Penalties, the BUILDING OFFICIAL shall consider each day as a separate offense for DEVELOPMENT that is not in compliance with the provisions of this Section.
  - ii. Fines must be paid to the Somerville Municipal Job Creation and Retention Trust Fund.
- f. Formula Recalculation
  - i. The Director of Planning & Zoning shall prepare a Nexus Study every five (5) years to determine the suitability and performance of the provisions of this section and recommend any possible revisions or improvements necessary to address changing need for job training to the City Council.

#### **4. Green Line Linkage**

- a. Reserved

#### **5. Civic Space Linkage**

- a. Reserved

#### **6. Performance Review**

- a. The Mayor shall undertake a Needs Assessment and Financial Feasibility Analysis every five (5) years after the adoption date of this Ordinance to determine the suitability and performance of the provisions of this Section and to recommend any possible revisions or improvements necessary to achieve the stated purpose of the established linkage requirements.
- b. The Mayor shall submit recommended changes to the provisions of this section to the City Council for consideration.

# 4. MID-RISE DISTRICTS

Mid-Rise 3 (MR3)

## 4.1.8. General Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide AFFORDABLE DWELLING UNITS as specified on Table 4.1.8 (a).
  - iii. DEVELOPMENT of a general building must provide linkage payments ~~as specified on Table 4.1.8. (b) in accordance with Section 12.2 Linkage.~~
- f. Design Guidelines
  - i. FENESTRATION patterns and window configurations should break the direct line of sight between neighboring properties to every extent practicable. Translucent glass on the bottom half of windows or strategically placed landscape elements should be utilized if it is not practical to off-set windows in such a way as to minimize privacy impacts.
  - ii. Outdoor AMENITY SPACES that are elevated, such as roof DECKS, fully projecting balconies, and UPPER STORY rear porches should, provide sight-obscuring visual screening at the sides to increase privacy, security, and to limit views of ABUTTING properties from elevated vantage points.

**Table 4.1.8. (a) Required ADUs**

Total Dwelling Units	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 4.1.8 (b) — Linkage**

Commercial Gross Floor Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

## 4. MID-RISE DISTRICTS

Mid-Rise 3 (MR3)

### 4.1.9. Commercial Building (continued)

- e. DEVELOPMENT Benefits
- i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 4.1.9 in accordance with Section 12.2 Linkage.

**Table 4.1.9—Linkage**

<b>Commercial Gross-Floor Area</b>	<b>Affordable Housing Linkage</b>	<b>Employment Linkage</b>
<b>Over 15,000-sf</b>	<b>None</b>	<b>\$2.46/sf</b>
<b>Over 30,000-sf</b>	<b>\$10/sf</b>	<b>\$2.46/sf</b>

# 4. MID-RISE DISTRICTS

Mid-Rise 4 (MR4)

## 4.2.8. General Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 10, the provisions of Article 10 apply.
  - ii. DEVELOPMENT of a general building must provide AFFORDABLE DWELLING UNITS as specified on Table 4.2.8 (a).
  - iii. DEVELOPMENT of a general building must provide linkage payments ~~as specified on Table 4.2.8 (b) in accordance with Section 12.2 Linkage.~~
- f. Design Guidelines
  - i. FENESTRATION patterns and window configurations should break the direct line of sight between neighboring properties to every extent practicable. Translucent glass on the bottom half of windows or strategically placed landscape elements should be utilized if it is not practical to off-set windows in such a way as to minimize privacy impacts.
  - ii. Outdoor AMENITY SPACES that are elevated, such as roof DECKS, fully projecting balconies, and UPPER STORY rear porches should, provide sight-obscuring visual screening at the sides to increase privacy, security, and to limit views of ABUTTING properties from elevated vantage points.

**Table 4.2.8 (a) Required ADUs**

Total DWELLING UNITS	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 4.2.8 (b) Linkage**

Commercial Gross-Floor-Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 4. MID-RISE DISTRICTS

Mid-Rise 4 (MR4)

## 4.2.9. Commercial Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 4.2.9 in accordance with Section 12.2 Linkage.

**Table 4.2.9—Linkage**

<b>Commercial Gross-Floor Area</b>	<b>Affordable Housing Linkage</b>	<b>Employment Linkage</b>
<b>Over 15,000-sf</b>	<b>None</b>	<b>None</b>
<b>Over 30,000-sf</b>	<b>\$10/sf</b>	<b>\$2.46/sf</b>



# 4. MID-RISE DISTRICTS

Mid-Rise 5 (MR5)

## 4.3.8. General Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide AFFORDABLE DWELLING UNITS as specified on Table 4.3.8 (a).
  - iii. DEVELOPMENT of a general building must provide linkage payments ~~as specified on Table 4.3.8 (b) in accordance with Section 12.2 Linkage.~~
- f. Design Guidelines
  - i. FENESTRATION patterns and window configurations should break the direct line of sight between neighboring properties to every extent practicable. Translucent glass on the bottom half of windows or strategically placed landscape elements should be utilized if it is not practical to off-set windows in such a way as to minimize privacy impacts.
  - ii. Outdoor AMENITY SPACES that are elevated, such as roof DECKS, fully projecting balconies, and UPPER STORY rear porches should, provide sight-obscuring visual screening at the sides to increase privacy, security, and to limit views of ABUTTING properties from elevated vantage points.

**Table 4.3.8 (a) Required ADUs**

Total DWELLING UNITS	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 4.3.8 (b) Linkage**

Commercial-Gross-Floor-Area	Affordable Housing-Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

## 4. MID-RISE DISTRICTS

Mid-Rise 5 (MR5)

### 4.3.9. Commercial Building (continued)

- e. DEVELOPMENT Benefits
- i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 4.3.9 in accordance with Section 12.2 Linkage.

**Table 4.3.9—Linkage**

<b>Commercial Gross-Floor-Area</b>	<b>Affordable Housing-Linkage</b>	<b>Employment Linkage</b>
<b>Over 15,000-sf</b>	<b>None</b>	<b>\$2.46/sf</b>
<b>Over 30,000-sf</b>	<b>\$10/sf</b>	<b>\$2.46/sf</b>

# 4. MID-RISE DISTRICTS

Mid-Rise 6 (MR6)

## 4.4.8. General Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide AFFORDABLE DWELLING UNITS as specified on Table 4.4.8 (a).
  - iii. DEVELOPMENT of a general building must provide linkage payments ~~as specified on Table 4.4.8. (b) in accordance with Section 12.2 Linkage.~~
- f. Design Guidelines
  - i. FENESTRATION patterns and window configurations should break the direct line of sight between neighboring properties to every extent practicable. Translucent glass on the bottom half of windows or strategically placed landscape elements should be utilized if it is not practical to off-set windows in such a way as to minimize privacy impacts.
  - ii. Outdoor AMENITY SPACES that are elevated, such as roof DECKS, fully projecting balconies, and UPPER STORY rear porches should, provide sight-obscuring visual screening at the sides to increase privacy, security, and to limit views of ABUTTING properties from elevated vantage points.

**Table 4.4.8 (a) Required ADUs**

Total Dwelling Units	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 4.4.8 (b) Linkage**

Commercial Gross Floor Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 4. MID-RISE DISTRICTS

Mid-Rise 6 (MR6)

## 4.4.9. Commercial Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 4.4.9 in accordance with Section 12.2 Linkage.

**Table 4.4.9—Linkage**

Commercial Gross-Floor-Area	Affordable Housing-Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

## 4. MID-RISE DISTRICTS

Mid-Rise 6 (MR6)

### 4.4.10 Lab Building (continued)

- e. DEVELOPMENT Benefits
- i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 4.4.10 in accordance with Section 12.2 Linkage.

**Table 4.4.10—Linkage**

Commercial Gross-Floor-Area	Affordable Housing-Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 5. HIGH-RISE DISTRICTS

High-Rise (HR)

## 5.1.8. Commercial Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 5.1.8 in accordance with Section 12.2 Linkage.

**Table 5.1.8—Linkage**

Commercial Gross Floor Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 5. HIGH-RISE DISTRICTS

High-Rise (HR)

## 5.1.9. Lab Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 5.1.9 in accordance with Section 12.2 Linkage.

**Table 5.1.9—Linkage**

Commercial-Gross-Floor-Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 5. HIGH-RISE DISTRICTS

High-Rise (HR)

## 5.1.10. Mid-Rise Podium Tower (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide AFFORDABLE DWELLING UNITS as specified on Table 5.1.10 (a).
  - iii. DEVELOPMENT of a general building must provide linkage payments ~~as specified on Table 5.1.8. (b) in accordance with Section 12.2 Linkage.~~
- f. Design Standards
  - i. The top of the podium facade must either include horizontal ARTICULATION such as a CORNICE or other molding or the POINT TOWER must be stepped back from the facade of the podium.
  - ii. The review boards may require the POINT TOWER to be stepped back from the stories below up to ten (10) feet as a condition of Site Plan Approval to emphasize the appearance of the PODIUM as a mid-rise building.
- g. Design Guidelines
  - i. FENESTRATION patterns and window configurations should break the direct line of sight between neighboring properties to every extent practicable. Translucent glass on the bottom half of windows or strategically placed landscape elements should be utilized if it is not practical to off-set windows in such a way as to minimize privacy impacts.

**Table 5.1.10 (a) Required ADUs**

Total Dwelling Units	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 5.1.10 (b) — Linkage**

Commercial Gross Floor Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

- ii. Outdoor AMENITY SPACES that are elevated, such as roof DECKS, fully projecting balconies, and UPPER STORY rear porches should, provide sight-obscuring visual screening at the sides to increase privacy, security, and to limit views of ABUTTING properties from elevated vantage points.

**Figure 5.1.10 Podium Articulation Example**





# 5. HIGH-RISE DISTRICTS

High-Rise (HR)

## 5.1.11. Block Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a BLOCK building must provide AFFORDABLE DWELLING UNITS as specified on Table 5.1.11 (a).
  - iii. DEVELOPMENT of a BLOCK building must provide linkage payments as specified on Table 5.1.11 (b) in accordance with Section 12.2 Linkage.
- f. Building Design Standards
  - i. The FACADE of any BLOCK building greater than two hundred (200) feet in width must be divided vertically and designed as two (2) or more separate and distinct facades of differing architectural treatment so that the building appears to be multiple buildings. See Figure 5.1.11 (a). The differentiation between facade designs must include the following:
    - a). a change in CORNICE, roof eave, or parapet;
    - b). a change in wall material; and
    - c). a pilaster or column on either side of the division between each facade.
  - ii. One (1) GROUND STORY commercial space is required per seventy (70) feet of building width, including vehicular entrances, for each BLOCK FACE.
  - iii. One (1) lobby entrance is permitted per BLOCK FACE

**Table 5.1.11 (a) Required ADUs**

Total Dwelling Units	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 5.1.11 (b) — Linkage**

Commercial Gross Floor Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

and each TOWER must have an individual lobby entrance serving the UPPER STORY USES.

- g. DEVELOPMENT Standards
  - i. Loading facilities and services areas must be located within the building and set back from any FACADE by at least thirty (30) feet. Transformer and fire suppression rooms are exempt.
- h. Parking & Mobility
  - i. One (1) vehicular entrance is permitted per BLOCK FACE, and up two (2) vehicular entrances per BLOCK building are permitted in total.
- i. PUBLIC REALM
  - i. BLOCK buildings occupying an entire BLOCK must provide a covered ALLEY internal to the building.

**Figure 5.1.11 (a) Appearance of Two Buildings**



# 6.0 COMMERCIAL DISTRICTS

Fabrication (FAB)

## 6.1.7. Fabrication Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a fabrication building must provide linkage payments ~~as specified on Table 6.1.7 in accordance with Section 12.2 Linkage.~~

**Table 6.1.7—Linkage**

<b>Commercial Gross-Floor-Area</b>	<b>Affordable Housing Linkage</b>	<b>Employment Linkage</b>
<b>Over 15,000-sf</b>	<b>None</b>	<b>\$2.46/sf</b>
<b>Over 30,000-sf</b>	<b>\$10/sf</b>	<b>\$2.46/sf</b>

# 6.0 COMMERCIAL DISTRICTS

Commercial Core (CC)

## 6.2.7. Commercial Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a commercial building must provide linkage payments ~~as specified on Table 6.2.7 in~~ accordance with Section 12.2 Linkage.

**Table 6.2.7—Linkage**

<b>Commercial Gross Floor Area</b>	<b>Affordable Housing Linkage</b>	<b>Employment Linkage</b>
<b>Over 15,000-sf</b>	<b>None</b>	<b>\$2.46/sf</b>
<b>Over 30,000-sf</b>	<b>\$10/sf</b>	<b>\$2.46/sf</b>

# 6.0 COMMERCIAL DISTRICTS

Commercial Core (CC)

## 6.2.8. Lab Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 6.2.8 in accordance with Section 12.2 Linkage.

**Table 6.2.8—Linkage**

<b>Commercial Gross Floor Area</b>	<b>Affordable Housing Linkage</b>	<b>Employment Linkage</b>
<b>Over 15,000-sf</b>	<b>None</b>	<b>\$2.46/sf</b>
<b>Over 30,000-sf</b>	<b>\$10/sf</b>	<b>\$2.46/sf</b>

# 6.0 COMMERCIAL DISTRICTS

Commercial Core (CC)

## 6.2.9. Block Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a BLOCK building must provide AFFORDABLE DWELLING UNITS as specified on Table 5.1.11 (a).
  - iii. DEVELOPMENT of a BLOCK building must provide linkage payments as specified on Table 6.2.9 in accordance with Section 12.2 Linkage.
- f. Building Design Standards
  - i. The FACADE of any BLOCK building greater than two hundred (200) feet in width must be divided vertically and designed as two (2) or more separate and distinct facades of differing architectural treatment so that the building appears to be multiple buildings. See Figure 5.1.11 (a). The differentiation between facade designs must include the following:
    - a). a change in CORNICE, roof eave, or parapet;
    - b). a change in wall material; and
    - c). a pilaster or column on either side of the division between each facade.
  - ii. One (1) GROUND STORY commercial space is required per seventy (70) feet of building width, including vehicular entrances, for each BLOCK FACE.
  - iii. One (1) lobby entrance is permitted per BLOCK FACE

**Table 6.2.9—Linkage**

Commercial Gross-Floor Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

- and each TOWER must have an individual lobby entrance serving the UPPER STORY USES.
- g. DEVELOPMENT Standards
  - i. Loading facilities and services areas must be located within the building and set back from any FACADE by at least thirty (30) feet. Transformer and fire suppression rooms are exempt.
- h. Parking & Mobility
  - i. One (1) vehicular entrance is permitted per BLOCK FACE, and up to two (2) vehicular entrances per BLOCK building are permitted in total.
- i. PUBLIC REALM
  - i. BLOCK buildings occupying an entire BLOCK must provide a covered ALLEY internal to the building.

**Figure 6.2.9 Appearance of Two Buildings**



# 6.0 COMMERCIAL DISTRICTS

Commercial Industry (CI)

## 6.3.7. Commercial Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments as specified on Table 6.3.7 in accordance with Section 12.2 Linkage.

**Table 6.3.7—Linkage**

Commercial Gross Floor Area	Affordable Housing Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 6.0 COMMERCIAL DISTRICTS

## Commercial Business (CB)

### 6.4.8. Box Building (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a box building must provide linkage payments ~~as specified on Table 6.4.8~~ in accordance with Section 12.2 Linkage.
- f. Building Design Standards
  - i. Reserved
- g. Architectural Design Guidelines
  - i. Reserved

**Table 6.4.8—Linkage**

Commercial Gross-Floor-Area	Affordable Housing-Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 6.0 COMMERCIAL DISTRICTS

## Commercial Business (CB)

### 6.4.9. Strip Commerce (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments ~~as specified on Table 6.4.9 in accordance with Section 12.2 Linkage.~~
- f. Building Design Standards
  - i. Reserved
- g. Architectural Design Guidelines
  - i. Reserved

**Table 6.4.9—Linkage**

Floor-Area	Affordable Housing-Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf



# 6.0 COMMERCIAL DISTRICTS

## Commercial Business (CB)

### 6.4.10. Pad Commerce (continued)

- e. DEVELOPMENT Benefits
  - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - ii. DEVELOPMENT of a general building must provide linkage payments ~~as specified on Table 6.4.10 in accordance with Section 12.2 Linkage.~~
- f. Building Design Standards
  - i. Reserved
- g. Architectural Design Guidelines
  - i. Reserved

**Table 6.4.10—Linkage**

Floor-Area	Affordable Housing-Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 7 SPECIAL DISTRICTS

## Assembly Square Mixed-Use (ASMD)

- facilities at the collection or discharge points for paved surface must be maintained regularly.
- iii. Where practical, the routing of runoff through sheet flow, swales, or other means that increases filtration and percolation is strongly encouraged.
- iv. The Planning Board may require independent peer review of a storm water management plan by an accredited independent engineering firm.

### 10. Parking & Mobility

- a. General
  - i. DEVELOPMENT is subject to the provisions of Article 11: Parking & Mobility of this Ordinance. Where the provisions of this section conflict with those of Article 11, the provisions of Article 11 apply.
- b. Type
  - i. MOTOR VEHICLE PARKING may be provided as above ground STRUCTURED PARKING or underground STRUCTURED PARKING.
  - ii. SURFACE PARKING LOTS may be permitted on an interim basis by Special Permit.
    - a). In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a SURFACE PARKING LOT:
      - i). Documented un-met demand for parking;
      - ii). DEVELOPMENT schedule for planned REDEVELOPMENT of the LOT; and
      - iii). capacity of the local THOROUGHFARE network providing ACCESS to the SITE and impact on pedestrian, bicycle, and motor vehicle traffic and circulation patterns in the neighborhood.
- c. Parking Design
  - i. The design of all parking is subject to §11.1 Bicycle Parking and §11.2 MOTOR VEHICLE PARKING of this Ordinance.
- d. Parking Location
  - i. No SURFACE PARKING is permitted within two-hundred (200) feet of the MYSTIC RIVER BANK as defined by 310 CMR 10.54.2.c.
- e. Unbundled Parking
  - i. MOTOR VEHICLE PARKING spaces must be rented or leased as an option rather than a requirement of the rental, lease, or purchase of a DWELLING UNIT or non-residential floor space.
  - ii. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.
- f. Loading Facilities
  - i. Loading facilities must be located away from major public THOROUGHFARES, the Mystic River, and

other highly visible locations. The visual impact of exposed loading facilities should be reduced through creative design solutions.

- ii. MODIFICATIONS to, relocations of, or creation of new loading facilities for an existing BUILDING requires a Special Permit.
  - a). In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a MODIFICATION to, relocation of, or creation of new loading space for an existing BUILDING:
    - i). Documented need for loading facilities.
    - ii). Impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.

### 11. Development Benefits

- a. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
- b. DEVELOPMENT must provide AFFORDABLE DWELLING UNITS as specified on Table 7.4.112 (a).
- c. DEVELOPMENT ~~of a general building~~ must provide linkage payments ~~as specified on Table 7.4.112 (a) in accordance with Section 12.2 Linkage.~~

**Table 7.4.12 (a) Required ADUs**

Total DWELLING UNITS	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 7.4.12 (b) Linkage**

Floor-Area	Affordable Housing-Linkage	Employment Linkage
Over 15,000-sf	None	\$2.46/sf
Over 30,000-sf	\$10/sf	\$2.46/sf

# 8. OVERLAY DISTRICTS

## Master Planned Development (MPD)

### g. Residential Tower (continued)

- v. DEVELOPMENT Benefits
  - a). DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
  - b). DEVELOPMENT of a residential TOWER must provide AFFORDABLE DWELLING UNITS as specified on Table ~~4.3.8 (a)~~ 8.3.16 (a).
  - c). DEVELOPMENT of a residential TOWER must provide linkage payments ~~as specified on Table 4.3.8 (b)~~ in accordance with Section 12.2 Linkage.
- h. Building Standards
  - i. The standards of Table 8.3.16 (eb) supersede specific dimensional standards for BUILDING TYPES permitted in the HIGH-RISE district for DEVELOPMENT subject to an approved Master Plan Special Permit.
- i. USE Provisions
  - i. The standards of Table 8.3.16 (dc) supersede the table of permitted uses for the High-Rise district for development subject to an approved Master Plan Special Permit.
  - ii. PRINCIPAL USES are exempt from the special permit required for large FLOOR PLATE USES by §9.1.7 except as follows:
    - a). Occupancy of any single GROUND STORY commercial space greater than ten-thousand (10,000) square feet in LEASABLE FLOOR AREA by any permitted Commercial Service or Retail Sales PRINCIPAL USE is prohibited.
    - b). Occupancy of any single UPPER STORY commercial space greater than fifty-thousand square feet in LEASABLE FLOOR AREA by any Recreation Services PRINCIPAL USE requires a Special Permit in accordance with the same findings required in §9.1.9.
- j. Parking & Mobility
  - i. MOTOR VEHICLE PARKING may be provided as SURFACE PARKING on a revolving two (2) year basis by Special Permit.
    - a). In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing an interim SURFACE PARKING LOT:
      - i). Documented un-met demand for parking;
      - ii). The DEVELOPMENT schedule and phasing for DEVELOPMENT subject to a Master Plan Special Permit;
      - iii). The capacity of the local THOROUGHFARE network providing ACCESS to the SITE; and
      - iv). The impact of the PARKING LOT on pedestrian,

**Table 8.3.16 (a) Required ADUs**

Total DWELLING UNITS	Required ADUs
0 to 3 units	None
4 or more units	20% of units

**Table 8.3.16. (b) Linkage**

Commercial Gross-Floor Area	Affordable Housing Linkage	Employment Linkage
30,000-sf or less	None	None
Over 30,000-sf	\$10/sf	\$2.46/sf

bicycle, and motor vehicle traffic and circulation patterns in the neighborhood.

## 8. OVERLAY DISTRICTS

Master Planned Development (MPD)

**Table 8.3.16 (cb) Superseding Dimensional Standards**

	HR
<b>LOT Standards</b>	
OPEN SPACE (min)	none
<b>Building SETBACKS</b>	
Primary Front SETBACKS (min/max)	0 ft   20 ft
Rear SETBACK (min)	none
<b>Massing &amp; Height</b>	
Building Width (max)	none
FLOOR PLATE (max)	--
General Building	--
Up to 65 ft	45,000 sf
Up to 220 ft	20,000 sf
Commercial Building	50,000 sf
Number of Stories (min)	4
Number of Stories (max)	--
General Building	none
Commercial Building	none
<b>TOWER Dimensions</b>	--
General Building	--
Width/Depth	150 ft
Building Height (max)	220 ft

**Table 8.3.16 (dc) Superseding Permitted Uses**

Use Category Specific Use	HR
<b>Commercial Services</b>	
ASSEMBLY OR ENTERTAINMENT	P
PERSONAL SERVICES	P
<b>Recreation Services</b>	P
<b>Lodging</b>	
HOTEL OR HOSTEL	P
<b>Residential</b>	
GROUP LIVING (except as follows)	SP
COMMUNITY OR GROUP RESIDENCE	P
Dormitory, Fraternity or Sorority	N
HOMELESS SHELTER	N
Nursing Home/Assisted Living Facility	N
Rooming HOUSE	N
<b>Retail Sales</b>	
CONSUMER GOODS (except as follows)	P
PET STORE	P
<b>ACCESSORY Uses</b>	
HOME OCCUPATIONS (as noted below)	--
HOME-BASED BUSINESS	P
Home Day Care	P
HOME OFFICE	P
<b>Urban Agriculture (as noted below)</b>	--
APICULTURE	P
AVICULTURE	P
COMMERCIAL FARMING	P
Residential Gardening	P
<b>Vehicle Parking, Accessory (except as follows)</b>	P
Home Business Vehicle Parking	N

P - Permitted    SP - Special Permit Required    N - Not Permitted