

Union Square Neighbors Zoning Petition

AN AMENDMENT ESTABLISHING A PUD-C ZONING OVERLAY DISTRICT and UNION SQUARE ARTS OVERLAY DISTRICT with FACILITATION BY CITY-WIDE AMENDMENTS

Whereas Union Square includes a number of large vacant or underutilized parcels with development potential; and

Whereas economic development is a priority for the City of Somerville in general and the Union Square area in particular, to create jobs, tax revenue, and otherwise improve the quality of life; and

Whereas there is a critical shortage of housing for all income levels in both Somerville and the Greater Boston area; and

Whereas improved transit service is anticipated in Union Square in the near future because the Commonwealth of Massachusetts has recently agreed to fulfill its promise to construct Green Line rapid transit service to Somerville, including Union Square/Boynton Yards; and

Whereas the City of Somerville is home to one of the highest concentrations of artists of any American city, with a particular concentration around Union Square; and

Whereas additional mixed-use development in Union Square will support existing businesses and the arts community in Union Square and create much-needed tax revenue for the City; and

Whereas commercial development in Union Square and elsewhere in the City will benefit from increased residential density in the surrounding area; and

Whereas the viability of new transit service to Union Square will benefit from increased residential density in the vicinity of the new Green Line station; and

Whereas preserving and enhancing the character of Union Square for arts-related uses will provide cultural, economic, and social benefits to the City; and

Whereas the historic character of Union Square and nearby Prospect Hill is a valuable quality of Somerville; and

Whereas the neighborhood surrounding Union Square is a vital residential area and an historic area of one, two and three family homes;

Therefore:

Be it adopted, that the Somerville Zoning Ordinance be amended as follows to create new "City Wide Amendments to Facilitate Proposed Districts in Union Square" and "PUD-C" and "Union Square Arts" zoning overlay districts:

CITY WIDE AMENDMENTS TO FACILITATE PROPOSED DISTRICTS IN UNION SQUARE

Task 1. Map changes. The official zoning map shall be amended to include:

- a) the PUD-C Overlay District (including PUD-C1 subdistrict), as shown on the attached plan labeled Figure-1 and dated, March 5, 2007; and
- b) the Union Square Arts Overlay District, as shown on the attached plan labeled Figure-1 and dated March 5, 2007.

EXPLANATION: Map changes are required to actually create the metes and bounds of the new zoning overlay districts. Lots in the RA and RB zones are excluded from this petition

Task 2. Definitions. Article 2 (Definitions) shall be amended as follows.

- a) Delete Section 2.2.11 in its entirety and replace with the following text:

2.2.11. Artist’s Housing. Part or all of a building which is used by the occupant thereof for both residential use and Artist’s Studio Space.

- b) Add the following new Section 2.2.11A:

2.2.11A. Artist’s Studio Space. Space used for the creation, production, rehearsal or teaching of any visual art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture, and pottery; of written works of fiction or nonfiction; or of any performing art, whether for live or recorded performance, including music, dance, and theater. Activities must conform to the following requirements:
1.) The use, including storage of materials or products, shall be carried on strictly within an enclosed building.
2.) The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effect shall be prohibited.

- c) In the second paragraph of Section 2.2.69, delete the words “the studio of an artist, musician, photographer or writer” and replace with the following: “the studio of a visual artist, craftsperson, musician or other performing artist, photographer, or writer”.

EXPLANATION: Providing incentives for specific arts-related uses is an important objective of the PUD-C and the Arts Overlay Districts. There is currently no definition in the code of an Artist’s Studio Space, and the definition of Artists’ Housing will benefit by additional clarity.

Task 3. Permitted Uses. Section 7.11 (Table of Permitted Uses) shall be amended as follows.

a) Add two additional rows within category 6, RECREATIONAL USES, as follows:

8. Artist’s Studio
a. less than 5,000 s.f. of gross floor area
b. 5,000 s.f. or more of gross floor area

Within row 6.8.a, the use shall be listed as “Y” (permitted) in the Union Square Arts Overlay district; it shall be listed as “SPSR” (special permit with site plan review) in the RC, NB, CBD, BA, BB, IA and ASMD, PUD-B, and PUD-C districts; and it shall be listed as “-” (prohibited) in the RA, RB, IP, OS, and UN districts.

Within row 6.8.b, the use shall be listed as “SPSR” (special permit with site plan review) in the RC, NB, CBD, BA, BB, IA, ASMD, PUD-B, PUD-C, and Union Square Arts Overlay districts; and it shall be listed as “-” (prohibited) in the RA, RB, IP, OS, and UN districts.

EXPLANATION: The new zoning defines the use restrictions applicable by district for Artist’s Housing and Artist’s Studio on a citywide basis.

Task 4. Parking Requirements. Section 9.5 (Number of Parking Spaces) shall be amended as follows.

a) In row 1.a, after the words “or mobile home” insert the words “(including Artist’s Housing).”

b) Insert a new row 15)d, “Artist’s Studio Space,” for which the parking factor shall be “1 per 1,000 s.f.”

EXPLANATION: The new zoning defines the parking requirements for Artist’s Housing and Artist’s Studio on a citywide basis.

Task 5. Other Changes. As necessary, the table of contents and other incidental sections shall be changed to reflect the amendments described herein.

PUD-C OVERLAY DISTRICT

Task 1. Creation of PUD-C Overlay District. A new section 6.1.21 shall be added as follows:

6.1.21 Planned Unit Development Overlay District C (PUD-C)

A. Purpose

See Section 16.1

B. Standards and Guidelines

A Planned Unit Development shall be allowed by Special Permit with Site Plan Review in PUD-C Overlay Districts and shall be regulated by the requirements of Article 16. In addition all PUD development seeking a Special Permit shall be subject to the standards and guidelines for the Union Square Arts Overlay District set forth in Section 6.1.22.B. The Planning Board shall serve as the Special Permit Granting Authority in the PUD-C Overlay District.

C. Overlay District

PUD-C Districts shall be overlay districts on the zoning map, excluding all lots in the RA or RB zoning districts. For any land within a PUD-C overlay district, a developer may choose to conform either to all the controls which govern the base district(s) or to all the PUD development controls and processes.

EXPLANATION: Necessary language to establish PUD-C district.

Task 2. Permitted Uses. Section 7.11 (Table of Permitted Uses) shall be amended as follows.

- a) Add an additional column entitled “PUD-C”. Within this column, all uses allowed in the CBD (by right, special permit, special permit with design review, or special permit with site plan review) shall be listed as “SPSR.” All other uses shall be listed as “-” (prohibited).

EXPLANATION: The PUD-C zone is envisioned as an extension of the urban pattern typical in the CBD zone, with dimensional flexibility. For this reason, no new uses are allowed in the PUD-C that are not allowed in the CBD.

Task 3. Parking Requirements. Article 9 (Off-Street Parking and Loading) shall be amended as follows.

- a) The first paragraph of Section 9.16 be amended to include the words “and the PUD-C Overlay District” immediately following the words “PUD-A Overlay District”.

In subsection 9.16.1, add the following text:

These parking requirements are also designed to implement the objectives of the PUD-C Overlay District, as set forth in Section 6.1.21. One objective of that Overlay District is to limit both the amount and type of parking in Union Square in order to enhance transit and pedestrian-oriented urban development patterns.

In the first sentence of subsection 9.16.2, include the words “or the PUD-C Overlay District” immediately following the words “PUD-A Overlay District”.

In the first sentence of subsection 9.16.5 (Parking in Structures), include the words “or the PUD-C Overlay District” immediately following the words “PUD-A Overlay District”.

EXPLANATION: The parking requirements for the new PUD-C overlay district reflect those for the PUD-A. Minimum parking requirements are kept relatively low, to encourage transit use and support the pedestrian-friendly character of Union Square. In addition, once the Green Line transit services takes effect, maximum parking requirements would go into effect.

Task 4. PUD Review Procedures. Article 16 shall be modified as follows.

a) The first sentence of Section 16.2 shall be deleted and replaced with the following language:

“A PUD shall be permitted only in a Planned Unit Development B Overlay District, a Planned Unit Development C Overlay District, or in the ASMD.”

EXPLANATION: Allows PUDs in the new PUD-C overlay.

b) The second sentence in section 16.5.1 (Dimensional Requirements) shall be amended to include the words “or PUD-C” immediately following the words “Within a PUD-B”. Further, a new column shall be added to the table, as follows:

PUD-C	
a. minimum lot size (s.f.) (1)	25,000
b. minimum lot area/dwelling unit (2)	
1-9 units (s.f.)	600
10 or more units (s.f.)	600
c. maximum ground coverage (%) (2)	80
d. landscaped area, minimum percent of lot (2)	10
e. floor area ratio (FAR) (2) (7)	3.0-3.5 (3.5-4.0 within C-1 subdistrict)
f. maximum height, stories/feet (3) (4) (8)	4 stories/50 feet (5-6 stories/ 60-70feet within C-1 subdistrict)

g. setbacks (front, side, and rear perimeter) (5) (6) 0

(#) = See footnotes in Section 16.5.2.

EXPLANATION: Establishes dimensional requirements for PUD-C overlay. In contrast to the PUD-B, the PUD-C allows significantly smaller projects (25,000 vs. 75,000 s.f.), at a higher residential density (600 s.f. lot area/unit vs. 1,000 s.f. lot area/unit). Ground coverage, landscaped area, and setbacks for the PUD-C generally mirror those of the CBD district, to reflect the downtown/urban character of PUD-C projects. Greater height (and greater density) is permitted within the C-1 subdistrict, at the eastern end of Union Square close to the presumed future transit station location).

c) In Section 16.5.2, footnotes 1, 2, 4,5 and 6 shall be amended to include the words “or PUD-C” immediately following the words “PUD-B”.

d) In Section 16.5.2, additional footnotes 7 and 8. shall be added as follows:

- 7. Floor Area Ratio –In the PUD C, the allowable FAR of .3.0 my be increased to 3.5 only if located within 120 feet of the centerline of Washington Street, Somerville Avenue, or Bow Street. In the PUD-C1, the allowable FAR of 3.5 may be increased to 4.0 only if located east of Prospect Street,
- 8. Height _ - In the PUD C1, the allowable height of 60 may be increased to 70 only if located east of Prospect Street and the floorplate of the portion of the building above 50 feet is limited to 10,000 square feet, with those portions of a project above 50 feet tall separated by at least 50 feet.

EXPLANATION: Footnotes need to be revised in connection with changes to Section 16.5.1.

d) Section 16.5.3 (Mixed Uses) shall be amended by adding a new paragraph immediately following the existing text, as follows:

For any new Development within the PUD-C Overlay District, the following provisions shall apply:

- 1) a minimum of 75% of the gross floor area of the first story (including enclosed parking areas) shall be dedicated to commercial, industrial, institutional, recreational, or other non-residential uses;
- 2) a minimum of 5% of the entirety of the gross floor area (excluding enclosed parking areas) shall be dedicated to one or more of the following uses, as referenced in Section 7.11: Artist’s Housing (Use 3.e), Art Gallery (Use 5.B.2), Theater (Use 6.4), Artist’s Studio (Use 6.8), or Crafts-related retail store (Use 9.13). Such space shall be subject to an enforceable deed restriction or other enforceable legal instrument, in form satisfactory to the SPGA, with a duration of not less than ten (10) years, commencing upon the issuance of a certificate of occupancy for the Development; and
- 3) Up to one- quarter (25%) of the number of affordable housing units required to be created

within a Development pursuant to Article 13 may be units of Artist’s Housing for income eligible artists. If a Development within the PUD-C Overlay District is permitted or completed in phases, the above provisions shall apply to each major phase. Notwithstanding these requirements, uses in the PUD-C Overlay District must also comply with the requirements of Section 7.11 (Table of Permitted Uses).

EXPLANATION: Revitalizing the surrounding area through non-residential ground-floor uses and providing incentives to incorporate arts-related uses within projects are two of the principal goals of the PUD-C district.

e) Section 16.5.4 Waiver of dimensional standards – shall be amended by adding the following language immediately following “In order to maximize flexibility in the application of design standards to PUD projects”

in PUD A and PUD B.

Explanation: This allows the unlimited waiver of dimensional standards only in the PUD A and PUD B areas, not in the PUD C and PUD C-1 areas, where there are existing low scale residential neighbors adjacent to the rezoned areas.

e) Section 16.6.1 (PUD Usable Open Space—General) shall be amended by adding the following language immediately following the existing text:

This subsection shall not apply to PUD-C developments where the total required landscaped area is less than 7,500 s.f.

EXPLANATION: With small PUD-C projects (say, 25,000-75,000 s.f. lots), the total required area for usable open space may be too small (1,250-3,750 s.f.) to create functional, well-integrated public spaces. Larger developments, even within the PUD-C overlay, will still be required to comply.

f) Section 16.7 (PUD Design Guidelines) shall be amended by adding the following language immediately following the existing text:

A Development within the PUD-C Overlay District shall also be subject to the following additional design guidelines:

- 1) Across the primary street edge(s), the building should complete the streetwall;
- 2) Major building entrances and entrances to retail stores and other sources of pedestrian activity should be oriented to existing public sidewalks and other open space;
- 3) Massing of the building should be articulated in a manner compatible with the surrounding district, particularly where a building abuts a lot or lots within a residential district;
- 4) On-site, off-street parking should be located either at the rear of the lot behind the building or below street level; parking should not abut the street edge of the parcel, suitably screened both visually and acoustically from abutters; and
- 5) Provide access to on-site, off-street parking from either a side street or an alley; Where this is not possible, provide vehicular access through an opening in the

street level façade of the building of a maximum of 25 feet in width.

6) Buildings should be designed with individual front entrance doors to the the street. For residential projects, include individual front entrances on along the street edge, include individual row houses on the lower levels of multi-story buildings.

EXPLANATION: This section applies the same design standards and guidelines that apply to projects requiring SPSR within a CBD district, to projects within the PUD-C overlay district, including specific performance guidelines for structured parking and street level entrances

UNION SQUARE ARTS OVERLAY DISTRICT

Task 1. Creation of Union Square Arts Overlay District. A new section 6.1.22 shall be added as follows:

6.1.22 Union Square Arts Overlay District

A. Purpose.

The district is established to encourage the preservation and enhancement of arts-related uses in Union Square. The district is also intended to preserve and enhance Union Square as a central business district for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale throughout the district.

B. Standards and Guidelines.

The Planning Board shall serve as the Special Permit Granting Authority in the Union Square Arts Overlay District.

Any Development within the Union Square Arts Overlay District that is allowed by Special Permit shall be subject to the following design guidelines:

- 1) Across the primary street edge(s), the building should complete the streetwall;
- 2) Major building entrances and entrances to retail stores and other sources of pedestrian activity should be oriented to existing public sidewalks and other open space;
- 3) Massing of the building should be articulated in a manner compatible with the surrounding district, particularly where a building abuts a lot or lots within a residential district;
- 4) On-site, off-street parking should be located either at the rear of the lot behind the building or below street level; parking should not abut the primary street edge(s) of the parcel; and
- 5) Access to on-site, off-street parking should be provided from either a side street or an alley; Where this is not possible, provide vehicular access through an opening in the street level facade of the building of a maximum of 25 feet in width.

C. Overlay District

Any lot or parcel of land within the Arts Overlay District shall continue to be subject to the regulations of the underlying district(s) in which it is located, except to the extent that such underlying regulation is contrary to or inconsistent with specific provisions applicable to the Arts Overlay District under this Section 6.1.22 or any other section of this Ordinance, in which case the provision applicable to the Arts Overlay District shall govern.

D. Affordable Housing.

Up to one- quarter (25%) of the number of affordable housing units required to be created within a Development pursuant to Article 13 may be units of Artist’s Housing for income eligible artists.

E. Dimensional Requirements.

For any parcel of land located within the Arts Overlay District, the minimum lot area/dwelling unit for a development consisting solely of Artists’ Housing above the

ground floor shall be 750 s.f., and the maximum Floor Area Ratio (F.A.R.) shall be 2.5.

EXPLANATION: Necessary language to establish Arts Overlay district. The increased density allowable only for Artists' Housing will provide an incentive for infill development and conversion of existing commercial buildings

Task 2. Permitted Uses. Section 7.11 (Table of Permitted Uses) shall be amended as follows.

a) Add an additional column entitled "Union Square Arts Overlay". Within this column, the following uses shall be listed as "Y" (as of right):

- 3.e Artist's Housing of 6 units or less
- 5.B.2 Library, museum, art gallery
 - a. less than 10,000 s.f. of gross floor area
- 6.4 Theater, cinema or other public assembly
 - a. less than 10,000 s.f. of gross floor area
- 9.13 Crafts related store selling jewelry, T-shirts, crafts, etc. where production occurs on premises
 - a. less than 5,000 s.f. of gross floor area
 - b. 5,000 to 9,999 s.f. of gross floor area

Within this column the following uses shall be listed as "SPSR" (special permit with site plan review):

- 3.e Artist's Housing of 7 units or more
- 5.B.2 Library, museum, art gallery
 - b. 10,000 s.f. or more of gross floor area
- 6.4 Theater, cinema or other public assembly
 - b. 10,000 s.f. or more of gross floor area
- 9.13 Crafts related store selling jewelry, T-shirts, crafts, etc. where production occurs on premises
 - c. 10,000 s.f. or more of gross floor area

All other uses in this column shall be listed as "see underlying district. EXPLANATION: By regularizing and streamlining the thresholds for as-of-right

conversions (versus those requiring special permits) within the Arts Overlay District, the new zoning will provide incentives for conversion of underutilized space for arts related uses.

Task 3. Parking Requirements. Article 9 (Off-Street Parking and Loading) shall be amended as follows.

- a) Add a new section 9.4.1.e, to the Zoning Ordinances, as follows:
 - e) Within the Union Square Arts Overlay District, no additional parking or loading spaces shall be required for any permitted non-residential use of an existing structure where there is no increase in net floor area.

EXPLANATION: By reducing the parking requirements of non-residential uses, there will be an incentive to maximize the use of net floor area in Union Square. Any increase in net floor area will be required to meet underlying district parking requirements.

