



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**Office of Strategic Planning and Community Development**  
JOSEPH A. CURTATONE, MAYOR

**Office of the Executive Director**

**MEMORANDUM**

**TO:** Joseph A. Curtatone, *Mayor*

**FROM:** Michael F. Glavin, *OSPCD Executive Director*

**DATE:** September 17, 2013

**SUBJECT:** An ordinance (#195279) requesting an Amendment to the Zoning Ordinance to add a new Section 6.6: North Point Special District, modify Section 5.4; Design and Site Plan Review, and make related modifications to Sections 2, 3, 5, 6, 7, 8 and 17.

---

The Office of Strategic Planning and Community Development (OSPCD) respectfully requests that you forward the attached rezoning proposal to the Board of Aldermen (BOA) for their review and consideration.

This amendment proposes changes including a new North Point Special District to be applied to the land areas of North Point that are within Somerville. To work with this new district a new Neighborhood Development Plan review process is created. To improve process for North Point and other areas of the City, the amendment also recommends modification and renaming of the existing Site Plan Approval process, revisions and additions to definitions, and the addition of a section to Article 3 that concerning the Planning Board.

**NORTH POINT**

“North Point” is an area over sixty acres in size in total that includes all of the land north of Msgr. O’Brien Highway from MBTA’s Fitchburg line right-of-way to the Charles River, on both sides of the Charlestown Avenue (Gilmore) Bridge. This land area includes just over 5 acres of developable land in the southeastern corner of Somerville. The site straddles a unique spot where the municipal boundaries of Somerville, Cambridge, and Boston all meet near the Charles River Basin Park in Cambridge.

The Somerville portion of North Point is physically isolated from the rest of the City by railroad tracks and the MBTA’s Boston Engine Terminal. Due to the city boundaries (which follow a historic river bed location) the Somerville section of North Point includes three pieces of land that are not contiguous. There is no current vehicular access to this land from Somerville and access to and between the three parcels is only available from and through Cambridge. The abutting land in Somerville (to the North) is cut-off by the MBTA’s Fitchburg line right-of-way and Commuter Rail Maintenance facility, beyond which lies the Inner Belt industrial area and the elevated I-93 viaduct.

Geographical access and municipal boundary constraints make it necessary for the City of Somerville to consider the planning and visioning already completed by the City of Cambridge, when establishing development regulations for the portions of the site located in Somerville. Without a broad-based development strategy that incorporates land in Cambridge along with the isolated parcels of North Point in Somerville, it is likely that very little development would ever take place in this portion of the City independently. Therefore, a vision for the future of North Point should be one that is shared with the neighboring community of Cambridge for the overall development of the new neighborhood, while taking into consideration the goals for each municipality. While, these goals may seem, on the surface, to be in opposition to one another, they are actually complementary.



Aerial photograph of the North Point area as it exists today



## Previous Planning

In 2001, the Cambridge portion of North Point was part of a major planning and rezoning project conducted by the City of Cambridge, known as the East Cambridge Area Planning Study. The East Cambridge Planning Study was undertaken by the Cambridge Community Development Department and the Eastern Cambridge Planning Study Committee, with the assistance of a multi-disciplinary consultant team led by Goody, Clancy & Associates. The study was initiated in response to a citizen petition submitted to the Cambridge City Council in November 1999, asking for an 18-month development moratorium for residential and commercial projects above a certain size in East Cambridge. Neighborhood residents were motivated to seek the moratorium, which was approved by the City Council in January 2000, as a result of a number of large development proposals that were felt to be creating significant growth pressures and impacts throughout the City of Cambridge, and in East Cambridge in particular. The East Cambridge Planning Study was undertaken during this moratorium.

The study was completed in October 2001. Its recommendations formed the basis for the Cambridge Planning Board's East Cambridge Rezoning Petition, filed with the City Council in June 2001, and subsequently adopted. These recommendations became part of the City-wide rezoning adopted in February 2001, which excluded East Cambridge while the East Cambridge Planning Study was in progress. Two areas singled out for special treatment and visioning in the East Cambridge Planning Study were the U.S. Department of Transportation's Volpe Transportation Research Center (a site near Kendall Square, which is a candidate for major redevelopment and open space), and North Point. The analysis of the North Point area, from the East Cambridge Planning Study, and the specific vision and recommendations developed for North Point, are summarized below.

The East Cambridge Planning Study establishes a number of "key themes and opportunities...for future planning" in East Cambridge based on analysis of existing urban design conditions. While these are intended to apply throughout the study area, they are particularly relevant to North Point given the major opportunity for new development in the district. These themes include the following:

- The historic block pattern of East Cambridge creates a walkable, pedestrian-scale environment, and is a useful model for large development sites.
- The creation of pleasant and accessible neighborhoods is closely tied to the continuity of pedestrian connections, emphasizing the importance of connecting to existing street grids and pathways.
- Well-designed civic buildings such as the Bulfinch Courthouse on Cambridge Street play a key role in the image and identity of existing neighborhoods and should be established in new development areas, where possible.
- The location of open space adjacent to other community facilities creates a strong interaction of uses that supports community life.
- Well-defined street walls, human-scale buildings, and windows at street level are essential to creating an attractive pedestrian environment.
- A critical mass of street-level retail is important in creating lively commercial districts serving adjacent developments, and should be encouraged where appropriate.

The East Cambridge Planning Study also notes that the dense residential fabric of East Cambridge offers very little opportunity for new public open space, suggesting that major new parks and recreational facilities will have to be developed outside the existing residential neighborhood, linked to the neighborhood by good pedestrian and bicycle connections. The key opportunities envisioned for such open space development are the Volpe Center site to the south, and North Point to the north.

The planned North Point Park and North Point Wilds, part of the new riverfront open spaces defined in the New Charles River Basin Master Plan, will provide large new public open spaces and greatly enhanced access to the river from North Point. In addition to these long-planned parks along the river, the East Cambridge Planning Study calls for several other public open space facilities in North Point:

- A bike and pedestrian path connection between North Point and the Linear Park through Davis Square.
- A tot lot for North Point.
- A neighborhood or community park for East Cambridge or North Point.

Like any community in the dense Boston metropolitan area, one of Cambridge's key concerns with respect to major development is the amount of additional traffic it will generate. A major planning goal in Cambridge, reflected in the East Cambridge Planning Study, is Auto Trip Reduction, achieved with a combination of land use and density policies and a reduced parking ratio. A 20% reduction in parking ratios is estimated to reduce auto mode share by 10% and overall auto trip generation by 20%. As traffic impact along the McGrath and O'Brien Highways is one of the areas in which North Point development will affect Somerville most directly, these Cambridge policies will benefit Somerville as well. The East Cambridge Planning Study also recommends that project proponents implement "significant demand management programs – above and beyond what is currently required under the City's Parking and Transportation Demand Management (PTDM) ordinance – and/or improve transit accessibility to a given area."

The transportation opportunities noted by the East Cambridge Planning Study are particularly relevant to North Point, and also have significant benefits to Somerville:

- The relocation of Lechmere station presents an opportunity to extend First Street to connect directly with Monsignor O'Brien Highway, which would encourage the use of First Street. This will be especially important as development occurs in North Point. Relocating Lechmere also allows for the Green Line Extension to continue into Somerville.
- Measures to ensure safe at-grade pedestrian and bicycle crossings of Memorial Drive and Msgr. O'Brien Highway will calm traffic and connect North Point to the neighborhood and Kendall Square.
- Improved transit access to the North Point area by the proposed Green Line extension and the proposed Urban Ring would ease congestion on O'Brien Highway and greatly enhance non-auto access to and from the study area.
- Pedestrian and bus links from North Point to the Bunker Hill Community College Station would provide access to the Orange Line from the study area.
- In addition to Lechmere, a number of the new MBTA bus routes proposed in Phase I of the Urban Ring would serve Kendall Station. Several of these routes would benefit from a link to Third Street at Broadway/Main streets.
- Truck traffic related improvements would help keep through truck traffic off residential streets.
- Off-road, multi-use paths could provide a significant transportation and recreation resource for the study area. Opportunities for such paths lie along the Grand Junction railroad right-of-way and at North Point, connecting the proposed Somerville regional bike path to the river. The City of Cambridge has committed funds for a feasibility study of the Grand Junction path in the fiscal year of 2001-02.
- City policy requires consideration of bike facilities on all streets as they are reconstructed and restriped.

North Point was identified early in the East Cambridge Planning Study as a focus area based on its significant development potential and likelihood for change. Substantial development has already occurred in North Point east of the Gilmore Bridge, with the 434 unit Museum Towers high-rise development and the EF Centre office building. The study notes that these developments, lacking an immediate context, bear "little relationship to the traditional, small-scale block pattern of East Cambridge." The East Cambridge Planning Study Composite Urban Design Goals diagram suggests the small block pattern, and the pedestrian, bicycle, and vehicular connections between North Point and the existing East Cambridge neighborhood are the fundamental organizing concepts for the site.

The East Cambridge Planning Study notes that, while North Point is currently cut off from its nearby context – by the rail yards in Somerville to the north, the O'Brien Highway to the south, and the Gilmore Bridge to the east – the site presents many opportunities:

- The potential for creation of a new residential neighborhood, providing housing opportunities for a variety of residents.

- The potential to connect East Cambridge (and by extension, Somerville) to the extensive new riverfront park development, particularly in conjunction with the relocation of the Green Line.
- The opportunity to create better connections to the Orange Line Bunker Hill stop through a walkable pedestrian neighborhood.
- The opportunity to create a significant amount of public open space in Eastern Cambridge.

The overall East Cambridge Planning Study Vision Statement and broad planning goals for Eastern Cambridge, (reproduced below) reiterate the opportunities described above. More detailed goals for urban design, open space, land use and density, housing, economic development, and transportation can be found in the East Cambridge Planning Study document. Although these goals are intended to apply to Eastern Cambridge as a whole, they are particularly relevant as descriptors of planning and urban design goals for North Point.

Eastern Cambridge is a remarkably diverse community of historic neighborhoods, state-of-the-art research facilities, a world-renowned university, a vibrant traditional main street, arts cinemas, neighborhood parks and Charles River frontage all within a short walk of each other. The resulting mix, which interweaves housing with research, single family houses with office towers, historic with cutting edge architecture, walking and bicycles with heavy vehicular traffic, and other contrasts of urban life, provides the basis for a uniquely vital community- a quality often sought but rarely achieved in other urban communities.

Yet this mix is also the source of tensions and conflicts. The core mission of this study is to preserve and enhance the benefits of Eastern Cambridge's diversity, while managing and diminishing the accompanying negative impacts. The mission translates into broad goals that govern planning for future change in every part of Eastern Cambridge:

- Promote land use patterns that improve quality of life in residential neighborhoods and foster a vital public realm in mixed-use districts.
- Expand housing opportunities for a wide range of residents, across the community.
- Support economic development policies that address the needs of small and start-up businesses and people in need of jobs and public services.
- Shift transportation patterns toward more walking, transit use, and bicycle use, reducing reliance on automobiles.
- Meet the open space needs of current and future residents.
- Pursue urban design policies that enhance the character of residential neighborhoods, support creation of more lively pedestrian-friendly areas in mixed-use districts, and result in more attractive and convenient pedestrian connections between every part of Eastern Cambridge.

The East Cambridge Planning Study also establishes design guidelines that are intended to describe the desired form and character of future development throughout the East Cambridge Planning Study area, with particular goals established for North Point:

- Create a lively new mixed-use district with strong visual and pedestrian connections to East Cambridge. The new district should be a place to live, work, and enjoy a variety of parks and public spaces.
- Create a new east-west main street through the center of North Point, connecting East Cambridge with the future MDC park.
- Extend First Street into North Point to connect existing and new neighborhoods.
- Create a major new public park easily accessible from the relocated Lechmere T station, First Street, and O'Brien Highway.
- Create a new retail edge at the relocated Lechmere T station and at the intersection of First Street, Cambridge Street, and O'Brien Highway that will complement, not compete with, existing retail on Cambridge Street.

Additionally, the East Cambridge Planning Study makes development and policy recommendations in several areas, including open space, neighborhood transportation, retail strategy, and zoning relevant to North Point:

## Open Space

Development of a community of several thousand residents and workers will create new open space needs, but also presents significant opportunities to create new open space. In addition to the planned MDC North Point parks along the Charles River, the East Cambridge Planning Study calls for a new central 2.5-acre open space and a series of smaller green spaces along the major east-west transportation spine through the district. This space is intended to serve residents of the broader community as well as of North Point itself. Development of North Point should also facilitate the creation of a pedestrian/ bicycle link between the Somerville Community Path and North Point Park – a “vital link in a regional connection.”

## Transportation

North Point’s development as a transit-oriented mixed-use community with a high proportion of residential use addresses the East Cambridge Planning Study’s transportation goals of reducing new auto trips, influencing traffic movement, and enhancing non-auto mobility. Some of these goals are addressed through such zoning measures as reducing parking requirements (or limiting parking allowed) for new development.

Cambridge also requires transportation demand management measures that support alternatives to driving. Specific transportation recommendations for North Point include intercepting east-bound traffic bound for North Point along O’Brien Highway at the earliest opportunities, and improving pedestrian and bicycle connections across O’Brien Highway.

From a regional perspective, the East Cambridge Planning Study recognizes the importance of supporting planned public transportation improvements such as the Urban Ring and extension of the Green Line, to maximize system-wide transit accessibility. These projects, and especially the Green Line extension, are particularly important to Somerville as well.

## Retail Strategy

The recommended retail development for North Point is proposed to be focused around the relocated Green Line station, and concentrated around the O’Brien Highway/First Street intersection. It is intended to complement, rather than compete with, the existing Cambridge Street retail environment. Street-level retail is also seen as enhancing neighborhood pedestrian activity and public safety. Zoning recommendations, as described above, are oriented in particular to limiting opportunities for big box development by limiting the size of any individual establishment. Retail in North Point is seen as likely to include a mix of regional retailers and independent stores, with a focus on convenience offerings, such as restaurants, convenience grocery, video, dry cleaning, coffee shops, flowers, sundries, and prepared foods. The East Cambridge Planning Study estimated the amount of retail supportable in North Point to be in the range of 35,000-50,000 square feet at full build-out.

## Zoning

Key zoning recommendations for North Point in the East Cambridge study, designed to encourage mixed-use development with a preponderance of residential use, are as follows:

- Require at least 65% residential development with a maximum of 35% commercial development and create a cap on non-residential parking for the district.
- Reduce automobile traffic generated by the site – by setting an FAR of 2.4 for a mixed-use project, but allowing FAR to increase to 3.0 as the percent of residential use increases, since residential uses generate less peak hour traffic.
- Reduce the parking required on site by 20% from the Citywide Rezoning Proposal and require corresponding auto vehicle trip reduction measures.

- Establish lower heights closer to the East Cambridge residential neighborhood and taller heights farther away.
- Encourage retail uses to support the new neighborhood that will complement, not compete with, existing retail on Cambridge Street. Retail is permitted on the street level of any building, with a maximum floor area for a single establishment of 10,000 square feet.
- Require the creation of a major new public park easily accessible from the relocated Lechmere T station.

Zoning recommendations also propose that:

- The first 50,000 square feet of retail within a 500-foot radius of the intersection of Cambridge and First Streets is exempt from the 35% commercial gross floor area limit.
- Maximum floor area for a single establishment is 10,000 square feet (no big boxes).
- Accessory parking is not required for street level retail (supports pedestrian and transit access rather than automobile).

In February 2003, the City of Somerville carried out the North Point Somerville Planning Study in response to a proposal for over 5 million square feet of mixed-use development at North Point. The City commissioned the study to look not only at the land area of North Point that was within Somerville, but also at contiguous areas along McGrath Highway in Brickbottom and in the Inner Belt district. The planning study examined existing conditions within the district, potential for future development, plans of neighboring municipalities, and proposed development at North Point. In preparation for the study, several stakeholder meetings were held to discuss the future of the land area within Somerville. Although the majority of the meetings were a reaction to previous planning and the proposed development, the participation from local stakeholders and the public helped to identify initial strengths, weaknesses, opportunities, and threats. In seeking to increase the city's commercial tax base, promoting commercial development became a major goal and during several of the stakeholder meetings there was a clear message that with any future development proposals, a focus on commercial development would be paramount.

The North Point Somerville Planning Study found that the majority of the planning recommendations of the East Cambridge Planning Study were also sound for the portions of North Point that were in Somerville. Similarly, it was found that the Cambridge's Zoning Ordinance, particularly in Article 13.70 (North Point PUD) was developed to be consistent with the recommendations for North Point found within the East Cambridge Planning Study and that the proposed development project was designed to meet both the policy objectives of the East Cambridge Planning Study and the guidance of the accompanying design guidelines created for North Point.

As a result of those findings, the North Point Somerville Planning Study recommended the creation of a new zoning to promote redevelopment on the Somerville portions of North Point that should include the following policies:

- The Planning Board should retain the authority to review all proposals that take place within the municipal boundary of Somerville.
- While the Planning Board should deal with the specific portions of the development within Somerville, it should accept that the NPS portion of the project is part of a larger project that includes land in Boston and Cambridge.
- Affordable Housing: Somerville should consider mirroring Cambridge's public benefit criteria for approval, which includes providing affordable housing in excess of the city-wide standard. Article 13 of the Somerville Zoning Ordinance, Inclusionary Housing, requires 12.5% of the units in developments of over 8 units to be affordable housing.
- Open Space: Since NPS is challenged by its unusual serpentine boundary, open space shall be reviewed for the overall development without consideration of municipal boundaries and consideration of the overall site plan. However, approval agreements should stipulate that all Somerville residents should have access to open space and any recreational facilities that may be developed thereon equal to that of Cambridge residents.

- **Parking Requirements:** In promoting a dense mixed-use urban development, it is recommended that parking requirements be lower than existing zoning permits. North Point is located within 1,000 feet of rapid transit, which would reduce parking requirements for non-residential development by 20%; however the city should consider permitting an additional reduction to parking requirements for both residential and non-residential development in promoting a more transit-oriented development due to close proximity to rapid transit and to downtown destinations. These parking requirements should only be applied where lower parking requirements can be justified. Also, as recommended before, parking requirements should be reviewed without consideration of municipal boundaries and as a larger development parcel. This reasoning is similar to the current Somerville Ordinance (9.6.4), which requires parking spaces and loading bays to be reviewed as an entire project versus by individual parcels.
- As a result of lower parking requirements, it will be necessary to require a Transportation Demand Management Plan (TDM). Similar to ASIPD, the applicant will be required to submit a set of procedures, policies, and practices that will reduce the number of single occupant vehicle trips traveling to or from NPS. The Director of Traffic and Parking shall approve a plan prior to the issuance of any permit.
- **Traffic analysis** should be required. The analysis should include current traffic counts for streets surrounding the project, the existing capacity of those streets, projections of the amount of traffic that will be generated, and ability for the existing system to handle additional traffic.
- **Use Requirements:** The plan should specifically require a mixture of uses within Somerville land to promote commercial development. Parking and open space are not generally considered as primary uses.
- If the overall design and development standards of the North Point project, as they have been described in the preliminary design documents and DEIR, are acceptable to the Somerville Planning Board, review and approval of the proposed Spaulding and Slye Development should take place within the context of the overall proposal. Notwithstanding the above guidelines and recommendations, final approval by the Somerville Planning Board of any development in NPS should be contingent upon a satisfactory resolution of a strategy for sharing the revenues and costs of such development among all relevant parties to the development – including the cities of Somerville and Cambridge (and possibly Boston), the MBTA, and the developer.
- At a minimum, an agreement between the cities of Cambridge and Somerville as to how municipal services are to be provided (costs) and real estate taxes allocated (revenues) should be established.

The plan developed by Spaulding and Slye met many needs in Cambridge, but placed significant residential development in Somerville. It was developed with Cambridge city staff with little or no input from the City of Somerville. There was concern that the extensive portion of residential development proposed in North Point, while meeting needs in Cambridge, was not in the best interest of the City of Somerville. Therefore, to this day, the zoning recommendations of the North Point Somerville Planning Study were never implemented.

Cambridge moved forward with North Point, but development came to a halt as the initial development team was unable to complete the project. The current development team purchased the site recently, made design changes that have been approved by the City of Cambridge, and reopened discussions with the City of Somerville. With a commitment to a new plan, an interest in developing significant commercial development in Somerville (concentrating residential development in Cambridge), and the start of project permitting in Cambridge, the new team is now poised to develop the site in both Cambridge and Somerville. Developing predominantly commercial development on this otherwise landlocked site in Somerville will work to achieve numerous goals of the SomerVision plan.

But, first current zoning must be changed. The portions of North Point within Somerville is now zoned as Industrial B (IB) with the purpose ‘to establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses, and to make provision for commercial uses which are necessary to service the immediate needs of people in these areas.’ The land remains vacant, underutilized industrial and railroad land that is hidden from the public view and unattractive as a site with a history of illegal dumping.



An artists rendering of the proposed build-out of the North Point neighborhood

## THE NORTH POINT SPECIAL DISTRICT

This proposal builds upon the previous planning and visioning work conducted by the cities of Cambridge and Somerville, numerous meetings with the current property owners of the remaining undeveloped portions of North Point, and with special consideration given to the goals, policies and actions recommended by SomerVision, the Comprehensive Plan of the City of Somerville. Continued progress on the Green Line Extension project and a strong market for dense, walkable, transit-oriented neighborhoods has positioned North Point to become a model urban core neighborhood built in the 21<sup>st</sup> century. Unrealized potential exists for the portions of North Point that are in Somerville to be developed as commercial or mixed-use building sites, but the current IB zoning would prohibit much of what has been envisioned for this neighborhood from being built. Instead, the Planning Division, taking from best practices in zoning, consideration of the unique circumstances of North Point, and sharing a commitment to facilitating development consistent with the SomerVision plan, are proposing a new zoning strategy for the district.

The purpose of the North Point Special District is to establish regulations supporting the development of a comprehensively planned neighborhood of mixed-use, moderate- to high-density development within easy walking distance to transit with the following characteristics:

1. An interconnected street grid and comprehensive thoroughfare network that distributes multi-modal circulation throughout the entire North Point neighborhood;
2. Thoroughfares that accommodate all modes of transportation - pedestrians, bicycles, public transit, and private motor vehicles.
3. Thoroughfares that feature frequent intersections, on-street parking, and large street trees to promote safe vehicular operating speeds by modulating the appearance and feel of the street space to drivers;
4. Appealing physical connections to surrounding areas including East Cambridge, the Community College Orange Line T-Station via the Gilmore Bridge, MDC New Charles River Basin Park, and regional pathways;
5. Pedestrian infrastructure that is accessible to and usable by persons with disabilities;
6. A North First Street extension as the primary connection to East Cambridge;
7. A distribution of diverse civic space types to serve the various social needs of neighborhood residents, workers, and visitors, including a central green;
8. A retail oriented plaza in close proximity to the relocated Lechmere T-Station;
9. Primary uses distributed throughout the neighborhood so that the many activities of daily living can occur within walking distance to residences and workplaces;
10. A constrained supply of parking spaces to encourage the use of public transit, bicycles, and walking in lieu of automobiles.
11. A diverse supply of residential unit types, sizes, and price points that meets the life-long housing needs of the community.
12. Architecture and landscape design that spatially defines civic spaces and thoroughfares as outdoor rooms and corridors.

The district utilizes a multi-step permitting process that requires Neighborhood Development Plans to be submitted and approved prior to the submittal of Design and Site Plans for individual sites. The review procedures required for Neighborhood Development Plans (“Neighborhood Development Plan Review”) and Design and Site Plans (“Design and Site Plan Review”) are detailed later in this document. The ordinance language includes a number of potential waivers and/or special permits that can be applied for simultaneously with the submittal of a Design and Site Plan. Waivers are specifically utilized for the planning and development of thoroughfares to address specific design challenges related to the development of infrastructure. Special permits are utilized in conjunction with the development of individual civic spaces and/or building sites in addition to the standard design and site plan that is required.

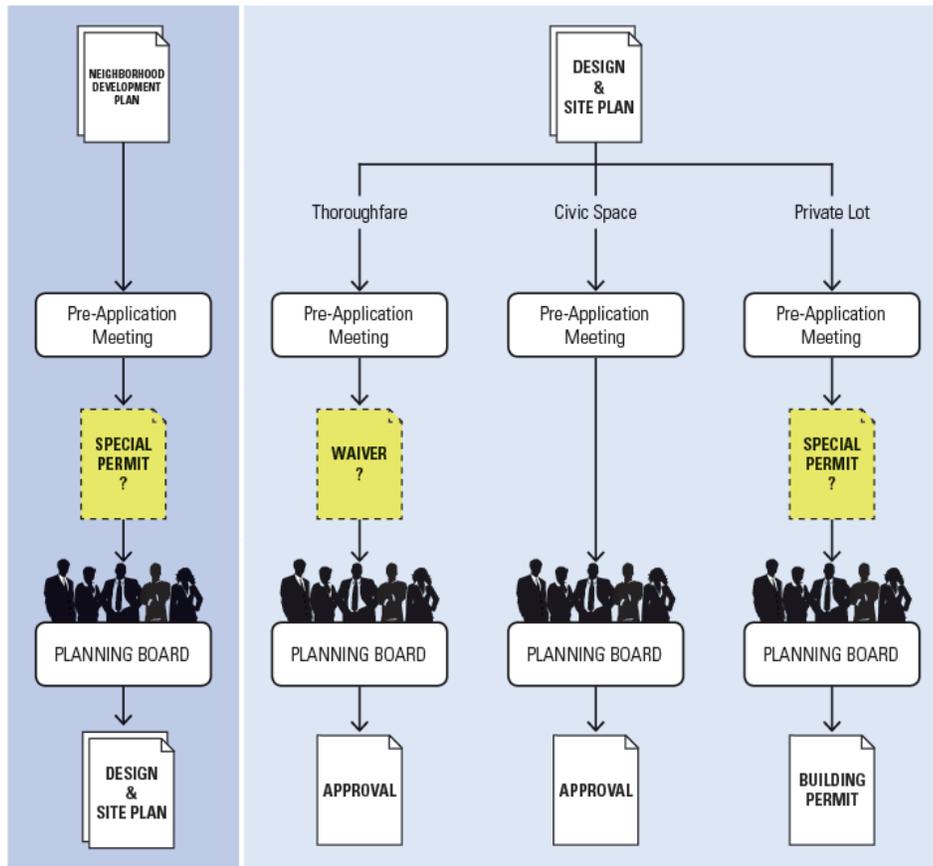


Illustration of the review and approval process for the North Point Special District

The North Point Special District is designed to fit into the current Somerville Zoning Ordinance (SZO), but also to easily be converted to a chapter of the new Somerville by Design code, when the new framework is completed later this year and the code is proposed in 2014. For this reason, use and dimensional regulations are included within the district chapter, in one easy-to-find location.

The North Point Special District is organized in a manner that recognizes the real-world development process involved with building a new neighborhood. Section 6.6.4 Neighborhood Structure regulates the structure and organization of the “bones” of a neighborhood: the thoroughfare network, block structure, lots, and amount of land developed as civic space. Next, section 6.6.5 Thoroughfares regulates the development of neighborhood streets with specific requirements for vehicular lanes, sidewalks, crosswalks, and driveway and alley crossings. Section 6.6.6 Civic and Recreation Spaces establishes rules for the various types of civic spaces that may be developed to meet requirements of the first section 6.6.4 Neighborhood Structure. Lastly, sections 6.6.7 Lots, 6.6.8 Permitted Uses, 6.6.9 Building Types, 6.6.10 Parking and Loading, and 6.6.11 Environmental Performance govern the development of individual sites.

A number of new concepts and innovative regulatory tools have been developed and proposed for the North Point Special District. They are detailed below:

#### For Private Lots:

#### 6.6.8 Permitted Uses

Uses are regulated in the North Point Special District through “Use Categories” that are groupings of principal uses that share similar attributes. The establishment of any principal use and changes in use within the same use category are permitted by-right. Changes in use to a different category are permitted

by special permit. The establishment or change in use to Institutional, Religious, and/or Educational Services meeting the criteria of M.G.L. 40A, Section 3 are always permitted by-right. This strategy is very similar to the strategy established in the CCD and TOD zoning districts with the implementation of use clusters.

This sub-section also details performance standards for individual principal uses. Principal uses are organized by category, similar to the Use Category table, and are listed in total so that standards can be added as needed.

#### 6.6.9 Building Types

The proposed zoning is organized by Building Types. Building types allow for a graphical presentation of all of the major building form, size, height and bulk requirements on a single page. This allows for applicants and abutters to have a clear understanding of expectations for zoning entitlements. Different building types may allow for different uses and require different levels of review for approval.

#### 6.6.10 Parking and Loading

This sub-section includes a number unique regulations and language related to parking, that are developed specifically for North Point. The first is a statement on the intent for how motor vehicle parking requirements are designed to work for development projects in North Point:

“Consistent with the regulatory standard for urban areas and due to close proximity to two (2) rapid transit stations, access to nearby public parking facilities, and a mixture of principal uses that permits the activities of daily life to occur within walking distance of all residences and workplaces within the NPSD, individual uses and development proposals will not be required to provide off-street motor vehicle parking, but may voluntarily elect to provide off-street motor vehicle parking according to the parking requirements listed for each Use Category.”

Buildings and their intended principal uses are permitted to provide motor vehicle parking based on market demand. However, there is a maximum permitted for each use based on regulations Cambridge has established to achieve a reduction in single occupancy vehicular trips and goals for mode share of trips generated by uses in the neighborhood. These maximums are important because Cambridge will absorb most of the vehicular impact of all development that takes place in North Point due to the land area being physically isolated from the rest of Somerville.

A number of parking demand management standards are proposed to promote trips taken by walking, bicycling, and transit including:

1. Parking spaces shall be rented, leased, or sold as an option of the rental, lease, or purchase of a dwelling unit or non-residential floor space.
2. Non-residential uses shall provide employees with a transit subsidy of 100%, up to the maximum allowable transportation fringe benefit.
3. Non-residential uses shall provide ride-share matching services and preferential parking spaces for carpooling employees.
4. A transportation kiosk or display, providing information related to transit services in the neighborhood, shall be located within the main lobby area for each residential and non-residential use of any building and near the main pedestrian exit of any parking garage.

All off-street parking spaces must be located in underground parking structures, except lots abutting rail rights-of-way may have above-ground parking structures up to sixty-five (65) feet in height if utilized as an acoustic, visual, and aesthetic barrier between other uses and active rail lines, service yards, and other MBTA operations. Above ground parking structures meeting this standard are subject to the following requirements:

- a. Except for vehicular entrances, above ground parking structures shall be setback from any front

lot line by other uses to a depth of at least thirty (30) feet. Alternatively, the Planning Board may grant a special permit to allow above ground parking uses to be masked from view by a well-designed façade upon finding that:

- i. signage and way-finding related to the parking area is integrated into the architectural design of the building;
- ii. the facade area masking the parking levels is glazed with translucent glass between thirty percent (30%) and fifty percent (50%) of the wall area of each floor;
- iii. any blank wall area is limited to twenty (20) feet in width;
- iv. windows are backlit in the evening hours; and
- v. the facade area masking the parking levels is properly integrated into the vertical and horizontal articulation of the building detailed previously.

#### 6.6.11 Environmental Standards

Seven environmental standards have been developed for land, construction, and buildings in North Point. These standards include requirements controlling the velocity of winds redirected by tall buildings at the pedestrian level, reflective glare and solar heat buildup cast on nearby buildings, emissions from parking facilities, shadows cast on civic spaces, construction activities, security screening of site work construction, and wind erosion of unimproved land. These standards are designed to address these issues without the need for individual project conditions developed on a case-by-case basis.

### **NEIGHBORHOOD DEVELOPMENT PLAN REVIEW**

Neighborhood Development Plan Review is a new process developed for this ordinance amendment. The review process provides an applicant with the opportunity to submit a plan illustrating the basic components of a neighborhood's structure without preparing detailed site plans or architectural and engineering drawings for thoroughfares, civic spaces, and/or buildings that can be approved at a later date as project phases and individual lots are built out. The process facilitates municipal review of the "bones" of an entirely new neighborhood and is appropriate for large sites. The language of the current proposal only activates the Neighborhood Development Plan Review process for North Point, but the procedure could be used for other Transformational areas identified in SomerVision, such as Inner Belt that would have its own Special District zoning created.

Features under review during the process include:

1. the pattern of land subdivision, including the size of blocks and the frontage of lots;
2. the alignment, connectivity, and lane geometry of thoroughfares;
3. the allotment and distribution of civic spaces;
4. the proposed development build-out (at the neighborhood scale);
5. the circulation patterns of vehicular and pedestrian movement;
6. and the functionality of neighborhood serving utilities for proposed lots.

The procedural steps required for this review process have been modeled off of the existing requirements for Site Plan Approval.

### **DESIGN & SITE PLAN REVIEW**

"Site Plan Approval" is a process created by towns and cities in Massachusetts and is entirely a creature of home rule with no constraints imposed upon it by the Zoning Act (M.G.L. 40A). This means that towns and cities can tailor the application of a site plan review and approval process and the specific requirements that must be met to their specific needs, so long as the process is consistent with due process and equal protection requirements of the U.S. Constitution and applicable case law. Case law in Massachusetts has imposed certain legal constraints on a review board's ability to deny the approval of a submitted site plan if it meets all zoning requirements. A review board may reject a design and site plan

only when:

1. the submittal fails to furnish adequate information required for review;
2. the imposition of reasonable conditions would not ensure compliance to standards, as applicable; and/or
3. the submittal, although proper in form, includes or creates an intractable problem so intrusive on the needs of the public in one regulated aspect or another and cannot be adequately mitigated.

Thus, site plan approval functions as a tool to create more predictable results because it provides a process that will deliver plan approval based on objective criteria, such as performance-based and/or form-based standards (both utilized in the North Point Special District). If the stated zoning requirements have been met, the site plan application must be approved. This provides transparency to applicants concerning expectations of the City and predictability for abutters and city officials in built result of a proposed project. Currently, the Somerville Zoning Ordinance authorizes the Site Plan Approval process for by-right uses in the Arts Overlay District, Industrial-B, Corridor Commercial District, and Transit Oriented Development zoning districts. This proposed amendment of the Somerville Zoning Ordinance would expand that authorization to by-right uses and building types in the North Point Special District. It also greatly improves the language in this section, an area that is in need of improvement, which will assist with its greater use in North Point review as well as the other purposes for which site plan review is used.

Significant changes were made to the language of Section 5.4 Site Plan Review of the Somerville Zoning Ordinance for clarity purposes. The most obvious change is the section title, changing from “Site Plan Approval” to “Design and Site Plan Review”. The new title is modeled from similar language used by the City of Newton and provides clarity in referencing all review processes overtly – similar to “Neighborhood Development Plan Review” explain previously. Within the language of the Section 5.4 itself, repetitive language was consolidated; unnecessary language was removed or moved to more appropriate sections; ambiguous requirements (the antithesis of “objective” criteria required for the process to be legal) were removed, restated, or recreated as potential conditions; and technical requirements for document submittal were moved to the directions found on the application form for design and site plan submittals. Despite these apparent wholesale changes, the process functions the same as had in the past.

[Note: A ~~redline~~ version of changes made to the existing Section 5.4: Site Plan Approval of the Somerville Zoning Ordinance is available upon request. Changes were significant enough to warrant presentation of the entirely new version for the purpose of clarity.]

## **PLANNING BOARD**

The creation of Planning Boards by towns and cities is authorized in Massachusetts General Law: Part 1 – Administration of the Government; Title VII – Towns, Cities, and Districts; Chapter 41 – Officers and Employees of Towns, Cities, and Districts. The City of Somerville established its Planning Board by Ordinance in Chapter 2 – Administration; Article V. – Boards, Commissions, and Agencies; Division 5 of the City of Somerville’s Municipal Code of Ordinances. The creation of Zoning Boards of Appeal is authorized in a different chapter of State Law: Part 1 – Administration of the Government; Title VII – Towns, Cities, and Districts; Chapter 40A – Zoning. The City of Somerville established its Zoning Board of Appeal within the Somerville Zoning Ordinance as part of Article 3 titled “Enforcement, Board of Appeals, and Amendments”. This creates a situation where the user of the Somerville Zoning Ordinance (property owners, business operators, and city officials alike) is able to easily look at and understand the functionality of one permit granting authority and not the other.

Due to the fact that State Law enables towns and cities to create Planning Boards and Zoning Boards of Appeal in different chapters of Massachusetts General Law, it has been customary to establish these boards in differing locations within municipal code. However, this separation is not necessary. M.G.L. 40A (The Zoning Act) itself references certain types of special permits that can be granted by a town or

city's planning board and references that ability to designate a planning board as a "Special Permit Granting Authority" even though that power is normally vested in Zoning Boards of Appeal. A zoning ordinance that establishes one Special Permit Granting Authority and not the other, while referencing both in procedural language invites potential confusion for all parties involved.

This proposed amendment to the Somerville Zoning Ordinance includes a new section that formally establishes the organizational structure, operational rules, and scope of services of the Planning Board of the City of Somerville. While this language is currently in the City's municipal code, it is difficult to find and understand by somebody seeking to have a full understanding of the land use review process in Somerville. The revision is specifically intended to be customer friendly, by providing clarity in procedure for applicants seeking approvals and special permits that fall within the purview of the Planning Board as authorized elsewhere in the Somerville Zoning Ordinance.

### **RECOMMENDATION**

It is recommended that the Board of Aldermen adopt the proposed Ordinance creating the new North Point Special District, mapping that district in certain areas of Somerville currently zoned as Industrial B within North Point, and facilitating the administration of this new zoning district through other amendments to the Somerville Zoning Ordinance described herein.

### **Attachments:**

1. Proposed changes to the Somerville Zoning Ordinance
2. Proposed Zoning Map