



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

*PLANNING DIVISION*

*MEMORANDUM*

TO: Chair Lance Davis  
and the Members of the Board of Aldermen Land Use Committee of the Whole

FROM: George Proakis, Director of Planning

RE: Updates on items from the May 17, May 25, May 30 and May 31 Meetings

DATE: June 6, 2017

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As we move along in our review of the Union Square Zoning Amendments, we have the opportunity this week to complete new zoning for Union Square that provides commercial development and jobs, provides significant new affordable housing, and puts the city in a better position to pay our green line contribution and address legacy infrastructure needs.

Since the initial submittal of a Union Square zoning amendment in July 2016, we have completed 17 meetings of the Land Use Committee, including two public hearings, reviewed hundreds of comments and refined the document at least eight times. With this memo, the Planning Division is submitting to you the comments on proposed changes that have been mentioned in recent meetings, but not necessarily addressed. This memo will be followed up with the "June 6<sup>th</sup> meeting draft", which incorporates all changes up to and including those proposed by the Board at the May 31<sup>st</sup> meeting, and those proposed by staff in this memo. As we have done with recent drafts, language in the overlay district section includes changes proposed to address a concern of the Board (highlighted in yellow), and those proposed by staff (highlighted in blue and red). The blue and red highlights include the recent proposed amendment that originates from the new Exhibit D to the covenant, which will be addressed in a separate, forthcoming, memo. Also, as always, the changes that have been requested, and then reviewed and confirmed by the Board at the follow-up meeting are no longer marked with highlights.

As we move into the meetings this week, there are two key areas of review that remain:

- The first is the review of ‘outstanding’ items in the first 36 pages – those items that the Board did not completely settle, or requested to review one last time prior to passing the document.
- The second is the completion of an initial review of pages 37-83 of the document, including building types, uses, signs, parking and mobility requirements.

To facilitate the conversation on the proposed zoning amendment, particularly the first part, the staff is submitting to you the following for your consideration:

### **Section A: Issues Now Complete**

The following items are identified and highlighted in the last version of the zoning, awaiting approval of the Board, although they have been developed specifically to address Board requests. We believe these items are now complete:

1. De minimis changes  
These now are limited to 5% change, have the appeal process specifically called out, and have new established notice requirements
2. Neighborhood Meeting notice  
Notice now includes mailing to renters and email to those who ask to be on a list. This should address the concerns raised at previous board meetings.

### **Section B: Items Requested on Pages Otherwise Complete**

The following changes are designed to address recent or ongoing BOA requests.

1. 6.7.4 Request to address the definition of Green Space  
Staff comments:
  - This item has been addressed in the definitions section.
  - Also, the term “planting bed” has been defined, so that the green space can be accurately measured.
  - The new Green Space definition replaces the previous definition of “vegetative landscape” and is more restrictive than the original. It is also more restrictive than the definition suggested by green space advocates, as this new definition includes NO paved walkways (the advocates proposal permitted 25% of the green space to be paved walkways). We believe that this is a good working definition for the portion of civic spaces that should be made of organic plant and tree material.
  - We note that the other remaining comment was a question about what the term “other ground cover” means. Landscape staff indicates that this term



refers to low growing spreading perennials such as Vinca, Pachysandra, Creeping Phlox, Loriope, Clumping Grasses, Creeping Jenny or Ivy.

2. 6.7.5.C.5 Application material required

Staff comment: The language here was edited at a previous BOA meeting. Staff has made an adjustment to address the intent in this section, which was to determine what is done in circumstances where plot plans may not be completely accurate. Language now reads:

In cases where legal access to a property is not available to create a formal plot plan by a registered land surveyor, plans submitted as part of any Coordinated Development Special Permit application shall illustrate lots for building sites and civic spaces with estimated boundaries and sizes based on the best available data available from the City Assessors Office or Registry of Deeds.

3. 6.7.6.A Civic Spaces

a. 6.7.6.A.1 Total Civic Space / Open Space – Questions about exceeding 25%  
Staff comment:

- The total open space proposal is now significantly greater than originally shown in the neighborhood plan. The 25% open space (with 70% as civic space) will provide far more opportunity for recreation and ecological benefit than what was first proposed. We are also requiring the civic space to include a sizeable neighborhood park. In response to community feedback, the developer has agreed to accelerate the timing of the acquisition and improvement of this park.
- Since the original plan was based upon a development program that needs to integrate a number of factors (for example, certain sites lend themselves well to commercial development and therefore should remain available for development), the open space number must interconnect with the remaining plan goals. As we noted from the beginning, any additional open space requires a choice: We can forgo additional development (and the related benefits) or add the lost development back upon structures on other sites. To date, the change from 15% to 25% open space permitted us to shift residential development to the towers, and maintain commercial development as it was originally proposed. But, beyond the current 25% open space requirement, there is no good location to relocate displaced development. While we can put additional residential space further onto towers, there is little ground-level residential left to relocate. New commercial development needs to be moved (or removed) but has no place to go.
- The addition of open space creates an urban design problem. Union Square, as a location that is urban by character, needs buildings on street walls, forming an ‘outdoor living room’ that is welcoming to friends and neighborhood residents. A shift to 30% open space will likely require eliminating development on three more sites (current

site of Gulf of the Muffler Shop and the Cross-fit building). Removing these sites provides for small open space while sacrificing key parts of the urban street wall. Placing the open space on any other lot requires a substantial loss of commercial development.

- As we've noted before, there are large-scale redevelopments with higher open space numbers. Many permit things to be counted in their numbers (like private yards) that we wouldn't count. Few, if any, are integrated into an existing neighborhood with substantial open spaces like Lincoln Park and Union Square Plaza in their midst.
- For all of these reasons, staff remains focused on ensuring that the 25% open space provided meets or exceeds quality standards, which will ensure that Union Square is well loved for many years to come. Each open space will require four points of public review (2 neighborhood meetings, one Design Review Committee meeting and a Planning Board hearing). Through this process, we can ensure quality of every space.
- Therefore, for all of these reasons, the staff recommends no change to this metric.

- b. 6.7.6.A.1.c/d Can the portion of Civic Space as Green Space (25% Green /50% Green or Tree Canopy) be increased?

Staff comment: Staff has done extensive work to develop a recommendation of 25% of space meeting the strict definition of green space. This permits enough flexibility to create quality ecological spaces while still permitting open spaces that will serve as gathering places. Staff reviewed the data on a number of city parks, and how 'green' they are. This information will be provided to you for the June 6<sup>th</sup> meeting. Based upon this, staff recommends no changes to this metric.

- c. 6.7.6.A.3 Civic Space returning to City ownership

Staff comment: The language in the ordinance has been updated for clarity, and it establishes that Civic Spaces can be returned to city ownership. US2 has agreed in the covenant to return the D1, D2 and neighborhood park civic spaces to the City at no cost.

4. 6.7.6.B Commercial Splits

- a. 6.7.6.B.1 60/40 split – Can this change?

Staff comment: There are benefits to residential and commercial uses. Throughout many of our meetings, we have talked extensively about making Union Square an employment center, and the tax benefits that will come from that. These benefits are well established and understood within the district. But, there are benefits on the residential side as well, including additional affordable housing. Housing is also a part of what makes an urban center into a neighborhood, rather than just an office park. This is why Kendall Square in Cambridge is now seeking more residential development.

Finally, housing is our greatest regional need, especially when located around transit. The 60/40 split remains ambitious yet achievable. Therefore, staff recommends maintaining this metric as proposed in Union Square.

- b. 6.7.6.B.2 new section allocating 40% to office/lab/design – can it go higher?  
Staff comment: The proposal to require 40% of space to be office/lab/design was developed as a clear and effective way to address the complicated set of concerns that were raised about how institutional and retail/restaurant uses could have an impact on the best tax-generating uses. But this number cannot go higher than 40%. Beyond that, it squeezes the ability to provide a hotel (which is an amenity sought out by commercial office/lab tenants and employees, as well as a significant tax generator) as well as adequate retail, services and arts uses, while still maintaining the residential/commercial split. For this reason, staff recommends setting this metric at 40%, as in the current draft.

5. 6.7.6.D 3-bedroom units – can we change these requirements?

- a. Can we request higher base percentage and/or no bonus stories?

Staff comment: The bonus mechanism that we have now starts by requiring 10% 3-bedroom units. It increases by 5 percent as stories are added to each residential tower. If each tower reaches full height (27 stories), the project will be producing 40% of its affordable units as 3-bedroom units. As this is interconnected with many other costs (including the ability to produce total unit counts in D2), the combination of the bonus and the high expectations for 3-bedroom units are both required to achieve the needed outcome. Staff does recommend new language to clarify intent here, as follows:

One (1) additional bonus story may be added to the permitted number of stories for a Mid-Rise Podium Tower building type for each additional five percent (5%) of the total number of affordable housing units that have three (3) or more bedrooms across development subject to an approved Coordinated Development Special Permit.

- a. Up to a maximum of three (3) additional bonus stories are permitted per Mid-Rise Podium Tower.
- b. Buildings granted bonus stories are subject to the contextual massing and design requirements of 6.7.10.G.1

- b. Can we ensure that we are getting high quality three-bed units

Staff comment: Staff recommends that we require that the Planning Board establish quality standards for 3-bedroom affordable housing units as a condition of Design & Site Plan Approval for each building. Staff recommends the following language be added:

The Planning Board shall establish quality standards for three (3) bedroom affordable dwelling units as a condition of an approved Design & Site Plan Review for individual buildings. Quality standards must include, but may not be limited to, minimum floor area and the inclusion of certain features such as the number of bathrooms and the existence of built-in closets.

6. 6.7.6.E Off-site compliance

- a. Can we require projects to maintain more on-site units?

Staff comment: The issue of what we are calling “off-site” compliance requires the review of benefits that it may provide to the residents of affordable housing,

under different living conditions. Is there a value in permitting housing to be moved from one development block to another development block, in the form of better housing for those who will live there? If there isn't, there is no reason to do the "off-site" compliance for housing. But, the staff believes that the benefit of moving units between Union Square development blocks is compelling:

1. We can move family housing into larger units, closer to ground level, and provide better experiences than would be provided in towers or even long corridor-loaded apartment buildings.
2. We can achieve the same social goals. Studies that were reviewed as a part of the neighborhood plan have determined that the value of integration for those in affordable housing is at the neighborhood level, not the building level. Therefore, while it is key to integrate affordable units into Union Square as it is built, they need not all be in the same structure.

The numbers currently proposed for off-site housing (25% must remain on site and the receiving site cannot have more than 50% affordable units) were developed by the Board at a meeting this Spring, and remain within the realm of what will make off-site compliance work.

- b. Can we develop better findings language, to ensure that we get value out of off-site compliance?

Staff comment: Staff understands and agrees that off-site compliance should not result in a financial windfall for the development team. Based upon the conversations from the previous BOA meeting, staff recommends the following be added to the Planning Board's review criteria:

[The relative construction cost of on-site vs. off-site affordable housing.](#)

- c. Can we require both 'sending' and 'receiving' sites to receive a Certificate of Occupancy at the same time?

Staff comment: Staff understands the value of this proposal but is convinced that such a change will not permit the off-site compliance benefit to be used. In addition to the requirements currently contained in the zoning, as well as the requirement in the MLDA, staff recommends language as follows, to ensure that applicants don't unnecessarily withhold the completion of a receiving site:

[The Planning Board may require a covenant or other binding legal instrument to ensure that construction of the Receiving Site will proceed diligently and continuously to completion.](#)

#### 7. 6.7.6.F Phasing

Staff comment: Phasing has been noted as an issue that the Board would like to further consider. The language in the zoning requires an applicant to address phasing as a part of Planning Board review. This makes sense, as the applicant will submit their program at that time, and the program can be accompanied by a phasing strategy. As phasing sometimes changes due to market conditions, it can be updated as necessary. There is now additional

phasing language in the updated covenant, requiring additional commercial development steps prior to building additional housing beyond D2 and D7. The Board requested a graphic showing total development on each lot, and likely order in which it would be built, to better understand the likely phasing of this project. That information is forthcoming. No further amendments to zoning regarding phasing are recommended, as phasing is best addressed in covenants and land disposition agreements, not zoning ordinances.

8. 6.7.8.B Lots - Request that terms 'corner', 'interior', 'key', and 'flag' are all defined

Staff comment: All of these terms are defined in the definitions section of the ordinance

9. 6.7.8.C Thoroughfares – coordination with other city standards

Staff comment: The Board was concerned with the Planning Board adopting thoroughfare standards, and that those standards may override other city standards for streets. To the extent that we have street standards today, they are managed by the City Engineer. Rather than having the Planning Board adopt a potentially conflicting standard, staff is recommending that we edit the language and return thoroughfare standards to the city engineering office, thereby ensuring that privately built streets have the same level of quality as publicly built streets. The Director of Transportation & Infrastructure is also mentioned, as their office has taken a lead in complete streets requirements in the city. Therefore, we have addressed this by editing the language to read:

[Thoroughfares must be designed, engineered, and constructed as required by the Director of Transportation & Infrastructure and the City Engineer.](#)

10. 6.7.7.F.1.e: First floor uses on pedestrian streets – do we need to make changes?

Staff comments: The Board asked two questions about first floor uses on pedestrian streets. There were questions about the list being too broad, and other questions about permitting a percentage of the streetscape to include other uses beyond the list. After further review, staff believes that the existing language is appropriate to achieve the intended goal. 1) The proposed list of use categories is flexible. It includes the arts uses, from art galleries to shared workspaces (like Workbar), in addition to traditional retail and restaurant uses. 2) When combined with the storefront and architectural design standards and guidelines elsewhere in the overlay, these uses will provide an active streetscape. 3) Within the core of Union Square, where the Pedestrian Streets standard is applied, the total mix of uses will adequately fill the storefronts that will be provided. 4) The Union Square area already hosts enough of the business service uses that will not be permitted in the core, and it is important that any additional such uses are not located in areas where we need to ensure that walkability is the top priority. Based on all of this, staff recommends no changes to this section.

11. 6.7.9: Table references - BOA noted the need to address the table references in Sections 6.7.9.B.1, 6.7.9.B.7 and 6.7.9.B.9

Staff comment: These have been corrected

12. 6.7.9.B.5 Civic Space – hours of operation

Staff comment: The Board was concerned that there may be a situation where the Planning Board wants to limit hours at the request of neighbors that don't want noise in adjacent spaces. The Standard was edited to give the Planning Board discretion on the exact hours that access may be limited, so that it can be adjusted as necessary, as follows:

[The Planning Board may limit public access when necessary for public health and safety purposes and maintenance of the space by the property owner.](#)

13. 6.7.9.B.7.c Tree Sizes – should there be more variety in these sizes?

Staff comment: The Board wanted to know if it made sense to provide more variety in tree size. According to the landscape team, planting larger caliper trees reduces survivability when transplanted. Smaller trees also establish their root systems faster and have smaller bur-lapped root systems that require smaller spaces to be planted. The process of Design and Site Plan Review for a proposed civic space will permit the neighborhood, design review committee and Planning Board to review trees, and will permit comment from the city's arborist and the landscape design team. This will be the best way to ensure tree variety and diversity.

14. 6.7.9.B.9.c.xiii Deterrents to Skateboards – do we need them?

Staff comment: There were questions asked about where/how there would be opportunity for skateboarding, etc., and an interest in not completely prohibiting skateboard-centered open spaces. The city landscape design team indicated that skateboarding areas should be specifically designed for that intended use. Deterrents to skating protect an investment in public infrastructure in the places where skateboarding is not an intended use, and therefore the staff recommends retaining the language. The specific use of deterrents to skateboards will be addressed on a case by case basis, through the review of individual civic spaces.

15. 6.7.9.B.11.c Irrigation and Drainage – can we address runoff and irrigation

Staff comment: The Board had two requests here. The first was about language to address runoff from parks. Staff notes that the City storm water run-off ordinance addresses this concern. The guideline for all civic spaces is to reduce or eliminate stormwater run off into the storm system through design. Yet, the ability to direct storm water into the ground is highly site specific and not always 100% possible. In some cases, groundwater circumstances won't allow it. Even in city parks where we do have all stormwater contained on-site, typically, overflow connections are necessary to ensure that adjacent properties are not flooded by the park design. Without this connection, the maintenance of civic spaces, particularly during winter months, is problematic. Therefore, staff recommends maintaining the current language that stormwater runoff is



minimized. The second question was about the use of stormwater for irrigation (by storing it for future use). This strategy should be encouraged. Staff recommends the following amendment to the language about irrigation:

All irrigation systems must be designed to use the minimal amount of water ~~for irrigation necessary.~~  
To every extent practicable, storm water should be reused on-site for irrigation and other purposes where appropriate.

16. 6.7.9.C – Neighborhood Park – can we recommend adult game uses, such as bocce?

a. Staff comment: Staff is amending guidelines to add:

Design features intended for use by adults, such as bocce courts and table games, are encouraged.

17. 6.7.9.C.7 Playgrounds

a. 6.7.9.C.7.a.iv Playground Surfaces – do we have to use the rubberized surfaces?

Staff comment: The regulation provided here is designed to be a performance standard that can be met by a variety of ADA compliant surfaces.

b. 6.7.9.C.7.a.v Play equipment material

Staff comment: The Board recommended deleting requirement that play structures not be wood, as they anticipate there may be cases where we want wood play structures. Staff agrees, and this section has been deleted.

18. 6.7.9.C.8.b Dog Park – can artificial turf be used.

Staff comment: The staff feels that artificial turf does not belong in a dog park. Language was added as follows:

Ground cover must be decomposed (crushed) granite or similar material that is non water-absorbing and devoid of organic material. Artificial turf is prohibited.

19. 6.7.9.C.9.c Community Gardens – pest control

Staff comment: The Board suggested adding guidelines for minimizing impact of community gardens from pests (i.e. how do we reduce rats, etc.). Existing city ordinances for the maintenance of private property can be used to ensure site management and prevention of undergrowth that can be home to rats. Furthermore, staff made an edit, adding:

Composters and trash barrels must be rodent proof.

### **Section C: Items Requested on Pages Not Yet Under Review**

The following changes were made in sections that have not yet undergone a full review, but were brought forward as we were reviewing other sections.

1. 6.7.10.G.4 height on D6 – board questions on new language

a. The board reviewed the new language and suggested:

i. Adding a maximum height prior to the penthouse (75 feet)

Staff comment: draft is being edited as follows:

The maximum height of any building in the Commercial Core district on a lot with north-facing frontage along Somerville Avenue directly opposite of Union



Square Plaza, is limited to seventy-five (75) feet. Together with any mechanical penthouses on such building, the height is limited to eighty-five (85) feet, except as set forth below.

- ii. Adding extra planning board finding that the reason for any extended rooftop mechanical must be because it is 'essential' and cannot otherwise be addressed within 85 feet

Staff comment: draft is being edited as follows:

(a) the Board finds that such additional height is the minimum necessary to achieve the desired objective, taking into account other important zoning goals such as energy efficiency and sustainability, will not create unreasonable shadow or other visual impacts, and cannot otherwise reasonably be addressed within the proposed height and . . .

2. Permeable lot area (on non-open space lots):

Staff comment: The Board has requested that staff review if some percentage of a lot that is not covered by a building also have a permeability requirement. Staff reviewed and determined that most permeable areas will be in open spaces. The area of a lot not covered by buildings is often covered by sidewalks and other supportive activities that may not be permeable. Therefore, staff recommends continuing to focus on civic spaces (and lots with yards, in RA/RB neighborhoods) to meet permeability requirements. Therefore, staff recommends no change to these standards.

3. 6.7.10.C.5 Building Types

Staff comment: The Board asked about the term 'mid-rise podium tower', why the term 'mid-rise' is used. This building type consists of a mid-rise podium with a tower on top. The term has been corrected so it is consistent throughout the zoning.

4. 6.7.10.C Building Types – height

Staff comment: The Board requested a chart on building heights. This is forthcoming.

5. 6.7.11.H Uses - definitions

Staff note: The Board requested definitions for each use, and this is now complete.

6. 6.7.10.I new Sustainability section

Staff note: Board requested a new sustainability section, and this is now provided.

7. 6.7.10.I LEED certification

Staff comment: The Board asked how and when LEED is measured, as well as the difference between 'certified' and 'certifiable'. Language here is updated from the original to address that LEED review is done at each step from Design & Site Plan Review through to Certificate of Occupancy. The applicant at each step must demonstrate that the building could be LEED certified. Similar to the Cambridge ordinance, we don't require the paperwork to be filed with the LEED program, therefore, the building must prove to be certifiable. Since it is impossible to even certify a building until after CO, we cannot establish a

definitive zoning standard based upon completed certification, only on the expectation that it can be certified based on plans submitted. For this reason, our ordinance follows the program from Cambridge and requires buildings to be LEED certifiable.

#### **Section D: Items in Alderman Ballantyne's memo**

Alderman Ballantyne submitted a memo requesting additional review of items, and those are summarized below.

1. Recommended changes to 6.7.3
  - a. The first comment asks about the use of the term “may”.

Staff comment: The term “may” as used in this ordinance makes an item permissive but not required. In this particular sentence it establishes that any landowner may work with the overlay, but is not precluded from seeking review under the proposed underlying zoning. In this case, the ability to maintain a right to build using underlying zoning, if an applicant does not have access to the 600k+ land area required to use the overlay, must be protected under law.
  - b. The second comment relates to the standard applicability clause.

Staff comment: The standard applicability clause establishes the district rules must be applied if they conflict with a rule in a different chapter. Otherwise, the other chapters listed do apply.
  - c. The third comment is a suggestion related to the title of Article 10.

Staff comment: The title of Article 10 is in the underlying zoning. I understand that there is an interest in changing the title of Article 10, but this would require a substantial amendment to the underlying zoning, including an amendment to multiple locations in the code where the chapter is referenced. As this is not advertised as a part of this current proposal, it cannot be undertaken at this time. The proposed forthcoming overhaul does anticipate replacing landscaping requirements with a requirement for “green area” that will require a “green area ratio” for each lot.
2. Recommendation made regarding Green Space

Staff comment: See item #1 under Section A, above.
3. Suggested change to definition of hotel

Staff comment: Hotel definition has been moved to 6.7.11.H.5, and now includes a maximum 30-day stay
4. Suggestion on CBA/CBC in 6.7.5

Staff comment: This has been determined to not be legally permitted, per our legal department

5. Proposal to submit three civic space options

Staff comment: This suggestion implies that the applicant must present three alternate designs for each civic space. Staff reviewed this request. Design alternatives will be explored with city departments, boards, and neighbors during the multi-stage DSPR process. This allows for a robust process to examine multiple alternatives. Therefore, staff recommends no change in this area.

6. Development Planning A.1.c “Green Space”

Staff comment: This change was accepted and is complete

7. Commercial buildout at 67%

Staff comment: See item #4 of Section A, above.

8. Green roof incentive

Staff comment: The proposed language here creates a bonus in gross floor area for projects with green roofs. Since there is no gross floor area metric in our building types, we cannot provide such a bonus for projects with green roofs. Instead, the following is suggested:

i. [Green Roofs & Storm Water Management](#)

1. [The Planning Board may authorize the City Engineer to grant a credit to properties, against which any storm water impact fees are imposed, equivalent to the quantity of storm water that is removed from entering the system through the use of green roofs or other on-site storm water management practices.](#)

9. Land Abutting Train Tracks

Staff comment: This comment was about building over train tracks. Our zoning cannot require tracks (owned by state transportation entities) to be covered, so we cannot implement this proposal through zoning.

10. Dark Sky, Pollinator Conservation, Biodiversity, Native Species:

Staff comment: These items were recommended for inclusion in the Union Square zoning:

- The outdoor lighting standards of the existing Somerville Zoning Ordinance remain applicable for the time being. The new draft of the zoning overhaul includes outdoor lighting standards that were based on model language to achieve dark sky objectives. A public discussion draft of the zoning overhaul will be released this month.
- Pollinator conservation, promotion of biodiversity, and native species planting guidelines are not items that can be addressed properly in zoning. Examples have been provided from other cities, but these examples address these issues through departmental requirements or municipal ordinances/city code, not through zoning.
- Native Species are being addressed through a guideline. See item #15, below.
- These issues will evolve over time, and the vesting language provided in Exhibit D to the covenant and the proposed latest version of the ordinance will permit us to make future changes to zoning to address sustainability, as appropriate.

11. Civic space table numbers

Staff note: These have been corrected

12. Changed green space percentages for civic spaces

Staff note: The minimum “green space” (formerly vegetative landscaping) requirements in each civic space have been developed by the city’s Transportation & Infrastructure staff, to allow a significant range of design ideas to be able to be proposed for each civic space types. Staff does not recommend further changes to these numbers.

13. Net Zero buildings - encourage buildings to move towards net zero by 2050.

Staff note: Work on the City’s first Climate Change Plan has advanced and a draft of the document is eminent. This plan will include a strategy to get the city to Net Zero by 2050. Zoning is not the proper regulatory tool to achieve these objectives because it cannot regulate energy use or interfere with anything regulated by the State Building Code. From a regulatory standpoint, the City may need ordinances in the Municipal Code such as a Building Energy Disclosure Ordinance (similar to Cambridge) and a Net Zero Buildings Ordinance to achieve the Net Zero goals. The viability of a Net Zero Building Ordinance is currently a legal ‘grey area’ in Massachusetts. Representatives from the Sustainability departments of Boston, Cambridge, and Somerville have been working together for months to figure out how to properly regulate for Net Zero Buildings, but work is not yet complete. Therefore, no amended language is proposed by staff.

14. Missing reference e.4.b

Staff note: This item is being corrected

15. Native trees

Staff note: The comment received here was that there be native trees planted where possible. There are circumstances where native trees are not appropriate for certain open spaces, and changes in climate may require a change in the appropriate types of trees to be planted. Staff proposes adding a guideline: [Plant species native to New England are encouraged.](#)

16. Lodging – can we establish a maximum timeline stay (in days) for hotels?

Staff note: Hotel has been defined, and now includes a maximum 30-day stay

17. Mobility management

Staff note: The comment suggests adding that mobility management plans must be developed by the mobility management association. There are circumstances where that will occur, but not all circumstances. Some companies may choose to meet their mobility management goals internally, and not join into an association with others. Since zoning cannot force companies to join the association, we will be working to make it as easy as possible for companies to do so. But, within zoning, the company must retain the right to do the mobility plan on their own. Building owners and business operators of buildings or uses that meet the thresholds for participation must prepare and submit mobility managements plan or, if a TMA has been established by the collective of building

owners and business operators, the TMA is allowed to prepare and submit mobility management plans on their behalf.

18. Phasing of commercial with MEPA

Staff note: Zoning cannot be required to be timed to other permits.

**Section E: Items in Alderman Niedergang's memo**

Alderman Niedergang submitted a memo requesting review of proposed amendments, and those are summarized below. Most have now been addressed, and are therefore cross referenced to items above in the memo.

1. 6.7.6.A public ownership of civic space  
Staff note: See item 3.c on Section B, above
2. Commercial / Residential splits  
Staff note: See item 4 on Section B, above
3. 3-bedrrom units  
Staff note: See item 5 on Section B, above
4. off-site compliance  
Staff note: See item 6 on Section B, above
5. Phasing  
Staff note: See item 7 on Section B, above
6. Heights on D6  
Staff note: A new section has been added to address this, and now is being edited. See item 1 on page 4.

