

CITY OF SOMERVILLE
ORDINANCE NO. 2009-12
IN THE BOARD OF ALDERMEN: June 25, 2009

AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE TO INCLUDE A NEW HISTORIC BED AND BREAKFAST USE CITY-WIDE

WHEREAS, the study of lodging needs in Somerville conducted by Pinnacle Advisory Group indicates unmet demand for lodging in the City; and,

WHEREAS, existing zoning for the similar Tourist Home use make most such operations economically unsustainable; and,

WHEREAS, a Historic Bed and Breakfast use would enable a historic property owner to generate income to maintain the architectural integrity of a property; and,

WHEREAS, a Historic Bed and Breakfast use would facilitate tourism, have a multiplier effect on local businesses, and increase daytime foot traffic in the City; and,

WHEREAS, the potential local excise taxes generated from bed and breakfasts could be substantial; now,

THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance are hereby amended as identified.

1. Article 2: Definitions is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

Bed and Breakfast, Historic. A structure or group of structures within a designated Local Historic District, which may be used for overnight or short term sleeping accommodations, generally for not more than 14 days at a time, and other related services, including breakfast, and which holds any required licenses.

Boarding room. A room designed or occupied as a separate living facility for one (1) person, with sleeping facilities but without both individual cooking and sanitary facilities (e.g. the room may have cooking facilities but not a bathroom, or vice versa). For purposes of this Ordinance, a "boarding room" shall include a "lodging room", "rooms to rent", and an SRO room.

Outbuilding, Historic: A detached outbuilding originally constructed to house horse-drawn vehicles and related equipment, or horses, or used to store grain or shelter animals. The structure must be within a designated Local Historic District.

Tourist Home. A residential use accessory to an owner-occupied principal residential use, and providing up to three (3) rooms without kitchen facilities for separate lease to tourists or transient persons, with or without meals, on an overnight or short-term basis of usually less than seven (7) days, and which holds any required licenses. (Also see related use, “Bed and Breakfast, Historic”)

2. Article 5: Special Permits, Special Permits with Site Plan Review, Site Plan Approval and Variances is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

5.1.2. Information Required for Special Permits.

23. For applications requiring certification of historic designation, a copy of the historic designation certification and a written description of how any proposed façade changes and/or alterations conform to Historic Preservation Commission Guidelines shall be submitted. This may be supplemented with renderings of proposed changes and/or alterations.
24. For applications for Historic Bed and Breakfast, a parking management plan shall be submitted, including, at a minimum, a professionally prepared, scaled drawing indicating parking dimensions. If tandem parking is proposed, the application shall illustrate how cars parked in tandem will be accessed. In all cases, the parking management plan shall describe in detail how the business will anticipate and respond to guest parking needs. In particular, the plan shall address how guest vehicles will be accommodated when the facility is at capacity.

3. Article 7: Permitted Uses is hereby amended to allow Historic Bed and Breakfast use in a Historic Outbuilding in Section 7.2, Principal Structure, as follows (additions are underlined and deletions are ~~crossed out~~):

7.2. Principal Structure.

In Residence A and Residence B districts, no more than one principal structure per lot shall be permitted except in the following cases:

- a. ~~By~~ By special permit with site plan review as authorized by the SPGA in Section 5.2; or
- b. For a Historic Bed and Breakfast within an existing Historic Outbuilding, by special permit as provided in Section 5.1.

See Section 9.9 regarding access requirements for buildings.

4. Article 7: Permitted Uses is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

7.11.3. Other Residential Uses

PRINCIPAL USE (unless specified otherwise)	RA	RB	RC	NB	CBD	BA	BB	IA
<u>g. Bed and Breakfast, Historic (3)*</u>								
<u>6 rooms or less</u>	<u>SPD</u>	<u>SPD</u>	<u>SPD</u>	<u>SPD</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	=
<u>7-9 rooms</u>	=	=	<u>SPD</u>	<u>SPD</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	=

PRINCIPAL USE (unless specified otherwise)	IB	IP	OS	UN	ASMD	PUD-B	PUD-B1
<u>g. Bed and Breakfast, Historic (3)*</u>							
<u>6 rooms or less</u>	=	=	=	<u>SPD</u>	=	=	=
<u>7-9 rooms</u>	=	=	=	<u>SPD</u>	=	=	=

5. Article 7: Permitted Uses is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

7.12.4. Accessory Residential Uses

PRINCIPAL USE (unless specified otherwise)	[districts]
a. Tourist Home <u>Up to three (3) rooms to rent without kitchen facilities, including tourist homes, in an owner occupied dwelling</u>	[no change to table]

6. Article 7: Permitted Uses is hereby amended to include operating conditions for Historic Bed and Breakfast use in Section 7.12, Footnotes to Table of Permitted Uses, as follows. (additions are underlined and deletions are ~~crossed out~~):

3. Historic Bed and Breakfasts shall meet the following requirements.

- a. No more than the permitted number of sleeping rooms may be provided for separate occupancy by tourists or transient persons on an overnight or short term basis.

- b. Regardless of the number of structures on the site, there may only be one dwelling unit which is occupied by the operator.
- c. Facilities may provide breakfast service only. No cooking facilities are permitted in individual guest accommodations.
- d. Common gathering space, such as a parlor, dining room or living area shall be maintained for guest use.
- e. The facility shall be the principal residence of the operator, who shall be on the premises when services are being provided. At a minimum, the operator shall be on the premises overnight and for breakfast. At all times the operator is responsible for guests' being able to access their vehicles in accordance with an approved Parking Management Plan.
- f. The use shall not qualify for reduced parking requirements under §9.6.3 (Proximity to Rapid Transit or Public Parking).
- g. Any alterations that would be subject to review by the Somerville Historic Preservation Commission (SHPC) shall be reviewed for compliance with the SHPC guidelines and shall receive a certificate of appropriateness or a certificate of inapplicability prior to issuance of a special permit. Separate review by the Design Review Committee shall not be required.
- h. Carriage houses should not be altered except where required to meet code requirements, restore historic accuracy, or increase the efficiency of the space, but not to significantly increase capacity for additional living space. Alterations to primary structures should be complimentary and sympathetic to the historic style of the structure.
- i. Exterior signage shall be permitted only in accordance with district regulations.

7. Article 7: Dimensional Requirements, Section 7.13 (Table of Use Clusters) is hereby amended as follows (additions are underlined and deletions are ~~crossed-out~~):

F. Other Accommodations	Hotel / Bed and Breakfast, <u>Historic (see 7.12, footnote 3)</u> Boarding house/single room occupancy (SRO) building Homeless Shelter Congregate housing Nursing Home	0 n.s.f. unless protected use
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8. Article 8: Dimensional Requirements, Section 8.6.11 (Garages and accessory structures in residential districts) is hereby amended as follows (additions are underlined and deletions are ~~crossed-out~~):

11. Garages and accessory structures in residential districts: In any residence district, garages and other permitted accessory buildings shall not exceed fifteen (15) feet in height, but may extend within any side or rear yard up to but not closer than three (3) feet from any side or rear lot line, unless of fireproof construction. However, where a Historic Outbuilding is converted to principal use as part of a Historic Bed & Breakfast, and preexisting dimensional standards that were conforming for a secondary structure would become nonconforming for a principal structure, no additional zoning relief shall be required.
9. Article 9: Off-Street Parking and Loading (additions are underlined and deletions are ~~crossed out~~):

9.5. Number of Parking Spaces.

<u>TYPE OF USE</u>	<u>PARKING FACTOR</u> (Minimum number of parking spaces to be provided)
3) Other Residential Uses:	
a. Boarding house	1 for each 3 bedrooms
b. Homeless shelter	1 for each employee on the largest shift
c. Community or group residence	2.0 per dwelling unit
d. <u>Bed and Breakfast, Historic</u>	<u>1 per dwelling; plus 1 for every 2 guestrooms for lease or 1 for every 3 guestrooms for lease allowable by special permit with an approval of a parking management plan. Tandem spaces may be counted toward this requirement, with approval of a parking management plan.</u>
e. For those uses not listed here, refer to Categories 1 and 5 of this Section.	

Approved:

Walter F. Pezo / JFL
President



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

April 7, 2009

The Honorable Board of Aldermen
Somerville City Hall
Somerville, MA 02143

RE: Proposed Ordinance Amending Various Sections of the Somerville Zoning Ordinance to Incorporate Historic Bed and Breakfast Use Citywide

Dear Honorable Board of Aldermen:

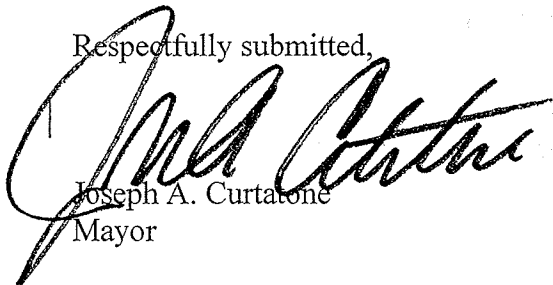
Attached is a draft ordinance that would create a new use in the Somerville Zoning Ordinance: "Historic Bed and Breakfast". The proposal represents a creative and modest solution to addressing three demonstrated needs in the city: additional variety and capacity of lodging facilities; incentives to preserve historic properties; and additional revenues to the City. In addition, the use would be compatible with the historic and residential neighborhoods, have a multiplier effect on local businesses, and increase daytime foot traffic in the city.

The City commissioned a study by the Pinnacle Advisory Group in 2007, which revealed that there is substantial unmet demand for additional lodging opportunities in the city. At the same time, we are aware of a number of challenges to the maintenance and restoration of historic properties, as well as to the establishment of Bed and Breakfast/Tourist Home facilities given the constraints of the current zoning.

In response to these concerns, the Mayor's Office of Strategic Planning & Community Development (OSPCD) has drafted the attached proposal, which would offer more flexibility to travelers to the City, owners of historic properties, and potential operators of Bed and Breakfast facilities.

Staff from OSPCD will be available to respond to any questions you may have.

Respectfully submitted,



Joseph A. Curtatone
Mayor



STAFF

MADELEINE MASTERS, *PLANNING DIRECTOR*
CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*
LORI MASSA, *PLANNER/ZONING ADMINISTRATOR*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

MEMBERS

KEVIN PRIOR, *CHAIRMAN*
JOSEPH FAVALORO
JAMES KIRYLO
ELIZABETH MORONEY
MICHAEL A. CAPUANO, ESQ.

May 13, 2009

The Honorable Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: An Ordinance Amending the Somerville Zoning Ordinance to Include a New Historic Bed and Breakfast Use Citywide

Dear Honorable Board of Aldermen:

In keeping with its lawful responsibilities, the Planning Board submits to your Honorable Board its recommendation on proposed amendments to establish a notice and review procedure for requests to revise previously granted special permits.

On April 30, 2009, at 7:30 p.m. the Planning Board held a duly advertised public hearing jointly with your Board's Land Use Committee in the Aldermanic Chambers in City Hall. The purpose of the hearing was to solicit public comments on the proposed amendments and to evaluate the amendments in the context of testimony received and the findings and analysis of the Planning Staff. The Planning Board kept the record open for written comment until May 4, 2009, and deliberated on the matter at their meeting on May 7, 2009. At this meeting, following deliberation, the Planning Board voted (3-0, with Kevin Prior and Elizabeth Moroney absent), to recommend **APPROVAL** of the proposed amendments.

PURPOSE OF THE AMENDMENTS

The attached ordinance represents a creative and modest solution to addressing three demonstrated needs in the city: additional variety and capacity of lodging facilities; incentives to preserve historic properties; and additional revenues to the City. In addition, the use would be compatible with the historic and residential neighborhoods, have a multiplier effect on local businesses, and increase daytime foot traffic in the city.

By creating a new use category with expanded potential capacity but also requiring substantial additional design review and designation as a Local Historic District, the proposal aims to:

- **Expand and diversify Somerville’s lodging options**, which do not meet documented demand, by establishing a new Bed & Breakfast use with four to nine bedrooms.
- **Address existing limitations within Zoning Ordinance**, which constrain Bed & Breakfast operations to three or fewer rooms, which may not be financially sustainable.
- **Offer benefits to owners of historically designated properties.** Providing additional revenue-generating uses creates an incentive to designate a significant structure, offering a positive balance to the perceived burden of additional design review requirements.
- **Generate revenues for City and local businesses.** By permitting uses with four or more rooms, the City could begin to collect a room excise tax. In addition, lodgers would increase patronage of local businesses.

OVERVIEW OF THE AMENDMENTS

In creating a new use within the Zoning Ordinance, the proposal establishes the following standards:

- **Review Standards.** The proposal would allow the establishment of four-to-nine bedroom Bed & Breakfast facilities, subject to limitations, review requirements, and design guidelines. Within residential districts, special permit with design review (SPD) would be required, whereas such uses would be allowed as-of-right in the CBD, BA, and BB commercial districts if they met the standard requirements. As part of obtaining approval, a Historic B&B would be required to:
 - Show how any proposed façade changes and/or alterations conform to Historic Preservation Commission Guidelines and obtain approval from the Historic Preservation Commission prior to issuance of a special permit or certificate of occupancy;
 - Illustrate how guests will have access to their vehicles, even if parked in tandem, and receive SPGA approval for a parking management plan;
 - Maintain common gathering space, such as a parlor, dining room or living area for guest use; and
 - Be run by an operator whose principal residence was the facility. The resident operator must be on the premises overnight and for breakfast, at a minimum. At all times, the operator would be responsible for guests’ being able to access their vehicles.
- **Use and Dimensional Standards of Historic Outbuildings.** Currently there are very few permissible uses of historic carriage houses, stables, or barns, other than accessory storage. Conversion of these spaces to any “principal” use, if permitted, would furthermore trigger variances from dimensional standards. The proposed changes would enable these charming—and endangered—historic structures to be put to a use with an economic return, making their preservation and restoration more feasible.
- **Parking Requirements.** The proposal would establish a parking requirement of one space for the dwelling one space for each three rooms for lease (an increase above the requirement for Tourist Homes). It would also enable the use of tandem parking, conserving landscaped space, provided that a plan was approved that demonstrated how patrons would have continuous access to their vehicles.
- **Licensing and Operating Standards.** The zoning ordinance would clearly reference separate licensing and operating standards that already exist outside of zoning (i.e., through the State Sanitary Code and the Somerville Licensing Commission’s Rules and Regulations), to which all bed and breakfast uses would be subject. These regulations govern such operational standards as property maintenance and housekeeping.

PUBLIC TESTIMONY AT HEARING

On April 30, 2009, the Board of Aldermen's Committee on Land Use held a joint public hearing with the Planning Board to hear testimony on the proposed amendment.

Ron and Linda Dynneson, owners of a B&B in Somerville, spoke in favor of the proposed amendment citing a high demand for rooms and the lack of alternative uses for large, historic Somerville homes that can be expensive to maintain.

There was discussion among board members about topics including: the potential benefits and impacts of permitting bed and breakfast uses in residential districts; resident expectations of compatible uses within RA districts in particular; the potential effects the amendment on the expansion of historic districts; the demand for bed and breakfast uses; typical bed and breakfast clientele and operations; what types of building expansions could be permitted; and potential tax revenues. Staff offered to provide additional information at subsequent meetings.

PLANNING BOARD RECOMMENDATION

The proposed amendments would establish a unique lodging alternative, provide an economic incentive to designate, restore, and maintain historic structures, contribute to the local tax base, and support existing and new locally-owned businesses.

The Planning Board recommends APPROVAL of the attached zoning amendment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Favaloro".

Joseph Favaloro
Acting Chairman



CITY OF SOMERVILLE, MASSACHUSETTS
STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

STAFF

MADELEINE MASTERS, *DIRECTOR OF PLANNING*
CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Hearing Date: April 30, 2009
Recommended for Approval

PLANNING STAFF REPORT

PB2009-03: An ordinance amending the Somerville Zoning Ordinance to include a new Historic Bed And Breakfast use citywide

I. PROPOSAL

Attached is a draft ordinance that would create a new use in the Somerville Zoning Ordinance: “Historic Bed and Breakfast”. The proposal represents a creative and modest solution to addressing three demonstrated needs in the city: additional variety and capacity of lodging facilities; incentives to preserve historic properties; and additional revenues to the City. In addition, the use would be compatible with the historic and residential neighborhoods, have a multiplier effect on local businesses, and increase daytime foot traffic in the city.

The City commissioned a study by the Pinnacle Advisory Group in 2007, which revealed that there is substantial unmet demand for additional lodging opportunities in the city. At the same time, a number of challenges exist to the maintenance and restoration of historic properties, as well as to the establishment of Bed and Breakfast/Tourist Home facilities given the constraints of the current zoning.

In response to these concerns, the Mayor’s Office of Strategic Planning & Community Development (OSPCD) has drafted the attached proposal, which would offer more flexibility to travelers to the City, owners of historic properties, and potential operators of Bed and Breakfast facilities.

II. RECOMMENDATION

Based on the discussion in the attached memo from OSPCD staff, the Planning Staff recommends **APPROVAL** of the proposed **AMENDMENT**.



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

Office of the Executive Director

MEMORANDUM

TO: Mayor Joseph A. Curtatone
FROM: Monica R. Lamboy, Executive Director
DATE: April 7, 2009
SUBJECT: Proposed Ordinance Amending Various Sections of the Somerville Zoning Ordinance to Incorporate Historic Bed and Breakfast Use Citywide

The Office of Strategic Planning and Community Development (OSPCD) respectfully requests that you forward the attached proposed ordinance amending the Somerville Zoning Ordinance (SZO) to the Board of Aldermen for their review and approval. This ordinance would establish Historic Bed and Breakfast as a use in the SZO and would establish associated parking and permitting requirements. A copy of the proposed ordinance is attached.

BACKGROUND

The attached ordinance represents a creative and modest solution to addressing three demonstrated needs in the city: additional variety and capacity of lodging facilities; incentives to preserve historic properties; and additional revenues to the City. In addition, the use would be compatible with the historic and residential neighborhoods, have a multiplier effect on local businesses, and increase daytime foot traffic in the city.

Somerville's Lodging Needs

Whether it is to catch a glimpse of Prospect Hill or visit friends and family at a local university or sample one of the city's many fine restaurants, out-of-town tourists can be found in Somerville any time of the year. The Hotel Study that the City commissioned in 2007 with the Pinnacle Advisory Group states that "[Somerville's] location just over a mile northwest of downtown Boston makes it a convenient point for tourists and vacationers traveling to the greater Boston area as well as to and/or from various New England tourist destinations. The rich history and culture of Boston, Cambridge, and Somerville attract regional, national, and international visitors year-round, especially during the summer and fall seasons¹."

¹ Analysis of Lodging Supply and Demand And Strategic Planning Recommendation by Pinnacle Advisory Group, February 2007. Page 15.

Despite the number of travelers that visit Somerville, there are few lodging options available locally. The Hotel Study finds that two mid-scale branded hotels within Somerville (Holiday Inn and La Quinta) serve the majority of travelers staying in the city. The study finds that, despite these facilities, which primarily cater to corporate travelers, the city lacks sufficient lodging options to promote local tourism. Local tourism is a natural economic development mechanism for Somerville given our proximity to Boston and area amenities. By comparison, nearby Cambridge has 14 hotels within its 6.5 square mile area. While new hotels in Davis Square, Assembly Square and other locations would increase options for travelers, a variety of lodging types should ideally be available.

Bed and breakfast uses are a charming alternative to hotels and are generally considered to be a complement to the lodging supply rather than competition because they attract a different category of traveler. However, there are currently only two bed and breakfast establishments in Somerville, compared to more than 18 bed and breakfast establishments listed in Cambridge.²

Limitations within Existing Zoning

According to Drew Diamond, noted B&B consultant and author of “How to Develop, Market & Operate a Bed and Breakfast or Small Inn,” a B&B needs a minimum of four rooms just to cover operating expenses. In metropolitan areas like greater Boston, operating expenses tend to be much higher than in resort communities, requiring still more leasable rooms in order to break even.

The City currently permits bed and breakfast (B&B) establishments (designated as “Tourist Homes”) under the SZO so long as they:

- Operate as an accessory residential use in an owner-occupied dwelling (SZO §7.11.4.a);
- Provide no more than three (3) rooms for rent (SZO §7.11.4.a);
- Occupy no more than 25% of the gross floor area (SZO §2.2.3.a); and
- Conform to the parking requirements (SZO §9.5).

Imposing a cap on the allowable floor area and leasable rooms has made opening a B&B a very difficult financial undertaking. The operators of one of Somerville’s bed and breakfasts state that they are at or near capacity year-round and they regularly turn away guests (who typically are visiting friends in the neighborhood); yet even at their exceedingly high occupancy rate, they are challenged to meet their expenses with the zoning limit of three rooms.

Benefits to Owners of Historically Designated Properties

Today, Somerville has 310 properties in designated Local Historic Districts (LHDs). The current effort to expand LHDs could add up to 160 more. At present, there are over 10,000 properties in the city that were built prior to 1928³ so the percentage of properties potentially affected by the proposed change would be small. By far, most of these properties are residential. Many are large single-family houses that have become either dilapidated from age and lack of upkeep or

² www.bedandbreakfast.com

³ A structure must be at least 50 years old in order to be considered for historic designation. Given that there was limited building construction in the City between 1928 and 1958 and most historic structures in the City were constructed prior to 1928, the year 1928 (80 years) is used as the baseline for our analysis.

unsympathetically converted into smaller dwelling units; such conversion also typically requires exterior alterations that may not be compatible with the design, in order to meet separate egress needs for individual dwellings. Whereas preservation of historic properties can be costly and even cost-prohibitive for many property owners, the Historic Bed & Breakfast Use would enable owners of designated historic properties to generate income to maintain (and even restore) the architectural integrity of their historic properties.

Economic Impact

Under the Somerville Municipal Code⁴, the City receives a 4% local excise tax for hotels, motels, and bed and breakfasts of four rooms or more. For fiscal year 2008, over \$400,000 in local room excise tax was collected, predominantly from the two hotels in the city. A conservative estimate indicates that bed and breakfasts with more than three rooms could further contribute to the local excise tax by \$1,000 per room⁵ per year.

PROPOSED ZONING AMENDMENT

The proposed amendments would create a new principal use named “Historic Bed and Breakfast”. In developing a proposal to create the new Historic Bed & Breakfast use, staff considered the unique attributes and needs of Somerville as well as comparable regulations in other communities. A brief comparison to seven other municipalities with similar uses is provided in Attachment I to this report.

Article 7: Establishing the Use and Review Standard

As proposed, a Historic Bed & Breakfast could be permitted only in properties designated within a Local Historic District (LHD). The use would be allowed in all residential districts, the Neighborhood Business (NB) district, and the University (UN) district, if granted a Special Permit with Design Review (SPD), and by right in the Business A (BA), Business B (BB), and Central Business District (CBD). In residential districts, the NB, and the UN district, there would be opportunity for review of the design and operations of the use, to ensure appropriateness of any physical changes to the structure, as well as to mitigate potential impacts of the use to residential abutters.

OSPCD recommends that this new use be restricted to properties that are designated as Local Historic Districts. Linking added capacity (more bedrooms for lease) with Local Historic District (LHD) designation yields several benefits:

- To create an economically feasible alternative to the common course of subdividing large historic structures into multiple residential units;
- To provide an incentive for property owners to restore neglected carriage houses and historic out-buildings;
- To promote historic preservation efforts;
- To serve neighbors with out-of-town guests, while retaining a familiar form and a small scale compatible with existing neighborhoods; and
- To control the ultimate potential number of bed and breakfasts in the city.

⁴ Stated in Division 3 of the Somerville Code of Ordinances and as permitted in MGL 64 Section 3.

⁵ The rate assumes a room rate of \$100 a night and an annual occupancy rate of 70%.

A Historic Bed and Breakfast, as proposed, could contain up to nine rooms for rent (as opposed to a maximum of three bedrooms currently permissible in a “tourist home” use), making it more feasible to establish Bed & Breakfast uses.⁶ Given the additional costs that may be associated with restoring historic structures, it is important to provide flexibility to ensure that a Historic Bed and Breakfast establishment is a financially feasible investment.

As part of obtaining approval, a Historic B&B would be required to:

- Show how any proposed façade changes and/or alterations conform to Historic Preservation Commission Guidelines and obtain approval from the Historic Preservation Commission prior to issuance of a special permit or certificate of occupancy;
- Illustrate how guests will have access to their vehicles, even if parked in tandem, and receive SPGA approval for a parking management plan;
- Maintain common gathering space, such as a parlor, dining room or living area for guest use; and
- Be run by an operator whose principal residence was the facility. The resident operator must be on the premises overnight and for breakfast, at a minimum. At all times, the operator would be responsible for guests’ being able to access their vehicles.

Articles 7 & 8: Use of Accessory Structures

Many of Somerville’s important historic architectural resources are accessory structures, including carriage houses⁷, stables⁸, and barns⁹. The vast majority of these historic accessory structures are located in RA and RB districts, which limit such structures to use as garages or sheds and prohibit their use as home offices, apartments, or extensions of the principal use. These structures are particularly vulnerable, as high repair and maintenance costs can be difficult for owners to justify for structures that have almost no useful purpose.

Currently, accessory structures within Residence A (RA) and Residence B (RB) districts are effectively prohibited from being given over to a viable use. While the use standards of the SZO would permit the conversion of an existing accessory structure to a principal use by Special Permit with Site Plan Review (SPSR), the dimensional standards¹⁰ introduce the likely need for a variance in these cases. This is because accessory structures are subject to laxer setback requirements and are typically conforming under zoning; their conversion triggers standard setback requirements, and thus, typically, a variance.

Under the proposed Historic Bed and Breakfast use, these historic accessory structures could be permitted for this principal use, without requiring additional relief. Otherwise, many of these carriage houses, stables, and barns would remain dilapidated or be slated for demolition.

⁶ Other cities that impose a 9-room limit for bed and breakfast uses include Portland, Maine, and New Orleans, Louisiana, which has a similar use of “Bed & Breakfast Historic Home”.

⁷ Defined as “a usually detached outbuilding constructed to house horse-drawn vehicles and related-equipment.”

⁸ Defined as a “building with haylofts and stalls constructed to house horses separate from a carriage house or barn.”

⁹ Defined as “a large outbuilding on a farm used to store grain or shelter animals.”

¹⁰ SZO § 8.6.11. “In any residence district, garages and other permitted accessory buildings...may extend within any side or rear yard up to but not closer than three (3) feet from any side or rear lot line, unless of fireproof construction.”

Article 9: Parking Requirements

The proposed parking ratio for an Historic Bed and Breakfast would be similar to that of a Tourist Home, which requires one (1) parking space for up to three rooms for rent.

A Historic Bed and Breakfast would require:

- one space for the main dwelling; and,
- one space for every three rooms or fraction thereof.

For example, for a maximum nine-room Historic Bed and Breakfast, a total of four parking spaces would be required. In addition, as proposed, tandem parking spaces could be counted toward this requirement, with approval of a parking management plan. The proposed parking ratio would be more feasible for a typical residential property, reduce the area dedicated to parking, and encourage more landscaping on the grounds, while ensuring that a reasonable amount of parking would be provided for the use.

Licensing and Operating Standards

In addition to limitations established by the proposed zoning, any such operation would also be subject to licensing and operating standards. OSPCD and the Law Office have identified existing regulations that apply to innholders, which include operators of hotels, motels, inns and bed and breakfast accommodations.¹¹ Regulations governing innholders are found in the State Sanitary Code and the Somerville Licensing Commission's Rules and Regulations. The State Sanitary Code establishes operating standards, including standards for the maintenance of the property, room furnishings, and housekeeping; the State Sanitary Code is enforced by Health Inspectors. The Licensing Commission Rules and Regulations establish standard management practices and certain housekeeping standards; a police officer is assigned as the Commission's investigator. In addition, license holders must comply with other statutory requirements, including, but not limited to, the State Building Code and Fire Safety Code.

RECOMMENDATION

By adopting the proposed amendments, the Board of Aldermen would establish a unique lodging alternative, provide an economic incentive to designate, restore, and maintain historic structures, contribute to the local tax base, and support existing and new locally-owned businesses.

It is recommended that the Board of Aldermen adopt the attached ordinance establishing a Historic Bed and Breakfast use and associated parking and review standards.

¹¹ The definition of Innholder in G.L. c. 140 §5 provides, "Persons may be deemed innkeepers if they are prepared and hold themselves out to public as ready to entertain travelers, strangers, and transient guests."

Bed & Breakfast: Comparison to Other Municipalities' Regulations

Staff reviewed seven municipalities' policies on Bed and breakfast (B&B) or similar uses. Most zoning ordinances do not limit the number of rooms that could be leased. Regulation is often accomplished through licensing commissions. Two of the municipalities require that the owner occupy the building, three specify that the operator occupy the building, and the remaining two are silent on the matter. Parking regulations range from one space per four guest rooms (plus one per dwelling unit) in Cambridge, MA to one space per room in Lenox, MA.

Cambridge, MA

A tourist house within an existing dwelling is allowed but no definition is provided. The parking requirement is 1 per dwelling unit and 1 per 4 guest rooms.

Lenox, MA

There are two definitions for B&B: Bed and Breakfast In-Home Stay/Room Rental (seasonal rental of rooms to not more than 3 persons) and Bed and Breakfast Inn or Lodging (rental to 4 but not more than 20 people). The buildings must be owner-occupied. Only breakfast from the family kitchen is permitted and a food establishment permit is required. The parking requirement is 1 space per room rented and 1 space for the owner.

Brookline, MA

A B&B is categorized under Lodging House to rent rooms to 4 or more persons. It is allowed by-right if not more than two rooms. Otherwise, a special permit is required. There is no maximum number of rooms in the zoning ordinance. Permitting is largely regulated through the licensing department more than zoning. Parking factor is based on FAR.

New Orleans, LA

There are 5 separately defined B&B uses including *Bed and Breakfast Historic Homes*, which can provide no fewer than 3 and no more than 9 guest rooms. These require approval by the Historic District Landmarks Commission and must be at least 3,000 s.f. and architecturally rated. Parking requirement is 1 space per 2 guest rooms. The structure does not need to be owner-occupied.

Portland, ME

A B&B may have more than 2 but not more than 9 guest rooms. An owner, manager or operator must live in the building as a permanent resident. There is an open space requirement and minimum gross floor area of 2,000 g.s.f. for the first 3 guest rooms and 500 s.f. of floor area for each additional guest room. Parking ratio is 1 per 2 guest rooms for the first 4 guest rooms and 1 space per additional room.

Providence, RI

A B&B is defined as a house where temporary lodging is provided. The operator must live on the premises. A Tourist Home is an owner-occupied single-family dwelling that supplies temporary lodging. According to the Use Table, both uses allow only 5 guest rooms or fewer. The parking ratio is 1 space per guest room.

Boston, MA

A B&B is categorized as a lodging house. There are two use categories, one for three or more families in separate dwellings and another for general "lodging or boarding house" with no clear cap on number of rooms permitted. Parking requirement is based on FAR in their Table of Dimensional Regulations.