Creative Space DNA: Creative Zoning

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Gregory Jenkins
Dr. Annis Sengupta, MAPC

Overview

1. Introductions
2. Zoning 101
3. Zoning for Arts Use – Somerville as Case Study
4. Understanding Zoning's Impact
5. Refining and Expanding the Policy Playbook
6. Zoning as an Advocacy Tool

Zoning 101

Zoning regulates the **use, pattern, and appearance of development** to implement community planning priorities for future growth and development.

Zoning Districts regulate patterns of development

- Must be uniform within the district for allowed structures or uses, and
- Must be shown on a zoning map in a manner sufficient for identification.

Use Tables identify uses permitted within zoning districts

Uses are permitted within zoning districts:

- By right (may be subject to site plan review)
- By special permit, or
- By variance (rare!)

Arts uses are often scattered across use categories and definitions

No mention of arts under Industrial Uses or Home Occupation Accessory Use

Example: Acton Zoning Bylaw

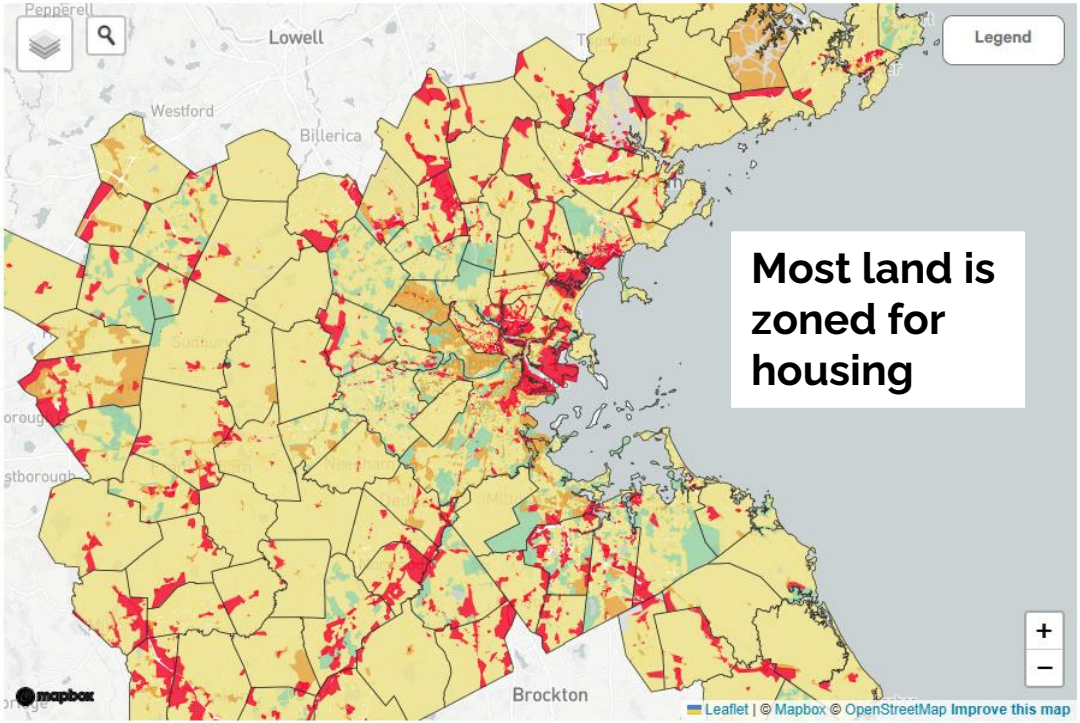
Governmental Institutional and Public Service Use Category

- **Educational Use >** Museums, Libraries, Auditoria
- **Commercial Education or Instruction >** Arts and Crafts Instruction

Business Use Category

- **Repair Shop, Technical Shop, Studio >** Photography/Film Studio, Art Studio, Artisan's Studio, Music practice or instruction
- **Commercial Recreation >** Dance
- **Commercial Entertainment >** Cinema, Theater, Performing Arts Center

Zoning Atlas : Metro Boston Zoning Overview



Legend

Map Layers

- (●) Zone Use Type
- ( ) Multifamily Housing (2+ Units)
- ( ) Maximum Height
- ( ) Maximum Dwelling Units
- ( ) Effective Dwelling Units per Acre
- ( ) Effective FAR

Zone Use Type

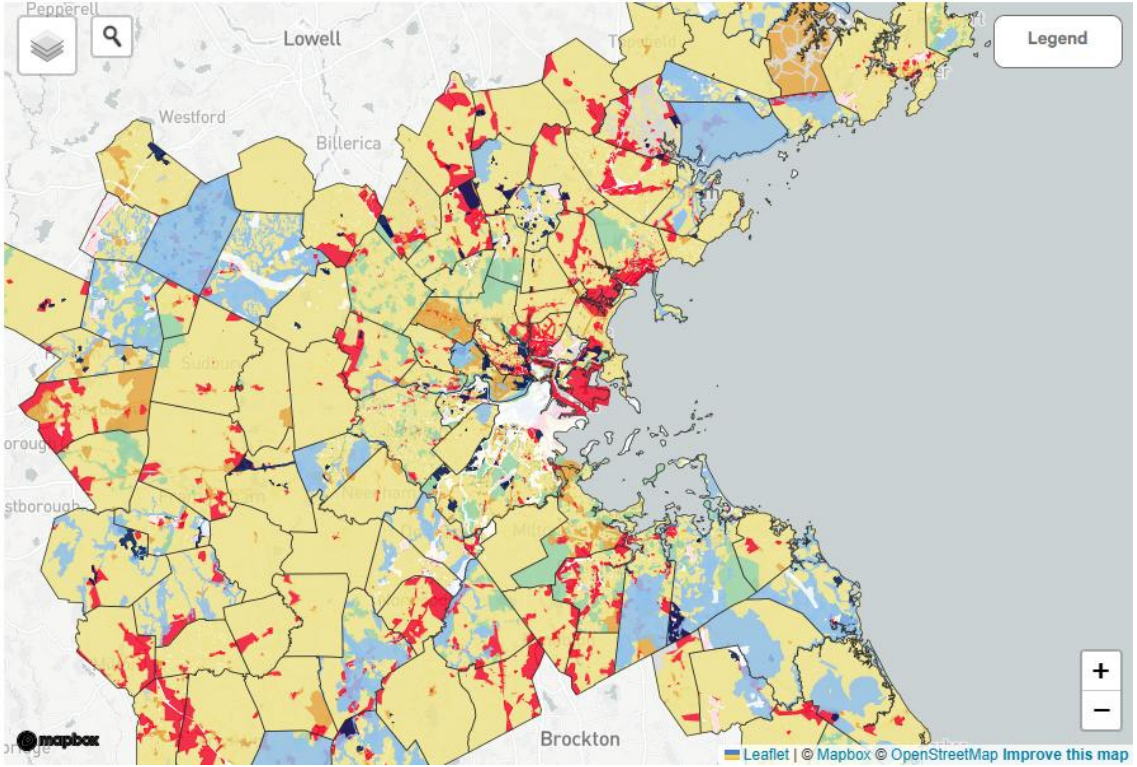
- Residential
- Mixed residential/Non-residential
- Non-residential
- Open Space & Recreation
- No Zone

Overlay Districts

- Overlays with Increased Density
- Overlays with Decreased Density
- Overlays with No Impact on Density

Reset map settings

Zoning Atlas : Metro Boston Overlay Districts



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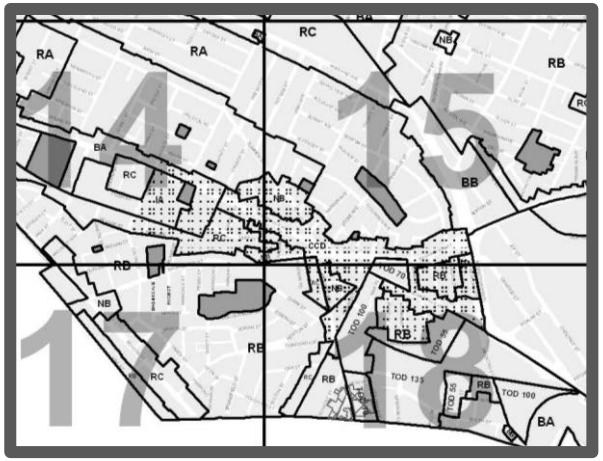
Zoning can trigger additional requirements

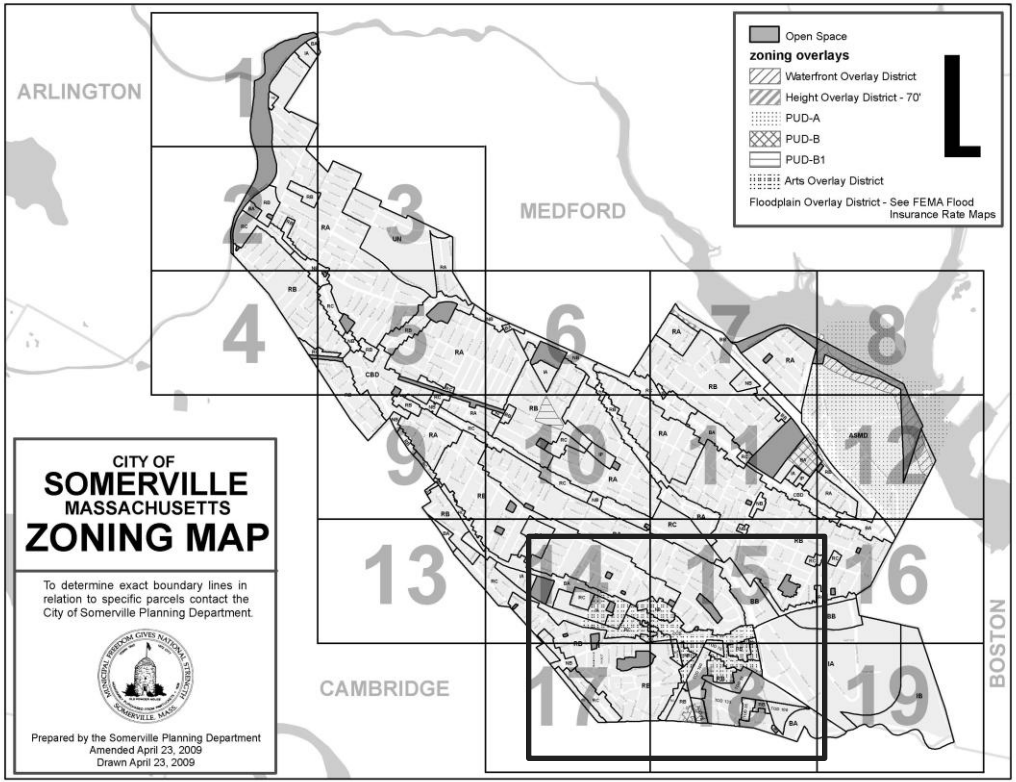
If your arts space

- Is a change from the previous use of the property
- Is non-conforming with lot-size or dimensional requirements
- Is zoned for residential use
- Conducts activities that span multiple use categories

Zoning for Arts Use
Somerville Case Study

2009 Union Square Arts Overlay District

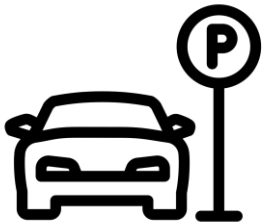




2009 Union Square Arts Overlay District

Defines “artist’s studio space” as a “Home Occupation”

- Establishes accessory residential use separate from Artist’s Studio Space.
- Allowed within garages, carriage houses, and other accessory buildings on residential lots.
- Allows home offices of architects and landscape architects.



Removes new parking requirements for use changes in non-residential use categories.

- Applies within the Arts Overlay District or in Commercial Corridor Districts.

2019 Somerville Zoning Overhaul

Fabrication Districts

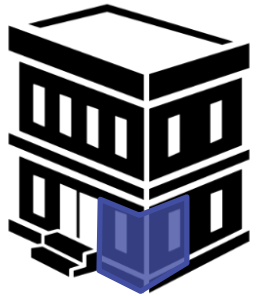
- Limited permitted uses to protect existing and incentivize creative space

Arts and Creative Enterprise (ACE) Category

- Defined specific arts uses within the category

Set Asides: Required Space for ACE Uses

- Applied to new development projects



Wait... What is an Arts and Creative Enterprise Set-Aside? What does ACE-use mean?

Great question! Somerville's zoning requires 5% of commercial space in new developments to be reserved (**set aside**) for **A**rts & **C**reative **E**nterprise, or ACE, uses.

Arts & Creative Enterprise Use §9.2.2 in Zoning

- Artisanal Production
- Arts Exhibition
- Arts Sales or Services
- Co-working
- Design Services
- Shared Workspace or Arts Education
- Work/Live Creative Studio

Arts & Creative Enterprise Use §9.2.2 in Zoning

Artisanal Production: includes apparel manufacturing, breweries, cabinetry, chocolatiers, confectionery, furniture making, glass working, jewelry making, metal working, pottery, sculpture, wood working, and their substantial equivalents

Arts Exhibition: Includes venues, administrative offices, booking agencies and ticket sales.

Arts Sales or Services: Includes galleries, supply stores, printing shops, set design studios, and their substantial equivalents.

Co-working: includes **artist studios,** office suites, for-rent 'hot-desks', dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.

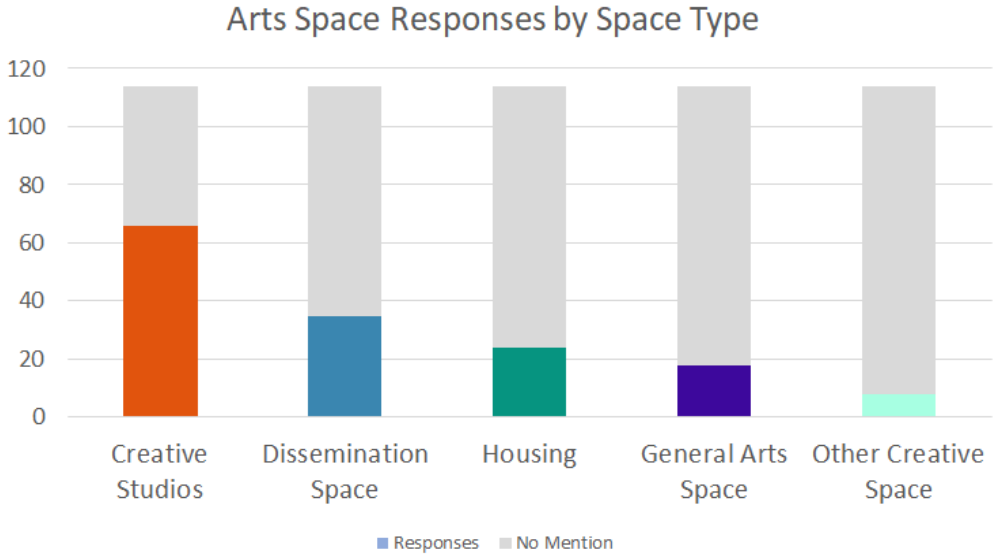
Design Services: Includes architectural design, fashion design, graphic design, interior design, industrial design, landscape architecture, product development, software development

Shared Workspace or Arts Education: includes **arts centers**, creative incubators, culinary incubators, design & fabrication centers, fabrication laboratories, and their substantial equivalents.

Work/Live Creative Studio: Creative studio space consisting of up to one (1) room, including an area for accessory living.

Understanding Zoning's Impact
Somerville Art Space Risk Assessment

Workspace is a key issue



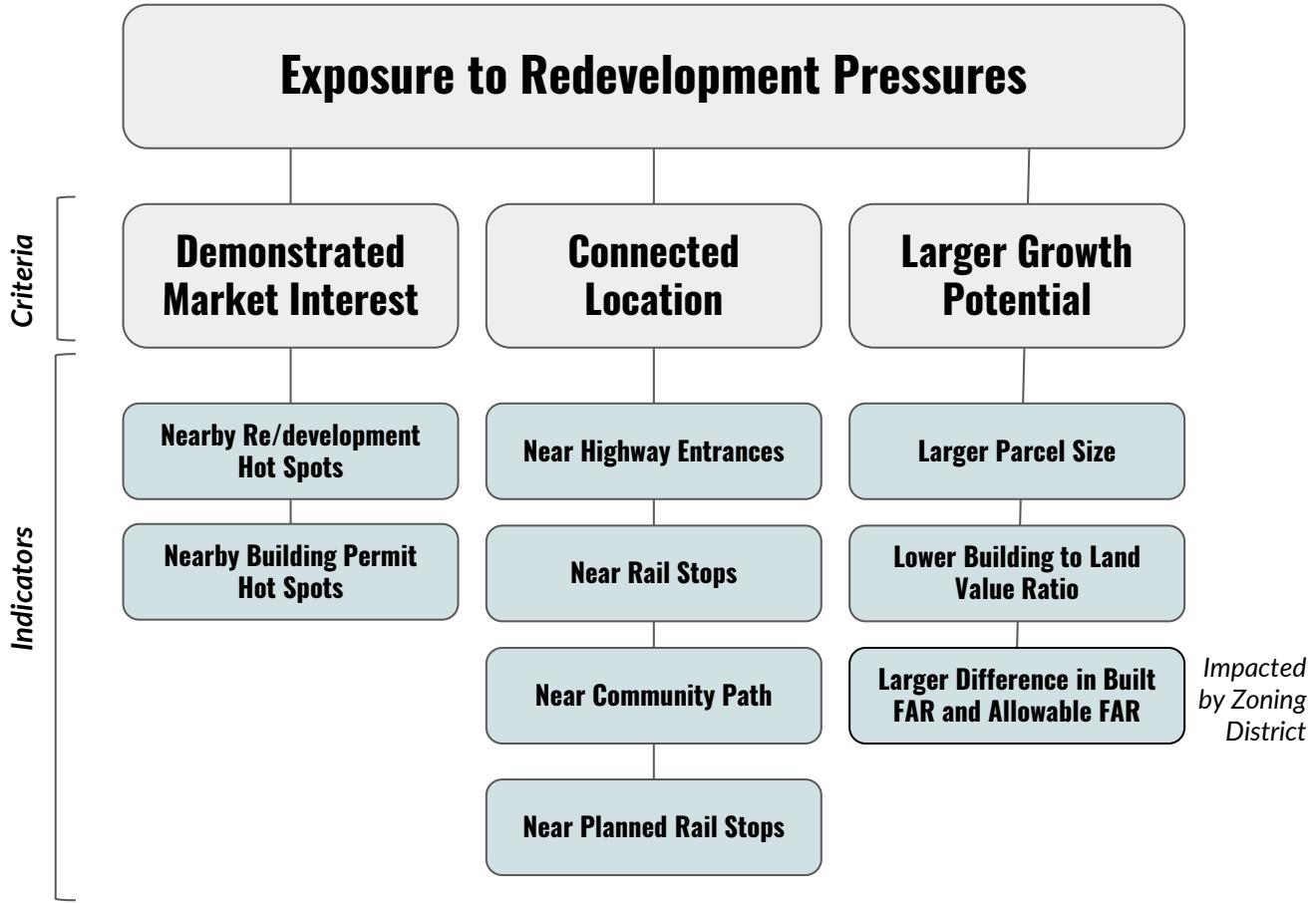
Keep studio space available, affordable, safe, and reliable. Increase studio spaces whenever possible.

Secure rent controlled spaces in Somerville for studios and for exhibition/ performances.

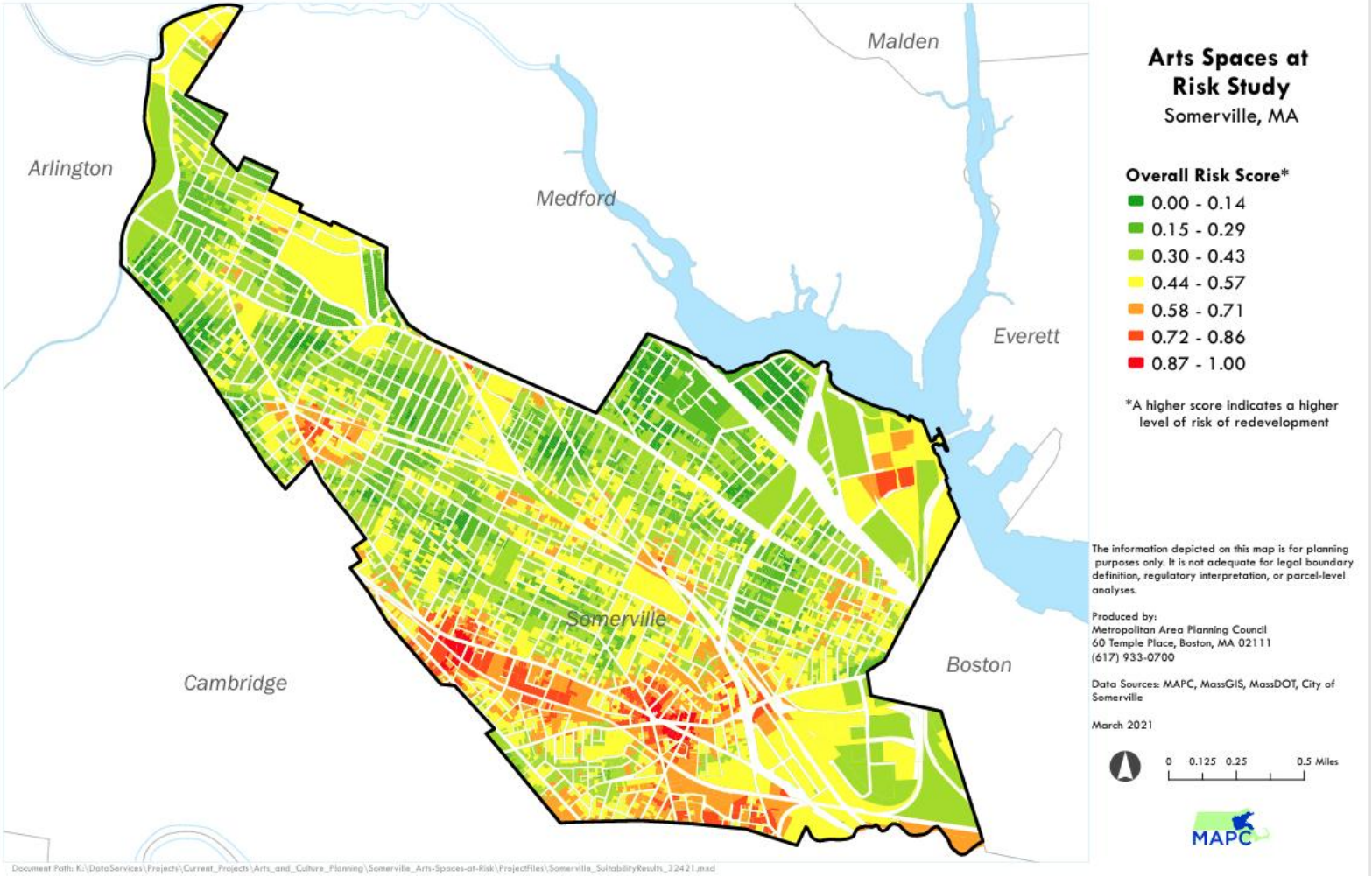
More affordable living and working space.

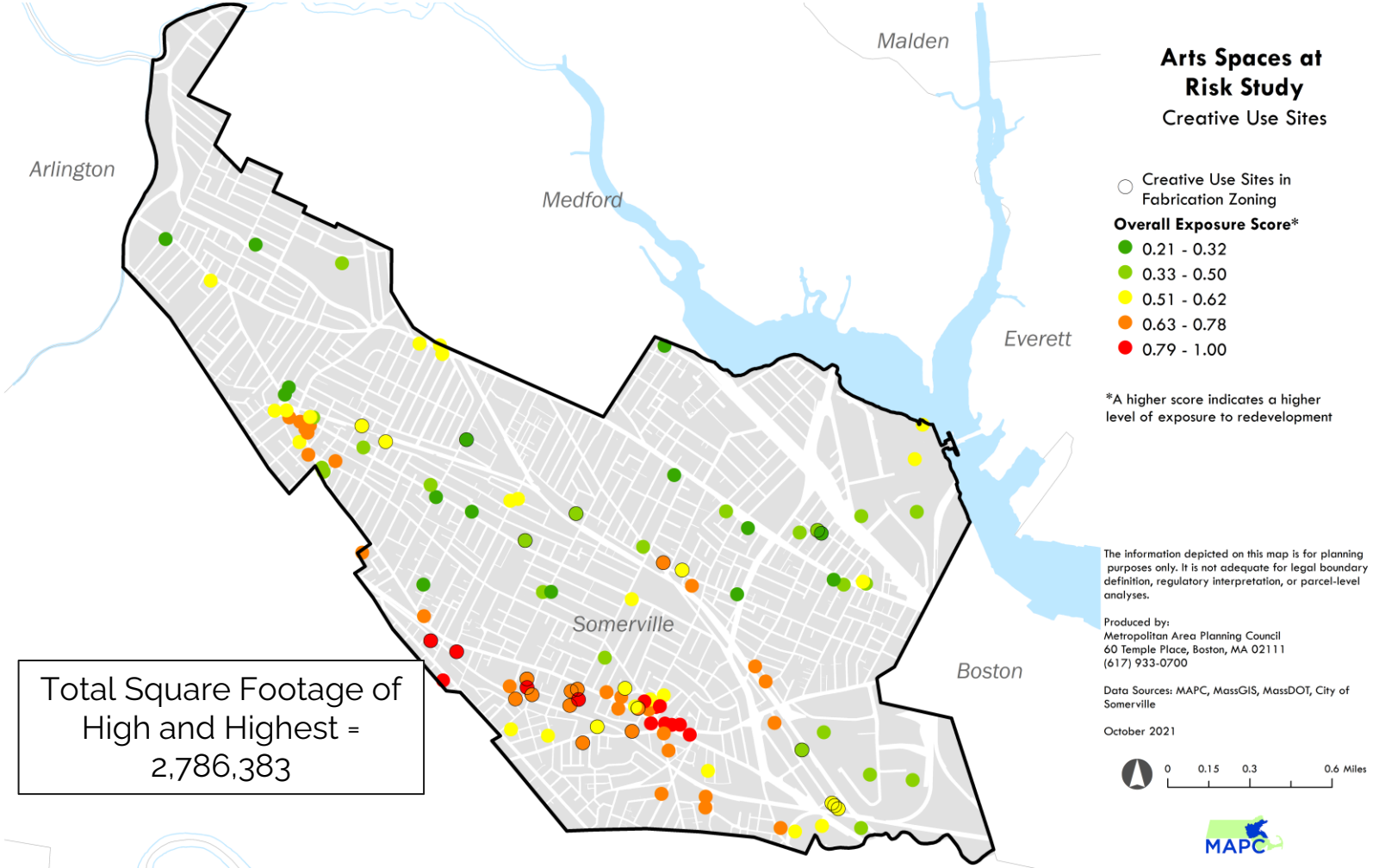
66 responses out of 114 mentioned the City could support creative studios.

The **Arts Space Risk Assessment** analyzes the impact of development pressure on artists & arts organizations and how the City can respond to help artists thrive in Somerville.



What makes arts spaces vulnerable?


Malden
Arlington
Medford
Everett
Somerville
Cambridge
Boston
Arts Spaces at Risk Study
Somerville, MA
Overall Risk Score*
0.00 - 0.14
0.15 - 0.29
0.30 - 0.43
0.44 - 0.57
0.58 - 0.71
0.72 - 0.86
0.87 - 1.00
*A higher score indicates a higher level of risk of redevelopment
The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.
Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111
(617) 933-0700
Data Sources: MAPC, MassGIS, MassDOT, City of Somerville
March 2021
0 0.125 0.25 0.5 Miles
MAPC
Document Path: K:\DataServices\Projects\Current_Projects\Arts_and_Culture_Planning\Somerville_Arts-Spaces-at-Risk\ProjectFiles\Somerville_SuitabilityResults_32421.mxd



Total Square Footage of High and Highest = 2,786,383

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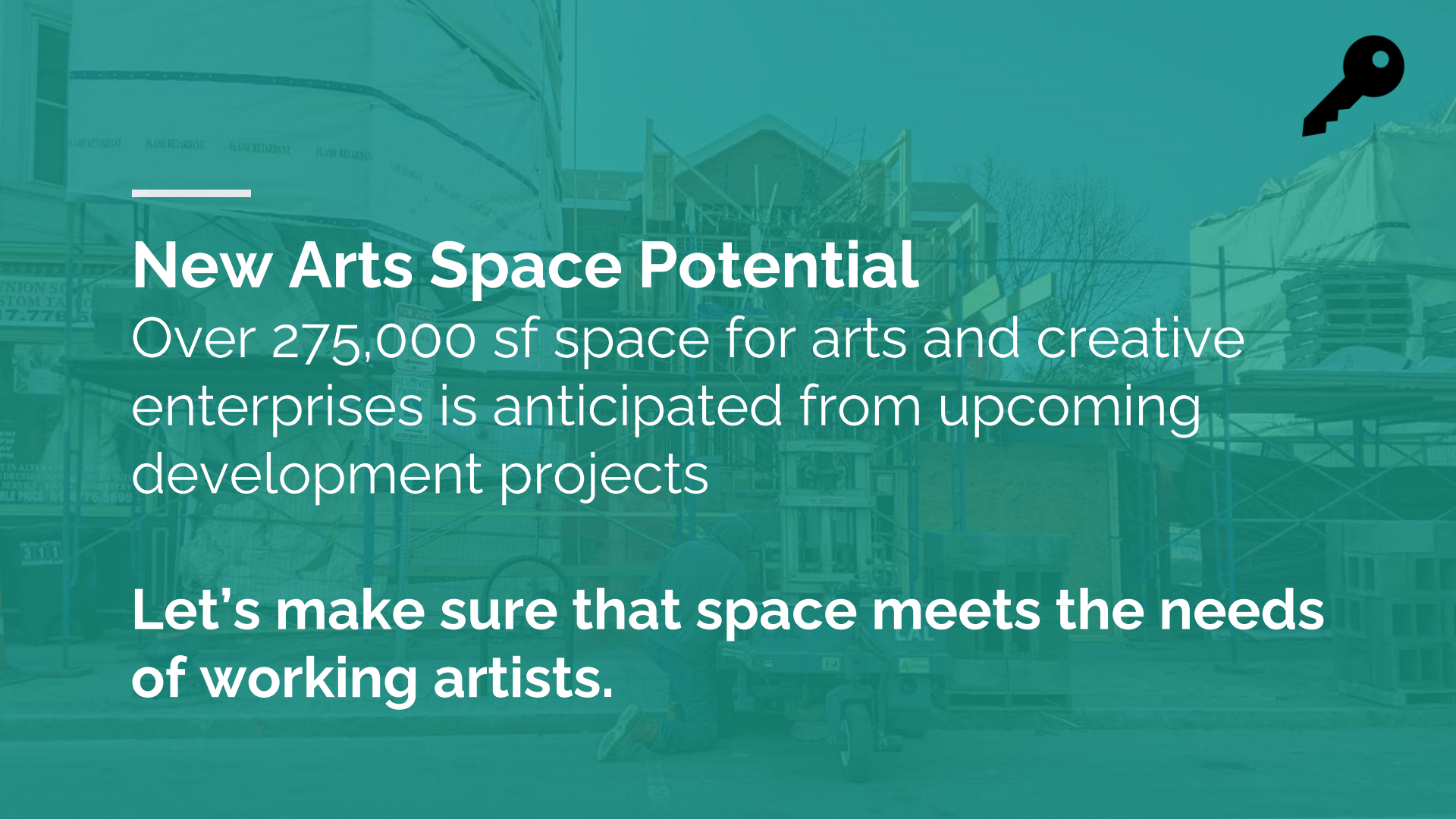
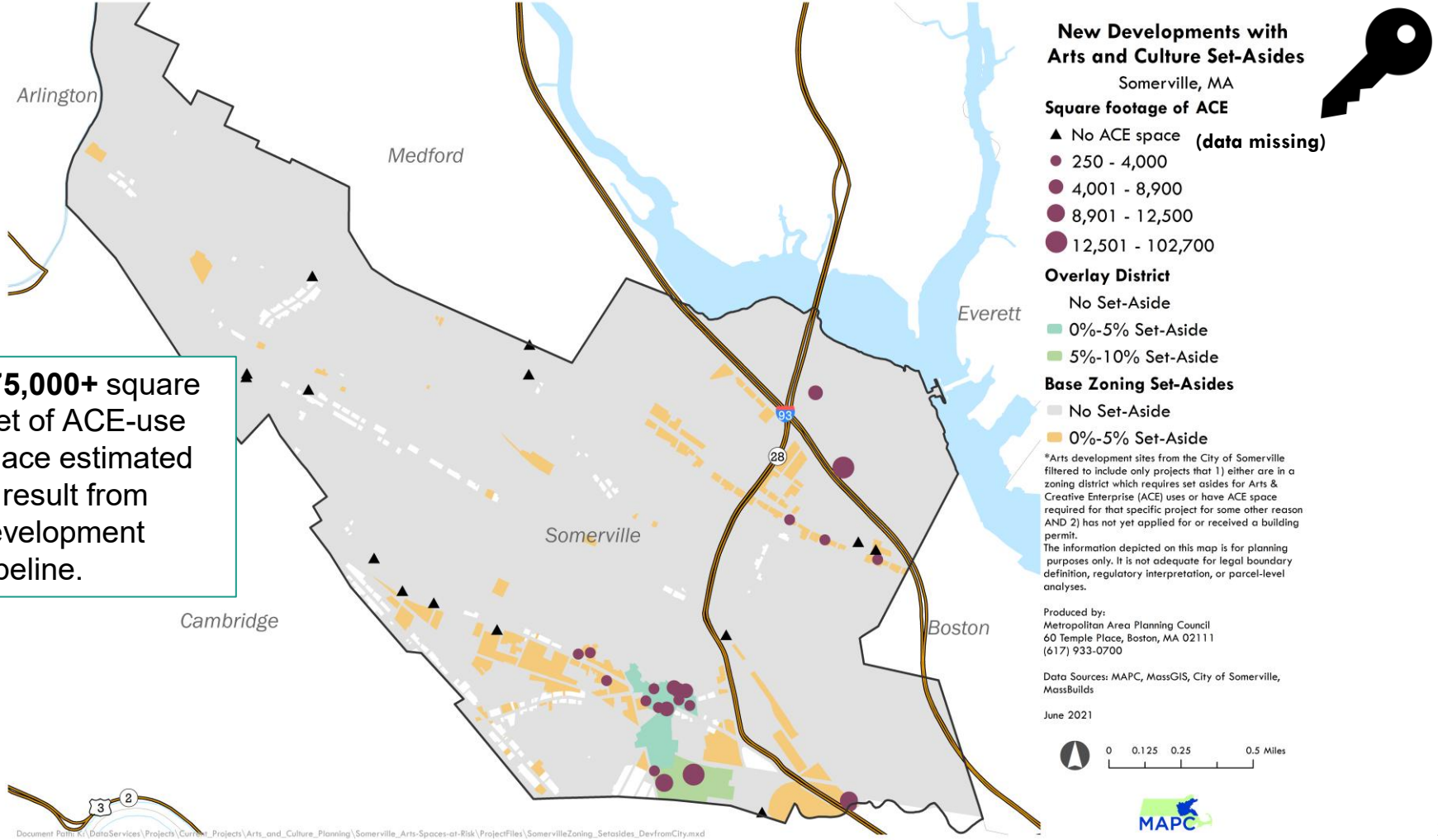


New Arts Space Potential

Over 275,000 sf space for arts and creative enterprises is anticipated from upcoming development projects

Let's make sure that space meets the needs of working artists.



275,000+ square feet of ACE-use space estimated to result from development pipeline.

Refining ACE and Expanding the Playbook: Somerville Art Space Risk Assessment

Arts & Creative Enterprise Use §9.2.2 in Zoning

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ACE Use definitions mix artistic uses with co-working and innovation uses.

- All ACE uses are currently eligible to fulfill set aside requirements.

What else can be done?

Amend §9.2.2 ACE Use Categories & Definitions

Recommended/Adopted changes in orange

Arts

- Arts Exhibition
- **Arts Education and Training**
- **Work/Live Creative Studio**
- **Artists' Studios (NEW)**

Artisanal

- Artisanal Production
- Art Sales or Services

Innovation

- Coworking and **Shared Workspaces**
- Design Services

- **Separate Innovation Uses from Arts & Artisanal Uses**
- **Focus definition of Arts Education and Training**
- **Add Artists' Studios as new use**

Exclude the Innovation subcategory from ACE-uses eligible to fulfill ACE-use set-aside requirement.

Arts

- Arts Exhibition
- Arts Education and Training
- Work/Live Creative Studio
- Artists' Studios (NEW)

Artisanal

- Artisanal Production
- Art Sales or Services

Innovation

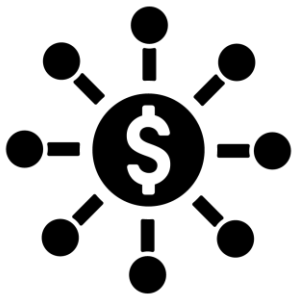
- Coworking and Shared Workspaces
- Design Services

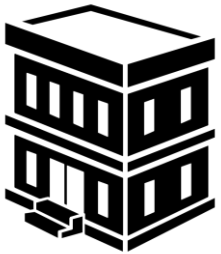
Zoning does not address imminent displacement pressures

Somerville Cultural Trust Recommendations from Art Space Risk Assessment

What else could Somerville do?

Establish a municipal fund to support building acquisition or rent subsidies to preserve affordability.





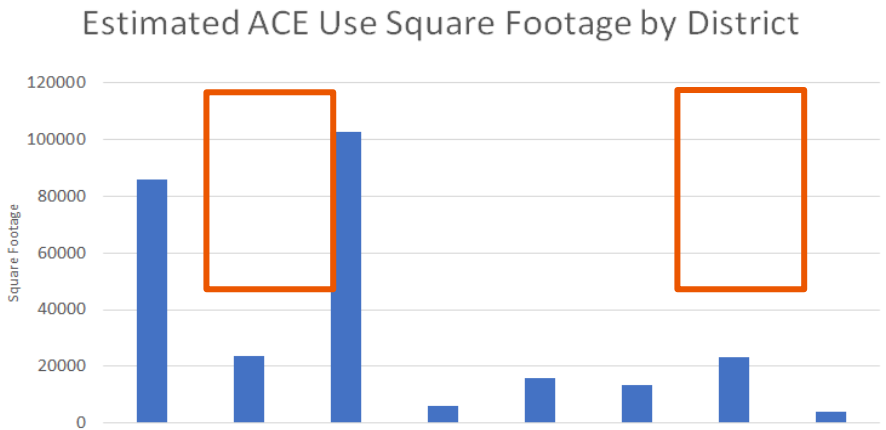
Where does the money come from?

Pool in-lieu payments from developers who opt into a buy-out provision for ACE use set-asides.

Smaller spaces difficult to fill and enforce.

Set-asides alone are not be sufficient to meet the need

- 1/3 of not-yet-permitted developments in CC and MR5 districts generate ACE set-asides smaller than 1,000 sf.



Optional in-lieu payments for ACE-use set-asides, subject to approval by City, can support a tailored approach.

Example: 4 developments generate < 1000 sq in ACE set-asides each, but 2,450 sf in total

2,450 sq/ft total ACE set-aside for all four developments
x 10 years x (Lab space @ $90 /sq ft – Arts space @ $20 /sq ft)
~~~~~~
≈ $1.715 m in lieu payments*

***All values are place-holders.**
~~~~~~

Creative Space Act (Bill H.3587/S.2334)

Reported Favorably out of Committee

- Defines creative space as an allowable **preservation use restriction.**

- Enables municipalities to create cultural trusts that can hold funding and real property **to subsidize and preserve creative space.**

Moving to Advocacy: #ArtStaysHere

#ARTSTAYSHERE started in 2020 when preserving Humphreys Street Studios (44 studios in Dorchester)

We're all-volunteer, nonprofit & have 3 goals: prevent arts displacement, create new inventory of affordable aritst workspaces & help create policies & protections for arts space

We learned 2 things: arts displacement had occurred for decades & other nearby arts & music workspaces reached out also at risk

So we founded #ARTSTAYSHERE to take what we learned with Humphreys Str~~eet~~ & helped advocate for others

We work with artist workspace communities to form tenants associations, create advocacy plans &increase visibility for at-risk spaces

We liaise with neighbors, stakeholders, city staff, funders, developers, elected officials to find collaborative solutions

We've worked on over a dozen projects across Massachusetts, mostly in Greater Boston, and aim to help create policies & protections for arts space.

We host a podcast series about arts space & currently host a visual art exhibiton about our movement at the Somerville Museum through August. artstayshere.org