



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

October 13, 2020

### REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Ben Ewen-Campen	Chair	Present	
Lance L. Davis	Vice Chair	Present	
William A. White Jr.	City Councilor At Large	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Mark Niedergang	Ward Five City Councilor	Present	

The meeting was held via GoToWebinar and was called to order by Chair Ewen-Campen at 6:00pm and adjourned at 7:47pm.

Others present: Dan Bartman - OSPCD

### Approval of the September 15, 2020 Minutes

<b>RESULT:</b>	<b>ACCEPTED</b>
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### Affordable Overlay Housing

**209478: That the Director of SPCD present recommendations for an "Affordable Housing Overlay District" to this Council's Committee on Land Use, to facilitate the construction of new affordable housing.**

Mr. Bartman previously presented an initial working draft of an Affordable Housing Overlay based on interviews conducted with affordable and market-rate developers. The Chair noted that the goal for this meeting is for issues or conceptual changes to be raised and amendments to be proposed to inform an updated draft, working toward a joint public hearing with the Planning Board on Tuesday November 17<sup>th</sup>.

Councilor Niedergang offered support for the proposal, but shared several significant concerns. The first is parking. He worried about the fairness in allowing all affordable units in Transit Oriented Districts (TODs) to receive resident parking permits. The waiver should not be automatic, though some exceptions may be allowed at the discretion of the Traffic Commission. A blanket exemption from the restriction is not a policy that he supports. Chair Ewen-Campen clarified that the new policy is that residents of new construction in TODs (within ½ mile of a transit station) cannot receive on-street parking permits. An exemption was put in place for residents of affordable housing, as many are on wait lists and do not have much choice in where their housing is located. Councilor McLaughlin agreed with Councilor Niedergang and added that consistency of policies should be embraced, and developers are welcome to build parking for residents. Additionally, many residents of affordable units may not have or need cars.

Chair Ewen-Campen elaborated that this would involve asking the Traffic Commission to modify their policy, rather than addressing it through the Overlay. Mr. Bartman added that currently there are no criteria other than residency in a deed restricted affordable unit. Criteria could be added, such as proof of necessity for work, due to a disability, to get children to school, or other reasons to be determined. The administration would propose the change to the Traffic Commission, who would have a period of public comment before a vote. Chair Ewen-Campen emphasized that what is most important is the housing. Councilor White shared that it would be difficult for non-profit developers to include parking spaces without sacrificing additional units, and he would support a waiver option for those residents who can prove that a vehicle is necessary for employment purposes. Mr. Bartman will work with the administration to draft stipulations for issuing waivers.

The second concern shared by Councilor Niedergang is 7-story buildings, particularly in MR3 and adjacent to an NR District. There are setbacks for these taller buildings, but they may be insufficient. A 7-story building next to 2- and 3-story buildings would be overwhelming. Councilor Niedergang requested photographs or diagrams to depict what this could look like. Councilor McLaughlin requested to see the areas where there could be a potential negative impact. He noted that there are many UR buildings in residential neighborhoods that fit in fine and he would rather have more affordable housing if possible. Councilor Davis echoed that he wants to see whatever gets more affordable housing built. Chair Ewen-Campen added that business areas and squares tend to be more MR4 and MR5, whereas MR3 is more scattered in neighborhoods. Mr. Bartman explained that the conversion of the former Neighborhood Business (NB) District became MR3, when the zones in the larger squares and corridors became MR4 and MR5. A 7-story building would add over 50% to the height in an MR3 District, whereas it would be less than 50% in MR4. Chair Ewen-Campen suggested that Ward Councilors review the MR3 Districts in their wards and prepare feedback in advance of the next Committee meeting.

Councilor Niedergang shared a third concern, noting that at least one community meeting should be held for a major development. It would not be reviewed by a City body, but the neighbors should be able to comment on the proposals. Councilor McLaughlin commented that the development process should be consistent. Mr. Bartman clarified that a by-right building does not require a neighborhood meeting or design review. Councilor White added that the Affordable Housing Trust Fund may be the better avenue to provide for a public process for input. Mr. Bartman also added that the aesthetics would be addressed through the Urban Design Commission and Councilor Niedergang elaborated that other issues that may come up would be green space and amenities.

Chair Ewen-Campen suggested that in UR districts, citywide, 100% Affordable buildings can be a maximum of 4 stories, (the current proposal is for 3 stories). Councilor Davis agreed that more affordable units are the goal, and he would support this.

***Chair Ewen-Campen moved that the next draft of the Affordable Housing Overlay include a maximum of 4 stories for 100% affordable buildings in UR Districts citywide. The motion was approved on a roll call vote of 5 in favor (Niedergang, McLaughlin, White, Davis, Ewen-Campen) and 0 opposed.***

Chair Ewen-Campen also suggested that in MR districts, 100% Affordable buildings can be a maximum of 7 stories citywide (the current proposal only allows this within 1/2 mile of transit.) Councilor Davis suggested that this might make developments more likely if land acquisition costs are less expensive outside of a transit area.

***Chair Ewen-Campen moved that the next draft of the Affordable Housing Overlay allow 100% affordable units in MR districts to be a maximum of 7 stories citywide. The motion was approved on a roll call vote of 4 in favor (Niedergang, McLaughlin, Davis, Ewen-Campen) and 1 opposed (White).***

Chair Ewen-Campen further suggested that in all 100% Affordable buildings, a minimum of 20% of the usable floor space must be for residential use. Currently there is no minimum, which could theoretically provide a loophole for market-rate commercial buildings to provide a single affordable unit. He elaborated that the exact percentage is flexible, but closing the loophole is the focus. Mr. Bartman elaborated that the general building in any of the MR Districts would carry this concern. The amount of mixed use allowed before the purpose of the Affordable Housing Overlay is defeated is the question. Another way to address

this concern might be that general buildings could be restricted from using this Overlay based on other uses within the building. Councilor Davis requested waiting to hear other ideas, but agreed that this is an issue that should be fixed.

Chair Ewen-Campen additionally suggested a "5% rule" that would provide a 5% buffer for qualifying buildings around the following requirements: bicycle parking, green score, front and side setbacks. The current proposal has no flexibility around any of these requirements. He clarified that there are many individual site-specific requirements, all of which are desirable, but in can make it extremely difficult for any single site to achieve all of them. The intent is not to allow an exemption from the requirements, but would allow a modest adjustment to account for the site-specific challenges and encourage affordable housing development. Councilor Davis questioned whether 5% on all options would be allowed, or 5% total. Chair Ewen-Campen shared his vision was 5% for some set number, but there is no firm determination. Mr. Bartman added that if this was included, anything within 5% would be considered compliant, and there would not be an additional process. It would thus be applied to a numerical standard and carried out through an administrative process. Councilor White agreed with the concept but shared a concern about avoiding anything that could be challenged and not placing a burden on the applicant to show that they qualified for a variance from the standard provision. Mr. Bartman clarified that it would be a by-right entitlement, not requiring proof. Councilor Niedergang wondered whether other requirements could be included in the 5% buffer and Chair Ewen-Campen agreed that the components could be adjustable; these are the ones that have been brought to his attention thus far.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Accessibility Requirements**

**209810: That the Director of SPCD consider revising the city's zoning to include universal ADA accessible design standards in new developments.**

Chair Ewen-Campen asked Councilor McLaughlin to speak to the background for this and Councilor McLaughlin shared that this was brought to his attention by a disability activist, and disability access through zoning is something that should be considered. Mr. Bartman added that in MA, zoning cannot preempt anything in the building code (state law), so he will research the intersection and jurisdiction for ADA compliance issues, but this is something that has been done in other states.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**To Place on File**

**210294: That the Land Use Committee review the proposed amendment to Zoning Ordinance 15.4.2.b.iii when developing its own proposal to amend that ordinance.**

<b>RESULT:</b>	<b>PLACED ON FILE. [UNANIMOUS]</b>
<b>AYES:</b>	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

**210677: Burak Gokmen submitting comments re: #210364, to re-zone six parcels along Medford Street between School Street and Marshall Street.**

<b>RESULT:</b>	<b>PLACED ON FILE. [UNANIMOUS]</b>
<b>AYES:</b>	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

**209222: That the Administration advise the Committee on Land Use how compliance with**

**zoning is and will be monitored and enforced post-certificate of occupancy.**

<b>RESULT:</b>	<b>PLACED ON FILE. [UNANIMOUS]</b>
<b>AYES:</b>	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

**207172: That the Director of SPCD work with this Board to create overlay districts or other policies for "Opportunity Zones" in order to maximize community benefits generated by developments in these areas.**

<b>RESULT:</b>	<b>PLACED ON FILE. [UNANIMOUS]</b>
<b>AYES:</b>	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

**Handout:**

- Email - B Ewen-Campen (with 209478)