

Madalyn Letellier

From: [REDACTED]
Sent: Tuesday, October 17, 2023 7:53 AM
To: Planning1; Public Comments; All City Council
Subject: Testimony on Council/Planning Calendar #22-1593 and #23-0612
Attachments: Triple decker and bonuses #22-1593 -vall.docx

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To the Council and Planning Board:

Please accept for the record the attached citizen commentary on the two zoning related actions #22-1593 and #23-0612, which are on the calendar for October 19, 2023.

Thank you.
Bill Valletta
[REDACTED]
Somerville, MA

Memorandum

To: Somerville City Council and Planning Board

From: Bill Valletta (Brickbottom resident, urban planner)

Date: 17 October 2023

Subject: **Citizen comments in support of Zoning Amendments #22-2593 and #23-0612**

This Memorandum is submitted to the record in support of the two proposed zoning actions on the City Council calendar, which are intended to encourage the development of more housing units in the city and the proportion of affordable units among the total housing stock. The proposals are the following:

#22-1598 will make changes to the use and dimensional regulations for three-family projects in the Neighborhood Residential (NR) and Urban Residential (UR) zones.

Broadly stated, these text changes will remove or adjust certain rules for location of a triple-decker house or for the addition of a third unit on a land parcel. They have been written in order to fulfill and comply with the mandate of state legislation – the MBTA Communities Act of 2022 – which has the intent of increasing the density of residential settlement around the region’s transit stations.

Somerville is already in compliance with the main provisions of this law, which requires every town and city served by the MBTA to permit multi-family housing projects within “walkable” distances of transit. But because Somerville’s lowest-scale NR and UR zones cover substantial areas near the T-stations, where the infill of additional units cannot be accomplished by right, this amendment will remedy the deficiency. The “extra” third units can be added on appropriately-sized parcels in buildings that will remain compatible in style and scale with the existing low-rise residences.

#23-0612 proposes that the City Council will direct the planning staff to study and prepare some additional amendments for higher-scale multi-family housing, which can provide affordable units beyond the currently mandated 20% in the inclusionary housing program.

This proposal anticipates use of the mechanism of “bonus” floor area, height and other flexible adjustment of dimensional standards as a way to lower the costs, design complexities and procedural delays of mid-rise and high-rise housing projects that provide affordable units. Ideally, these provisions can be written in ways that will allow non-profit or specialized affordable-housing enterprises to create 100% affordable projects. This may involve the calculation of the cost savings and bonus floor area volumes as the bases for application of subsidies, grants or low-interest financing.

Policy considerations

Neither of these two proposed actions will substantially change the mechanisms of zoning. Instead, they will offer some additional small steps to encourage the development of a few more residential units and affordable units each year. They continue a strategy of gradually

adjusting zoning, development regulations and assistance programs, which Somerville has been following in recent years to try to achieve more housing units with less delay, complexity and cost.

This incremental strategy is necessary, in part, because the state has been unwilling or unable to grant the city any additional powers such as rent stabilization or the real estate transfer tax. Thus, the city correctly has been refining its already-established powers to increase opportunities to accelerate housing construction and affordability.

Impacts of the proposed changes in NR and UR districts

The adjustments to the NR and UR district regulations largely affect the location and dimensional requirements for lots with three units – triple-decker houses or combined two and one or row unit arrangements. Specifically they involve the following:

- Triple decker houses will be allowed by right in the NR zone with no location limitation. The existing rules allow a triple decker only on a lot that is adjacent to or across the street from a previously-built triple decker (SZO Art. 3.1.6);
- A cottage can be built on a lot even if it does not meet the 70 ft. depth standard;
- There will be no limitation to the construction of a second cottage on a lot, if it is big enough and can meet the other dimensional (yard or distance) requirements. (Art. 3.1.7)
- A detached house with three units can be located on a lot even if it does not meet the 80 ft. depth requirement (Art. 3.1.8)
- A row house with three units can be located on a lot, rather than only vertically stacked units. (Art. 3.1.8)
- The requirements that a triple-decker in the NR zone or a semi-detached house with a third unit in the UR zone must fix the third unit as affordable, are removed. (Art. 3.1.11 and 3.2.7)*

*Note that this final change is the one place where the state policy (to encourage more units in total in the transit-oriented zones) takes precedence over the city policy of housing affordability. The third unit no longer is recognized as a “bonus” to be earned by the affordability condition; instead the third unit is a by-right permitted use in the NR zone.

What will be practical impact of these changes? In the normal cycle of repair and upgrading of the low-density housing stock that goes on year-to-year, these adjustments will make it possible for a few home-owners or rehab developers to infill a second or third unit on a few of the projects. Since the city is already built up – there will not be any rush to crowd a bunch of new triple-deckers on any tracts of vacant land.

Will there be negative impacts on adjacent owners or on the “character” of low-density “preservation” zones? In theory, the purpose of these regulations has been to provide protection and advance the city’s policy of “contextual” zoning. In reality, however, the minor elements of a few feet of height or yard dimensions have been of negligible value and the ZBA have been willing to waive them in hundreds of variances and non-conforming lot special permits over the years. Thus, any argument that important urban design or urban functional protections are being

lost can be contradicted by years of practice. Clearly, the priority of city policy must be given to housing need rather than some illusory, jargon-defined fantasies of “context” or “character.”

Conclusion

I am strongly in support of the proposed amendments to the NR and UR zone and look forward to reviewing the further proposals for affordable housing bonus mechanisms in the mid-rise and higher-scale districts. Housing growth in total, housing affordability and housing stability must be the priorities in all of our city planning and zoning activity for the near future.

Appendix 1: A record of the incremental growth of housing stock and affordable units, following the city’s strategy of gradual regulatory and program

	Baseline ¹	Added each fiscal year ²				Added each fiscal year ³				
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024+
All units baseline est.	31,555					32,743⁴				
--Rental units	20,947 ⁵					21,766 ⁶				
--Owner occupied	11,239									
All unit types added		219	75	707	354	78	445	467	728	570
Affordable units total	3,341	69	49	98	51			90	166	388
----Rental	3,066									
----Owner occupied	112									
---deed restricted	2,723 ⁷									
-Inclusion units total	172	21	3	31	51	14	35	80	146	62
--Rental units	104	15	1	30	35					
--Ownership units	68	6	2	1	16					
-Other program units										
100 Homes* + 49 More	--	20	25	20	24			117 ⁸		32
Somer Community Corp										
--163 Glen					8					
--Clarendon Hill	216									80
--181 Washington St		35								
Other NfP developers										
--31 Tufts St	--								16	
--299 Broadway	--									132
--24 Webster Just a Start ⁹	--									42
Community Land Trust ¹⁰	--								5	

¹ 2016 Housing Study ... LDN consulting

² Somer Vision Progress Report, the Path Since 2010

³ Author’s review of City of Somerville Building Permits database and Planning and Zoning Reports

⁴ 2020 projection of housing need study

⁵ Sustainable Neighborhood Working Group, Report (Dec. 2015)

⁶ Housing Stabilization report to committee 2023...

⁷ Sustainable neighborhoods Report (Dec. 2015)

⁸ Cumulative report by SCC

⁹ Housing Trust minutes Dec 8, 2022 – seeking \$4.6 million loan from Housing Trust at 0% for 50 years, but prior gave loans at 2% for 40 years under original 2014 Strategic Plan

¹⁰ Community Land Trust acquired 7 Summer Street with five units, rehabbed for sale at 80% and 110% AMI. \$2.2 million acquisition cost came from CDBG appropriation.