



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

May 30, 2017
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Mark Niedergang	Vice Chair	Present	
William A. White Jr.	Alderman At Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Robert J. McWatters	Ward Three Alderman	Present	
Tony Lafuente	Ward Four Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
John M. Connolly	Alderman At Large	Present	
Mary Jo Rossetti	Alderman at Large	Present	
Dennis M. Sullivan	Alderman At Large	Present	

Others present: Mayor Curtatone, Michael Glavin - OSPCD, George Proakis - OSPCD, Tom Galligani - OSPCD, Frank Wright - Law, David Shapiro - Law, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Charles Sillari - Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 7:20 PM by Alderman Davis and adjourned at 11:55 PM.

This meeting was recorded and is available for viewing online at www.somervillema.gov/unionsquare along with the materials presented.

202853: Requesting an updated amendment to the Zoning Ordinance to create new CCD-55 and CCD-45 Commercial subdistricts, a new Coordinated Development Special Permit, a new Union Square Overlay District, and related changes to Article 5 and the Zoning Map.

Alderman Davis mentioned that relevant Union Square zoning documents are available on the city's website and he informed those present that Alderman Heuston was at a Ward 2 ResiStat meeting and would be arriving later.

Mr. Snyder said the following will be addressed at tomorrow's Land Use Committee meeting: 1) commercial phasing, 2) conveyance and language around parks and civic space, 3) the nature of the contribution of the GLX from the developer and if there will be a refund if the GLX is built under budget, 4) clarification of a process of a community benefits agreement.

Alderman Rossetti asked for responses to earlier questions and inquired about the “assurance of language for commercial development”. Mr. Proakis and the mayor said the necessary language would be included in the covenant and that there will also be corrective changes in the covenant.

Alderman Rossetti would like the corrected document by tomorrow night and would also like some questions answered by the legal department. Alderman Rossetti requested info on when the proposed park will be constructed, along with a guaranty that there will be a park. Chairman Davis would like to hear about other changes to the covenant. Alderman White explained why there is a covenant and said that the BOA doesn’t have direct power over a covenant. Alderman McLaughlin asked if the BOA will be able to amend the zoning.

Alderman Niedergang said he thinks the off-site inclusionary housing is a good idea, if the details work out to the benefit of the city. He would like US2 to develop the commercial on the D3 simultaneously as the D2 block is developed to make sure the city gets the commercial development that it needs and to create employment and a commercial center in Union Square. He also expressed concern about the ratio of commercial to residential.

Mayor Curtatone said he is happy to look into it but the city can’t zone the marketplace. The consultant negotiating the deal between the city and the developer looked at the risks on both sides. The mayor stated that the BOA has an incredible amount of oversight.

Alderman Davis asked where the D3 block has potential for residential and said that he understands there is some limitation. He also asked where the development of the D1 parcel stands and was told that the D1 disposition could be 4-6 years.

Mr. Glavin said the MLDA specifies that the property must be acquired by the time the developer reaches 30% of development and explained that the project must be developed according to the agreement or the developer runs the risk of losing the rights to be the master developer. Alderman Heuston wants to know what the total project is and what comprises the 30% threshold. The mayor explained that the first phases are the riskiest and he discussed the Assembly Square project and how the market impacted the development phasing. He doesn’t want to promise anything he can’t deliver and said that he would make sure the language in the covenant reflects the desires of the city. Alderman Niedergang said he is talking about a later phase, not a beginning stage and said that Union Square is not as risky as Assembly Square. He would like more serious discussion with the developer over commercial development.

Alderman Ballantyne said the city is missing a commercial office strategy, noting that Assembly Square only has 1 office building now. She wants the tax relief to create diversity and said that relying on residential isn’t the way to go, adding that there is no marketing plan to attract office tenants. Alderman White would like to use the public safety building as a way to control the phasing and suggested commercial development on D1 before phasing out D3. The mayor said residential and commercial development go hand in hand and that long term urban transformation and commercial tax revenue takes time. Alderman Ballantyne asked to see a revenue projection during budget time. Alderman White said new growth requires commercial so as to not shift the burden onto taxpayers.

Alderman Niedergang said people have advocated for an indoor community space, however, since the zoning won’t allow it, he would like to know if the BOA has the power to put that use into the D1 block. Alderman Niedergang will move to take out the piece of the zoning to keep the same inclusionary housing percentages going forward.

Mr. Proakis discussed the special permit process and a coordinated development special permit and said that a special permit process will happen early. He pointed out that a fundamental aspect wanted by the development community is a certain expectation that they understand that the rules will not change for a certain period of time. Alderman Heuston said her constituents are concerned with the requirements of the developer to adhere to the overlay zoning and Mr. Proakis said they are required to build according to the overlay zoning, unless they went for a special permit to build according to the city wide zoning, however it would be a cumbersome process.

Alderman Rossetti said that this is a 30 year plan and that she may not be comfortable moving forward without language protecting the BOA and the people. Chairman Davis said he appreciates the need for predictability, but he has seen when that doesn't make sense. Alderman McLaughlin asked about the length of the project and expressed his concern about locking in an agreement. Alderman Niedergang said there must be a balance met for the needs of the community and developer. Alderman Ballantyne said she understands the developer needs predictability, but she would like wiggle room for the city. She wants to integrate nature into urban design and planning. Alderman Lafuente said there will always be errors. Predictability is important for the developer. The markets change so sometimes plans need to shift. He said if he were the master developer and he knew the process would be like this, he would have told the city to go fly a kite. He said this needs to get done and that the BOA needs to look at today and allow development to happen. Alderman Heuston said we need to think carefully about what is locked in and not locked in. You can't guarantee what a future BOA will look like. Mr. Proakis will submit a list of things that will not be locked in. Alderman Niedergang would like people to submit ideas on what they would like locked in and not locked in.

Mr. Proakis spoke about a notice of de minimis change, a request for notification of a neighborhood meeting, requirements for planting beds, landscape areas, vegetative landscape, increasing open space and how it may displace development blocks, and expanded sidewalks and how they are included into open space and civic space. Mr. Proakis said he doesn't want to underestimate the value of the open space and noted that valuable spaces aren't necessarily grass. OSPCD is working on covenant language for landscape space. Chairman Davis went over the percentage of civic space and discussed different commercial uses, including design services. Mr. Proakis is concerned about squeezing out the civic uses. He said setting the office creative space at certain numbers will make the developer choose between residential and civic space. He said hotels will make the city the most money and bring people to the neighborhood.

Alderman Heuston would like to insert a section G and decide as a board what it should be. She is also concerned about the committee's slow pace in proceeding with this item and she would like a more detailed agenda. Chairman Davis went over the process and said any member can make a motion to vote. Alderman Niedergang said that he will not vote with unresolved issues and pointed out that there hasn't yet been a serious discussion on affordable housing. He doesn't think it can get done in the next 25 hours and he suggested that the FY-18 budget discussions be pushed back to allow this item to be completed. Alderman White said some things discussed tonight were brought up by him weeks ago and that being locked in was brought up before tonight. He will entertain changing the budget schedule. Alderman McLaughlin would like to do page by page review and he doesn't want an arbitrary deadline. Chairman Davis explained that he doesn't think it is his place as the Chair not to let people comment.

Alderman Ballantyne asked about an email at the end of 3/30/17 regarding the Community Benefits Agreement from Fred Berman and spoke about a cap on the 50% R&D and suggested changing some of the proposed percentages. Mayor Curtatone said that all types of jobs are needed and that the city needs vibrant, robust sidewalks and neighborhoods and that certain spaces shouldn't be squeezed out.

Mr. Proakis went over requirements for affordable housing and number of bedrooms. He said there is a bonus story allowed for certain increases. Alderman Niedergang is against a 5% bonus and just wants to require more 3 bedroom units. He wants the city to benefit from inclusionary units being built off-site if the developer saves money by doing so. Mr. Proakis discussed the revisions of 25% of affordable housing units must be on site. Chairman Davis wants it to be clear what the unit for unit in off-site entails. Mr. Proakis said if an applicant makes a cash payment in lieu of an affordable unit, there is a calculation for the subsidy. Alderman McLaughlin asked if the city is benefiting from the off-site building and said that he wants to discourage off-site building and wants the city to get extra money. Alderman Lafuente said off-site is a better option, as he feels that blending in working class families with transient millennials will not be a good mix. Alderman Connolly said that affordability problems will be outside Union Square and that off-site is not a bad idea. Alderman McLaughlin wants to be sure the units get built and he wants to prevent the "ghettoization" of neighborhoods.

Alderman Rossetti asked about the impact of the number of bedrooms with respect to affordable units. Mr. Proakis said that this developer will build more 3 bedroom affordable units than realized from prior developers. He said there is a holistic strategy to get the units the city wants. Alderman Niedergang doesn't feel certain about the 20% of 3 bedroom units and he'd like to raise that to 30%. He wouldn't support off-site affordable housing without certain circumstances and he wants off-site housing built at the same time as the receiving site. He also wants at least ½ of the affordable units at the generating site and at least 10% of the total units on the site. He doesn't want the tower to be an enclave for the wealthy. Alderman Sullivan is not a fan of off-site housing and said it doesn't make sense unless there is a compelling reason. Alderman White said that the parameters of off-site housing need to be better defined and he doesn't want to preclude it because some folks may want to live off-site. Alderman Heuston gave examples of how space can be utilized for families as communal space. She also said that flexible space can be valuable. She would like to see innovative units as families evolve. Alderman Lafuente said the additional units the developers get are a benefit to the developer and the city. Alderman White asked if the off-site requires a public hearing and Mr. Proakis said it requires a special permit which requires a public hearing. Alderman Rossetti asked about the timing of granting a certificate of occupancy with respect to finishing affordable units. Alderman Heuston said she wants to be able to place Somerville residents in the lottery and Mr. Proakis said Somerville residents get placed in the first lottery pool.

Alderman White cancelled tomorrow's special meeting of the BOA. The scheduled Land Use Committee meeting will take place. The covenant deadline has been extended to June 8th. A revised FY-18 budget meeting schedule will be sent out. The mayor told members that there are decisions that must be made for investment purposes, therefore, the dates are critical.

Handouts:

- Union Sq Zoning Draft - 5-30-17 (with 202853)
- Proposed Zoning Amendments by Ald. Ballantyne (with 202853)