Madalyn Letellier

From: [redacted]
Sent: Tuesday, May 13, 2025 2:19 PM
To: Public Comments; Matthew McLaughlin; Ben Ewen-Campen; Lance Davis; Naima Sait; Jake Wilson; Planning1
Subject: Citizen comment on Transit-zone Bonus for Affordable Housing -- #25-0085
Attachments: Citizen comment Transit-zoning bonus 25-0085.docx

Follow Up Flag: Follow up
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to the Land Use Committee:

The following material is submitted as citizen comment on the proposal to add to the Zoning Ordinance a bonus for affordable housing in the Transit-oriented District.

Thanks for your attention
Bill Valletta
[redacted] (Brickbottom)

Memorandum
To: City Council Land Use Committee; Somerville Planning Board, OSPCD
From: Bill Valletta (Brickbottom resident, urban planner/attorney)
Date: 12 May 25
Subject: **Citizen Comment on the Council Proposal for a Bonus Mechanism for Housing Developments in Transit-Oriented Zones -- #25-0085**

Thank you for the opportunity to comment on the proposal. I have been following your deliberations at the committee meetings of April 3, April 17 and May 1. I have prepared the following report as both a review of, and a supplement to, the data that you have received from the Zoning Analyst and OSPCD planners.

Introduction

In January 2025, members of the Somerville City Council directed the city's planning staff to undertake a study and prepare amendments to the Zoning Ordinance for "transit-oriented height and density bonuses for additional affordable housing and other enumerated community benefits." (City Council #25-0085)[1]

In response, at the meetings of the Land Use Committee in April and early May, the planners have presented data and analysis:

(a) looking at the actions of zoning map changes ("up-zonings" and "down-zonings") during the revision of the Zoning Ordinance and afterwards,
(b) making reference to transit-oriented high density zoning mechanisms recently adopted by three other cities;
(c) calculating the numbers of permits issued for residential improvements and new construction; and
(d) raising further questions about tools, such as a "bonus" that might be added to the Zoning Ordinance to encourage more housing production.[2]

The council members and city staff have not yet reached any conclusions about what this data may mean or how to address the key questions. This Memorandum, therefore, presents a critique and supplement to the work of the planning staff. While their data on zoning actions and permits appears to be a useful starting point, a more fine-grained review and classification of the data should help to illuminate the issues. This memo, therefore, is structured with seven parts:

(1) The problems that the city's planners and leadership hope to remedy by adding a "bonus" for developments in the transit-oriented districts;
(2) The data on permits for residential buildings and housing units;
(3) The data on Up-zonings and Down-zonings;
(4) Supplementary data on housing development in Transit-Zones before and after 12/2019;
(5) Transit-zone aggregates of zoning and permitting data;

[1] This Order revived an idea that had been discussed before by the Council in 2023, but was not acted upon in that year. (CC#23-0612)
[2] Minutes of the meeting of the Council land Use Committee of 3 April 25; CC#25-0085.

(6) Existing bonus mechanism in the Affordable Housing Overlay District and similar alternatives mechanisms;
(7) Conclusions

Part 1: Clarifying the problems that the city's planners and leaders hope to remedy with a zoning "bonus" of height, scale and density in the transit-oriented districts;

For many decades the planning profession in the US has offered theories and methods for municipalities to apply strategically their regulatory and management powers in order to achieve positive economic impacts from development, in addition to limiting protections. Under the broad idea of "smart growth," the planners have created an array of "tools" that try to combine the authorities of zoning, redevelopment, city contracting, and disposition of public assets and credit. These tools are expected to encourage developers and property owners to build more housing units, locate them in transit-oriented zones, offer more units at affordable rents/prices, and contribute to public improvements.

Somerville's planners and political leadership have been enthusiastic advocates for the "smart growth" methods and they have already added to the city's Zoning Ordinance many of the mechanisms, recommended by the American Planning Association, the regional Metropolitan Area Planning Council, and housing advocacy groups.

In particular, when they drafted the revised Zoning Ordinance, adopted in December 2019, Somerville's planners ended the traditional system of standard residential, commercial and industrial zones with "by right" application of use and dimensional standards. They created a system of non-standard special districts, with overlay zones, master plan areas, etc., and with use and dimensional standards to be measured "contextually." They expanded review and approval processes, requiring most projects to pass through discretionary special permit, site plan and urban design reviews and be subject to conditions, mitigations, and "voluntary" contributions.

The planners' promise has been that zoning decisions and projects will be highly responsive to public and neighborhood needs. Zoning actions would result in the sharing of gains in property value, which the zoning tools would create.

Order #25-0085, therefore, is an attempt by the Land Use Committee to determine how this activity of "smart growth" zoning is progressing. Are the expectations being fulfilled? Are there adjustments or additional "tools" that should be added to advance the goals of housing production, housing affordability and neighborhood improvements?

In responding to the City Council members Order, the planning staff has put on the record two compilations of data and analysis:

- the numbers of building permits and permits for new dwelling units that have been issued since 12/2019; and
- the numbers and categorical types of zoning map changes that have been made during the process of zoning revision (2015-2019) and afterwards (2019-2024).

This report look critically at each of these data sets and adds supplementary detail on the projects and actions that are recorded.

The City Council's exercise of oversight of zoning process is timely because we are now facing a shift in the cycles of regional economic investment and the real estate market. The assumptions of demand and supply and of the economic impacts of regulation and public investment, which guided planning for a decade, now are changing. Therefore, this report reviews the data in light of the broad picture of economic trends.

Part 2: Reviewing the data on permits for residential buildings and housing units

The data on the issuance of building permits for housing improvements, generally, and for buildings with new housing units, appears in the planners' presentation dated 1 May 2025. It estimates that since 12/2019, for all categories of construction and repairs, the number of permits has been about 2,000 per year with a peak of 2,123 in calendar year 2021. The 2,000 figure counts one permit for each project of any size.

From the universe of permits for all types of construction, the planners have drawn a subset of residential projects that are new construction and that add units to the housing stock:[3]

Table 1.A: Net new Dwelling Units permitted since 2019

Source: Presentation of OSPCD staff at Land Use Committee meeting 05/01/2025

2019	11*	**Permits issued from 12 December to 31 December 2019 only*
2020	435	
2021	818	
2022	310	
2023	268	
2024	264	
TOTAL	**2,106**	

What do these numbers signify as an indicator of progress in meeting housing need? The question may be answered by comparing them to the numerical goals for housing growth set in Somer Vision and by comparing this data on building permits to compilations of alternative data – certificates of occupancy and census housing counts.

Somer Vision goals and data

In 2012, Somer Vision set the goal of creating 6,000 housing units over the period 2012 to 2030 and the goal of 1,200 units (20%) as the component of affordable units. This would be an average of 333 new units per year.

In 2019, the Somer Vision Progress Report showed the numbers of units created in the years before the Zoning revision:

[3] The precise methodology used has not been explained, but presumably, the data set assembled all new construction residential permits and multiplied each by the number of units it created, subtracting from the number any previously existing units that were removed and replaced. The result has been titled Net New Dwelling Units.

Table 1.B: Housing Units Created (2015-2019)

Source: Somer Vision Progress Report (January 2019)

Year	2015	2016	2017	2018	2019	Five-year total
New units	64	220	75	707	*354**	1,420

The Table shows that, on average, 284 units per year were created, falling somewhat short of the Somer Vision goal of 333 units on average. However, the numbers were accelerating.

For the five years after 2019, the numbers in Table 1.A, above, show an acceleration of permits with a 2,106 total. This average of 421 units per year exceeds Somer Vision.

Housing Needs Assessment – community census data

Every five years the OSPCD compiles housing production numbers for the Housing Needs Assessment Report, which goes to HUD as the substantiation for federal grants. The numbers of units are calculated from the American Community Survey, which records the number of units occupied by renters and owners, and categorizes the units in the types of buildings – single-family, multi-family… The recent Somerville reports show the census data from 2016 and 2022. New numbers are being compiled in 2025 for the next submission.

Table 1.C: Total Housing Stock by types of units*

Source: Somerville Housing Market Analysis – HUD Five-year Plans

	Baseline 2015		**Baseline 2022**	Differences 2015-2022			Units added 2022-2024
Total housing stock	**31,555***		**37,054**				*38,450 est*
--Rental units	20,657		24,807				--
--Owner units	10,867		11,194				--
TOTAL Stock	32,743*		37,054	4,311	13%		1,396
--Single family	4,911		5,801	890	15%		5
--2, 3 and 4 family	19,861		20,209	348	2%		17
--multifamily 5-19 DU	3,901		4,918	1,017	26%		181
--multifamily 20+DU**	4,040		6,064	2,024	50%		1,193
Affordable units	3,341*		3,907	566			
Baseline data reported in the Housing Market Analysis of the Five Year Plans							
Baseline ACS 2022 – HUD Five Year Plan at page 65							
**Estimate April 2023: Somerville had 250 multi-family residential buildings with 6,600 units and 1,200 more units currently in construction or in planning – quotation from RfQ for 90 Washington Street							

This Table appears to show a more aggressive and successful production of housing units during the period it measures – straddling the key year of 2019. It shows a growth of the total stock of 4,311 units with an affordable component of 566 new units. The yearly average production of new units for the six years calculates to 718 units – a far larger estimate than the other Tables show.

Probably the greater volume of units in this compilation results from its counting of units of all types that are available for occupancy – including units that have been re-constructed or transformed into condo's after periods of vacancy and turnover.

Certificate of Occupancy data

A final alternative compilation and calculation of new housing unit production can be found in the subset of the permit data that specifies the Certificates of Occupancy issued. This is probably the most accurate accounting of new units that expand the housing market. It records the buildings and units which have finally passed through all the stages of review, permitting, financing and construction, and are ready for lease or sale (or for the affordable unit lottery). Some projects that have received zoning approvals or permits may stall or get delayed in design, construction or financing.

Table 1.C: New Dwelling Units Given Certificates of Occupancy Each Year

Source: Citizenserve online portal – Certificate of Occupancy database

		2017	2018	2019		2020	2021	2022	2023	2024	2025*
Units added to 1,2,3 or 4 family		18	9	11		21	45	1		4	4
New construction 1 to 4 family		19	17	6		9	10	--	8	9	
New multi-family mid-scale (5-50)		14	65	71		48	27	65	49	126	29
New large-scale (50+)		--	447	--		--	500	479	655	59	
TOTALS	**2,837**	51	538	88		78	627	545	712	198	-

On this table the eight year total of actually completed units is significantly fewer than shown on the other charts – 354 units per year. However, this is in line with the Somer Vision goal of 333 units per year and is a modest improvement over the pre-2019 average of 284 units (in Table 1.B).

Comparing Table 1.A with Table 1.C, the difference in the annual totals of permits and certificates of occupancy is seen:

	TOTAL	2017	2018	2019		2020	2021	2022	2023	2024	2025*
C of O – Table 1.C	**2,837**	51	538	88		78	627	545	712	198	-
Permits – Table 1.A	**2,106**			11		435	818	310	268	264	--

The differences are the result of lag of time between the dates of zoning approval of projects, the subsequent issuance of building permits, and the completion of construction with a C of O. For the typical mid-scale project this time line is four or five years. The numbers of units, shown to be added in 2021, 2022 and 2023 almost all have received their approvals and permits in 2019 or earlier.

Observations to be drawn from all the data

Taken together, these multiple measurements of housing production create the following general picture of activity during the years just before and just after the 12/2019 Zoning revision.

- Before the revision date, an accelerating number of units of new housing entered into the pipeline, primarily as a result of the approval of several large-scale housing projects in the PUD, CDSP or Master Plan zones. In parallel, a moderate number of smaller projects in the mid-scale zones were being processed each year at a somewhat steady rate (70 to 150 units).

- Just before the Zoning revision in the summer and fall of 2019, there was a push to get the projects, pending before the Planning Board, ZBA and Inspection Services Department, through the stages of process. This would fix their status and avoid full re-design and re-application under the new rules.

- After the date of Zoning revision in 12/2019, the "bulge" of approved and permitted projects has gradually moved forward to completion and Certificates of Occupancy in 2022 and 2023.

- New project applications that have flowed into the zoning and permitting processes under the Zoning Ordinance of 12/2019 (enumerated in Table 1.A) show a slowing momentum.

If we are looking to these permitting numbers to show that the Zoning Ordinance of 12/2019 has had a positive impact on new housing development, then the declining numbers of 2022, 2023 and 2024 in Table 1.A are disappointing. Perhaps they show how the investors and developers have been prescient, able to foresee early on that a downward cycle would be underway in 2025. Or perhaps they indicate that the revisions to the Zoning standards and procedures have, in fact, had little relevance to the calculations of project feasibility with or without higher levels of affordability.

The spatial arrangement of the permitting data

In addition to the numbers, the planners have presented a year-by-year series of the city's zoning map, each overlaid with the locations of the building permits issued that year. The images may be consulted to observe whether the behavior of developers/investors has followed the city's policy to cluster new housing and commercial activity at higher scale in the transit zones, squares and main street corridors. On review, however, these maps do not provide a clear picture because every permit application is marked with one "dot" on the map regardless of its size or type. There is no distinction between the small residential renovations, scattered all over town, and any larger-scale projects, which probably are clustering, as intended.

To conduct a project location analysis, therefore, it is necessary to assemble detailed data, which is done below in the following sections of this report.

Part 3: Reviewing the data on "Up-zonings" and "Down-zonings"

For the Land Use Committee meeting of 3 April 2025, the city planners assembled a set of data and maps to show the proposed actions of up-zoning and down-zoning that were made during the period before the adoption of the revised Zoning Ordinance in 12/2019.

Specifically, they presented the draft maps of each area of the city as proposed in 2017 with comparison to the final Zoning Maps, adopted in 12/2019 and subsequently amended to 2022. From these comparisons, they derived the numbers of parcels that gained higher potential development – height, floor area, and density than originally proposed – and the numbers of parcels that ended up with less development potential. The summary of the data is shown here in Table 3A and the detailed data is organized and supplemented in Appendix 1, below.)

Table 3.A: Summary of Data on Up-Zonings and Down Zonings

Source: Presentation of OSPCD to Council Land Use Committee, #25-0085, 3 April 2025

Category	parcels	
TOTAL changes to zoning map	883	
Up-zone of NR to UR Residential	405	
Up-zone of Mid-Rise Residential	190	
Down-zone Mid-Rise Residential	(135)	
Residential to Commercial/Civic	(134)	
Commercial to Commercial	19	
Note: Total parcels in the city	*10,000 est.*	

Listening to the discussion of this data on 3 April 2025, it was unclear what insights the planners and councilors expect to draw from it. The zoning analyst stated several times that the 2017 data might be read as indicators of "opportunities" to gain greater density and higher scale. Further, she suggested that the 2017 maps were a record of "past proposals" from which the locations and the types of up-zonings, requested then, may be re-visited today. In their comments, the councilors appeared to be seeking guidance on how to achieve some of the "up-zonings" that were proposed but not realized in 2019.

For the continued committee deliberations on 1 May, the planners presented more data, showing all the requests for re-zoning made in the years 2020-2024. A categorical summary is shown as follows:

Table 3.B: Zoning Map Amendments filed since 2019

Source: Presentation of planning staff to City Council Land Use Committee 1 May 2025, #25-0085

	2020	2021	2022	2023	2024	TOTAL
Up-zoning granted						
Up-zoning NR to UR granted	1		1		1	3
Up-zoning commercial or civic to UR	1					1
Up-zoning UR to Mid-Rise			1			1
Up-zoning MR-4 to MR-5	6					6
Up-zoning NR to MR-6					1	1
Up-zoning MR-4 to MR-6		1			1	2
Up-zoning MR-5 to MR-6					1	1
Up-zoning denied or not pursued		3	2	4	4	13
Down-zoning UR to NR			1			1
Residence to commercial or civic		1			1	2
Downzoning MR-5 to MR-4		1				1
Down-zoning Mid-Rise to UR or NR			1	1		2
Down-zoning not pursued			5			5

This Table lists, over the five year period, a total of 15 successful applications for up-zoning, 13 applications that were withdrawn or denied, and 11 applications for down-zoning of which 5 were denied.

Unfortunately, the data does not appear to be meaningful in addressing the question of how to boost production, affordability or the clustering of density near transit. This is largely because the applications listed are too recent and only one project, based on a re-zoning has so

far moved successfully through the stages to successful completion. This limitation is evident in Table 3.C, which shows the current status of each of the residential projects that were listed in the planning staff presentation of 1 May 2025.

Table 3.C: Re-zoning Actions involving Residential Parcels/Projects with expanded data from other city permit and planning sources

			Date of approval	Units Total/afford		Status in 2025
2020						
#21-0169	31 Tufts St	CIV to UR	10/06/21	16	16	Occupied
#21-0185	56 Murdock St	NR to UR	--	--	--	Repair permit only 12/2021
#21-0364	Medford St –School/Marshal	MR4-MR6		--	--	--
2021						
#21-2541	299 Broadway/15 Temple	MR-3/5 to MR-4/6 MGL 40B	11/--/21 12/18/24	316	135	Design/finance underway
2022						
#21-2744 #21-2916	383 Broadway	UR to MR5	03/24/22	--	--	Building alteration permits only in the record
#21-3007	86 Prospect St	UR to MR5	Denied	--	--	--
#21-3008	125 Lowell	NR to UR	10/16/18	20		No information
#22-1031	82-84 Prospect St	MR5 to UR		29	--	New building permit 08/06/24
2023						
#22-1110 #23-1033	14 White Street Place Zero and 14 White St. Place	NR to MR4 to UR	Withdrawn Approved	--	--	--
#23-0634 #23-1605 #25-0269	295-297 Medford/Walnut	MR3 to MR5 MR3 to MR5 MR3 to MR4	Withdrawn Withdrawn 05/08/25	50	50	Design/finance underway
2024						
#23-1306	627 Somerville	NR-MR3	Withdrawn	--	--	--
#23-1617	563-565 Broadway	UR to MR4	Not act	--	--	--
#23-1810	234 and 236 Pearl Street	MR4 to MR6	Withdrawn	--	--	--
#24-0641	95-107 Highland, 136 School	UR/NR/MR5 to MR6	09/12/24	--	--	Pending
#24-0642	228-236 Pearl St	MR4 to MR6	09/12/24	--	--	Pending
#24-1367	501 Mystic Parkway	NR to UR	12/09/24	--	--	Pending

The only project, which gained its zoning approval and permits after 2019 and then has been able to complete, is the 16 unit residence at 31 Tufts Street. It gained development potential by the action of up-zoning from Civic to MR-3 and has been able to come to market with 100% affordable units. However, as a model by which to test the economic impact of the zone change on the affordability, the project poses complications. Its legal and financial organization has involved city assets transfer, subsidies, and non-profit sponsorship, along with other elements of financing and corporate/non-profit partnership. Therefore, isolating the contribution of the up-zoning to its economic feasibility requires a far more detailed study.

Similarly, the aggregate data is inadequate to compare the 15 projects that have been approved with the other 13 denied or withdrawn projects or the 11 down-zoned sites. Were there common factors of project size/scale, type, geographic location, or zone designation that can explain why some succeed and some fail or require alternative re-designation? The data, as presented, does not yield any insights.

In order to remedy the limitation of this data set, therefore, we would suggest two supplementary analyses:

- Expand the data on up-zonings and down-zonings to count the dwelling units involved (not just the single building permits) and count the projects that were up-zoned before 12/2019 as well as afterwards.

- Further expand the dataset to include projects that moved forward either "by right" or with straightforward site plan/special permit approvals. In this data sub-set focus particularly on the projects of Mid-Rise scale (10 to 100 units) that successfully reached the final stages of construction completion and occupancy.

It is among this list of actions and projects that we may find common patterns of the factors, such as location, scale or project types, which may be the decisive factors in enhancing affordability.

Method of calculating the numbers of dwelling units added (and subtracted) by zoning actions

In order to provide a more insightful picture of the trends, we have refined the data set on up-zoning and down-zonings (Table 3.A above) by multiplying each action by the number of units per parcel that the change would add or remove. This involves either: (a) a precise calculation if the re-zoning is for a specific project already proposed; (b) if the re-zoning application is generic with no proposed project, the highest number of units permitted in the new zone was calculated and the number of units permitted in the previous zone was subtracted. For example, if a parcel designated as UR with a potential maximum of 4 dwelling units is up-zoned to MR-4 with a potential of 10 units, the zoning action is calculated as a positive gain of 6 potential new units. The full analysis is shown in the Appendix, below

Summary Table 3.C: Potential housing units added (subtracted)
Somerville Zoning Ordinance (2016-2024)

Category	Parcels changed	Units gained/ (lost)	
TOTAL changes to zoning map	883	(1,560)	
Up-zone of NR to UR Residential	405	810	
Up-zone of Mid-Rise Residential	190	1,935	
Down-zone of Mid-Rise Residential	(135)	(1,185)	
Residential to Commercial/Civic	(134)	(3,120)	
Commercial to Commercial	19	--	
Note: Total parcels in the city	*10,000*		

What the numbers reveal is that the aggregate of up-zoning and down-zoning actions have resulted in a net reduction of the residential development potential in the city by over 1,500 housing units. This appears to contradict the policy statements of the planners and city leadership that the revised Zoning Ordinance has been written to achieve the goals of Somer Vision. These goals have been to provide more opportunities for residential developments of higher density and scale in the transit-oriented zones, while simultaneously protecting the

"contextual" scale of residential zones, encouraging more commercial (tax-paying and job-creating) developments and securing more land for open space.

What these numbers seem to show is that the city's leadership, planners, and advocacy groups have been more successful or more eager to use the tools of zoning process for the goals, other than encouraging housing production overall. The question remains whether the subsidiary goal of enhancing opportunities for more housing at higher scale and density in the transit zones has been served, even if the goal of increasing residential development potential overall has fallen short?

For this analysis, it is necessary to further re-organize the data by aggregating the zoning actions (before and after 12/2019) into the pertinent Transit Zones.

Part 4: Supplementary data on housing development in Transit-zones before and after 12/2019

In the presentation to the Land Use Committee on 3 April 25, the geographical location data of permits was shown visually as dots on the map. For this further analysis, we have adjusted the data in several ways:

- Each permit dot, representing a residential new development permit/zoning application has been re-stated and listed by address;
- The projects/applications have been re-grouped by location to aggregate all the actions in each of the seven transit-zones (shown on the transit "walkable" distance maps);
- Projects/applications located beyond the walkable distances have been omitted.

The following Table is a summary of the resulting dataset of zone-by-zone aggregates, which is expanded in the subsequent Part 5, below.

Table 4: New Housing approved under Zoning

	Before 12/2019		After 12/2019		Built by 2025
Applications/projects	40		54		
Units approved	2,492		806*		
--Affordable units	634**				
Method of approval					
Plan Board: SP under CDSP/PUD	6	1,848	1	8	
Plan Board: SP and SR (site plan)	5	206	12	222	
By right	1	1	14	195	
ZBA: SP and variances	27	371	3	1	
City Council: Rezoning for project	--	--	8	365	
City Council: Rezoning w/o project	--	--	16	--	--
*Note: Not included are projects now in preliminary planning with no zoning or permit applications filed by March 2025					
**Note: Estimate drawn from housing lottery data and ZBA/Plan Board reports (which are inconsistent in timing and in providing inclusion/affordable data).					

A basic assumption of this analysis is that, during both periods -- from 2016 through 2019 and from 2020 through 2024 -- economic conditions were similar, with steady growth of investment, jobs and income in the main sectors of the regional economy and with low interest

rates and steady real estate value gains. Thus, any measurable changes in the overall activity of residential development in the city are likely attributable to non-economic factors. Such factors may have included the changes in Zoning methods and standards. From this perspective, the following Observations can be drawn from the aggregate data:

Observation 1: There appears to be substantial difference between the total numbers of units, given city approvals/permits before 2020, and the total units approved after 2020.

On closer consideration, however, this observation seems inaccurate because the pre-2019 data includes the four large buildings in Assembly Square, which totaled 1,848 units. They were the outcome of multi-year processes of Urban Renewal – first approved by the PUD plan of 2006, and subsequently designed, reviewed and permitted through the Master Developer and public land disposition contracts, the land consolidation approvals, the PUD zoning, etc. These building completed construction and were occupied only in 2022 and 2023.

Removing the Assembly Square projects allows the comparison of the residential projects that are in the mid-scale zones Mid-Rise and UR zoning standards and procedures. Before 2019, 644 units in 36 projects gained zoning approval, while after 2020, 806 units in 54 projects have been approved/permitted. This balanced result implies that for the routine mid-range applications, the revised zoning had no significant impact, positive or negative, on the momentum of zoning/permitting or the encouragement of development. On an aggregate basis, the factors of investment, real estate demand and regional economic sector growth and change remained the dominant factors, influencing development decision-making.

Observation 2: In the subcategory of routine projects that were subject to Planning Board Special Permit and Site Plan reviews, a nearly equal number of units were approved (206 before and 222 after).

The same trend of an equal number of units reviewed and permitted before and after is seen in this sub-category. However, before 12/2019, these units were in larger scale buildings -- five projects averaging 40 units apiece were approved. Afterwards the 12 projects approved had an average of 18 units apiece. Could this difference have been the result of the Zoning Ordinance revisions?

The revised Zoning Ordinance did not substantially change the substance of special permit and site plan review procedures applied to these projects and standards requirements that applied to these projects did not change significantly in 2019. In the new Zoning Ordinance, neither the jurisdiction of the Planning Board nor the methods or processes for review and approval were rewritten – except for the added pre-application activity of neighborhood meetings, staff reviews and City Councilor ward boss oversight. Similarly, the substantive content of Planning Board review and conditionality did not change – the issues of each project's compatibility with plans and with neighborhood "context" and the impacts on traffic and pedestrian circulation, environmental factors, etc. were the same.

Perhaps the reason for the smaller scale of the post-2019 projects was that the larger, more prominent project sites in the transit zones attracted investor/developer interests earlier in

the period when the T-station work was underway. The later projects moved on the smaller and less prominent sites.

Observation 3: The category of "by right" project approvals shows a significant change, which was promised by the planners.

Under the Zoning Ordinance before 12/2019 virtually no projects of new construction escaped discretionary zoning process because every parcel in the city was non-complying in one way or another with the zoning dimensional and use standards. Thus every alteration of a two or three family house and every proposal for a four to ten unit multi-family building required special permit waivers and variances.

The city's staff planners were able to fix this situation in the revised Zoning Code, making it unnecessary for many homeowners to seek ZBA approvals for small alterations or expansions with decks, dormer windows, attics and basement improvements. They also added backyard cottages and similar ADU as permitted uses. The category of "by right" approvals shown in this chart confirms that these new mechanisms are being successfully used by some home-owners and developers of modest size apartment projects.

Observation 4: Under the category of ZBA actions, it appears that 2019 Zoning Ordinance has effectively removed ZBA jurisdiction from the activity of reviewing and permitting new residential developments.

The board has retained the responsibility for small scale special permits and variances for housing alterations and renovations. These cases show up regularly on the board's bi-monthly meeting agendas. The ZBA has lost jurisdiction over the applications for the mid-scale new residential developments that used to be considered to have a detailed technical focus. Now, the city favors political discretion, non-technical "community" input, and methods of horse-trading for amenities and benefits as the deciding content of these project reviews.

Observation 5: The shift away from limited technical project review to discretionary content and horse trading is most clearly seen in the categories of City Council zoning text and map changes.

In the four years before 2020, there were no applications for re-zonings. The likely explanation is that the revision of the text and map in total was underway; therefore, owners and investors chose to wait and to influence informally the re-drafting to accomplish the projects they had in mind. However, even before 2015, text and map changes were rare and projects routinely moved through the ZBA and Planning Board procedures, rather than re-zonings.

What appears to have been the most significant change in the 12/2019 Zoning revision was the choice of the planners to fix on the zoning map the zone designations that matched the existing "as built" status of every parcel, rather than a future redevelopment status for all the parcels on a block or frontage.[4] Theoretically, this parcel-by-parcel zoning was done to

[4] The dataset of "up-zonings" and "down-zonings" shown by the compared 2017 draft maps and 2022 final approved maps, presented to the City Council on 1 May, is the illustration of this planning/regulatory approach.

eliminate the near universal non-conformity and non-compliance. But its practical impact was to fragment the map into hundreds of single parcel or two/three parcel zones and to keep in low-scale zones many parcels, which were anticipated to redevelop at higher scale. This included even the parcels in the transit-oriented "smart growth" areas.

Part 5: Transit-Zone Aggregates of Zoning and Permitting Data

When the total numbers of housing units approved before and after 12/2019 are re-organized into transit zone aggregates, the numbers reveal significant variability zone-to-zone in the types of applications and the mechanisms of zoning that are requested, as well as the results achieved. This is a surprising picture because, the economic conditions and technical construction and design methods do not vary zone-to-zone in a city as small as Somerville. Similarly, there are no obvious factors of urban spatial, functional, or planning policy, which appear to correlate with these differences in zoning methods and outcomes.

Table 5: Housing Units approved in Zones of the City of Somerville

Union Square

Category	Pre-12/2019 zoning		After 12/2019 zoning		
Number of projects/actions	12 projects		14 projects/actions		
Total units approved	632 DU		203 DU (38 afford)		
Method	Projects	Units Built	projects	Units approved	Units Built '25
--Plan Board SP under CDSP	2	450	--	--	--
--Plan Board SP and SR	3	108	3	110	69
--ZBA SP or variances	6	73	--	--	--
--by right	1	1	3	54	19
--CC rezoning for a project	--	--	1	29	--
--CC rezone w/o project design	--	--	7	--	--
Actions adding floor area above zone standard	3 Hawkins Street is a Passive House that gains increase of units from 44 to 59 DU and 3.86 FAR				

East Somerville

Category	Before 12/2019		After 12/2019		
Number of projects/actions	6 projects		4 projects/actions		
Total units approved	276 DU (45 afford)		31 DU (18 afford)		
Method	Projects	Units Built	Projects /actions	Units approved	Units Built
--Plan Board SP and SR	--		1	15	--
--ZBA SP or variances	5	228	--	--	--
--by right	--		--	--	--
--CC rezone for a project	--		1	16	16
--CC rezone w/o project design	--		2	--	--

Gilman Square

Category	Before 12/2019		After 12/2019		
Number of projects/actions	1 project		9 projects/actions		
Total units approved	19 DU (-- afford)		7 DU		
Method of	Projects	Units Built	Projects	Units approved	Units Built
--Plan Board SP and SR	--		--	--	--
--ZBA SP or variances	1	19	2	--	--
--by right	--	--	--	--	--
--CC rezone for a project	--	--	1	--	--
--CC rezone w/o project design	--	--	6	--	--

Magoun Square

Category	Before 12/2019		After 12/2019		
Number of projects/actions	10		9 projects/actions		
Total units approved	47		71		
Method of	Projects	New units Built	Projects	Units approved	New units Built
--Plan Board SP and SR	--	--	3	34	--
--ZBA SP or variances	10	29	--	--	--
--by right	--	--	5	39	5
--CC rezone for a project	--	--	--	--	--
--CC rezone w/o project design	--	--	1	--	--

Ball Square

Category	Before 12/2019		After 12/2019		
Number of projects/actions	2		1		
Total units approved	10		28 (5 aff)		
Method	Projects	Units Built	Projects	Units approved	Units Built
--Plan Board SP and SR	--	--	1	28	--
--ZBA SP or variances	2	3	--		
--by right	--	--	--		
--City Council rezoning	--	--	--		
--CC rezone w/o project design	--	--	--		

Medford/Tufts

No planning or permitting applications for new residential construction

Davis Square

Category	Before 12/2019		After 12/2019		
Number of projects/actions	3		8		
New units approved	12		51		
--Affordable units					
Method of	Projects	Units Built	Projects	Units approved	Units Built
--Plan Board SP and SPA	--	--	3	35	--
--ZBA SP or variances	3	12	1	1	--
--by right	--	--	4	15	5
--City Council rezoning	--	--	--		
--CC rezone w/o project design	--	--	--		

Assembly Square

Category	Before 12/2019		After 12/2019		
Number of projects/actions	4		1		
New units approved	1,398 (220 afford)		8 (1 afford)		
Method of	Projects	Units Built	Projects	Units approved	Units Built
--SPSR under PUD/PMP	4	1,398	1	8	--
--Plan Board SP and SPA	--		--		
--ZBA SP or variances	--		--		
--by right	--		--		
--City Council rezoning	--		--		
--CC rezone w/o project design	--		--		

Porter Square Transit Zone
Only one application filed in 2023 for residential rezoning, withdrawn

Projects outside of Transit zones

Category	Before 12/2019		After 12/2019		
Number of projects	2		8		
New units approved	98 (13 afford)		407 (153 afford)		
Method of	Projects	Units Built	Projects	Units approved	Units built
--Plan Board SP and SPA	2	98	1	--	--
--ZBA SP or variances	--		--	--	--
--by right	--		2	87	87
--City Council rezoning	--		5	320	5
--CC rezone w/o project design	--				

The fast and simplest explanation for the inconsistencies that these datasets reveal is that Somerville's zoning process is primarily driven by non-rational factors that are neither in the realm of economic, technical construction and design, nor planning and regulatory jurisdiction. The differences among zones could be attributed to: serendipity, politics, the mood of the "community" and level of activism in a neighborhood, the particular personalities and previous professional experience of the developers and property owners involved.

Part 6: Analysis of the Bonus in the Affordable Housing Overlay District and alternative mechanisms already available in Somerville's Zoning

A bonus mechanism, which encourages residential developments with affordable units beyond the 20% inclusionary requirement, has already been put into the Somerville Zoning Ordinance. The Affordable Housing Overlay District was added as Section 8.1.6 in June 2023. The regulation allows any development in an MR-3 or MR-4 zone to rise to a height of seven stories and to adjust other building dimensions with the condition that all of the dwelling units in the building (100%) are fixed as affordable.

Given the short time period since this Section has been in the text, no projects have yet been applied for, approved or built in accordance with its provisions. However, the 0.3 acre parcel at 295 Medford Street has recently been rezoned from MR-3 to MR-4 with the Affordable Housing Overlay specified. Its non-profit developer/owner is expected to seek approval for a residential building of 50 units that will rise to seven stories (using the bonus to exceed the base four-story limit of the MR-4 district).

Also in recent years, six other projects have been undertaken and two more have been proposed (but not yet made applications), using other tools of zoning and redevelopment law to achieve the same scenario – buildings with higher density or dimensions that accommodate a larger component of affordable units. The list of these projects is the following:

Table 5: Somerville Residential Development Projects, using mechanisms of zoning and redevelopment to gain increased height and unit count and achieve additional affordable units

Address	Zoning/permitting action applied for:	Units Total--afford--%	Other tools to achieve affordability	Status in April 2025

20/50 Prospect D2.2 Union Sq.	Urban Renewal and CDSP in Zoning Special District	324	90	38%	Inclusionary units plus accelerated construction of inclusionary units from later phases	Occupied
D4.3 Union Sq.	CDSP/Community Benefits Agreement	51	51			Design/finance feasibility stage
31 Tufts Street	Rezone CIV to UR by right	16	16	100%	Subsidies	Occupied
Clarendon I	MGL 40B	216	216	100%	Rehabilitation of public housing adding market units	In construction
Clarendon II	MGL 40B	375	168	45%		Design/finance
299 Broadway	MGL 40B in MR5	316	135	42%	Subsidies	Design/finance
14-16 Sewall	By right in UR	5-10 est.		100%	Subsidies	Design/finance
295-7 Medford	Rezone MR-3 to MR-4 with Affordable Overlay	50-60 est.		100%	Subsidies	Design/finance feasibility

Two observations can be drawn from the Table. First, the bonus is not the only mechanism by which a developer can achieve adjustments of height, density or building dimensions and incorporate more affordable units.

Second, for none of the listed projects does the specific zoning action stand alone. Each project, which expects to provide affordable units beyond 20%, involves a "package" of subsidies and other actions. The particular zoning action, which allows the adjustment of height, density, or building dimensions to accommodate the larger number units, contributes to the efficiency of the project and probably increases somewhat the property value on which financing is calculated. However, the added height, density or dimensional adjustments probably are not the decisive factors that make the project financially or functionally feasible.

This suggests that a adding another zoning bonus mechanism to be made available by right in some of the Mid-Rise zones will not speedily or significantly expand the stock of affordable units. At most it will have an incremental impact simply by being available for use in certain projects that are assembling a package of other actions and subsidies.

This does not rule out the need for or appropriateness of adding the bonus to a few Mid-Rise zones, but it does caution the planners, city leaders and housing advocates to refrain from exaggerating its importance.

Conclusions

The unresolved dilemma of how to achieve more housing production overall in Somerville and how to expand the components of affordable units in the housing stock are the results of the combination of regional economic conditions (outside the control of the city) as well as some glitches and inadequacies in the zoning, planning and permitting mechanisms. In confronting the issues of how to re-adjust the Zoning Ordinance to better encourage affordable housing production and achieve greater density and scale in transit-oriented zones, the city's planners and leadership must weigh advantage and risks.

On the one hand, the promise of "smart growth" theories is that there are more mechanisms – in particular bonus tools – that can be added to the zoning to encourage development at higher scale which balancing public and private interests. On the other hand, there is a risk that the addition of more complex and discretionary processes will add more time and cost to development projects, negating any positive impact and perhaps, pushing the economics of project feasibility over the limits of cost.

Universally, in Somerville and everywhere else, the history of zoning has involved the tension between the goal of getting more housing built, using zoning with less discretion and simpler procedures, against the goal of imposing more public control over the details of development to gain more protections, mitigations and conditions. The angst and unease of returning to a system of "by right" project permitting remain evident in the City Council discussions. Their interest in the idea of another "bonus" mechanism is an obvious attempt to achieve a compromise – to minimize opposition to height and density by neighbors and advocates through the guarantee of off-setting conditions of affordable units or other "amenities."

The underlying problem of this strategy of balancing the public/private benefits of development and sharing the property value gains that zoning actions may create, is that it only works in the peak years of a real estate cycle, when regional economic conditions and housing demand are high. As costs accumulate and demand weakens, the indirect force of zoning actions becomes irrelevant at best, and may even be recognized as obstacles to the accomplishment of any housing development.[5]

In conclusion, the record of zoning actions in Somerville both before and after 12/2019 do not provide strong substantiation for the addition to the zoning text of another complicated bonus mechanism.

[5] See Andrew Blinker, *The numbers should work and they just don't: Is Cambridge's affordable housing rule backfiring;* Boston GLOBE, Business section, *5 May 2025*

Appendix 1: Methodology for calculating the potential dwelling units added or lost by the rezoning actions before and after 12/2019

Average dwelling units per parcel

Zone designation	Units/ Parcel	Assumption: typical parcel size
NR	2	4,000 ft2
UR	4	
MR-3	6	5,000 ft2
MR-4	12	
MR-5	25	10,000 ft2
Mr-6	40	

Application of the Per Parcel Average to the Up-zoning and Down-Zoning Actions

Category	parcels	Unit gain/ parcel	Number parcels	Total units gain/loss
TOTAL changes to zoning map	883			
Up-zone of NR to UR Residential	**405**	**2**		**810**
Up-zone of Mid-Rise Residential	**190**			**1,935**
--NR to MR-3		4	8	32
--NR to MR-4		10	12	120
--NR to MR-5		23	11	230
--UR to MR-3		2	15	30
--UR to MR-4		8	12	48
--UR to MR-5		21	8	168
--MR-3 to MR-4		6	40	240
--MR-3 to MR-5		21	5	105
--MR-3 to MR-6		32	6	198
--MR-4 to MR-5		13	35	455
--MR-4 to MR-6		--	--	--
--MR-5 to MR-6		15	19	285
Commercial/civic to MR-4		12	2	24
Down-zone Mid-Rise Residential	**(135)**			**(1,185)**
--MR-6 to MR-3		(34)	1	(34)
--MR-6 to UR		(36)	1	(36)
--MR-5 to MR-4		(13)	1	(13)
--MR-5 to MR-3		(19)	6	(114)
--MR-5 to UR		(21)	7	(147)
--MR-5 to NR		(23)	7	(161)
--MR-4 to MR-3		(6)	20	(120)
--MR-4 to UR		(8)	17	(136)
--MR-4 to NR		(10)	28	(280)
--MR-3 to UR		(2)	4	(8)
--MR-3 to NR		(4)	34	(136)
Residential to Commercial/Civic	**(134)**			**(3,120)**
--NR		(2)	5	(10)
--UR		(4)	13	(52)
--MR-3		(6)	8	(48)
--MR-4		(12)	120	(1,440)
--MR-5		(25)	42	(1,050)
--MR-6		(40)	13	(520)
Commercial to Commercial	19			
Note: Total parcels in the city	*10,000*			