



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

June 2, 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 8:03pm.

Others present: Dan Bartman - OSPCD; Kelly Donato - OSPCD; Ithzel Polanco-Cabadas - OSPCD; Mike Feloney – OSPCD

**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 introduced the proposal for an Affordable Housing Overlay District. The presentation can be found at [www.somervillezoning.com](http://www.somervillezoning.com) <<http://www.somervillezoning.com>>. There are a number of outstanding questions, but the department looks forward to continuing the conversation. Mr. Bartman shared that zoning can be a barrier to creating affordable housing, as it distorts what the market might want to provide, which is not necessarily bad but can have consequences related to housing production. Barriers to affordable housing in zoning include: Density Restrictions; Height Limitations; Dwelling Unit Requirements; Minimum Parking Requirements; and Required Permits. Ways to reduce these barriers could include: Stop Regulating Density, Permit Higher Density; Stop Regulating Height, Permit Additional Height; Do Not Regulate Dwelling Unit Characteristics; Do Not Require Parking; and Permit Development By-Right, Remove Special Permits. This version includes: permitting higher density; permitting additional height; not regulating dwelling unit characteristics; not requiring parking (in transit areas); and permitting development by-right. There were a number of considerations not included, with a particular concern for limiting the need for additional staff and caution about undermining other goals.

Mr. Bartman highlighted the goals of the zoning ordinance, noting that preserving affordable housing as well as the City's character are important. The intent of the Affordable Housing (AH) Overlay is: 1. To implement SomerVision 2. To increase the supply of deed-restricted affordable housing in the City 3. To located housing within walking distance of the activities customary to daily life. 4. To reduce

transportation costs & increase access to employment options for future residents. The purpose (how) will be to: 1. Permit higher density in Transit Areas 2. Require more ADUs than in base zoning districts.

The transit areas can be understood as a donut, with the inner ring being the donut hole and the outer ring the donut. The half mile area is the outer ring, with the inner ring being a quarter mile from a transit station. The concept of gentle density is effectively disguising additional units within buildings (attics, basement, backyard cottages), maintaining the same dimensional standards.

The proposals for the various types of districts are as follows:

NR in ½ Mile Transit Area: House: 4 ADU, 4 DU/Lot; Semi-Detached House: 4 ADU, 4 DU/Lot; Triple Decker: by right, 4 ADU, 4 DU/Lot; Backyard Cottage: by right, 1 ADU

UR in ½ Mile Transit Area: Semi-Detached Triple Decker: 4 ADU, 4 DU/Lot; Multiplex: 8 ADU; Existing apartment houses and apartment buildings provide ADUs only for additional DU provided over existing

For MR/HR in ½ Mile Transit Area: Dwelling Units: Apartment Building: Unlimited DUs; General Building: Unlimited DUs; ADUs: MR3: 50%; MR4: 66.25%; MR5: 82.5%; MR6/HR: 100%; Household Living: by-right; Existing apartment & general buildings provide ADUs only for additional DU provided over existing

NR in ¼ Mile Transit Area would include the above and also: Some UR types permitted: Semi-Detached Triple Decker: 4 ADU, 4 DU/Lot; Multiplex: 8 ADU

UR in ¼ Mile Transit Area would include the above and also: Row Houses: 2 ADU each (4-10); Apartment House: Unlimited ADUs; Apartment Building: Unlimited ADUs

MR/HR in ¼ Mile Transit Area would include the above and also: +1 Story/additional 16.5% ADUs

Mr. Bartman added that the affordable housing developer interviews are still ongoing.

Chair Ewen-Campen summarized that within the NR and UR Districts, the extra allowable options would only apply in situations where any additional units are 100% affordable. In MR and HR Districts, the allowances would require a much higher percentage of units to be affordable. Otherwise, the base zoning ordinance would apply.

Councilor Niedergang noted that the density in these cores (transit oriented areas) will be significantly impacted, and Mr. Bartman noted that there will still be limiting factors and the intent of the districts will be preserved, but this will shift more of the density toward affordable options. Councilor Niedergang also asked about parking restrictions in transit oriented areas, which do not apply to the NR District, and which also exempt affordable units. Mr. Bartman elaborated that the ability of an ADU to get on-street parking is by request, rather than automatic, which may limit the number, but parking considerations will be a more in-depth conversation.

Chair Ewen-Campen commented that it seems that this is primarily targeted at affordable housing developers. Mr. Bartman elaborated that most market-rate developers don't work with 100% affordable buildings. More affordable housing developers are also including some market-rate units in their developments to alleviate some financing hurdles, but that doesn't generally work in reverse. The interviews have been more general to ascertain what is preventing developers from building more affordable housing. Mr. Feloney added that there are some instances where for-profit developers do 100% affordable projects, such as the city-owned parcel on Tufts Street, but it is more an exception. Councilor McLaughlin reiterated that understanding the threshold for for-profit developers to build more affordable housing is important, as the amount of non-profit development is limited. There was discussion about concentrations of poverty in 100% affordable buildings, and Mr. Feloney noted that the

concern is valid, but the movement toward this is less worrisome in the current climate of the real estate market.

Councilors Niedergang and McLaughlin suggested more refinement before presenting this for a public hearing. Councilor White agreed and encouraged more clarification on the website for residents looking to review the proposal on their own. Chair Ewen-Campen encouraged Councilors to share with their networks and get feedback.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**209651: That the Director of SPCD enable owner-occupants who build 3rd units in Neighborhood Residential zones to select their own tenants, as long as they are income-qualified, instead of tenants from the City inclusionary housing list, and verify to this Council that this option is in place.**

Chair Ewen-Campen remarked that this was a discussion introduced during the overlay process, and is a policy handled by the Housing Division. Councilor Niedergang shared that the concern is that the City wants affordable units to be built, but owner-occupants may be hesitant to accept tenants that they do not have control or choice of. It would be a close living experience and the goal is to get more of the affordable third units built by allowing discretion for owner-occupants. Councilor Niedergang emphasized that this would not apply to absentee landlords.

Ms. Donato noted that this is in the early stages of consideration, and the Housing Division is seeking some clarity around the relationship to the condo conversion discussion, and whether there would be an exception on filling the units from the waiting list where there is a condo conversion. Councilor Davis clarified that this would be a situation where the owner lives in one condominium but is selling the others in the building, and the units sold could be to anyone regardless of the waiting list. Chair Ewen-Campen elaborated that if someone who intends to be an owner-occupant buys a 1-2 unit building in an NR district, then decides to add a third unit and convert the units to condominiums and sell the others, property owners will be more likely to create an affordable unit if they can select a buyer. If they are unable to find a qualified buyer in this situation, they could approach the city for assistance.

Councilor Davis agreed that the relationship among residents in a condo is a close one, and anything that would encourage adding more affordable units should be considered. He added that keeping the process user-friendly to encourage this creation is important, noting that the buyers would still need to meet the requirements of the affordable housing program.

Councilor White asked whether the units would need to remain affordable in perpetuity, or for some fixed amount of time, before they could be converted. Councilor Davis detailed that this could work if the owner who creates the third unit will be required to still live there in order to choose the owner of the affordable unit. If that original owner-occupant leaves, any future owner would come from the list. Councilor White noted that once the association is created, there is no longer an owner-occupant to select the entity for another unit, each owner would control their specific unit.

Chair Ewen-Campen clarified that the policy is a work in progress and requested that the Housing Division continue that work and provide and update at a future meeting.

**RESULT:**

**KEPT IN COMMITTEE**

**Handouts:**

- 20200602 LUC\_reduced (with 209478)
- Affordable Housing Overlay District (with 209478)