



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

April 2, 2019
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
William A. White Jr.	Vice Chair	Present	
Katjana Ballantyne	Ward Seven City Councilor	Present	
Stephanie Hirsch	City Councilor At Large	Present	
Mary Jo Rossetti	City Councilor at Large	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	
Mark Niedergang	Ward Five City Councilor	Present	
Wilfred N. Mbah	City Councilor at Large	Present	
Matthew McLaughlin	Ward One City Councilor	Absent	

The meeting was held in the Council Chamber and was called to order by Chairman Davis at 6:07pm and adjourned at 9:25pm.

Others present: Dan Bartman - OSPCD; Fred Berman; Wig Zamore; Kimberly Wells - Assistant Clerk of Committees

Councilor McLaughlin was absent as he was attending a previously scheduled community meeting.

Approval of the March 5, 2019 Minutes

RESULT:	ACCEPTED
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206747: Requesting the adoption of a New Zoning Ordinance (9/2018 update) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.

Chairman Davis began by introducing the process for the zoning overhaul discussions and noted that the plan for this meeting is to discuss the NR and UR zones and nonconforming structures. The upcoming schedule includes meetings on open space (April 22), parking (April 30) and affordable housing (May 14), with the potential for additional topics to follow. Mr. Bartman clarified that the parking conversation should involve the parking consultant and they will need to be notified in advance; other topics can be discussed when meeting time permits. Councilor Niedergang mentioned that there are many amendments that have been proposed that will need to be discussed as well. Councilor Hirsch expressed a desire to begin the conversation on affordable housing as soon as possible.

Mr. Bartman shared slides, which can be found at www.somervillezoning.com, designed to present a number of questions for consideration by the Council. The goal is to consider each building type and make determinations accordingly. The first question focused on the number of dwelling units allowable, and the determination of this is based on both the existing SZO and the lot area - both criteria must be met. 10% of the RB district can have 3 units, because of these two density metrics, allowing for an additional 842 units. In the RA district, an additional 317 dwelling units could be possible. Councilor Scott confirmed that, by right, this means that 3% of the city's housing could be added. This is the floor, based on where the ordinance stands today.

Councilor Ewen-Campen asked if 6-10% of the buildings having room for expansion is the norm. Mr. Bartman does not have readily available statistics on density. Mr. Bartman also noted that people are regularly turned away because they do not meet both criteria for adding additional dwelling units. Councilor Hirsch noted that her preference is to roll back the by right and require an affordable housing contribution for ANY new units added. President Ballantyne also added that it is important to consider our housing goals in the context of our population goals and sometimes adding a unit is not the way to add more liveable space. Councilor Niedergang responded that there are amendments to prevent making apartments smaller, such that they would be unable to house families. Councilor White commented on the number of single-family buildings, which is among the lowest of the surrounding communities, and wondered if those seeking to add a new unit are generally property owners or developers. Mr. Bartman anecdotally sees more homeowners, but this could also be because the developers are working through other avenues.

The detached house is the most prevalent building type in the NR districts. The majority of these have 2 units. The first question posed was whether the detached houses should be permitted to have a third unit at all. There was no noted opposition to this allowance. Councilor Niedergang shared his thoughts that there should be some number of additional units, but he is unsure what that number is. We should start small and consider increasing it if it works.

The subsequent questions were: If a third unit is permitted, should it be a deed restricted affordable dwelling unit (ADU)?; If an ADU is permitted as a third unit, what price should it be set at and should it be subject to the affordable housing lottery? Councilor White clarified that the lot area metric is no longer relevant and Mr. Bartman concurred that the size of the building is the relevant metric. Councilor Scott wondered if this would incentivize micro-units. Councilor Niedergang introduced a proposal from he and Mr. Berman that would make a third unit deed restricted, targeted at middle-income people. He added that we should be judicious about what we allow, while being willing to make changes to expand if things are working. Councilor Hirsch wondered how these affordable housing opportunities might include families with children. Councilor Ewen-Campen noted that the community seems to want to conserve development in the NR districts, with the exception of building affordable housing. He favors allowing a third unit across the NR, with those units deed restricted but not subject to a lottery. Councilor Clingan agreed with this stance, with the exception of condo conversions, which should be in a lottery.

President Ballantyne asked for more details on the calculations behind the rent numbers. The numbers in the presentation were arrived at using the AMI for the region. Per Councilor Ewen-Campen's request, Mr. Bartman is researching whether the rents cover the costs of creating a unit. Councilor Hirsch noted that subsidizing the costs of creating these affordable housing units is more efficient than constructing other new ADUs. Chairman Davis noted that there doesn't seem to be much of a downside to adding new deed restricted affordable units. A lottery may be less likely to encourage this happening in reality. He is also supportive of an exception in the case of condo conversions. Mr. Bartman asked whether there would be limitations to who these ADUs could be reserved for, as the people on the wait-list are deserving as well. Councilor Hirsch noted that

regardless of the decision, there should be a way to monitor who gets the units, to understand which demographics are benefiting. Councilor Ewen-Campen expressed concern that added requirements would discourage people from taking these steps.

Mr. Bartman continued by asking the same questions for semi-detached houses, which are a much more rare building type. The previously noted comments and concerns expressed apply to this building type as well. For triple deckers (which may have more or fewer than three units, but are generally identified by a flat roof), Mr. Bartman presented a number of circumstances in which this building type might be allowed. Regardless of the circumstances, they still must be on a correctly sized lot. Councilor Ewen-Campen shared that he has heard concerns about the direct abutters, and this could cause conflict. For this reason, side-by-side adjacency would be the situation where it seems to make the most sense to allow. President Ballantyne expressed a struggle with limiting design and that size, rather than type, should be the determining factor. Councilor Clingan wondered whether triple deckers should only be allowed in MR districts. Councilor Niedergang agreed that shadow issues are a reasonable concern, and triple deckers should be allowed only when adjacent to another or in a UR or MR district. Councilor Scott added that this building type does allow for larger units, and allowing them on lots abutting triple deckers on any side would better encourage their spread throughout the city. Councilor White shared a concern that two-family houses would be turned into three-family houses without an affordable unit offered. Councilor Scott clarified that he did not intend to waive the deed restricted requirement for the third unit. Councilor Mbah confirmed that the third unit could be deed restricted in perpetuity. Mr. Bartman noted that there could be language to that end, but it may not be legally feasible.

For cottages, which are generally 1 unit, the questions would reference a second (rather than third in the previous cases) unit. For duplexes, which may be side-by-side or stacked, the questions would refer to a third unit. There was no discussion on these building types. For carriage houses, the question would be whether existing garages and other outbuildings could be converted to a carriage house, though most are nonconforming to the intended dimensional standards for this building type. There may be restrictions on access for emergency services, which is a critical consideration. A newly created carriage house would consume some backyard area. Chairman Davis noted that a way to address carriage houses could be through restrictions on allowable lot coverage. Councilor Ewen-Campen shared that relative to converting current structures, assuming there is sufficient access for public safety and the deed restrictions applied, he is highly supportive of this and it represents a significant area of opportunity. Councilor Scott shared concerns about setbacks and Mr. Bartman noted that the separation distance requirement has been modified to apply to all structures and is 10 feet. Councilor Clingan expressed that he doesn't think new carriage houses should be built. Councilor Niedergang added that his and Mr. Berman's proposal allows for only three units total; residential use would only be permitted if a unit already existed that could be adapted or replaced to make it suitable for use; it could be no closer than 8 feet from any property line and no higher than 16 feet; the unit would be affordable; and the unit would be limited to owner-occupants. Councilor White added that these restrictions assuage many of his concerns, but wondered if there were any limitations on lot coverage. Councilor Niedergang replied that he had not included that but would look into limiting the footprint.

Mr. Bartman suggested adding language to protect existing dwelling units of each building type from being cannibalized to add additional units if permitted. This could be that the modification of any existing building that increases the number of dwelling units may not result in a decrease to the floor area or bedroom count of any existing dwelling units. Councilor White added that further protective language should include not reducing the square footage of the existing bedrooms. Councilor Ewen-Campen voiced the alternative view that the loss of a bedroom could be necessary in order to

accommodate family needs such as aging in place. Councilor White noted that a special permit could be the mechanism to allow this.

Mr. Bartman then shared an analysis of the actual distance existing buildings in the RA and RB districts are setback from side lot lines. The majority of the city (61.91%) is within two feet of the lot line. The last question Mr. Bartman addressed is whether MGL 40A, Section 6 permits a municipality to be stricter when it comes to modifying nonconforming properties. The city is allowed to be more strict and does have such provisions in this proposal. An updated map is underway, and an estimate on making the changes discussed is within 3-6 weeks.

RESULT:	KEPT IN COMMITTEE
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206481: 18 registered voters submitting a proposed Zoning Ordinance amendment to add a new Section 17.8 re: open space requirements for mid-rise and high-rise buildings.

RESULT:	KEPT IN COMMITTEE
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207460: 18 registered voters submitting a proposed Zoning Ordinance amendment to add a new Section 17.8 re: open space requirements for mid-rise and high-rise buildings.

RESULT:	KEPT IN COMMITTEE
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205054: 22 registered voters proposing an amendment to Zoning Ordinance 6.4 to establish new open space requirements for certain buildings in the Assembly Sq Mixed Use District.

RESULT:	KEPT IN COMMITTEE
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207332: Submitting proposed amendments the Zoning Ordinance to establish new open space requirements in the Assembly Sq Mixed Use District, Transit Oriented Districts, and Planned Unit Developments.

RESULT:	KEPT IN COMMITTEE
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Handout:

- 20190402-NR-UR-Nonconformance (with 206747)