



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

November 19, 2020

### REPORT OF THE LAND USE COMMITTEE MEETING AS A COMMITTEE OF THE WHOLE

| 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 |         |
| Jefferson Thomas ("J.T.") Scott | Ward Two City Councilor   | Present |         |
| Jesse Clingan                   | Ward Four City Councilor  | Present |         |
| Katjana Ballantyne              | Ward Seven City Councilor | Present |         |
| Wilfred N. Mbah                 | City Councilor at Large   | Present |         |
| Mary Jo Rossetti                | City Councilor at Large   | Present |         |
| Kristen Strezo                  | City Councilor at Large   | Present |         |

The meeting was held via GoToWebinar and was called to order by Chair Ewen-Campen at 6:02pm and adjourned at 8:17pm.

Councilor Niedergang was attending another public meeting and arrived at 6:18pm.

Chair Ewen-Campen recessed the meeting at 6:06pm to allow Chair Capuano to open the Planning Board meeting. The Committee reconvened at 6:10pm.

Chair Ewen-Campen shared that the written comment period will remain open until Monday November 23 at noon.

Others present: Sarah Lewis - OSPCD

Planning Board: Michael A. Capuano, Chair; Amelia Aboff, Vice Chair; Sam Dinning; Jahan Habib; Rob Buchanan, Alternate

#### Approval of the October 13, 2020 Minutes

|                |                 |
|----------------|-----------------|
| <b>RESULT:</b> | <b>ACCEPTED</b> |
|----------------|-----------------|

#### Public Hearing re: #209478 - Affordable Housing Overlay District

The Chair opened the Public Hearing at 6:25pm.

Twenty eight residents spoke at the Public Hearing, with unanimous support for the Affordable Housing Overlay District, but some concerns raised. The most common issues were with accessibility and the reduction in green space.

Magdalena Gomez, tenant organizer at SCC, shared that over 50 families have been helped with rent assistance, and market rent price is not sustainable in the long term, especially given the COVID-19 crisis. Evictions are a threat to the diversity of our neighborhoods, and this proposal is a tool to keep those families in our community. Renee Scott, with Free and Open Somerville, shared that affordable housing is a vital need. She expressed concern about the 5% buffer allowed for green space/the green score, emphasizing that every bit of natural space is important, and affordable housing residents deserve the same amount of green space as everyone else. She urged taking that provision out and supported the rest. Sarah Phillips, Ward 3 School Committee representative, commented that this will be an enormous benefit to the City's public schools. There are many benefits to racially and socioeconomically diverse schools. Today, 37% of Somerville households are paying more than 50% of their income in rent. She urged passage of this for the City's kids and schools. Fred Berman spoke on behalf of the Office of Housing Stability to express strong support for the proposed Affordable Housing Overlay District, noting that there is too small a pool of units that falls further behind demand every year. Removing barriers to creation of more significant amounts of affordable housing is a significant next step. This proposal addresses barriers by streamlining the permitting process and relaxing density constraints.

Jess Smith expressed that affordable housing is the biggest crisis in Somerville, and supported the amendment. Lian Guertin also favors the Affordable Housing Overlay, but shared disappointment at the lack of mention of accessibility. Disabled people are at a much higher likelihood of being lower income. He suggested a requirement that a higher proportion of the units be accessible, as well as waiving the requirements that make accessibility difficult, such as that housing be built above street level. Hang Ngo, a member of Just Us Somerville expressed support of this because affordable housing is a social justice issue. Maintaining a diverse and inclusive City is important.

Keira Horowitz and Dan Madri also supported the Affordable Housing Overlay, emphasizing how out of touch with reality Somerville housing has become. This can be a helpful tool in fighting displacement. Aaron Weber, member of the Steering Committee of Somerville YIMBY, also spoke in favor and urged approval. Alex Frieden also noted that the increase in property values have driven many out of the City. He highlighted that it does seem to promote more cars on the streets. Arielle White, member of Somerville YIMBY, is also excited to see this proposal, as we need to make it possible for people to live and stay here. She commended the process of reaching out to affordable housing developers. She also shared that she would like to see this go even further. Keeping our neighbors here is more important than density-related aesthetics.

Nicole Eigbrett, Director of Community Organizing for CAAS, shared strong support for the Affordable Housing Overlay. CAAS provides services such as rental assistance, guidance and advocacy, and housing search. The inadequate supply of affordable housing is the most significant need. Wait lists can be 8-10 years long, and the housing insecurity and income disparities have only increased with COVID-19. Penelope Taylor also expressed support,

and amplified the accessibility concerns raised. Harriotte Ranvig works as a disability advocate, and emphasized that disability does not discriminate based on income. She supports the plan for 100% affordable housing, but would like to see at least 20% of it accessible.

Arah Shur also spoke in favor of the amendment and supported even more steps to ensure affordable units are available in buildings of all sizes in all districts. She encouraged that the parking exemption be revisited. Bonnie Denis also raised accessibility concerns, and elaborated that there is a cap of 13.5% for people under 65 to live in the senior housing buildings that have the most accessible units in the City. More options are needed. Derrick Rice echoed that he strongly favors this and also supports making it stronger. Jon Springfield works for Preservation of Affordable Housing, and is aware of how difficult it is to build affordable housing, and noted that this is one of the most important and necessary strategies to promote a diverse community. He noted that there are state resources available for accessibility, and the AHO will help attract those.

Tori Antonino expressed excitement for the removal of limitations on density, as height is a way to create more sustainability, but shared a concern about the flexibility of some dimensional standards, including setbacks and the green score. She emphasized that more accessibility to green space and passive house features would demonstrate that the City prioritizes health. Christopher Lay strongly supported the Overlay and also encouraged pursuit of further worthy expansions after it is approved. Martin Pavlinic added support for the Overlay and echoed the accessibility concerns. Cassie Mann also shared support, recognizing how difficult it is to make these projects financially feasible. Eliza Margolin emphasized strong support, noting that home ownership is the best way to help young people stay in the City. This is a creative policy solution and she encouraged the creative development of equitable housing policy.

Frank Lee also strongly supported the Overlay and urged updates to require accessibility, such as an added height bonus for accessible dwellings. Meredith Porter estimated that housing process have increased 100-fold over the course of his almost 50 years in the City. He noted that the issue of accessibility should be addressed, and livability is also important, as is green space and the green score. Bryant Gaspard added that it is up to local government to push this forward, and it is a great approach, but there is a concern with more automobiles on the road. Erin Hemenway suggested that there may be issues with the setbacks, as the shadows in the NR Districts could be a problem. She added that there is a concern about the units being suitable for families. Bill Cavellini, Union Square Neighborhood Council, emphasized that the COVID-19 pandemic has hastened the urgent need for affordable housing and this needs to be done.

The Chair closed the Public Hearing at 7:15pm, noting again that the written comment period will be open until noon on Monday November 23. He thanked everyone for their comments and shared that there is an order before the City Council for consideration to include universal ADA accessible design standards in new developments. This is a priority of the City Council. Chair Capuano added that the Planning Board will convene in a special session on December 10, and will also give the public the opportunity to submit written comments to the Planning Board until noon on Friday December 4.

**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.**

Ms. Lewis shared a presentation, which can also be found at [somervillezoning.com](http://somervillezoning.com), and introduced the amendment overview. This amendment is simple, and adds flexibility to incentivize the development of affordable housing. The intent is to level the playing field for nonprofit developers in competition for development sites with market rate projects. Ms. Lewis clarified that affordability is defined by the state, federal, or local program funding that enables the 100% affordable housing development. This will supersede the provisions of the Districts on which it is superimposed, but only if a developer complies with ALL of the provisions of the Overlay.

The primary bonus for NR Districts is that for 100% affordable the maximum number of units no longer applies. The largest changes for NR Districts are in the Transit Areas, where four additional building types are permitted in NR Districts. In the UR Districts, there is an ability to increase to four stories. The MR Districts are a bit more complicated, and depend on the location of the property and the adjacent parcels. They may be allowed to increase to four stories where abutting an NR District, and seven stories in other instances, for apartment and general building types.

Ms. Lewis noted that the code does not currently address seven story buildings, so setbacks may need to be further considered.

Councilor Davis voiced support for anything that will encourage affordable housing, and adopting this as a baseline. Councilor Mbah commended the support of the public, noting the urgency with moving forward. Councilor Scott commented on the lack of accessibility in the code, and clarified that there is one zero grade entry required in buildings, though he would love to see an increase in ADA requirements. A possible solution would be that a building meeting 100% ADA standards could be built to the standards of the next District. He encouraged searching for other creative solutions. He added that most funding has restrictions on unit sizes, which should address the concerns about all of the units being micro-units. He also commented on the parking restrictions, emphasizing that the people who will be in these units will literally be winning a lottery and may not have many choices about employment and needing a vehicle. Chair Ewen-Campen added that the staff recommendation around parking restrictions were to keep them in place until any issue arises, as the changes made to exempt residents of new construction from parking permits has just gone into effect, and developers can also build on-site parking.

Councilor Strezo encouraged recognition that not everyone has the luxury of biking or walking to their jobs. The accessibility conversation also needs to continue, and ADA considerations are important. Councilor McLaughlin supported a "pass and tweak" approach, adding that the for-profit sector is a necessary part of this process, as any affordable housing that can be added is needed, and an increase from 20% to 30% would make a difference. Councilor Ballantyne agreed that this is a positive step forward and asked for clarification on the differences in the NR District. Ms. Lewis clarified that currently, the units within a building can be sub-divided to add affordable units, though there are still livability requirements. Councilor Ballantyne suggested that the Law Office should review the language.

***Councilor Ballantyne moved that the Solicitor's Office review the amendment prior to any action by the City Council. The motion was approved on a roll call vote of 10 in favor (McLaughlin, Scott,***

***Clingan, Niedergang, Ballantyne, Mbah, Rossetti, Strezo, White, and Ewen-Campen) and 1 opposed (Davis).***

Councilor Rossetti thanked the Committee for its work and expressed her support. Councilor Clingan echoed that sentiment and expressed further support for the pass and tweak method, noting that ADA compliance is a high priority. Councilor Davis noted that Mr. Bartman may be able to easily update the Overlay to note that living space must be accessible at ground level.

Chair Ewen-Campen reinforced that this is the floor, not the ceiling, and he is grateful to be moving forward.

**RESULT:**

**KEPT IN COMMITTEE**

**210472: Proposing zoning map changes to 8 properties on McGrath Hwy between 368 and 414 McGrath Hwy, as listed within.**

Chair Ewen-Campen explained that this is to modestly up-zone a number of parcels along McGrath Highway, which are currently a mix of Districts and should be standardized. The Public Hearing was held on September 15, at which time a neighborhood meeting was suggested. This has since been held and the feedback was supportive or indifferent, with the exception of one neighbor concerned about additional height. The site plan approval and special permit process should alleviate any of those concerns.

Councilor White suggested that there may be a limited time period in which to take action after a Public Hearing. Councilors Scott, Clingan, Niedergang, and Mbah supported this and noted it can be re-advertised if needed.

**RESULT:**

**APPROVED. [UNANIMOUS]**

**AYES:**Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang, Scott, Clingan, Ballantyne, Mbah, Rossetti, S

**Handouts:**

- 20201119 JOINT - Affordable Housing (with 209478)
- Comment - B Valletta (with 209478)
- Comment - E Faulkner (with 209478)
- AHOD Testimony\_OHS\_11.19.2020 (with 209478)
- AHOD\_EKumin Comments\_23Nov20 (with 209478)
- McGrathMeetingNotice (with 210472)
- 20201110-McGrath-Zoning-Meeting (with 210472)