



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

April 4, 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: Joseph Curtatone - Mayor, Michael Glavin - OSPCD, George Proakis - OSPCD, Thomas Galligani - OSPCD, Eileen McGettigan - Law, Barry Abramson - Abramson and Associates, Tim Snyder - Mayor's Office, Charles Sillari - Clerk of Committees.

The meeting took place in the Aldermen's Chamber and was called to order at 6:15 PM by Alderman Davis and adjourned at 8:39 PM.

**Approval of the March 7, 2017 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**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.**

Mr. Proakis told the committee that the master developer has signed a covenant which is contingent on the proposed zoning being passed.

Mayor Curtatone addressed the committee, saying that the city needs to step back and that the funding for the GLX has been endorsed. He said the Union Square Neighborhood Plan is the guiding document and the covenant requires US2 to negotiate a Community Benefits Agreement.

The mayor laid out the instruments that are critical to moving and said that Union Square will be a model for other neighborhoods in the city. He stated that the covenant and zoning are tied together and that the BOA's values have been captured in the covenant. The mayor believes that the city has cut a good deal and that any deal has to be good for both sides. The Mayor intends on signing the document in the near future. Mayor Curtatone said that he would indulge questions and comments, however, negotiations have already taken place.

Alderman White feels it is illogical and said that considering the city is being asked to bond, if the GLX, the city should be able to use the funds for something else. Alderman McLaughlin asked if the zoning must be passed in the proposed form for the covenant to be of value and the mayor replied that the zoning must unlock the financial needs to allow for the community benefits.

Alderman McLaughlin asked if the covenant would be invalidated if the BOA doesn't approve off site affordable housing and Alderman Rossetti asked what would happen if the covenant is not enforced. The Mayor said the city will enforce it and that a formulaic approach was taken.

Alderman Heuston asked if the developer could walk away from the covenant if the zoning isn't passed by May 31<sup>st</sup> of this year and was told that they could, however, the developer's date is June 29, 2017.

Alderman White explained that negotiating in good faith doesn't mean an agreement will be had and Alderman McLaughlin said he feels that this is a "muscle job" and that he is tired of this.

The Mayor said his staff has spent countless hours on this matter and that it hasn't been rushed, adding that the city has to pay a \$50 million bill. Alderman McLaughlin said the deadline is an arbitrary date set by the administration, to which the mayor responded that the budget is approaching and that there must be a timeline.

Alderman Connolly spoke his experience with the Davis Square Red Line and said that he doesn't feel like the city is being muscled, adding that today's news regarding the GLX funding is an incentive to bring this matter to a resolution.

Alderman Lafuente said he doesn't meet with developers. This is a discussion and the BOA will do its job within the realm of the law and the administration will do its job. He believes that dates are necessary and he wants to move forward.

Alderman Davis agrees that this must move forward and he doesn't feel pressured. The GLX negotiation was a great job but he said there are certain items that are not in the draft. Mayor Curtatone said that the BOA may make suggestions and that the administration would work with them.

Barry Abramson, a real estate consultant hired by the city to figure out a reasonable allocation of costs, said that he looked at costs the city would be responsible for vs. the developer, potential profits of the developer and affordable units in other cities. The goal is to ensure that the city gets what it should and the developer is able to move forward with the project. Alderman Lafuente asked how far other cities and towns go to pay for development. Mr. Abramson gave Malden as an example, saying that they have no housing or jobs linkage and no inclusionary zoning. Quincy has no linkage fees and a 10% inclusionary zoning for the city, but not in the downtown renewal area district. Cambridge doesn't have jobs linkage and has 20% affordable housing. Somerville is getting a lot more than other cities and there is a limit to where you can push it. The project must be feasible to the developer and the developer has to be able to entice

users who could set up shop in another city. Alderman Lafuente asked if other cities pick up the cost of infrastructure and Mr. Abramson replied that developers usually pay for work up to the curb and that cities will sometimes help with parking. The possibility of biotech firms coming to Union Square was discussed. Firms may come but there is difficulty in getting some firms to leave Kendall Square. Mr. Abramson said the deal is fair and reasonable and believes that the project will transform the area in a positive way. Alderman White queried the negotiations and if the city asked for more than was offered by the developer.

Mr. Galligani spoke about 5 types of contributions: GLX contributions, off site infrastructure, community benefits, future phase contributions and jobs linkage. Alderman White said that the eminent domain element creates a different scenario compared to other deals where the developer negotiates and buys and Alderman Ballantyne asked how this can be done now, before it's known what will be built. Mr. Galligani explained that it is so the city can lock in a number now. Alderman White state his concern about a refund if the Green Line doesn't come. Mr. Galligani said the values captured from development are important. Different types of units are valued differently and he discussed how to calculate the values in the affordable units, noting that market units would subsidize the affordable units.

Alderman White said present value calculations are usually staggering and he asked what the annual value of the 20% inclusionary housing would be in D2. Mr. Galligani explained it is a value of about \$2 million per year. Alderman Ballantyne asked if inflation was considered in the sale of the land and Mr. Glavin explained it is a one-time deal and future purchase prices will depend on the market. Mr. Galligani discussed net new property taxes from the proposed development and commercial vs. residential split requirements. Alderman White asked if the various proposed tax rates were considered. Mr. Galligani stated the SRA will continue to meet on this issue and that infrastructure will be discussed in the next couple weeks..

Mr. Proakis discussed the special permit process of the proposed development and also spoke about open space and the place holder in the current draft, noting that a lot of thought went into these numbers. He said that this has been a negotiation and he looks forward to explaining the process.

- Chairman Davis said he would like to discuss the possible material changes to the covenant.
- Alderman Rossetti would like the March 7<sup>th</sup> vs the July rendition differences to see what has changed visually.
- Alderman Ballantyne asked if the documents for the open space meeting will be electronic or paper and Mr. Proakis said he could provide either.
- Alderman Niedergang asked if shadow studies will be provided to the BOA and Mr. Proakis said they are being worked on.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**202854: Requesting an amendment to the Zoning Ordinance to adjust the definition of Net Floor Area, clarify affordable housing required in RA and RB districts, and confirm the process to approve subdivisions, lot splits, lot mergers and lot line adjustments.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**202852: Requesting the adoption of an amendment to the Zoning Ordinance map to rezone Emerson Street and a portion of Everett Street to Residence B.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**202864: Proposing an updated Article 16B in the city's Zoning Ordinances, with attendant Zoning Map changes, to establish a minimum mixed use ratio in designated areas.**

See discussion of 202853

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Handout:**

- Development Covenant (with 202853, 202864)