



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

May 14, 2019
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
William A. White Jr.	Vice Chair	Absent	
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	Present	

The meeting was held in the Council Chamber and was called to order by Chairman Davis at 6:10pm and adjourned at 8:51pm.

Councilor White did not attend due to illness.

Others present: George Proakis - OSPCD; Dan Bartman - OSPCD; Hannah Carrillo - OSPCD; Fred Berman - OSPCD; Kimberly Wells - Assistant Clerk of Committees

Approval of the April 22, 2019 Minutes

RESULT: ACCEPTED

Approval of the April 30, 2019 Minutes

RESULT: ACCEPTED

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 noted that a fourth draft, once submitted to the Council, would require a Planning Board recommendation and a public hearing, which will affect the schedule for when it can come before the

Council for a vote. There may be one fewer Committee meeting than the schedule currently states in order to allow for Mr. Bartman to spend more time writing the ordinance's revisions.

Councilor Hirsch shared that she will be working with the Office of Housing Stability to identify how to administer a program to manage any new units that are added as accessory dwelling units. The issues are not specific to zoning, but are important policy considerations. She will also recuse herself from further discussions on accessory dwelling units, as her property has a unit which falls under the criteria to be considered as an additional unit with the pending updates.

Mr. Bartman shared the list of proposed amendments and his recommendations for separating them into what can be done now and what should be addressed later. The goal is to expand the scope of the financial feasibility analysis that is currently underway to address the questions that are highlighted in red per the attached slides. Councilor Hirsch emphasized that she does not feel like a financial analysis is needed to decide on lowering the threshold of Table 12.1 (a) to 4 units. Mr. Bartman responded that there are loan programs that are offered that might disqualify small development if the requirements are changed. Access to financing would have a big impact on the small business overlay district. Councilors Niedergang, McLaughlin, and Ballantyne agreed with the concern, but expressed an inclination that waiting to get it right may be the better approach. Councilor Rossetti confirmed that the financial analysis is expected by late summer.

The first proposed amendment to address now is to apply affordable housing requirements to "substantial renovations". The goal is to target construction of all new buildings, including reconstructed buildings that were demolished. It would also cover modifications of an existing building that changes the existing unit count. Zoning doesn't have jurisdiction over the interior of buildings, so cannot address activity that only concerns the inside; but if unit count is altered, it touches the land use and can then be regulated. Councilor Ewen-Campen wondered if this would incentivize modifying only the interior, and Mr. Bartman shared that this language would at least cover the possibility that every building that qualifies for additional units would not simply add units and displace tenants.

The second proposed amendment relates to lottery preference criteria. The administration's recommendation is that this is better held outside of the zoning ordinance in the procedures of the department, where it can adapt to changing needs. Mr. Proakis added that OSPCD is working on how to better manage wait lists. Chairman Davis noted that removing section 12.1.7.f would remove the guidance from the Council. The administration would still be able to administer as they see fit, even with language in the ordinance. Mr. Bartman clarified that the preferences have changed and may change again, and removing them would allow them to be adapted more easily based on need. Councilor Hirsch agreed that flexibility is important, and she would also like to see a preference for children in the Somerville Public Schools. Councilor Rossetti wondered whether we should include language in the ordinance in order to protect against the whims of a future administration. Councilor Mbah stated that he thinks it is necessary to include this language. Councilors Hirsch and McLaughlin noted that the Office of Housing Stability could be responsible for presenting the criteria for consideration by the Council, and in order to move this forward, and with the promise that it is a very high priority for the department, it would make sense to remove it now.

The next proposed amendment is to delete the requirement for off-site compliance overall, but to require it in larger buildings in Master Plan Overlay Districts. This would help ensure that affordable housing is not concentrated in one area of the City. Chairman Davis wondered how this would be calculated. Mr. Bartman noted that the Overlay Districts are in the process of being re-written, and the specifics will be explored further. Councilor Clingan confirmed that the language about the affordable units being equal would not be affected. Councilor Hirsch added that it could also create an opportunity to address living requirements to support family-friendly housing and outdoor space.

The following amendment requires in-lieu payments to be made to the Somerville Housing Trust Fund, or to the City for transfer to a Massachusetts Non-Profit Housing Finance Corporation. Chairman Davis

wondered how we would guarantee that if the latter, it would still be used for Somerville, and Mr. Proakis confirmed that this restriction would be in place. President Ballantyne asked what tools the Non-Profit Housing Finance Corporation would possess that the Somerville Housing Trust Fund would not, and the most significant is that they can borrow against future funds, provide bridge loans, and would allow the City to move more quickly in instances like purchasing a piece of property. Councilor Rossetti asked what administrative fees would be involved, and Mr. Proakis noted that since the City would do a lot of the administrative work, they could likely negotiate a reasonable rate. On a case-by-case basis, there would be an analysis of which option would be best. She also asked whether the Somerville Housing Trust Fund accrues interest and Mr. Proakis responded that he would investigate. The amendment provides further that a certificate of occupancy would be prohibited until the in-lieu payment is made.

Proposed amendment five suggests edits to remove overrides of other Articles from North Point and Powderhouse School Redevelopment districts, and leave Tufts and Assembly overrides as they currently stand. This would encompass more than just affordable housing, and include special uses and parking requirements. The zoning of Tufts and Assembly were both settled through court cases and stand as free-standing districts. They could be addressed separately through home-rule petition. President Ballantyne expressed an interest in exploring parking in the Tufts district.

The sixth amendment presented would remove the additional floor bonuses from all Overlay Districts and explore other bonuses and incentives to provide community space or other things desired by the community rather than just additional affordable dwelling units.

The final proposed amendment would provide a finding for a Master Plan Special Permit and for Household Living or Group Living residential uses. President Ballantyne asked for clarification of Group Living, and it includes any unit with more than four unrelated people. She asked further whether this could be restricted and how it would be differentiated from a dormitory. Mr. Bartman noted that each use would be permitted differently, based on the special permit allocation. There is, however, a federal right to housing for Group Living for medical reasons.

Councilor Mbah wondered how we could emphasize empowerment through home ownership. Mr. Bartman clarified that the pending financial analysis of the amendments with a significant economic impact will help to address this, but we don't have answers yet.

The creation of a small business overlay district helps address issues related to corner stores and is supported by OSPCD. Councilor Scott expanded that this would solve the problem of only allowing commercial uses in areas where development can go to the street and touch its neighbors. This would help maintain the character of neighborhoods and allow for neighborhood businesses in buildings that aren't traditional store-fronts. Councilor Ewen-Campen wondered about food establishments and whether there would be issues due to waste, storage, odors etc. within neighborhoods. Councilor Niedergang noted that these establishments are currently permitted, though he would like to see them granted by special permit. Chairman Davis noted that this type of overlay district could be included within the zoning overhaul without any specific areas to which it would apply. Councilor Niedergang inquired as well about the use case for pet sales and asked that they should also be permitted by special permit.

Councilor Niedergang suggested another amendment to strengthen the requirements for notification. Notification to neighbors about a development project should be proportional to the scale of the project. The amendment would also require tenants and occupants to be notified, rather than just property owners. Advanced notifications of postponed or rescheduled public hearings or meetings before the Zoning and Planning Boards should also be provided as soon as possible. Chairman Davis shared that an applicant has a right by state law to request a continuance at a meeting, which makes an advanced notice requirement a challenge. Mr. Proakis added that they are working to minimize these instances, by working to build contact lists via email for faster notification and noting on an agenda if a continuance has been requested. Mr. Bartman shared further that since we don't have a complete address list, there would be immediate non-compliance with the zoning ordinance if tenant notification was a requirement.

Councilor Niedergang suggested that applicants could be required to make a good-faith effort to place flyers at every residence within a particular radius.

Mr. Bartman suggested that residents visit www.somerville.cornerwise.org to sign up for alerts.

This was built in conjunction with code for Boston and will send notifications to anyone within 300 feet of a project. Chairman Davis wondered whether this could also be used to send a notification about meeting agenda updates. He further suggested that Councilor Niedergang could present a suggestion about how the radius should be updated.

Councilor Ewen-Campen wondered whether a notice could be sent to each address to "current resident" and Mr. Bartman shared that this was tried in the past, at a significant cost, and some arrived several months late, which poses an issue since all of these cases are on time limits imposed by the state. Councilor Scott suggested that the voter registration database could be a good start. Councilor Hirsch added that signing up for alerts could be a question included on the census, which would include non-voters. Councilor Clingan noted that a large sign at the project site could be an option as well. Mr. Proakis emphasized that we want to include everything that can possibly be done, but not make the requirements so stringent as to get the City trapped in a lawsuit on a project that it wanted to build. Expanding the radius for notification and utilizing flyers and any means possible to notify renters as well as owners received support from all Councilors.

RESULT:

KEPT IN COMMITTEE

Handout:

- Zoning Presentation - 5-14-19 (with 206747)