

**CITY OF SOMERVILLE**  
**ORDINANCE NO. \_\_\_\_\_**  
**IN THE BOARD OF ALDERMEN: \_\_\_\_\_**

**AN ORDINANCE AMENDING ARTICLE 15 OF THE SOMERVILLE ZONING ORDINANCES TO ESTABLISH A PROJECT MITIGATION FEE FOR JOB CREATION AND RETENTION**

WHEREAS, the City seeks to provide and enhance employment opportunities for residents of the City of Somerville; and,

WHEREAS, Section 1 of Chapter 199 of the Acts of 2016 establish the Somerville Job Creation and Retention Trust; and,

WHEREAS, Section 2 of Chapter 199 of the Acts of 2016 establish that the City may, by ordinance, require the payment of linkage fees to the Trust; and,

WHEREAS, the City conducted a Linkage Nexus Study that was completed in September 2017, and recommended potential fees; now,

THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that Article 15 of the Somerville Zoning Ordinance is amended as follows:

(Changes in **BLUE**. Additions are underlined, subtractions are ~~crossed-out~~)

ARTICLE 15: LINKAGE

Section 15.1. - Purpose.

The purpose of this Article is to promote the public health, safety and welfare by:

- a) increasing the supply of housing that is available and affordable to low and moderate income people;
- b) ensuring that such housing is affordable over the long term;
- c) Creating and maintaining employment opportunities within the City of Somerville for the residents of the City of Somerville; and
- d) mitigating the impact of large-scale development on the supply and cost of housing and the job opportunities that permit residents to succeed and maintain adequate incomes to continue to afford living in the City of Somerville.

Section 15.2. - Applicability.

Applicants seeking special permits, special permits with site plan review or site plan approval for projects of new construction or substantial rehabilitation (including Planned Unit Developments, Coordinated Development Special Permits, and Neighborhood Development Plans) to be occupied by any single use or combination of uses

referenced in Article 7 except for residential, protected religious uses, buildings and uses owned by the City of Somerville, and artist studio spaces, ~~with a total of thirty thousand (30,000) gross square feet or more, including phased projects each phase of which may include less than thirty thousand (30,000) gross square feet,~~ shall contribute ~~a fee~~ the fees established in Section 15.5 ~~per gross square foot above thirty thousand (30,000) gross square feet,~~ which fees shall be referred to as the Project Mitigation Contributions (PMCs). Additions to structures shall trigger PMC. Substantial rehabilitation of square footage in buildings for which ~~a PMC~~ has have already been made ~~is are~~ not subject to payment again.

### Section 15.3. - Project Mitigation Contributions.

#### a) Affordable Housing linkage fee

The PMC for the affordable housing linkage fee shall be calculated by multiplying the fee established in Section 15.5 times the total number of square feet in the project over and above thirty thousand (30,000) gross square feet that are occupied by or will be covered by a certificate of occupancy for any single use or combination of uses referenced in Section 15.2, and uses that are accessory thereto.

The only purposes for which affordable housing linkage Project Mitigation Contributions may be used are those set forth in Section 15.1. These purposes include the creation of affordable rental and home ownership units in the City of Somerville as defined in Section 2.2.4 and described in Sections 13.3.2 and 13.3.3, that comply with the long-term affordability provisions of Section 13.3.6.

Applicants who obtain a certificate of occupancy for one (1) phase of a project at a time, shall be required to pay a fee that is based on the number of square feet of space, in excess of thirty thousand (30,000) gross square feet for which the certificate of occupancy has been obtained. In the event that certificates of occupancy have been or will be obtained for two (2) or more phases totaling more than thirty thousand (30,000) gross square feet, the thirty thousand (30,000) gross square foot exemption shall be based on the combined square footage of phases.

~~The PMC shall be paid~~ The affordable housing linkage fee shall be paid to the Somerville Housing Trust Fund established pursuant to Ordinance No. 1989-3 in five (5) equal annual installments upon the issuance of a certificate of occupancy. The remaining four (4) payments of the PMC shall be due and payable annually on the anniversary of the first payment.

#### b) Jobs Creation and Retention linkage fee

The PMC for the Jobs Creation and Retention linkage fee shall be calculated by multiplying the fee established in Section 15.5 times the total number of square feet in the project over and above 15,000 gross square feet that are occupied by or will be covered by a certificate of occupancy for any single use or combination of uses referenced in Section 15.2, and uses that are accessory thereto.

The only purposes for which Jobs Creation and Retention linkage Project Mitigation Contributions may be used are those set forth in Section 15.1. These purposes include the development of programs to support job opportunities for Somerville residents.

Applicants who obtain a certificate of occupancy for one (1) phase of a project at a time, shall be required to pay the fees that are based on the number of square feet of space, in excess of 15,000 gross square feet for which the certificate of occupancy has been obtained. In the event that certificates of occupancy have been or will be obtained for two (2) or more phases totaling more than 15,000 gross square feet, the 15,000 gross square foot exemption shall be based on the combined square footage of phases.

The job creation and retention linkage fee shall be paid to the Somerville Municipal Job Creation and Retention Trust established pursuant to Chapter 199 of the Acts of 2016 in two (2) equal annual installments upon the issuance of a certificate of occupancy. The remaining payment of the PMC shall be due and payable on the anniversary of the first payment.

Section 15.4. - Compliance and Enforcement.

All covenants, contractual agreements and other documents necessary to ensure compliance with this Article shall be executed prior to and as a condition of the issuance of a certificate of occupancy.

All violations of this Ordinance are subject to the maximum fine per day set forth in Section 3.1.8 and the other penalties contained therein. Any fines collected as the result of proceedings brought under Article 3 must be divided between paid to the Somerville Housing Trust Fund and the Somerville Municipal Job Creation and Retention Trust, to be used for affordable housing and job training purposes.

Section 15.5. - Formula Recalculation.

The amount of the Project Mitigation Contribution shall be as follows:

- a. Five dollars and fifteen cents (\$5.15) shall be paid to the Somerville Housing Trust
- b. Two dollars (\$2.00) shall be paid to the Somerville Municipal Job Creation and Retention Trust

~~and~~ The amount of the PMC shall be subject to recalculation every three (3) years from the effective date of this ordinance. The Planning Board after public notice and hearing may recommend changes to the Board of Aldermen based on a consideration of the current impact of new commercial development on the cost and supply of housing and local job opportunities in the City of Somerville.

Section 15.6. - Administration.

The SPGA shall promulgate rules and regulations to govern the administration of this Article.

Approved:

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President  
Board of Aldermen