



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

December 8, 2020  
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Ben Ewen-Campen	Chair	Absent	
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	

Chair Ewen-Campen was absent for family reasons and Vice Chair Davis served as Chair of the meeting. The meeting was held via GoToWebinar and was called to order by Chair Davis at 6:02pm and adjourned at 7:34pm.

Others present: Dan Bartman - OSPCD

The Chair recessed the meeting at 6:12pm to address technical difficulties, and called the Committee back to order at 6:15pm.

**Approval of the October 27, 2020 Minutes**

The minutes were accepted on a roll call vote of 4 in favor (Niedergang, McLaughlin, White, Davis), 0 opposed, and 1 absent (Ewen-Campen).

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

Mr. Bartman shared the most updated version of the ordinance, highlighting the changes to the proposal for the Affordable Housing Overlay District (AHO). The additional text provides the information for the table. The table was adjusted to include upper story setbacks and setbacks when buildings are seven stories tall. Mr. Bartman clarified that there is a 5% rule already in effect in the Union Square Overlay, and the Law Office has confirmed it is allowable. Additional text clarifies the 5% buffer adjustments based on the dimension they are applied to. Another outstanding question was related to accessibility and the standard that ground story elevations be raised 2 feet for many building types. Mr. Bartman articulated the basis for this raising of the ground level in extending the longevity of the buildings. He reinforced that all residential buildings must provide at least one zero-step entrance at the front, side, or rear of the

building, noting that there are many design solutions, including landscape slopes, ramps, and mechanical lifts, available to achieve this. In the event that a design solution is not used, a reasonable accommodation can be requested, including different setbacks or elevation. Councilor Niedergang clarified that updated setbacks will replace the current text for all of the MR Districts.

Councilor McLaughlin moved to replace the draft to incorporate the revisions presented by Mr. Bartman. The motion was approved on a roll call vote of 4 in favor (Niedergang, McLaughlin, White, Davis), 0 opposed, and 1 absent (Ewen-Campen).

The revised document and slides can be found at [www.somervillezoning.com](http://www.somervillezoning.com).

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**210841: Requesting approval of the attached amendments to the Zoning Ordinances to establish an Affordable Housing Overlay District.**

See 209478. Councilor Niedergang noted that the City Council will await the recommendation of the Planning Board before acting on this item.

<b>RESULT:</b>	<b>APPROVED AS AMENDED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, White Jr., McLaughlin, Niedergang
<b>ABSENT:</b>	Ewen-Campen

**209810: That the Director of SPCD consider revising the city's zoning to include universal ADA accessible design standards in new developments.**

Mr. Bartman detailed that he has researched this issue, and it is a situation where the state Building Code will generally preempt what the City could enact. Universal design intersects with zoning via a concept called visitability, which is defined as the ability of anyone at any ability level to visit a residence. The state of Massachusetts dramatically limits what a City can do, but Mr. Bartman will continue to research what could be targeted outside of the buildings. The Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) rules preempt much of what might be addressed. Councilor McLaughlin asked who determines the jurisdiction of the Building Code, and Mr. Bartman noted that it is likely the Attorney General or the courts. Councilor McLaughlin also asked for more examples of what elements zoning might be able to address and Mr. Bartman is researching that for landscaping and other things outside the building, but there are still MAAB standards which make it quite complicated. Councilor McLaughlin clarified that the Architectural Access Board would be the first avenue for outreach to understand the parameters and lobby for changes. Mr. Bartman elaborated that many steps can be taken, such as Overlay Districts, because they are optional. Something similar may be achievable for ADA accessibility.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**210783: That the Director of SPCD present zoning recommendations to establish density bonuses in certain areas, including increased building height, in exchange for additional community benefits.**

Chair Davis clarified the concept, which would allow additional density, largely through building height, in exchange for community benefits. Including this within the Zoning Ordinance would remove it from an ad hoc negotiation through the special permit process. A separate item seeking to enable small

commercial spaces is related to this, which details some of the potential benefits, including affordable or publicly owned commercial space. Mr. Bartman noted that the Development Bonuses section is an early work in progress, and any bonuses such as height or floor area, would be a trade off for the benefits provided. There are outstanding questions not only about the benefits or bonuses that could be included, but also the Districts it would apply to. Chair Davis noted that the stepback concept is absent from the current draft and should be incorporated. Related to the depth of the building, the amount of the ground story commercial space impacted could also be considered.

Mr. Bartman clarified that the Development Bonuses section as written would be applicable to all Districts, it is not written as an Overlay District. An Overlay could be created to apply to a specific geography, or as a special permit to be applied by discretion. There is a related proposed edit to the Small Business Overlay District, to provide ground floor commercial rights to properties in NR and UR Districts. Functionality could be added to this, such that when mapped over other Districts, it could force multiple ground floor commercial spaces. There is also consideration of maximum dimensions, with many options still in development. Chair Davis expressed support for maximums are important to ensure that entryways remain easily accessible rather than lengthily closed off spaces between storefront entrances.

Mr. Bartman clarified that a reconfiguration that violates these standards would not be allowed, but property owners would still be able to adapt to the market of who is occupying ground floor commercial spaces. Councilor Niedergang confirmed that these would be perpetual. Chair Davis added that developers do need flexibility to configure spaces in a manner that works, as well as to maintain the character of pedestrian streets. Councilor White suggested that the special permit process might help manage specific conditions.

**RESULT:**

**KEPT IN COMMITTEE**

**Handouts:**

- 20201208 LUC (with 209478, 210841, 209810, 210783)
- Affordable Housing Overlay District 20201208 (with 209478, 210841)