



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

January 19, 2021
REPORT OF THE LAND USE COMMITTEE

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	

The meeting was held via GoToWebinar and was called to order by Chair Ewen-Campen at 6:02pm and adjourned at 8:11pm.

Others present: Dan Bartman - OSPCD; Sarah Lewis - OSPCD; Michael Feloney - OSPCD; Kenzie Bok - Boston City Councilor

Approval of the November 19, 2020 Minutes

RESULT:	ACCEPTED
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Approval of the December 8, 2020 Minutes

RESULT:	ACCEPTED
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210930: That the Director of SPCD commission independent Community Impact Studies for each upcoming Neighborhood Plan and large-scale redevelopment effort, to quantify possible displacement, rent increase, and other negative outcomes, and to propose mitigation strategies.

Chair Ewen-Campen shared that many community advocates have been advocating for developers to study ways to mitigate developments' impacts on neighborhoods. There is no explicit requirement for an analysis around displacement, impact on rents, small businesses etc. The Nexus study completed as part of the linkage fee analysis in Union Square is a good example that highlights what the negative outcomes can be and considers ways to mitigate those. Some of the most interesting work in this area has been coming out of the City of Boston, including a recently passed Affordable Housing Fair Housing Amendment that was originally sponsored by Boston City Councilor Lydia Edwards.

Boston Councilor Kenzie Bok, of District 8, is also a former employee of the Boston Housing Authority. Chair Ewen-Campen introduced Councilor Bok, who shared that since the Fair Housing Act was passed in 1968, there was a federal duty to affirmatively further fair housing, but there was never action taken. In 2015, the Obama Administration passed the AFFH rule, which stated that anyone receiving HUD funds had to complete an assessment of mechanisms by which their jurisdiction could achieve this affirmative promotion of fair housing, not just recognizing impediments. One big impediment recognized was zoning, which was invented in this country for the purpose of racial segregation. Zoning has been a tool to segregate, and should also be a tool to proactively undo that.

Councilor Bok elaborated that the question of how to make the AFFH actionable was the next step, and that Councilor Edwards had introduced a Zoning amendment to address this issue. There are two sides of the fair housing coin - causing displacement and historical exclusion. There are some places where the upward pressure of housing costs is driving residents out, and they should be protected. There are also white neighborhoods that have been that way forever, and making it possible for people from all backgrounds to live in those neighborhoods is important too. The model of the Green Building Code was a logical way to introduce this into the community. The Green Building Committee reviews proposals and every project is required to contribute to the citywide need to make more green space.

Councilor Bok described the process, which is that any large project must file an assessment that looks at causal displacement, and the City provides data based on the market and historical exclusion factors, and developers can then choose from a menu of interventions. A proposal of meaningful options connected to the context of the development, as well as proposed marketing interventions (e.g. providing a preference to rent-burdened families or first-time homebuyers, waiving credit checks) must be provided. The City has included some experimental options, such as the tenant right of first refusal, or transfer fee agreement. An interdepartmental Committee, with stakeholders from various affected groups, reviews the proposals and produces an assessment of whether it is proportional to the development.

Chair Ewen-Campen asked where the enforcement authority comes from and Councilor Bok clarified that a positive recommendation must be provided by the Committee in order for the project to be approved by the BPDA Board. There is a human factor, in leaving it in the hands of the Committee, to be responsive to different needs in varying contexts. She added that this does not apply to commercial development yet, as more research needs to be done on commercial displacement and appropriate interventions. Chair Ewen-Campen asked if this had the support of community groups and Councilor Bok noted that there were many definitions included to give the advocacy community standing to hold the administration accountable. The community also remains welcome to push back on developments where they disagree, but this has raised the baseline for when this is necessary.

Councilor White asked if there was any feedback that these changes would drive development elsewhere, and Councilor Bok elaborated that it helped that people did feel the urgency of racial injustice, and the only development that's worthwhile is inclusive. This was the best way to get these issues addressed within the development process that exists in the City. The mitigation menu scales with the size of the project. It was also clarified that this would apply to amendments, so they cannot circumvent the process.

Boston's materials can be referenced at <http://www.bostonplans.org/housing/affirmatively-furthering-fair-housing-article-80>.

RESULT:

KEPT IN COMMITTEE

211133: That the Director of SPCD discuss with the Land Use Committee the fair housing amendment recently passed in Boston that requires new developments to be reviewed for impacts on displacement and housing discrimination.

See 210930

RESULT:

KEPT IN COMMITTEE

210940: Requesting approval of amendments to the Zoning Ordinance for new changes, corrections and clarifications.

Mr. Bartman explained that the key to understanding the update is in the column titled Action/Reasoning, as most of the changes are clarifications and moving things around. There is some additional detail included to help explain the ordinance to outside entities and decrease the need for staff time to respond to questions. There are three new substantive changes, the first of which is creating an in lieu payment for civic space near Interstate 93. Councilor McLaughlin suggested that any in lieu payment could go toward pollution mitigation in addition to civic space. Mr. Bartman noted that the money from such fees is required to affect the same people that would have been impacted by what it is replacing, and it is unclear if this would be allowable.

Councilor McLaughlin moved that the Senior Planner work with the City Solicitor to determine if in lieu payments for civic space along highways can be directed toward pollution mitigation. The motion was approved on a roll call vote of 5 members in favor (Niedergang, McLaughlin, White, Davis, Ewen-Campen) to 0 opposed.

Mr. Bartman explained that the next two substantive changes are in tandem, and acknowledge electric energy sale and recharging stations, which correlates to a gas station, and a gas pump, but for electric vehicles (EVs). It provides for a way to turn parking spaces into something beneficial in areas where that aligns with the City's planning goals. Councilor Davis asked for clarification on whether a commercial charging station could be accessory to another commercial use, such as a gas station or underground parking, but not a separate station as part of a surface parking lot. Mr. Bartman agreed that it would only be allowable as a principal use if part of an indoor/covered structure. Chair Ewen-Campen asked if this could also be a place to require any EV charging stations to be ADA compliant. Mr. Bartman noted that in general, accessibility issues are not regulated by zoning, but through the building code. He will research how ISD handles these issues and what steps might be taken to ensure that EV charging spaces could also be handicapped spaces.

Councilor Niedergang asked about the changes to the Overlay District for Master Planned Development (MPD). Mr. Bartman outlined that it was language in the ordinance, but updated based on user feedback to be easier to understand, and moved to an Appendix. The functionality has not changed, though the language may be more descriptive.

Mr. Bartman noted that the administration has three additional items to add to the list. The first item comes from the Urban Design Commission identifying an unintended consequence to upper story step backs, as they are made to appear like four-story buildings, and proposes that the language for the façade of MR4 buildings be used for MR5 and MR6 buildings due to the upper story step back. The

second item is that every building in an MR District over 100 feet wide must present itself as two buildings, to avoid dominating the streetscape. This was intended for new construction, not existing buildings, which is not clear. Councilor Davis asked that this be considered for Commercial Core Districts as well. The third item addresses curb cuts on pedestrian streets, to include a corresponding restriction on a vehicular entrance to a building.

RESULT:	KEPT IN COMMITTEE
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210782: That the Director of SPCD present zoning recommendations addressing the size of ground floor commercial spaces produced by development, to ensure that street level development in certain areas maintains multiple smaller-sized commercial spaces to enhance the pedestrian experience.

Councilor Davis shared that the idea is to ensure that where development happens, particularly in the squares, the ground floor built environment that exists now, which is part of the character of the squares and what people love, is maintained and conducive to small businesses. Mr. Bartman noted that the department will continue to research options.

RESULT:	KEPT IN COMMITTEE
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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.

Councilor Davis noted that the structure introduced by Councilor Bok, with a menu of choices, might be a model for consideration here. Mr. Bartman added that considering the value of the trade-offs will be important, and staff resources to implement such a program would be a factor as well.

RESULT:	KEPT IN COMMITTEE
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210756: Planning Board conveying its recommendations re: #s 210452 and 210472, 2 requests for zoning map amendments.

RESULT:	PLACED ON FILE
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