



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

March 31, 2020
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 6:30pm and adjourned at 8:55pm.

Others present: Dan Bartman - OSPCD

Chair Ewen-Campen noted that there was thoughtful consideration and determination that there is staff capacity to continue meeting. He also clarified that there will not be votes on anything consequential that would benefit from extensive public feedback. There are two major priorities that remain - an affordable housing overlay and small business overlay - both of which require research and deliberation to craft amendments prior to public input. Any statutory requirements to hold public hearings within a certain timeframe will be upheld. Councilor McLaughlin noted that there are concerns with virtual public hearings and many constituents would prefer to avoid them if possible. Councilor White agreed that internet access may be a burden and suggested that making the process more user-friendly would be important. Councilors Davis and Niedergang noted that these are changes that could affect projects that are underway or will soon be underway, as the special permit granting authorities are continuing to move forward, thus addressing them as soon as possible should be a priority, particularly the scribner's errors that have already been discussed.

Approval of the January 30, 2020 Minutes

RESULT:	ACCEPTED
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Approval of the February 4, 2020 Minutes

RESULT:	ACCEPTED
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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 a presentation focused on addressing a number of affordability questions. Currently, in many housing types (House, Semi-Attached House, Triple Decker, Semi-Attached Triple Decker), one affordable unit is required if there are three or more units. In other types (Multiplex, Row Houses, Apartment House (UR), Apartment Building (UR & MR), General Buildings (MR3-6), Mid-Rise Podium Towers, Block Buildings (HR)), 20% of the dwelling units are required to be affordable. Each affordable unit is assigned a price tier, based on the number of units provided. The estimated rents are prior to any deductions for utilities or amenities, and are calculated by Housing and Urban Development's federal guidelines.

Mr. Bartman introduced a new discussion on how much of the city's housing should be affordable. SomerVision2040 estimates the current inventory at 10% with a goal of 20%. He noted that it is important to keep in mind that the objective of MGL 40B and the Zoning Ordinance differ. To achieve the goal of 20% of all housing being affordable by approximately 2040, 100% of development must be 80% ADUs; or 80% of all development must be 100% ADUs. This indicates that there must be mechanisms other than zoning in order to achieve this goal. The Housing + Transportation Index (<https://htaindex.cnt.org>) provides a comprehensive view of affordability that includes both the cost of housing and the cost of transportation at the neighborhood level, and a combined total over 40% is when a household is considered overburdened.

The summary table of the demand for affordable housing includes those current residents who are in homes that are considered cost burdened. Two other problems related to trying to meet demand are the time delay and waitlist problems. The creation of affordable housing will always be behind the need by 18-24 months due to permitting and other considerations. The waitlist for units is still done individually, rather than with a universal waitlist system. This leads to an inability to accurately predict demand during the permitting process. Councilor White added that the categories to focus affordability toward is another important decision. For example, the target of 40% of income toward housing and transportation is very different for a household with an income of \$100,000 than for one with an income of \$30,000 as the remaining funds for other necessities will differ dramatically.

Mr. Bartman elaborated that Zoning does not regulate: ownership vs rental; unit size mix (bedroom count); or price point specificity. This would take place through an affordable housing implementation plan with the Housing Division and the developer. Councilor White asked whether developers have ever provided financial information to best determine what a baseline subsidy level should be. Mr. Bartman noted that it may happen through a third party, but is not common practice. If developers cannot achieve their desired rate of return, they will invest in another place. Mr. Bartman also noted that the gap between market rate and the ADU price could be a subsidy provided somehow, and a baseline for this could help encourage more deeply discounted units so long as the baseline subsidy is achieved.

An idea suggested is to use the Transit Areas as an overlay district to locate additional ADUs within walking distance to transit. This could take many forms, including increasing the allowable dwelling units in buildings; permitting UR building types in NR districts; exchanging bonus stories for more ADUs in MR and HR districts; negotiated delivery of ADU type/sizes/affordability for buildings >50% ADUs (using baseline subsidy level); and allowing general buildings in the CC district if all of the dwelling units are affordable. Next steps are to conduct interviews with developers and draft amendment text.

Councilor Niedergang supported using Transit Areas for the Overlay District but expressed concerns about the parking permit restrictions in the NR zone if the number of property units were increased. He added that he does not support allowing UR buildings in NR zones, and that he favors smaller

units as a way to produce more affordable housing, as well as allowing additional height in MR and HR districts. Councilor Davis also supported height bonuses and smaller unit sizes and 100% affordable buildings. Councilor White shared reservations about reducing the number of bedrooms, as the market structure is already not designed to accommodate families. Councilor McLaughlin agreed that height is needed, because there is not much space to increase density otherwise. He also emphasized that affordable housing anywhere in the city is needed, but in the transit corridors could be a good start. Chair Ewen-Campen also added that any ideas that will create a significant amount of affordable housing should be considered, and emphasized that additional height can be a real force. He suggested as well that the interviews include the Councilors who are not members of this Committee.

RESULT:	KEPT IN COMMITTEE
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209771: Requesting approval of an amendment to the Zoning Ordinance to correct procedural requirements, unintended conflicts between regulations, numerical errors, or inadvertent omissions.

Mr. Bartman clarified that these amendments are not brand new, and are a legally approved way to address unforeseen clerical errors in the previous draft. The requirements for a secondary facade are defined; cannabis retail sales are added into the use tables as was discussed; minimum stories in Commercial Core Districts is corrected to three; the calculation of an ADU price multiplier for a studio is updated to be in accordance with newly created HUD guidelines; board terms are updated to reflect that they are staggered; the Legal Agreements section is updated based on clarification of the permitting process based on discussions with the Housing Division and Law Department.

RESULT:	KEPT IN COMMITTEE
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209790: That this Council modify or eliminate the Zoning Ordinance's Use Limitations for parcels that front a Pedestrian Street in various locations such as 4.1.13.b, 4.3.13.b, 5.1.15.b, etc.

RESULT:	KEPT IN COMMITTEE
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209825: Requesting approval of an amendment to the Zoning Ordinance to extend the validity time frame of previously issued permits, clarify how lot coverage is calculated, correct the threshold for employment linkage, and streamline the language concerning landscape buffers.

Mr. Bartman noted that these amendments are also more substantive than the previous chart of corrections. The first amendment listed is a change to the timeframe for which special permits are valid, as the previously referenced state law was altered. The lot coverage definition is clarified; the threshold for employment linkage is updated in all tables; and development standards are changed, as recommended by OSPCD.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- 20200331 LUC-1 (with 209478, 209771, 209790, 209825)