

UNION SQUARE NEIGHBORS

October 28, 2016

Somerville Board of Aldermen
Somerville Planning Board
City Hall
93 Highland Avenue
Somerville, MA 02143

Dear Aldermen and Members of the Planning Board,

Thank you for the opportunity to provide written feedback on the proposed Union Square Overlay District (USOD) zoning amendment. We are excited to see Somerville advance redevelopment planning in Union Square, and we believe thoughtful and careful zoning is a critical element of this overall effort.

We have reviewed the July 2016 version of the proposed zoning amendment and wish to express questions and concerns with the plan. (See Attachment A.) We seek to understand these issues and request clarification and corrective language prior to passage of the zoning amendment.

Given the complexity of the USOD zoning amendment, we continue to examine its scope and implications and intend to further engage with the Board of Aldermen, Planning Board, and Office of Strategic Planning and Community Development (OSPCD) to ensure it represents our community's goals.

Sincerely,

Rob Buchanan, Chairperson
Union Square Neighbors

Union Square Neighbors Steering Committee:

Rob Buchanan (chair), Suzanne Bremer, Stuart Dash, Sam Engelstad, Andy Greenspon, Stephanie Hirsch, Jim McGinnis, Annette McGloin, Philip Parsons, JT Scott, Tim Talun, Shu Talun, Bonnie Tominack

CC:

Joseph A. Curtatone, Mayor, City of Somerville
Somerville Board of Alderman

**Attachment A:
Union Square Overlay District Proposal – Questions and Concerns
Union Square Neighbors**

Questions and Concerns	Suggested Remedies
Enforcement	
<p>Project Phasing: Based on our review of the zoning amendment, it does not appear that there are any enforcement mechanisms to require or incentivize a developer to complete all of the project phases included under a Coordinated Development Plan special permit. What prevents a developer from building the portion of the development with the highest financial return (i.e. residential) and delay building commercial, arts and enterprise, pedestrian circulation space—perhaps indefinitely?</p>	<p>We recommend that that enforcement mechanisms are added to the Coordinated Development Plan special permit process to incentivize completion of building phases. These mechanisms include:</p> <ul style="list-style-type: none"> • Link to Occupancy Permit: Require that applicant/developer meet pre-determined construction milestone(s) for commercial and open space prior to issuing a certificate of occupancy for residential units; the linkage between these uses is important to titrate. Cambridge uses such an approach to ensure developers deliver on residential projects in areas that are experiencing high demand for commercial space. • Require a Surety Bond: Require applicant/developer to place funds in escrow to be repaid upon completion of all phases of Coordinated Development Plan • Nullify base zoning: Disallow the applicant/developer from subsequently developing Coordinated Development Plan lots under base zoning rules
<p>Sale of lots in Coordinated Development Plan area: What happens if a developer only builds residential portion of a CDP and sells remaining lots to new owner? Do the required elements of Coordinated Development Plan still apply to new owner?</p>	<ul style="list-style-type: none"> • Deed restriction: Currently deed restrictions are used in Somerville to guarantee affordable housing units (into perpetuity), enforce historic preservation rules for listed properties, and enforce memoranda of agreement between the city and developers. We recommend that such an enforcement mechanism be considered to ensure that the elements of the Coordinated Development Plan remain intact in the event a developer sells some or all of the land within an approved Coordinated Development Plan special permit area.
Density	
<p>D1 / “Civic Center Block”: The proposed zoning amendment would enable construction of “Podium Tower Building” up to 20 stories total on</p>	<ul style="list-style-type: none"> • We recommend that a change to “high rise” designation of D1 to something that aligns with the Neighborhood Plan.

Questions and Concerns	Suggested Remedies
<p>the D1/Civic Center Block. This is in conflict with the Union Square Neighborhood Plan.</p>	
<p>Maximum height limits: Height limits are expressed as the number of stories that may be built, but do not indicate a maximum number of feet.</p> <p>Examples: 20 stories x 13ft/floor (average) = 260 ft 20 stories x 18ft/floor (average) = 360 ft</p>	<ul style="list-style-type: none"> • Specify maximum building height • Close loophole that would allow mezzanine floor-type construction as a way to circumvent limit on the number of stories
<p>Applicant Eligibility</p>	
<p>Ownership: The zoning amendment would allow developer(s) to propose projects on land they do not own if the Somerville Redevelopment Authority is listed as co-applicant (e.g. Union Square Revitalization Plan parcels). What implications does this have for land owners whose property is involuntarily included in a Coordinated Development Plan?</p>	<ul style="list-style-type: none"> • Specify that lots included in a Coordinated Development Plan application must be owned or under a Purchase and Sale Agreement by the Coordinated Development Plan applicants.
<p>Open Space</p>	
<p>Insufficient open space: The zoning amendment requirements for open space do not appear to align with the goals of SomerVision or the Neighborhood Plan. There is not an open space requirement tied to approval of an overall Coordinated Development Plan, and the requirements for individual lots appear insufficient. As defined, civic open space is inclusive of such elements as sidewalks and other pedestrian circulation spaces that most observers would not necessarily characterize as green or open.</p>	<ul style="list-style-type: none"> • Given the importance and complexity of open space requirements, we plan to continue to work with the Board of Aldermen, the Planning Board, and Office of Strategic Planning and Community Development (OSPCD) to ensure that we are confident that the requirements stipulated in the zoning amendment deliver on the promises made to Somerville and the Union Square community for new open space.
<p>"Public" spaces created as part of private development are going to be privately owned Open space created under the requirements of this ordinance will likely be privately owned public space, which allows for private owners to control how the space is used. The public should have control of as much of the public realm as possible, not just permission to use it. Some new civic space should be publicly-owned public space, not privately owned public space.</p>	<ul style="list-style-type: none"> • D-1 and D-2 are already publicly owned. In coordination with US2, the City should retain ownership of the portion of each site that is to become civic space and required a payment in lieu of open space for the remaining portion being sold to US2 to cover the cost of the land retained by the City. The civic space could still be designed and built by US2 as part of their project, however the civic space would be true public space.

Questions and Concerns	Suggested Remedies
<p>Off Site Compliance</p> <p>As written, Section 6.7.6D.1 of the zoning amendment does not require that off-site compliance be met within the lots subject to a single Coordinated Development Plan. Based on OSPCD’s memo regarding the ordinance’s intent, we believe this may be a drafting error and seek clarification.</p> <p>Our concern is that this could result in separate buildings designated for affordable housing versus market rate units (i.e. income segregation) and/or delay (indefinitely?) of construction of off-site community benefits (i.e. affordable housing, open space, arts/enterprise space).</p>	<ul style="list-style-type: none"> • Strike “within the USOD” (and “within the district”) from Section 6.7.6D.1 and replace with “within the lots subject to a Coordinated Development Plan Special Permit” • Specify other parameters for off-site compliance. Examples: <ul style="list-style-type: none"> ○ Minimum percentage of affordable housing units that must be provided on a Generating Site ○ Include a requirement that the CDP special permit stipulate phasing of open space, to hopefully result in an open space sequence that made overall sense, both in quality and character of the space and with the construction sequencing while ensuring that it is not all left until the end. ○ Include a provision that the overall percentage of open space provided through any phase cannot be less than the overall required percentage. This would still allow the flexibility to shift open space between sites, but would have the effect of ensuring that open space is provided during earlier phases.
<p>Discretionary Review vs Administrative Review</p>	
<p>Administrative Review: Under the zoning amendment, the Planning Board has discretionary review for Coordinated Development Plan Special Permits but only Administrative Review powers for Design & Site Plan approval. It is not sufficiently clear what may be considered as part of an Administrative Review process, and our concern is that community concerns will not be sufficiently addressed during the Design & Site Plan approval phase.</p>	<ul style="list-style-type: none"> • We recommend that there be more clarity with respect to the Planning Board’s authority and responsibility for exercising its Administrative Review powers during the Design & Site Plan process. There needs to be further clarification and assurance that community concerns will be incorporated during this development phase.
<p>Timing of Neighborhood Meeting(s): Applicant/developer is only required to organize a Neighborhood Meeting <u>after</u> the Coordinated Development has been approved by the Planning</p>	<ul style="list-style-type: none"> • Specify that an additional Neighborhood Meeting must be held prior to submission of Coordinated Development Plan application

Questions and Concerns	Suggested Remedies
Board (but before the Planning Board reviews Design & Site Plan(s))	