

City Council President Ossing
Comments on Mayoral Veto

Order No.22-23-1008721C
Mixed Use/Affordable Housing Zoning

In Urban Affairs

April 19, 2023

City Council

From: City Council
Sent: Tuesday, April 11, 2023 7:41 AM
To: Mike Ossing; Kathleen Robey; Samantha Perlman; Mark Oram; Karen Boule; Christian Dumais; Laura Wagner; Don Landers; Teona Brown; John Irish; David Doucette; Sean Navin; Donald Landers
Cc: Steven Kerrigan
Subject: To Councilors: Ossing Comments on Mayor's Veto of Order 1008721C
Attachments: Proposed Change to Affordable Zoning.pdf; ATT00001.htm

From: Mike Ossing <atlarge_3@marlborough-ma.gov>
Date: April 11, 2023 at 7:12:02 AM EDT
To: Karen Boule <kboule@marlborough-ma.gov>, Kathleen Robey <atlarge_4@marlborough-ma.gov>
Cc: Mike Ossing <atlarge_3@marlborough-ma.gov>
Subject: Ossing Comments on Mayor's Veto of Order 1008721C

Karen

Please send to the Councilors.

Councilors

After much internal deliberation and research over the last two weeks, I am unable to support the City Council approved zoning change in Order 1008721C and will be supporting the Mayor's veto unless changes are made to the order.

My basis for supporting the Mayor's veto:

- Increasing the number of affordable housing units will ultimately drive up the cost of market rate units.
- The City Council is under no deadline to approve this zoning change – it is more important to get it right than just approve a zoning change that seems admirable.
- One of my goals is to ensure the City maintains at least a 10% inventory of affordable housing units in order to prevent 40B proposals to come before the City.
- The challenge with the current ordinance is the City Council allowed a buyout and did not adhere to the 15% affordable units identified in the existing ordinance.

I would offer for the Urban Affairs consideration some changes that I believe would support the goal of staying above the 10% affordable unit requirement as well as requiring future housing developments have a required amount of affordable units that ensure projects do not drive up the market rate units to subsidize the affordable units.

Attached is a markup of the current order that changes the 15% and 20% to 12%. Having one consistent rate for affordable units (regardless of size) makes it sound policy that can balance the need for affordable units and staying above the 10% 40B threshold.

Mike

THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 650 (Zoning), Section 650-5 (Definitions; word usage), Subsection B, "Mixed Use" definition, to read as follows:

MIXED USE

- (1) A combination of permitted (Y) or special permit (SP) residential/business uses as listed in §650-17, Table of Use Regulations, for a particular zoning district, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.
- (2) To achieve a mix of residential to business uses, such as retail or restaurant, that is balanced and compatible, ground floors of buildings fronting streets or public accessways shall be restricted to nonresidential uses, except as specified below:

Dwelling units shall be allowed on ground floors of a building that is set behind a mixed-use building that has business uses on the ground floor and residential on other floors so long as the building set behind does not face a public way.

- II. By amending Chapter 650 (Zoning), Section 650-26 (Affordable Housing), to read as follows:

§650-26. Affordable housing.

- A. This section 650-26 shall apply to all developments that result in or contain eight (8) or more dwelling units, in all zoning districts, for the following types of uses: multifamily dwelling(s) or mixed-use development containing multifamily dwelling(s). This section shall apply as set forth above unless an exception is otherwise stated in this section 650-26. Compliance with this section shall be made a condition of any special permit or site plan approval that is required for the development.

- (1) Developments of 8 or more units.

- (a) Number of on-site affordable units. A development subject to this Section 650-26 shall provide that at least ^{12%}15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters. ~~If a development results in or contains twenty (20) or more dwelling units, then at least 20% of the dwelling units shall be made available at affordable prices, rather than 15%.~~ If when applying the specified percentage to the total number of units to determine the required number of affordable units, the resulting number of affordable units includes a fraction of a unit, this fraction, if equal to or over one-half, shall be rounded up to the next whole number.

REMOVED →