



Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ORDINANCE # 20A

2023 – O – 20A

WHEREAS: Pursuant to Massachusetts General Laws Chapter 40A, Section 5 and Article IX of the Watertown Zoning, the Zoning Ordinance may be amended from time to time; and

WHEREAS: On January 24, 2023, the City Council had a first reading on an amendment in regard to Article V, §5.01 and §5.07, to establish a linkage fee for new non-residential development of 30,000 square feet or greater to fund affordable housing in Watertown; and

WHEREAS: On March 8, 2023, with four members present, the Planning Board voted to recommend approval of the amendment and directed Department of Community Development and Planning staff to submit the Planning Board's report and recommendations to the City Council with respect to the proposed amendment; and

WHEREAS: On April 11, 2023 the City Council conducted a duly advertised Public Hearing with respect to the proposed Amendment.

NOW THEREFORE BE IT ORDAINED by the City Council of Watertown that Title XV, Chapter 155 of the Watertown Code of Ordinances, the Zoning Ordinance, is hereby amended, with the bold and underlined language inserted, as follows:

1. **Amendment:** Amend Article V, Section 5.03, Notes to Table of Use Regulations, by inserting a new Note (20) after Note (19), as follows:

(20). New non-residential development may be subject to an affordable housing linkage fee under Section 5.07.

2. **Amendment:** Article V—Strike out the word “Requirements” in the title of Section 5.07, to read:

§5.07 **Affordable housing.**
3. **Amendment:** Article V—Substitute the name “**Watertown Affordable Housing Trust**” and “**WAHT**” for the name “Watertown Housing Partnership” and “WHP” throughout Section 5.07.
4. **Amendment:** Article V—Insert a new clause in Section 5.07 (a) after the fourth stated purpose and before the fifth stated purpose of this section:

Intent and Purpose. The purposes of this Section are to encourage the expansion and improvement of the City of Watertown's housing stock; to provide for housing choices for households of all incomes, ages, and sizes; to prevent the displacement of low- and moderate-

income residents; to produce affordable housing units in order to meet existing and anticipated employment needs within the City; **to mitigate the impact of the increased demand for housing generated by employees of new commercial development wanting to live in Watertown**; to provide opportunities for conventional residential and mixed-use development to contribute to increasing the supply of affordable housing; and to establish standards and guidelines in order to implement the foregoing.

5. **Amendment:** Article V—Insert two new definitions after “12. Maximum Affordable Purchase Price or Rent” and renumber definitions “13. Small-Scale Inclusion Development” and “14. Subsidized Housing Inventory” accordingly.

13. NEW DEVELOPMENT -- For purposes of §5.07 (c), New Development shall mean any of the following that results in 30,000 square feet or more of Gross Floor Area:

- a. construction of new buildings or additions to existing buildings to accommodate Non-Residential Uses**
b. or substantial rehabilitation or conversion of buildings (or portions of buildings) to accommodate change to Non-Residential Uses.

14. NON-RESIDENTIAL USES. For purposes of §5.07 (c), the following uses listed in the Table of Uses (§5.01) are Non-Residential Uses: Hotel and Motel Use; Institutional, Transportation, Utility and Agricultural Uses (except for nursing home, rest home, convalescent home or assisted living); Business, Office and Consumer Service Uses; Open-Air Drive-in Retail and Service; Light Industry, Wholesale, Laboratory; Heavy Industry; and in §5.02, the following Accessory Uses are Non-Residential Uses: q (scientific research, development and production) and r (games of chance). Any Non-Residential portion of a Mixed Use Development shall be considered a Non-Residential Use.

6. **Amendment:** Article V, §5.07— After Definitions and before Applicability, insert a new sub-section (c) and re-letter sub-sections (c) through (i).

(c) Affordable Housing Linkage Fee.

(1) §5.07 (c) applies to any New Development that consists of 30,000 square feet or more of Gross Floor Area devoted to Non-Residential Uses. The following are exempt: real property owned by the City of Watertown, and religious and educational uses protected by M.G.L. 40A Section 3.

(2) Any New Development subject to §5.07 (c) must pay an affordable housing linkage fee of \$11.12 per square foot of Gross Floor Area devoted to Non-Residential Uses plus the inflation adjustment applicable when the fee is paid. The inflation adjustment shall be made annually in January, based on the Consumer Price Index for all Urban Consumers, CPI-U, compiled by the U.S. Bureau of Labor Statistics. The Department of Community Development and Planning shall publish and annually update the adjusted affordable housing linkage fee on the City’s website. The payment shall be made to the Watertown Affordable Housing Trust.

(3) The affordable housing linkage fee shall be paid in two (2) installments, with the first payment made before any Non-Residential Use that is part of the New Development receives an Occupancy Permit that would allow it to be occupied by workers. The second payment shall be made on or before the one-year anniversary date of the first payment. In the case of a multi-building New Development, the timing of the first payment shall be based on the building that is being occupied. No

certificate of occupancy or additional building permits shall be issued until the first payment has been made.

(4) The City Manager, in consultation with the Watertown Affordable Housing Trust, may accept the following to satisfy all or part of the affordable housing linkage fee: (a) inclusion of affordable housing units in excess of the number required by Section 5.07; and/or (b) real property.

(5) The permit-granting authority for a New Development shall require as a condition of any approval for zoning relief (including site plan review) that Applicants pay the full affordable housing linkage fee and that the first payment be made prior to issuance of an Occupancy Permit.

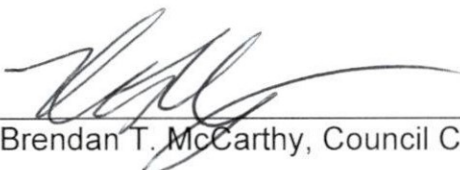
(6) Where a New Development consists of multiple buildings/phases, the 30,000 square feet threshold is based on the overall development proposed. Applicants may not use segmentation or surrogate or subsidiary entities to avoid compliance with §5.07 (c).

(7) The Department of Community Development and Planning shall request a nexus study every five (5) years from the effective date of this ordinance to assess the linkage between New Development devoted to Non-Residential Uses and demand for affordable housing and to assess any other factor relevant to the linkage fee and the rate charged. Based upon the nexus study, the fee may be reset as required based on recommendation of the city manager and approval of the city council.



Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Ordinance was adopted by a vote of 9 for, 0 against, and 0 present on April 11, 2023.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor