

Article 55

Aram Hollman, Pct. 6

Mass. Ave. / Broadway Bonus Rule Clarification

Within MBMF District, multi-unit housing:

15% affordable required. “Bonuses” for more than that.

If a developer makes at least 22.5% of units affordable, then the developer receives a bonus of 1 extra floor.

If a developer makes at least 25% of units affordable, then the developer receives a bonus of 2 extra floors.

ARB must follow 2 bylaws for multi-unit housing

8.3.2(A): 15% affordable. Required townwide, including MBMF.

Bylaw: Round any decimal up if 0.5 or more, down otherwise.

5.8.4.E(2): 22.5% or 25% affordable. Optional. MBMF only.

Bylaw: “At least”. Round any decimal up, always.

Within MBMF District, multi-unit housing:

15% townwide inclusionary zoning applies.

By default, buildings are restricted to 4 floors.

Optional 1- and 2-floor bonuses allow for more floors.

Hypothetical: 14 units, 22.5% affordable, 1 floor bonus

3 units 21.4% of 14 units, less than 22.5%

3.15 units 22.5% of 14 units, “at least” 22.5%

4 units 28.6% of 14 units, “at least” 22.5%

ARB should round up to 4, not down to 3.

Plain English and basic math in the existing bylaw

At least: Means “equal or greater than”.

**Applies only to 22.5% 1-floor and 25% 2-floor bonuses,
not to 15% inclusionary zoning.**

Town Meeting considered and approved this language.

“At least” requires rounding up any decimal portion

For the bonus, in calculating what percentage of units must be made affordable, any decimal must be rounded up.

“At least” 3.2 is 4.

“At least” 3.5 is 4.

Plain English and basic math in the existing bylaw

1-floor bonus, 11 units: 22.5% of 11 is “at least” 2.475 units

2 units **18.2% of 11 units, less than 22.5%**

2.475 units **22.5% of 11 units, “at least” 22.5%**

3 units **27.3% of 11 units, “at least” 22.5%**

ARB should round up to 3, not down to 2.

Plain English and basic math in the existing bylaw

2-floor bonus, 17 units: 25% of 17 is “at least” 4.25 units

4 units 23.5% of 17 units, less than 25%

4.25 units 25% of 17 units, “at least” 25%

5 units 29.4% of 17 units, “at least” 25%

ARB should round up to 5, not down to 4.

Article 55 clarifies the existing bylaw, does not change it.

The **at least** language in the bonus bylaw **implicitly** requires the ARB to **always** round **up**.

Article 55 makes that **explicit**.

Text of change to Zoning Bylaw 5.8.4.E(2), 1-floor bonus

(2) In the MBMF Overlay District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 22.5% of all units. In determining the total number of affordable units required, calculation of a fractional unit shall be rounded up to the next whole number, to ensure that at least 22.5% of all units are affordable.

Text of change to Zoning Bylaw 5.8.4.E(2), 2-floor bonus

In the MBMF Overlay District for properties facing Massachusetts Avenue, a second additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 25% of all units. **In determining the total number of affordable units required, calculation of a fractional unit shall be rounded up to the next whole number, to ensure that at least 25% of all units are affordable.**

ARB must follow 2 bylaws for multi-unit housing

8.3.2(A): 15% affordable. Required. Townwide.

Bylaw language: Round up if 0.5 or more.

5.8.4.E(2): 22.5% or 25% affordable for “bonus” floors.

Optional. MBMF only.

Bylaw language: “At least”. Round up always.

Town Meeting should support Article 55 because it:

- * clarifies the existing bylaw by making explicit what it requires.**
- * reflects what Town Meeting previously approved.**
- * preserves the chance for developers to earn additional bonus floors.**
- * helps to increase the supply of affordable housing.**

ARB must follow 2 bylaws for multi-unit housing

8.3.2(A): 15% affordable. Required. Townwide.

Bylaw language: Round up if 0.5 or more.

5.8.4.E(2): 22.5 or 25% affordable for “bonus” floors.

Optional. MBMF only.

Bylaw language: “At least”. Round up always.

END

15% required townwide inclusionary zoning, 8.2.3A

In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. **In determining the total number of affordable units required, calculation of a fractional unit of 0.5 or more shall be rounded up to the next whole number.**

Following the bonus bylaw requires an additional unit less than half of the time.

Rounding up always, not just when the decimal is 0.5 or more, results in 1 more unit being required less than half of the time.

1-floor bonus: Roughly half of the time.

2-floor bonus: Exactly one-quarter of the time.

The ARB's assertion that it takes "3 or 4" market-rate units to subsidize 1 affordable unit is unsubstantiated and irrelevant.

Asked to substantiate that assertion, one ARB member said he had (paraphrase) "heard that from developers". Asked if he had a more objective source for that information, one without a financial interest in it, the ARB member admitted that he had no such source.

It is irrelevant. This is a bonus, not a guarantee. It is meant to be a challenge. It is not necessarily feasible for all developers or for all proposals.