

Community Input for a Community Benefits Agreement in Union Square

Submitted for review and approval 3/22/18

I. A brief history of the re-development of Union Square

Union Square is the commercial center of a primarily residential neighborhood in Somerville, MA. It is one of the most diverse areas of the city, with communities hailing from Brazil, Central America, South Asia, Haiti, and Nepal. Portuguese, Greek, Irish, and Italian heritage are also represented, primarily in second and third generation families. The area is home to many undergraduates, graduate students, and professionals as well as working-class people. Families, older adults, and people living with disabilities and mobility impairments also make their homes here.

Over the past few years, due to its vibrant culture and proximity to good jobs and universities, Union Square has become an increasingly desirable place to live. Housing prices have doubled in the last six years. In 2015, 48% of tenants were spending more than 30% of their income on housing; while approximately the same proportion of homeowners were spending less than 20%. Union Square is slated in the near future to be a major focus of redevelopment efforts in the Somerville area, as laid out by the City of Somerville's Comprehensive Plan, known as [SomervilleVision](#). In the following, we outline a brief history of SomervilleVision and related planning and community processes in Union Square.

SomervilleVision, a 20-year plan (2010-2030) finalized in April 2012, was created through a series of community workshops and presentations, under a [steering committee](#) of 60 residents. Following the passage of **SomervilleVision**, The [Union Square Revitalization Plan](#) (USRP) was accepted in 2012 by the Somerville Planning Board, the Board of Aldermen, and the State Department of Housing and Community Development. The **USRP** serves as a guide to implementing specific planning goals, encouraging the investment of state and federal funds towards the attainment of those goals. The USRP triggers contingencies within state legislation by applying the legal term "decadent area" to 7 parcels. This enables the City to assemble developable parcels, if necessary, through eminent domain.

In December 2013, a [Request for Qualifications](#) (RFQ) was sent out by the City of Somerville's Economic Development department and the Somerville Redevelopment Authority to potential bidders on the **Union Square Redevelopment Project**. The RFQ called for a Master Developer to oversee the redevelopment of those seven parcels which had been identified in the Revitalization Plan. The Master Developer is not obligated to develop each parcel, but may subcontract with current landowners or other developers to develop the parcels along the lines of the Revitalization Plan. The City received nine development proposals.

After the RFQ was sent out, the City appointed a 20-member [Civic Advisory Committee](#) (CAC) made up of local business owners, residents, design professionals, and policymakers to advise the City and SRA on the planning decisions and development in Union Square. The CAC was asked to make recommendations, based on presentations from the 9 bidders, while the SRA had the legal authority to select the Master Developer. The CAC recommended two development teams to the SRA. Even though the [vast majority](#) of CAC members preferred Portland-based [Gerding Edlen](#), in July 2014, the **SRA unilaterally selected Chicago-based developer US2** as the master developer for the Union Square project, in a [public vote of their board](#).

II. Engagement processes in Union Square

After US2 was selected as the Master Developer, two parallel processes emerged providing community input and analysis of the proposed development. These processes were largely independent of each other, although certain individuals did contribute to both.

The first of these processes, [Union United](#), is an ongoing coalition of non-profits, unions, small businesses, and neighborhood groups that have been advocating since 2014 for a Community Benefits Agreement (CBA) around the development in Union Square. (A CBA is an agreement between a community and a developer in which the developer provides certain benefits to the community in exchange for a group's support of the project; described in further detail in section IV of this report, below). Union United has a membership structure with an elected board. They have focused on advocacy around *development without displacement*, with the goal of fostering economic growth that benefits current residents, preserves neighborhood character, and does not displace people through rising rents. Union United engaged in substantial outreach and engagement with the community, and in [March 2017](#), held a "Community Benefits Summit" where attendees could learn about CBAs and generate ideas about what they would want to see in their own Union Square CBA.

The second of these processes, hereafter the [LOCUS process](#), was established by the City of Somerville in summer 2015, under a [grant from the Barr Foundation](#), as part of a broader initiative from [Smart Growth America](#). LOCUS is structured as a consultancy, and its president and [steering committee](#) are real estate developers and investors. LOCUS appointed 30 local "[strategy leaders](#)" for the development effort in Union Square — including members of the CAC and Union United. The LOCUS strategy leaders deliberated in public and their emails can be found [here](#). After many hours of brainstorming, conversation, and writing, they produced a comprehensive [report](#) detailing their recommendations for how to proceed with development.

LOCUS focused on an overall strategy for Union Square, as opposed to particular asks or strategies suitable for a CBA negotiation. Thus, while many ideas from this process may be worth consideration by the Neighborhood Council, only some are relevant to the specific task at hand of crafting a CBA with the Master Developer. As an example, one of the top recommendations from LOCUS is:

To develop a tax incentive program for business that provides living wages, benefits and other worker rights.

While a CBA may incorporate provisions for living wages, benefits, and worker rights—these are all common proposals—it *cannot* do so through a *tax-incentive plan*, as such policies would fall under the purview of the City or State. In reviewing the LOCUS report, We have done our best to extract the ideas specifically applicable to a CBA.

On June 1st, 2017 the City of Somerville entered into a [Covenant](#) with US2, outlining the terms on which development of Union Square could proceed. The city

agreed to furnish a zoning overlay to the developer, while the developer in turn agreed to a schedule of Public Benefits (see appendix) Article 7 of the Covenant, importantly, requires US2 to enter into a separate process in which it will negotiate a Community Benefits Agreement (CBA) with a Neighborhood Council. Based on current communications by officials in the office of the Mayor, and members of the Board of Aldermen, we expect that this Article will be amended in the near future to designate the [Union Square Neighborhood Council](#) as the entity that will represent Union Square in negotiations with US2 for a CBA.

a. The Nexus Report

As part of a due-diligence requirement imposed by the [Dolan v. City of Tigard](#) decision of the US Supreme Court, government entities are required to conduct **Nexus Studies** of new development when they are assessing them for impact mitigation fees. In connection with the proposed development in Union Square, the City [commissioned a Nexus Study](#) from Karl Seidman, a specialist in economic development at MIT. Seidman considered Somerville in the wider context of the region, through the lenses of housing, jobs and their interrelations between the two.

A Jobs Linkage Fee is assessed on a square-foot basis and funds raised go toward jobs training programs. Properties are also assessed per square foot of non-residential development for a Housing Linkage Fee. The City of Somerville was granted permission through a Home Rule Petition to impose a [Jobs Linkage Fee](#) on future developments. **Key findings of the Nexus Report are summarized below.**

According to the report, “The City of Somerville is experiencing a *sustained and severe affordable housing shortage*,” with rents increasing over 30% between 2010 and 2015. The average rent for an apartment in May 2017 was pegged at \$2,400 / month, whereas, per the report, for a person earning \$41,553/year, an affordable apartment should be \$1,039 /month.

Seidman’s analysis shows that the influx of workers for high-paying jobs would bring substantial *additional* pressure to bear on the Union Square housing market. His analysis projects the need for 591 new housing units over the next ten years, including 133 very low-income units, 182 low-income units and 276 moderate-income units. To fully mitigate the impact of the nearly 9,000 new jobs coming to Union Square would require a linkage fee of \$86.43 per square foot. Seidman adds, however, that requiring developers to fully mitigate their impact would make Somerville less competitive relative to surrounding **cities and townships**, and ends by recommending **substantially lower linkage fees** between a total of \$10 - \$12.50 per square foot.

Based on the Nexus recommendations and input from community members, in [December, 2017](#), the Board of Aldermen set the Jobs Linkage Fee at \$2.46 / sq ft and the Housing Linkage fee set at \$10 / sq ft., for a total of \$12.46.

III. Formation of the Union Square Neighborhood Council and CBA Summits

a. *Formation of the Council:*

Beginning in July 2016, a Working Group began meeting and generating proposals for what a “Place Management Organization” (“PMO”) or “Neighborhood Council” might look like in structure and function. On October 13, 2016 the participants of the LOCUS process, [voted](#) in support of these efforts towards this end. From July 2016 to June 2017, the group met every 10 days, having a core group of about 20-30 regular participants. Meetings continued less frequently from June 2017 to November 2017. The online discussions of the group can be found [here](#).

The Working Group operated on a principle of inclusion, and comprised renters, homeowners, business people, workers, and members of the Chamber of Commerce. Because it lacked a formal structure, approval of important measures was by $\frac{2}{3}$ majority of attendees of each individual meeting at which a vote occurred. The Working Group developed a code of conduct and many decisions were achieved by consensus. Subcommittees generated proposals for discussion and debate by the broader Working Group.

An interim version of the bylaws intended to govern the yet-to-be-formed Union Square Neighborhood Council (USNC) was proposed by the Working Group to the wider public on [June 21, 2017](#). Over 200 people participated in the voting, but votes for adoption [narrowly failed to meet](#) the required $\frac{2}{3}$ threshold at that time (with 147, or 65% for “yes”; 77, or 35% for “no”). Based on a [post-vote survey](#), “No” voters were uneasy with proposed parameters for membership and board structure, having a strong preference for stricter membership requirements and more “open” Board seats. Revised bylaws which took these amendments into account were proposed in October 2017 and were overwhelmingly approved (with 173, or 89% for “yes”; 21, or 11% for “no”).

This second vote was followed by an [election](#) in early December 2017, in which over 40 [candidates](#) ran for 15 seats on the Board of a Neighborhood Council to be formed according to the approved interim bylaws. 712 people voted in this election, and [full results](#) can be found here. The Founding Board of the Neighborhood Council was constituted according to these results, and holds office for one year. The Neighborhood Council is currently governed under the [interim bylaws](#) passed in the Working Group until such time as permanent bylaws are proposed and passed during the term of the Founding Board.

The Founding Board met for the first time on December 19th and has met almost every week since then. The Board has received [commendation](#) from the Board of Aldermen as well as a letter from the [Mayor](#).

The CBA Summits:

The USNC held two Community Benefits Summits, on the evening of February 7th and morning of February 10th. These summits were promoted through door-to-door canvassing, flyers posted in several languages, online outreach, and specific outreach to known stakeholder organizations such as Union Square Main Streets and The Welcome Project. Approximately 150 people attended the summits, which were also [covered](#) by local media.

The summits consisted of two parts, a formal [presentation](#) and a segment in which the community participated actively. Participants contributed ideas in an unstructured format in a 20 minute session (the “free session”). Subsequently, areas of interest (Housing, Jobs, Green Space, etc.) were identified and participants were asked to give more detailed proposals based on their interest or expertise in that area (the “topics session”). Participants were given up to five stickers (hereafter ‘dots’) to be placed next to particular high-level ideas.

The remainder of this report takes into account ideas generated from the various sources described in the foregoing sections: the ideas and aggregate tallies of stickers from the summits, and the written proposals and opinions of Union United and LOCUS. This report also takes into account written submissions from such stakeholder groups as Union Square Main Streets, Union Square Neighbors, The Welcome Project, and Fossil Free Somerville, as well as individual submissions sent by members of the community during a public comment period.

All ideas recorded at the meetings and submitted via writing were compiled in this [spreadsheet](#).

IV. Further background: what is a CBA?

A Community Benefits Agreement is a legally binding agreement between a real estate developer and a community group in which the developer agrees to provide certain benefits or to offer certain terms in exchange for the group’s support of a project in that community. Community Benefits may be distinguished from other “public benefits” in that: first, Community Benefits are specifically negotiated for, and may not be direct consequences of the development as originally envisioned; second, a CBA is negotiated with the community in which the development is to take place, while other public benefits might be negotiated in the context of the broader municipality or the state.

In the case at hand, we expect the community body negotiating on behalf of Union Square (i.e., its residents, workers, and businesses) to be the Union Square Neighborhood Council, or USNC, which would be a party to the CBA; the counterparty to a CBA would be US2, the Master Developer. The City of Somerville is not expected to be a party to the agreement. In signing a CBA with the USNC, the developer will enter into a contract to adhere to the terms of that agreement. That contract can be legally enforced by the USNC as an entity with legal standing to bring suit if necessary.

CBAs are typically negotiated to lessen any adverse social, environmental, or economic impacts which may be anticipated to arise from development; or, to obtain

specific amenities, programs, labor-related concessions, or cash transfers desired by the community. CBAs have been used to negotiate for enhanced affordable housing requirements, for good local jobs, for job training, green space, sustainable building practices, community space, etc. CBAs are generally believed to be at their most effective when their requirements are clear and specific, with specific timelines and mechanisms of enforcement. The USNC has been clear that it believes this negotiation can be fulfilled through the realization of interdependent interests of both the master developer and the neighborhood, represented through the USNC.

Below, we provide a pair of examples of large-scale successful CBAs which have been negotiated in other communities (source: [Partnership for Working Families](#) and [Somerville Community Corporation](#)):

Bayview-Hunters Point CBA (San Francisco, CA): In late May 2008, the San Francisco Labor Council, ACORN, and the San Francisco Organizing Project (SFOP) entered into a community benefits agreement regarding a major development project in the Bayview-Hunters Point neighborhood of San Francisco. Under the CBA, Lennar, a national housing developer, agreed to the following conditions:

- 32% of housing units built within the project to be made affordable, at a range of income levels;
- \$27 million in housing assistance funds to be provided, targeted to neighborhood residents, including down payment assistance enabling additional units to be sold below market rates;
- \$8.5 million to be provided in job training funds targeted to neighborhood residents;
- The developer agreed to ensure that all project employers participate in a local hiring program;
- The developer agreed to ensure labor peace (i.e., card check / neutrality) in key industries within the project: grocery stores, hotels, and certain service contracts.

LAX CBA (Los Angeles, CA): In December of 2004, a coalition of community-based organizations and labor unions in Los Angeles entered into the largest CBA up to that date, addressing the Los Angeles International Airport's \$11 billion modernization plan. The parties to the CBA were the LAX Coalition for Economic, Environmental, and Educational Justice and the Los Angeles World Airports (LAWA), the governmental entity which operates LAX. The benefits obtained through this CBA campaign were valued at half a billion dollars. The range of benefits included:

- \$15 million in job training funds for airport and aviation-related jobs;
- a local hiring program giving priority for LAX jobs to local residents and low-income and special needs individuals;
- funds for soundproofing affected schools and residences;
- retrofitting diesel construction vehicles and diesel vehicles operating on the tarmac, curbing dangerous air pollutants by up to 90%;
- electrifying airplane gates to eliminate pollution from jet engine idling;

- funds for studying the health impacts of airport operations on surrounding communities;
- increased chances for local, minority, and women-owned businesses in the modernization of LAX

While a Union Square CBA would not be expected to follow the exact pattern of a CBA negotiated in Los Angeles, we believe these examples may serve as fuel for thought and to give a sense of the sorts of negotiations which have been and may be reached with developers.

V. Key issues arising

In the following sections, we describe in detail the ideas and proposals for a CBA which have been generated by Union Square community members and stakeholder groups. We have grouped them alphabetically here by topic area.

- A: Affordable Housing
- B: Arts & Creative Economy
- C: Business Development
- D: Community Center
- E: Green and Open Space
- F: Jobs
- G: Parking & Traffic
- H: Sustainability and Climate Change

a. ***Affordable Housing:***

A major component of any CBA agreement will likely be benefits and transfers related to housing. The topic was discussed extensively at both CBA summits and has been the subject of recommendations from external processes / organizations including LOCUS and Union Square Neighbors, as well as the subject of written input from the community.

Inputs and recommendations:

“Housing” received 107 dots in aggregate across the two topic sessions at the CBA summits, the second most of any topic after “Jobs.” The vast majority of these votes (all but 7) went to issues related to affordable housing and displacement, and monitoring / enforcement of compliance in those areas.

Union United, Union Square Neighbors, LOCUS, and individual members of the community also weighed in on the question of housing. Union United focused on the topic of affordable housing; Union Square Neighbors focused on promoting home ownership; additional community input obtained by email focused on promoting housing for families.

Affordable housing / displacement:

Affordable housing / displacement was the major issue of discussion in the housing category at both CBA summits. Within this broad area, several points stand out:

i. Push for “40% affordable housing” in the new development, up from the city-mandated 20%; this single idea received 30 dots, and was additionally mentioned in both of the free sessions. The idea garners also the support of the Union United group: “At least 40% of the housing in the redevelopment will be affordable to households ranging from very low income to middle income.”

ii. “Rent-control.” This simple idea was extremely popular, receiving 17 votes. Rent control units cannot be established by the City of Somerville (under the constitution of Massachusetts), but rent control units could be guaranteed in a CBA agreement with US2. The LOCUS process supports a form of rent control for affordable housing units in its “Just Cause eviction for all affordable tenants” recommendation (Just Cause laws make it difficult to evict tenants in affordable housing units, perhaps including for failure to pay rent increases). A similar notion arose in one of the free sessions (“something like Jim Brooks Stabilization Act”), which is the name of the Just Cause act recently passed in Boston.

iii. Ensure that affordable units are “truly affordable”; i.e., that “affordable” units are geared towards households earning well below the median income. Popular ideas included “clear definition of affordable” (8 dots); “sliding scale (no lumpy income thresholds) (6 dots)” (i.e., letting the price of affordable units vary with income, to prevent people falling into income “doughnut holes”); and “very low income / middle income, need housing for all groups” (1 dot).

iv. Enforce / monitor affordable housing situations: specific ideas were “make sure affordable housing stays here — no offsite, no pay in lieu” (7 dots); “track displacement — who and where they’re going” (3 dots). Pertinent to this topic, LOCUS recommends “Streamline and ensure accountability of tenant and homebuyer marketing and selection policies and procedures for attainable housing options.”

v. Ensure that affordable housing is suitable for families; i.e., that a certain number of affordable units are built with 2 and 3 bedrooms. This was mentioned extensively in both summits and received 7 votes between the two topic meetings, without, however, any specific recommendations as to the percentages of 2, 3, and 3+ bedroom units which should be included. Additional ideas in this area stemming from the CBA summits included “multi-generational living accessibility.” The notion of providing housing for families obtained further support from the additional community member inputs not obtained as part of the CBA summits. Lastly, Union United suggests in this connection: “At least 50% of the affordable units developed will be family sized.”

vi. Ensure that affordable housing is first available to existing residents or disadvantaged groups. “Clarity on who gets priority in affordable housing” (2 votes); “prioritize for Somerville residents” (1 vote). LOCUS recommends in this regard: “Affordable units preferentially available to Somerville residents at risk of displacement and those recently displaced.”

Additional affordable-housing related notions to come out of the CBA summits included: “no to luxury condos” (3 votes); “a way to prevent polarized rent” (2 votes); “creative ways to raise amount of affordable housing” (2 votes).

LOCUS also contributed: “Ensure the greatest level of housing preservation and production for extremely low income up to 170% of AMI”; “Affordable units integrated with market rate units.”

Union United further suggests: “The developer will give loans for affordable housing and homelessness prevention.”

Other Housing issues:

The only housing issues not related to affordable housing / displacement to receive votes at either summit were “LEED certification” (1 dot) and “mix of rental/ownership — deed restricted” (6 dots). The Union Square Neighbors group supported home ownership with its suggestion of “Minimum of 20% market-rate for sale residences including at least some targeted towards families.”

Some additional issues came up for voting in the topics sections but did not receive any votes: “filtration to reduce intake of traffic emissions”; “bottom line numbers” (not easy to interpret, but perhaps related to accountability). Other issues came up in the free sessions but did not come up for voting in the topic sections. These included “community rooms within apartment buildings”; “Ruby Rogers Center — homeless support, mental health support” (perhaps a suggestion that the developer protect the Ruby Rogers Center, under threat of closure because of withdrawal of funding); “1st time home buyers fund”; “US2 could provide housing voucher.”

The LOCUS process offered several additional suggestions which might have a bearing on CBA negotiations: “Obtain from US2 survey results of amenities needed for family housing”; “Gain long-term community control of a percentage of land to be redeveloped for family friendly housing development.”

b. Jobs:

Participants in the CBA summits overwhelmingly underscored the importance of **livable wages** for all who work in construction in new development in Union Square, as well as in all business activity in the square. With respect to construction, there was a distinct desire for **20% apprentice employment** and overall union hire. Many participants wanted a commitment from the developer to respect **collective bargaining rights** and prevailing wage agreements. Even if jobs do not end up being managed through a union contract, participants wanted **prevailing wage agreements** to be

respected. This should be done through a [Project Labor Agreement](#) that will require contractors and subcontractors to pay prevailing wages, provide health and retirement benefits, and have a qualified apprenticeship training program. A further stipulation is that these agreements should be **locked in to the D-blocks** and not just the current master developer (if/when the D-blocks are sold).

A common focus was on need to include pathways for **minorities and women**, with special provision, including funding, made for English-as-a-Second-Language (ESOL) training for apprentices. Additionally, a distinct desire was expressed for a priority of **local hiring**, with specific targets set out before the project begins. One clear proposal for a specific monitoring committee to be established to oversee meeting local and **targeted hiring goals**. In projects in Boston, an approach has been to ensure the following targets: 51% residents, 40% people of color, 20% women.

Given that anticipated new businesses are expected to generate lab-based jobs, participants focused on the need to **train local residents** to prepare for these jobs. Two possibilities—not mutually exclusive—were training programs in Somerville High School, as well as through job programs offered through Somerville Community Corporation. Other training proposals included green building management training, and apprenticeships to be offered through the Somerville High School. The overall sense of these conversations is that a CBA should include **clear metrics** for establishing a **local job pipeline** for residents. A key recommendation is that employers should participate in the **Somerville First Source** Jobs Program and fund job training. Furthermore, participants expressed a desire for the master developer to commit to supporting businesses that will create light manufacturing jobs.

The LOCUS process emphasized four priorities on the issue of jobs. First, that the developer should implement high school and community college **training** programs. Second, that there should be a dedicated focus on building **partnerships** between area businesses and local educational and other community institutions to scale up these efforts. In particular, an emphasis was placed on building on existing **workforce development** programs such as the First Source Jobs Program and adjoining employment. Finally, participants emphasized a desire to **prioritize at-risk residents** for additional training.

The Union United CBA recommendations included support for a Project Labor Agreement that will require contractors and subcontractors to pay prevailing wages, provide health and retirement benefits, and have a qualified apprenticeship training program. It also emphasized the desire to ensure that employers participate in the Somerville First Source Jobs Program and fund job training. The recommendation for the payment of prevailing wages was echoed by a submission from [Somerville YIMBY](#) Union Square Main Streets also expressed support for the creation of a job training program.

The Jobs for Somerville Committee made a number of recommendations in this area including: payment of prevailing wages, provision of health and retirement benefits by all contractors and sub-contractors for all workers in the development, the creation of apprenticeship program, and requiring at least 51% of workers to be Somerville residents. Further recommendations from this submission are listed below:

- Each Covered Employer shall employ at least fifty-one percent (51%) of its employees from the Targeted Job Applicants; and shall make this requirement part of any contract or agreement with any third party that will operate a business at or provide services for the redevelopment.
- Participate in an Access and Opportunity Committee to ensure that hiring goals are met and work with partners to address challenges.
- Each Covered Employer with 10 or more Full-Time-Employees shall pay a Living Wage. Covered Employers with fewer than 10 FTEs shall pay at least the City Living Wage. “Living Wage” means an hourly wage rate which on an annual basis is at least equal to the living wage for a family of the relevant size (can be calculated through the [MIT living wage calculator](#)) plus 15%.
- Participate and require covered employers to participate in the Somerville First Source Jobs program. Participation in the program shall entail:
 - Commit to hiring and training local residents
 - Provide notification of job openings to the Program
 - Prioritize interviews with program participants
 - Report on local hiring and retention
 - Assist in identifying industry needs
- Provide annual funding in the amount of \$3,000,000 (indexed for inflation in future years) to support Somerville Workforce Development Programs.
- Open a centralized job office where applicants can receive information, referrals, and support.
- Through the Somerville Jobs Trust Fund or a similar structure, fund and require Covered Employers to fund Designated Organizations to provide suitable training and incumbent worker training to Targeted Job Applicants, as well as partnering with schools within the Host Community to recruit student interns and create relevant educational programs, to create a pipeline of skilled workers before, during, and after construction.
- The Developer shall provide dedicated funding to ESOL training to targeted job applicants and incumbent worker.
- Present and Future owners and tenants take a **neutral approach to the unionization** of non-construction employees. Management shall not take any action or make any statement that will directly or indirectly state or imply opposition to or support for the selection by employees of a collective bargaining representative, or preference for or opposition to any particular union as a bargaining agent.
- Present and Future owners and tenants establish a “free and fair” election process to facilitate expedited union recognition.

Finally, The Welcome Project emphasized the need for ESL job training, measurable and enforceable commitments to diversity in hiring, and significant publicity of job openings, including to minority populations. The Welcome Project also expressed a desire to have more clarity on the formal educational requirements for different types of jobs.

c. Supporting Local Business

Maintaining and growing our vibrant, diverse business district is a shared priority for the Union Square community. As such, supporting local businesses, particularly local brick and mortar establishments, will be a significant component of the CBA. Support for local business received 51 dots in aggregate across the two topic sessions at the CBA summits, and has also been a focus of submissions from Union Square Main Streets, among others.

Key suggestions from stakeholder groups, as well as from participants at the CBA summits, are summarized below. Note: This section does not address parking and transportation related suggestions which are broadly supported by the local business community, as those are included in section f on Transportation and Parking.

Ensuring Affordable Space for Businesses:

Union Square Main Streets and Union Square Neighbors recommend that the new development include **“incubator” space** for business start-ups and **affordable retail space**. LOCUS similarly recommended ensuring affordable commercial space to maintain local businesses and combat displacement, particularly for retailers. Union United here recommended that 30% of the development commercial space should be affordable with priority going to **displaced tenants and to local minority- and woman-owned small businesses**. Union Square Main Streets recommended more limited subsidies, specifically, the consideration of a plan to provide “targeted, temporary, transitional rent subsidies for appropriate and qualified small businesses in new construction areas,” noting that this strategy would help increase and maintain the vitality of the Square, while **preserving its unique character** and distinguishing it from such other developments as Kendall Square and the Seaport District.

Support for Businesses During Construction and Assistance to Displaced Businesses:

Support specifically for construction-impacted businesses ranked high at the CBA summits, and found broad support in other written recommendations. Union Square Main Streets called for the creation of a **Construction Mitigation Plan (CMP)**, under which, for each phase of construction, the Master Developer would work with USMS on the appropriate strategies for mitigating the impact of construction, including by funding additional signage. Union Square Main Streets called for working with local businesses and providing support for relocation plans for appropriate and qualified businesses displaced by construction. Union Square Neighbors also called for relocation assistance. Finally, at the CBA summit, many individuals voiced support for business “build out” assistance for businesses that had been relocated into the proposed new, affordable space.

Revolving Microloan Fund and Technical Assistance Funding:

Union Square Main Streets has asked that the CBA include a “**revolving microloan fund**” of up to \$50,000 to support small business efforts to make the improvements and expansions necessary to allow Union Square businesses to take advantage of an anticipated larger customer base, as well as to offset rising rents. USMS notes that small businesses and start-ups, which comprise many of Union Square’s local businesses, are often the least able to secure financing for such adjustments. Union United similarly called for a Small Business Assistance Program, as did Somerville YIMBYs.

USMS has also called for a fund to provide **technical assistance** to Union Square businesses, focused on such areas as: 1) assistance and training in how to increase presence on online review platforms; 2) assistance in developing websites or in joining existing platforms for ecommerce; 3) guidance when applying for Storefront Improvement funds; 4) legal support to businesses during leaseholder negotiations; and 5) education on small business labor issues, such as scheduling tools and employee healthcare options. Likewise, at the CBA summits, support for technical assistance for local businesses was also substantial.

Across all submissions, comments expressed support for affordable commercial space and for mitigating the disruption to businesses displaced due to proposed new construction, providing technical assistance to local businesses, supporting locally-owned businesses and women, immigrant, and minority-owned businesses, and ensuring that Union Square has a walkable business-friendly environment with adequate parking and clean, well-lit streets.

d. Green and Open Space

Although the Somervision plan has recommended massive increases in green space across the City of Somerville, large segments of Union Square are not yet served by a park. Members of the community have expressed the opinion in the previous months and years that this situation could be remedied through the proposed development in Union Square. Nonetheless, a worry commonly heard in this connection in local meetings has been that the actual development accomplished by US2 in Union Square may result in insufficient green space as compared with what might be generally desirable. For instance, in [US2’s Coordinated Development Special Permit Application](#), some open areas, like plazas, are not in fact green, taking the place of proposed parks and other amenities. This broad area of discussion was one of the most popular at the CBA summits, receiving 90 dots.

A request that *more green and open space* stem from the development in Union Square than what is currently expected to be obtained was the most popular notion in this area, receiving 54 dots. More specifically, residents requested “**two large neighborhood parks**” (20 votes), “*35% new green & open space (75% is green)*” (13 votes), “*1.25 acres green space per 100,000 sq ft building space*” (7 votes). Support for achieving Somervision’s ambitious green and open space goals in general scored a

further 8 dots in aggregate across the two sessions. Other suggestions included “keeping current green spaces green,” “not counting medians,” and “have US2 fund a comprehensive open space plan city-wide.”

A procedure by which the two parks might be obtained is laid out in the CDSP:

As this process continues, the Director of Planning will also submit a zoning amendment to change the overlay subdistrict on the portion of D7 mapped as MR4 to be mapped at MR5. Should an amendment be approved that changes this subdistrict, without any other substantive change being made to the zoning as approved in June 2017, the Applicant has agreed to file an application to shift some development from D7 across Warren Street into this newly up-zoned area, thereby allowing for a larger civic space on D7 while maintaining the Neighborhood Park on D1.

It is worth noting that the above Contingency does not specify the size of the new park on D7, which might be a topic for negotiation in the event that the Contingency is triggered.

Also popular at the summits were specific suggestions of what new green space might look like, with requests for **gardens and places to grow food** receiving the highest vote totals: “places to grow food” (i.e., as part of community gardens; 7 dots); “rooftop green spaces --> open to public - farms?” (2 dots). Other suggestions of this type receiving dots in support included: “places that are free and interactive”; “intergenerational-use spaces”; and a request for lessening athletic field use through the building of an athletic center, which perhaps aligns more closely with the Community Center ideas.

A range of additional ideas were mentioned at the topic sessions not pertaining to the areas described above. Miscellaneous notions receiving votes included “plan for best practices on vegetation in green space”; “HighLine maintenance model”; “city to oversee design and maintenance”; “funding for community programming”; and several votes served to comment on the displacement of the post-office and the projected displacement of [Ricky’s flower market](#).

Discussion in the free sessions comprised a vast range of worthwhile ideas for improving the quality and environmental soundness of new green space in the Union Square area. A small selection of these ideas includes: “concerned about heat island effect” (i.e., from asphalt open space); “local plantings”; “more smaller parks”; “combining smaller parcels to form larger parks” (perhaps expressing the opposite of the idea quoted previously); “green space — some, doesn’t have to be big — prefer quiet area, can be on a busy street if set back (eg. Kenney Park)”; etc.

The LOCUS Process focused, in this area, on defining green space, stormwater management, and place-making. Its specific recommendations included: “Promote better surface management and green infrastructure; Develop design standards and quantified goals... Integrated stormwater management improvements into street improvements.”; and, “Develop design standards and proportions for a variety of open space including green roofs, shared streets.”

Union United likewise surfaced questions of defining green space (insisting that it be green), of community gardens, and of [place-making](#). Union United also specifically requested preservation of the [Concord Avenue Community Space](#) in the D-4 parcel, which, according to the US2's Coordinated Development Special Permit (CDSP) Application, is now secure.

YIMBY Somerville mentioned increasing the size of the park planned on the D7 site, while Union Square Neighbors also mentioned a **larger park on D7**, green roofs, and place-making strategies (including: spaces for public art, location of open spaces, strategies for “space in between”, and design), and direct investment and **public ownership** of green and open space.

Submissions from individuals in the community as well as organizations such as Fossil Free Somerville highlighted the need to get **substantive green space**, not just pocket parks and rooftop gardens, particularly in order to meet past green space commitments. Individual submissions also recommended increasing the size of the park planned on D7.

e. Sustainability and Climate Change

Sustainability and Climate Change issues might enter into a CBA as part of a set of demands pertaining generally to environmentally sound building and development practices. These ideas are popular in the Union Square community, and at the CBA summits, there were 43 votes in total for this area. Organizations such as Union United, LOCUS, Green and Open Somerville, and Fossil Free Somerville also weighed in. Contributors focused on three main topics:

1. Sustainable ‘green’ building practices
2. Renewable, carbon-free energy sources
3. Climate-change preparedness, with a focus on flood mitigation

Those who were interested in this area expressed a preference for buildings that are *state-of-the-art*, that *generate their own green power*, and which are *able to withstand extreme weather*. Participants noted that the buildings being constructed as part of the US2 development process would be around for many decades, and that their continued operation and maintenance, if reliant on fossil fuels, would contravene the [Sustainaville](#) mission emphasizing carbon neutrality by 2050. In their submission, Fossil Free Somerville also advocated for net zero carbon emissions and the distribution, storage, generation and use of renewable energy for new development in order to minimize the development’s carbon footprint and ensure climate resiliency.

LEED certification was mentioned at the summits, though perhaps the [Living Building Standards](#) are a paradigm more in line with the range of other asks here — water recycling, carbon neutrality, and locally sourced building materials. Green and Open Somerville and Fossil Free Somerville specifically advocate for holding the Master Developer to this new standard. Fossil Free Somerville asserts “LEED certification often amounts to ‘greenwashing’ or creating the illusion of sustainable commitment”. In place

of LEED, FFS suggests builders comply with Living Building or the [Passive House](#) standards.

There was particular concern among attendees over the fact that many of the proposed building sites are in a [flood zone](#); those buildings which are designated as lab space may, moreover, contain hazardous materials, compounding problems associated with flooding. Fossil Free Somerville advocated that specific attention be paid to the flood scenarios outlined in the City's [Vulnerability Assessment](#) in development.

The LOCUS process here suggested training programs (and funding streams for those programs) to ensure that there would be available local expertise in operating green energy infrastructure. They also emphasized that new buildings should be built using sustainable practice and able to withstand climate change. LOCUS participants also expressed a desire for sustainable landscaping practices. Where the LOCUS contributions were more detailed was in considering embedding green energy infrastructure into new buildings, how it would be managed and funded.

The USNC received a [submission](#) from Green and Open Somerville, which advocated for an increase in civic space from 17.5% to 25%, 2 neighborhood parks, with one on the D7 parcel; landscaping and architecture that provides habitat for native plants and animals, a Community Center with a rooftop farm and cafe, and no artificial turf on any green spaces. Other groups such as YIMBYs, USMS, The Welcome Project, and USN did not mention green practices.

There were no significant conflicts between “asks”; participants concerned with the long term sustainability of Union Square agree in what they want to see: green building practices, renewable energy, and climate change preparedness.

f. [Transportation and Parking](#)

The subject of transportation and parking was discussed extensively in the LOCUS process and at the CBA summits, and has been an ongoing area of discussion among Union Square Main Streets, Union Square Neighbors, and other community groups. Concerns related to this topic may make up a significant component of any CBA agreement. “Transportation and Parking” received 48 dots in aggregate across the two topic sessions at the CBA summits.

Recommendations from all sources for a proposed transportation and parking section of the CBA are summarized below.

Creating Mixed-Use Parking:

One recommendation that emerged with broad support at the CBA summits was that much of the new parking that is to be created as part of the development be mixed-use, available both for businesses and for residents. This proposal garnered support both from Union Square Main Streets and from the LOCUS process. Many commenters support using creative pricing mechanisms to ensure parking availability.

Parking and Traffic Planning and Mitigation:

The LOCUS Process, Union Square Main Streets, and Union Square Neighbors all endorsed some form of **district-wide parking plan**, in order to ensure maximal availability and sharing of parking resources. These organizations also supported commissioning studies on traffic and traffic mitigation for the center of the Square and surrounding streets. Overall, the development's potential to increase congestion on surface streets raised safety and health concerns for residents. Proactive strategies to address these problems were mentioned in the LOCUS process and in comments by Union Square Neighbors and Union United. There was general consensus that more (funded) study would be necessary to develop the right mechanisms and incentives to mitigate health and safety concerns. Incentivizing walkability, multi-modal transit, and traffic calming measures also emerged repeatedly as potential parts of the solution.

Centralized Parking on D7:

Union Square Main Streets recommended that the development include centralized parking in the western half of Union Square, perhaps in D7. The purpose of this centralized parking would be to support existing businesses and the possible expansion of businesses along the parts of Somerville Avenue and Washington Street to the west of the square, as well as to ensure that the western part of the square maintain vibrancy when the proposed new T stop south of Union Square orients foot traffic toward the eastern edge of the square, as it is projected to do. Others have proposed using space on D-7 for a new park (see section d).

Encouraging Walkability and Biking:

Many attendees of the CBA summits as well as Union Square Main Streets, Union Square Neighbors, Union United, and the LOCUS process support additional refinements to street design to encourage walkability and biking, including the improvement of traffic signals, development of bike lanes, and bike parking, as well as bike-share (Hubway) stations on both sides of Union Square. Another idea in this category that garnered strong support at the summits was that of building a connection from Union Square to the Community Path; this proposed connection was also strongly supported by Union United.

Other Supported Proposals:

Ideas not fitting into the above categories which were supported at the summits, in the LOCUS process, and in other submissions included: adding EV charging stations to all new parking facilities; traffic calming measures; and launching shuttles to commuter locations such as Kendall and Assembly. An additional proposal from Union

Square Neighbors has called for maintaining the limit of 1,500 parking spaces unless a special permit is issued following a report from a Transportation Management Agency.

g. **Community Center**

A proposed community center has been the subject of substantial discussion in the Union Square community, with many hoping it will be built as part of the US2 development process. A community center would fill an existing need as a meeting place for the Union Square organizations which may gather together for activities, social support, information, or other purposes. A center might also serve as a place where individuals could go for social events and classes, or to participate in other cultural or recreational activities. This idea is partly addressed through US2's obligations under the CDSP:

The Applicant is responsible for the cost of design and construction of all civic spaces, in accordance with the DSPR [Design and Site Plan Review] approved for each civic space.

...

*The Applicant will work with the Neighborhood Council and interested parties in the Union Square community to allow for the inclusion of an "**indoor civic space**" as a part of the design process. An "indoor civic space" is a space provided to a public and/or non-profit use or uses, with ground level access, within the interior of a D Block building. The Applicant shall, in collaboration with the Neighborhood Council, make reasonable efforts to identify the appropriate tenant or tenants for lease of this space for civic uses within the appropriate development block and the applicant shall work to consummate a lease with said tenant'.*

However, what emerged from the CBA summit process was a desire for and vision of a **complete building** that would serve the community top-to-bottom, serving a diversity of needs and age groups. The community desire for dynamic space goes far beyond a meeting room or cafe. People want an entire building with amenities such as daycare, fitness & health centers, food preparation, art-making spaces, meeting spaces and greenery on the roof.

A substantial number of participants at the CBA Summits suggested that the proposed community center should contain a *large meeting space* (16 dots in aggregate) and *indoor community / civic space* (3 dots). Since forming, the USNC itself has struggled to find appropriate public meeting spaces, so we see this need as central. Several process groups and stakeholders offered additional support: The LOCUS group suggested: "*A meeting space for individuals and groups; performance and recreational space; community living room with free Wi-Fi; pickup/drop-off location for items requested from Minuteman library network.*" Somerville YIMBYs asked for: "*The creation of indoor community space*" while Union Square Neighbors requested "*Indoor Civic Space - an indoor, flexibly programmed space.*" Union United expressed its

support for the general notion of: “a *multigenerational, multipurpose community center with programming provided by local organizations.*” Lastly, Union Square Neighbors proposes a “*Community meeting room.*”

The specific types of rooms / facilities most desired as part of a community center may vary among individual members of the community. This variety should not be construed as lack of clarity—the overall vision converges on a vibrant, multimodal building where community members can engage in a variety of activities together.

Topping the list of specific asks at the CBA summit topic sessions were: that the proposed community center contain a *public library* (11 dots); a *pool* (8 dots); a “*drop-in / recovery center*” (i.e., a social and healing space for people recovering from alcohol or drug abuse; 12 dots); “*daycare*” and “*affordable daycare*” (6 dots); a *youth center* (6); a *senior center* (3); a *center for teens* (2); a “*community kitchen*” with “*restaurant incubators*” (4 dots); a “*wellness center*” for “*meditation/yoga*” (3 dots); a *media room / location for SCATV* (an organization projected to be displaced by the development; 3 dots); *arts spaces, performance spaces, a theater* (4 dots in total); a *jobs center* (2 dots); a *nonprofit workspace/incubator* (2 dots); a *tool-library / repair studio* (1 dot). Letters from the community provided additional support for SCATV, *daycare*, and the proposed *senior center*.

LOCUS offers support to a number of items suggested during the topic sessions, including the proposed *affordable daycare, community kitchen, dedicated teen space, and new location for SCATV*. LOCUS additionally recommends a wide variety of specific facilities for inclusion in the community center such as: a “*Health clinic providing affordable treatment options for residents*”; “*a recreational center, containing a basketball court, locker room, and space for yoga and other classes*”; “*A Welcome Center in connection with the [Green Line] station*”; “*Shared retail space with shared amenities*”; “*small business incubator which includes job / career training.*”

Union Square Neighbors notes in its submission that it prefers a community center of “*at least 25,000 square feet*” of which “*at least 10,000 square feet shall be a multi-functional gymnasium/recreation room that is open to the public.*”

Several organizations spoke in support of the *public library branch* which was one of the key asks to come out of the topic session. The LOCUS group recommended: “*A branch library with small focused collections of books, DVDs, CDs, etc.*” Union United asked simply for: “*A branch library.*”

The points of broadest agreement at the moment seem to be first, the *large meeting space*, second, the *public library branch*, and third, fitness facilities, with a pool being most popular.

h. Arts and Creative Economy

This area of focus received 33 dots in aggregate across the two topic sessions, with additional written support from Union Square Neighbors and Union United, and written submissions from individual members of the community.

There was broad consensus among people interested in this area with regards to the means by which development should be tailored to support the [community of artists](#) and innovators in and around Union Square. We are home to a many practitioners,

many of [whom](#) specialize in [public art](#), and this last was an additional focus of votes and contributions. That said, artists—like many residents—are often low-income. Participants seem to recognize both the value and precarity of their presence in our neighborhood.

Contributors emphasized three priorities:

1. Space Needs (*studios; fabrication areas; practice spaces; performance spaces*)
2. Artist Support (*grants; subsidized housing; prioritization of diversity*)
3. Public Art (*grants for public art; infrastructure for public performance*)

The overall vision here is to embed local art and artists into several aspects or elements of the new development. In practice, this topic area may overlap significantly with the Community Center ideas, in that some of the space requirements for practice, fabrication, and performance might be met by a fully functional community center. Other ideas, for artist housing and support, could belong in the set of Housing asks.

Additional notions receiving support at the summits include that public art should be funded by the developer through *direct contributions to grant-giving organizations*, and that the *disbursement of these grants should be prioritized to local artists*.

VI. THE PATH TO NEGOTIATION

This report represents a starting point for negotiating a CBA in Union Square. The goal of this report has been to integrate and present the wide range of individual, institutional, and otherwise collective processes to generate visions, ideas, and negotiating positions for the future of Union Square to be realized through a CBA.

The term “collective bargaining” has traditionally been applied to the representation of workers vis-à-vis their employer. Employers and workers negotiate due to the inherent interdependence of the wage relationship; the CBA model suggests a similar vision of negotiation on the basis of common interests. The Neighborhood Council aims to negotiate with the master developer on the basis of an inherent interdependence across the diverse array of interests in our neighborhood.

Prior deliberations in the Council have emphasized a desire to pursue an “interest-based” strategy as opposed to an “adversarial” strategy for negotiation. The upshot of this distinction is that the negotiating team will be expected to enter negotiations having a clear starting position on a range of issues, to quickly find areas of common interest with US2, and to bargain in good faith on issues where interests of the two parties may not entirely align. We adopt this strategy knowing full well that a shift to an “adversarial” position may end up being required, on points on which common ground cannot be found.

The remit of the negotiating team is to represent effectively the negotiating goals that are approved by the Board, and that can reasonably be expected to gain approval by the Council membership. Per the Council by-laws, such approval, by two-thirds majority, is required for the passage of any CBA.

a. Timeline of Events:

The draft version of this report will be submitted to the Board for consideration at its meeting on **15 March**. This report summarizes the recommendations of individuals and stakeholder organizations in Union Square through the CBA summits and other participatory processes. Meetings of the CBA committee in the weeks between **15 March** and **5 April** should then focus on identifying key priorities in each category of “ask” generated by the community. The weeks between **5 April** and **26 April** should, in turn, focus on producing specific recommendations for the initial positions of the negotiating team. A negotiating team should be selected by the Board by **15 April**.

Prior deliberations of the Council have emphasized the need to consult with outside advisers having experience in negotiation and, especially, in CBA negotiation. Since those selected for the negotiating team might not have direct experience in CBA negotiation, we expect to fill any gaps in experience with two weeks of focused training from **26 April** to **10 May**. We recommend that the negotiating team be prepared to begin negotiations with US2 as early as **mid-May**.

b. Selection of the negotiating team:

Upon acceptance of this report, the Board will issue a Call for Nominations for membership on the negotiating team. The Call will ask for a 250-400 word nomination statement that addresses criteria enumerated in section *c* below. Nominees will be encouraged, though not required, to submit a curriculum vitae. Self-nominations are encouraged. The deadline for submitting nominations will be **8 April**, in order that the board can review all nominations prior to the selection of the negotiating team by **15 April**.

c. Composition of the negotiating team:

The CBA committee considers a number of factors in its recommendations as to the composition of the team which is to be selected by the Board:

- The size of the team
- The particular skills desired of the people on the team
- Representation of particular groups, ensuring inclusion of the range of interests which comprise the remit of the Neighborhood Council

i. Size

We recommend a negotiating team of between five and seven people. We believe that this size will ensure the negotiating team will not face overly burdensome challenges in scheduling meetings, will be able to coordinate effectively, and will be able to develop the common understanding and rapport necessary to work together as a unit. Any larger and the team could become too unwieldy to ensure quick responses.

Any smaller, and the team would risk missing some critical expertise in its ranks, and might fail to be representative of the community.

ii. Skills

We recognize that the Neighborhood Council is not a group formed on the basis of formal expertise alone, and we do not believe that the negotiating team should be chosen exclusively on such a basis. That said, we note that legal experience, if available, would be extremely valuable to the negotiating team. Policy and planning expertise is likewise highly desired, especially in substantive areas within the different negotiating priorities.

iii. Representation

The by-laws of the Neighborhood Council were written in such a way as to highlight the importance of representation across a variety of dimensions. We recommend that the negotiating team should ideally include a mix of homeowners, renters, business owners and workers. It is evident that it may be possible to have more than one of these identities represented by a single member of the negotiating team.

d. Lead-up to negotiation:

The negotiation process can begin once the Board of Aldermen designates the Neighborhood Council as the entity empowered to negotiate a CBA with US2 as per the Revised Covenant between the Mayor and US2 (revision approval pending). After negotiation begins, we expect that the negotiating team will report from time to time at regular meetings of the Council. We recognize that there may be a need to ensure confidentiality during the negotiation process. Thus, the negotiating team should exercise discretion during the entirety of the process and during its public reporting. The negotiating team and Board should consult about the timing and content of these reports to maximize openness, while preserving the confidentiality that may be essential to a successful conclusion of this process.

i. Safeguards and accountability

We expect that the negotiating team will provide clear mechanisms for accountability in any CBA. This will include, but is not limited to, ensuring that the CBA applies to any future owner of the parcels if the Master Developer chooses to sell.

ii. Monitoring and enforcement

We recommend that the negotiating committee secure the establishment of a comprehensive monitoring committee to hold regular evaluations and inspections in respect of adherence to the CBA. It may be necessary to establish additional monitoring committees tasked with overseeing specific aspects of the CBA; any additional

committees should report to the comprehensive monitoring committee. We recommend all of these committees be appointed by the Board of the Neighborhood Council.

Appendix

Abridged schedule of key “Public Benefits” via Covenant and Zoning, to be assessed on a square foot basis of what is built on the D Blocks.

- \$2.00 per sq ft to fund off-site infrastructure such as sewers (est. \$4.6M)
- \$1.60 per sq ft towards a “Community Benefits Fund” (est. \$3.7M)
- \$2.00 per sq ft TBD (est. \$3.4M)
- \$2.40 per sq ft to fund the Green Line Extension (est. \$5.5M)

Furthermore, the zoning code legally requires the following of US2:

- \$2.46 per sq ft. of Commercial development towards a job creation, training, and retention program (“Jobs Linkage”) (est. \$3.5M)
- \$10.00 per sq ft. of Commercial development towards the Affordable Housing Trust Fund (“Housing Linkage”) (est. \$12.9M)
- 20% of residential units be inclusionary / affordable (est. 180 units)
- 2% of hard construction costs be dedicated to sustainable / LEED construction (est. \$13M)
- Commitments to Green and Open Space