



MEMORANDUM

To: Yvonne M. Spicer, Mayor
Cc: Thatcher Kezer, COO
From: Planning & Community Development Staff
Re: Potential Multi-family Housing Moratorium
Date: June 30, 2020
Attachment: Article: Van Voorhis, Scott. "Framingham Apartment Freeze Could Upend City's Revitalization." *Banker & Tradesman*, 31 May 2020.

A Citizen Petition was received on March 30 by the City Council requesting a temporary moratorium on multi-family housing development. While the Council did not take any action on this, City Councilor Christine Long has also introduced a moratorium proposal which is substantively different from the Citizen Petition. On April 21, the Council voted to refer the matter to the Planning Board for a recommendation. The Planning staff have prepared the following analysis on the proposed moratorium.

While some proponents of a moratorium have suggested the need to conduct more studies before allowing more development, **we do not believe a moratorium is necessary to achieve the intent of its proponents.** On the contrary, a moratorium could potentially be harmful to Framingham for a number of reasons. Below, we outline several areas of concern for your consideration as you weigh the implementation and scope of either the Citizen Petition or Councilor Long's proposed moratorium.

1. STATEMENT OF THE ISSUE

1.1. The Citizen Petition is motivated by the following key assertions:

- "Framingham has not studied and has no plan to mitigate the impacts of these [apartment] units on municipal services, schools, and roadways;"
- "Local traffic congestion affects all of us;"
- "Framingham has not assigned staff nor fully funded the Traffic Commission to complete a citywide traffic study, so-called phase 2;"
- "These new units have not yet been fully occupied allowing the market to stabilize."

1.2. In addition, the background for the proposed ordinance submitted by Councilor Long states that "Traffic is the #1 issue that the City faces throughout Framingham" and "at this time it is still unknown how many of these units will be filled and what the actual impacts to the community will be."



1.3. We note that neither the Citizen Petition nor Councilor Long attribute any *actual* impacts to the new apartments. Rather, the proposals speak to pre-existing issues the City faced before these developments were built, and that the City should wait to consider potential impacts of those developments before permitting more development in accordance with our downtown plan and zoning adopted in 2015. The Planning Board has the jurisdiction and authority to review all projects and include special conditions that appropriately address legitimate planning concerns, including traffic and circulation.

2. PLANNING CONTEXT

The City has actively engaged in planning processes and studies that relate to sound growth and development. These plans help the City to make land use and zoning decisions to ensure development aligns with City planning goals. For example, the City has overseen several planning processes and studies in the past several years related to guiding growth and addressing current challenges in the community. Led by internal and external planning professionals, these initiatives involved extensive community engagement, evaluation of existing conditions, and recommendations based on research and best practices. These initiatives include:

2.1 The Master Land Use Plan¹: The Master Plan, consistent with best practices in planning, calls for new development to be concentrated in existing downtown and village centers where infrastructure already exists and where compact, pedestrian-friendly neighborhoods can support the viability of existing or expanded public transportation options.

2.2 Transit Oriented Development Feasibility Action Plan²: To achieve the goals of the Master Plan, and based on consultant recommendations from a 2015 downtown study, the City adopted new zoning to support transit-oriented development (TOD) in the Downtown around the commuter rail.

2.3 Nobscot and Saxonville³: This office also completed a planning study of Saxonville and Nobscot villages. This study formed the basis for new zoning in Nobscot, following extensive public engagement, that resulted in preservation of an historically significant structure and allowed a transformative project to move forward and revitalize this village.

¹ <https://www.framinghamma.gov/294/Framingham-Master-Plan>

² <https://www.mapc.org/resource-library/framingham-tod/>

³ www.framinghamma.gov/villages



2.4 Additional Planning Initiatives: Several additional planning projects have been completed but have not yet resulted in new land use policies (zoning):

- 2.4.a. *Southeast Framingham*⁴: The City worked with the Metropolitan Area Planning Council, our regional planning agency, to complete a vision for investment in southeast Framingham.
- 2.4.b. *Golden Triangle*⁵: The city worked cooperatively with planners in Natick to complete a comprehensive long term vision for the Golden Triangle. This vision lays out a framework for transformation to allow this critical regional retail hub to remain flexible and responsive to changing forces in retail markets while protecting surrounding neighborhoods.
- 2.4.c. *Phase One Economic Development and Transportation Studies*⁶: The Phase One economic development and transportation studies have been completed as an assessment of baseline conditions, and next steps have been proposed.
- 2.4.d. *Complete Streets and the Bicycle and Pedestrian Plan*: The City also adopted a Complete Streets policy and completed its first Bicycle and Pedestrian Plan in an effort to address concerns of worsening traffic and begin making it easier to get around without a car.

Given these recent efforts to study our challenges, engage the community, and envision solutions and future challenges citywide and in specific neighborhoods, the new zoning allowing multi-family and mixed use in targeted areas is being carried out according to plan. This planning work and the resultant development response was intentional, not arbitrary, and the impacts were assessed and vetted by the community before new zoning was passed.

3. RESEARCH AND DATA ON GROWTH TRENDS AND IMPACTS

3.1. New apartment proposals have decreased since 2018⁷. Developers have already permitted projects on most of the large and prominent developable sites in Framingham. While there is continuing interest from the development community in possible opportunities, no major housing projects are currently being permitted or imminently being proposed or developed. Growth has slowed due to the complex nature of remaining opportunities, and most recently due to the pandemic. The zoning

⁴ <https://www.mapc.org/resource-library/southeast-framingham-action-plan-2017-2024/>

⁵ www.framinghamma.gov/goldentriangle

⁶ <https://www.framinghamma.gov/DocumentCenter/View/35049/Framingham-Final-Report-512019>

⁷ A staff analysis of building permits indicates that builders applied for 572 new housing units in 2018, compared to 94 in 2019.



review and permitting process will continue to localize growth in specific designated areas. Due to the aforementioned factors, development of multi-family projects will not continue at the pace or scale we have seen in the past five years. If interest in development were to cease completely due to a moratorium, it would put the City further behind in keeping up with local demand for a range of housing options.

3.2. Lack of adequate housing constrains the overall economy. Meanwhile, as regional population growth continues to outpace supply, driving up rents, the remaining developable sites in Framingham would not be scalable to accommodate new housing.⁸ Framingham’s challenges are reflected throughout the Greater Boston region. Over 60% of individuals in Middlesex County earn less than a living wage, with housing being their largest expense.⁹ Housing costs exacerbate poverty and income inequality, as renters must delay purchasing homes and building wealth. When renters and homebuyers are cost-burdened, they are spending less on other goods and services. Consumer spending drives the largest share of our economy—when people are not spending, it harms business overall.¹⁰ Employers of all kinds are looking for places where labor is available. As our economy is diverse, that means we need housing options at all price points in order to be an attractive place for businesses to locate. As prices rise throughout Greater Boston, particularly along the 495 corridor, even during a health crisis, the City still needs housing options for its workforce.

3.3. Traffic: lack of sufficient housing worsens congestion. While some of the housing development pressure in Framingham can be attributed to regional trends, the City is a major job center in its own right, with jobs exceeding the employed population.¹¹ Much of the traffic in Framingham can be attributed to out-of-town commuters and shoppers, many of whom may prefer to live in Framingham if they could find housing. Traffic can also be attributed to regional thru traffic on major highways. Housing scarcity has the effect of increasing the length of time and distance commuters spend in their cars—when people can find high-quality housing and amenities close to where they work, vehicle miles traveled per person decreases. Providing more housing in Framingham does not automatically lead to increased traffic. As noted above, new housing in the right locations can offset existing traffic congestion by giving residents better access to

⁸ “Apartment Construction Can’t Keep Up With Rents,” *Banker & Tradesman*, 11 August 2019.

⁹ “The Greater Boston Housing Report Card 2019,” The Boston Foundation, June 2019, p. 20.

¹⁰ “Four ways today’s high home prices affect the larger economy.” The Urban Institute. 11 October 2018.

¹¹ Framingham’s population in the labor force is 47,069 (American Community Survey, 2018), and the number of estimated jobs in the community is 51,654 (ESRI Community Analyst).



transportation alternatives and local services that keep cars off our roads. When the City continues to encourage growth in key locations, we can address existing challenges.

3.4. Market-rate, mid-rise apartments have among the best fiscal impact.¹² Evidence shows that neither apartment growth nor housing growth overall is correlated with growth in school-age children¹³. Additionally, multi-family housing has less impact on school enrollment than single-family homes. All of Framingham’s recent major projects are predominantly one-bedroom and two-bedroom apartments in mid-rise structures. These new units are particularly attractive for higher-income, mobile professionals who have not settled down, newly divorced individuals, university students, and empty-nesters who are tired of homeownership and property maintenance. These large apartment buildings are some of the most fiscally efficient properties to service owing to their density and relatively low numbers of children. Compared to the typical neighborhood of single-family homes, these apartments require less investment in infrastructure and associated maintenance. Adding more diversity to the housing mix improves Framingham’s fiscal outlook.

4. ASSESSMENT OF THE CURRENT DEVELOPMENT FRAMEWORK

4.1. The Transit-Oriented Development plan is working. We are beginning to see outcomes and benefits of the 2015 TOD vision and plan. Several major housing projects have been completed or are underway in and near Downtown and close to the MBTA and MWRTA hubs. These projects will undoubtedly bring some traffic, but they will also offset some existing traffic, provide new customers for downtown businesses within walking distance, and support the addition of new commercial amenities in the Downtown. This is the “roofs before retail” concept discussed at the time the downtown TOD zoning was passed; local businesses have indicated this is working and they have seen an increase in business. By adding residents and supporting Downtown businesses, the City is (1) helping eliminate trips that would otherwise be made in a car by new and existing residents, (2) ensuring that regional growth is not forced to locate further away from

¹² Rutgers Center for Real Estate, 2018. Mid-rise buildings with moderate to high income have 8.9 to 13.4 children per 100 2-bedroom units, compared to 56.7 children if the same development were low-rise, and 126.4 children in a low-rise, low-income development. For 100 studio or 1-bedroom apartments, there are 1.6 children in a mid-rise market-rate development. <https://www.rutgersrealestate.com/publications/white-papers/school-age-children-study/#page=1>

¹³ A 2017 analysis by the Metropolitan Area Planning Council concluded that school enrollment is not correlated with overall housing unit growth, because other factors have influence including the desirability of a school district, the type of housing, and demographics. <https://www.mapc.org/enrollment/>



activity centers in car-dependent areas, and (3) reducing the overall regional growth in automobile traffic by supporting our bus and rail transportation system.

4.2. No recent large apartment buildings were permitted by right. The zoning for multifamily housing and mixed-use development does not allow any development completely by right. All multi-family projects over 30,000 square feet require a special permit from the Planning Board. A few large buildings have been approved by the Zoning Board of Appeals by a use variance in manufacturing zones. Several others have received Planning Board approval, but have not yet sought building permits. The authority currently exists for the Planning and Zoning Boards to deny such projects if there is a serious concern about the impacts.

4.3. Allowing for smaller multi-family buildings reduces demand for large buildings. Like many cities, the zoning framework in Framingham has for decades discouraged incremental redevelopment of neighborhoods. The result has been a continuing loss of open space, a steady rise in price pressure and high land costs that can only be absorbed by developments of a large size. Despite these results, population continues to increase and demographics are changing which has shifted housing demands. Framingham has two extremes of residential building types—most housing units are in 1-or-2-family structures or large apartment buildings. There is a “missing middle” of housing types including row houses, large-house apartments, and small buildings of six, ten, or twenty units. Smaller apartment buildings are generally more compatible with the existing scale of Framingham's neighborhoods.

5. POTENTIAL PITFALLS OF A MULTI-FAMILY MORATORIUM

5.1. Loss of state funding. Governor Baker’s administration has increasingly predicated state grant funding to municipalities on housing growth in order to incentivize housing production. Communities that have a moratorium on multi-family housing are out of step with state policies, they are less competitive for state funds, and wholly ineligible for some grants. Framingham in 2018 qualified for the state’s Housing Choice Designation based on our housing production and our allowance for multi-family housing. The City has received favorable treatment on millions of dollars in grants for critical infrastructure that the City would not be able to fund independently, including MassWorks and Housing Choice grants, because our City has encouraged multi-family housing and is helping meet housing goals.

5.2. Use variances could become more common. Framingham is a desirable community. The new zoning in Downtown and Nobscot has attempted to harness that interest in a



systematic and thoughtful way with a formal public process and via discretionary reviews and permitting decisions. We anticipate interest to continue and without new zoning in target zones like the Golden Triangle or the Southside, an unintended consequence may lead to haphazard growth. The Zoning Board of Appeals has recently granted use variances for multi-family apartments in manufacturing districts at 480 Franklin St. (former Mt. Wayte Plaza), 19 Flutie Pass, and at 364 Irving Street. When our regulations are geared to prohibit growth rather to positively shape it, our permit granting authorities will be limited to issuing special conditions in local decisions.

5.3. Smaller multi-family buildings are needed. As noted previously, there are relatively few opportunities in Framingham for small apartment buildings. The City Council’s version of the moratorium would not allow such buildings, but the Citizen Petition’s version would allow small multi-family buildings where a special permit is not required. The only small multi-family buildings currently allowed by-right are under 30,000 square feet in the Central Business zone. Few have been permitted since 2015—one example is 68 South Street, a building with 16 units, including 1 affordable, that leased very quickly due to moderate rents. It was the first investment in that area in many years. If the moratorium is enacted, as proposed, it will eliminate even this type of critical infill revitalization.

5.4. A moratorium could negatively affect economic development and investment for a long period of time. The impact of a multifamily housing moratorium could be felt for a long period of time. The Town and now the City have worked hard for 10 years to change perceptions of Framingham within and beyond the Boston region development community and discussions of a possible moratorium are already making their way into the broader dialogue.¹⁴ Apartment projects can take three or four years to develop. Once a moratorium goes into effect—even if the intent is to expire in nine months—investor confidence in this community will be shaken. Investors and developers seek a level of certainty in order to confidently pursue new development. If the moratorium is extended or if the intended studies are not completed within nine months, or if the City chooses to amend the zoning, these actions could independently and collectively shake that confidence the City has worked hard to restore. Unpredictability and risk will drive investors and developers to seek opportunities elsewhere, even if the moratorium is only focused on multi-family housing.

¹⁴ Van Voorhis, Scott. “Framingham Apartment Freeze Could Upend City’s Revitalization.” *Banker & Tradesman*, 31 May 2020. The article reads as if the Council already took action to approve the moratorium, which could send a misleading message to investors.



5.5. A moratorium further exacerbates inequities in Framingham. Land use and zoning

controls have proven to be an important and powerful tool for the City to set policy on how we have grown and developed. These powerful tools have already created a segregated City with clear socio-economic differences across neighborhoods. A moratorium will eliminate the creation of new diverse housing types and reduce affordability across all price points, artificially exacerbating inequality and discouraging economic opportunity for a large proportion of the population. Perhaps the most important unintended consequence of a moratorium, is that the populations who are most negatively impacted by housing restrictions are the same populations who tend to be under-represented in public policymaking, specifically low-income and minority residents and workers. The motivations for a moratorium, similarly, may not be shared equally by all segments of the community.

6. RECOMMENDATIONS

6.1. Given all of the aforementioned points, the Planning & Community Development staff suggest that a moratorium is arbitrary and unnecessary for the following reasons:

- Large apartment buildings are not currently in permitting or imminently proposed;
- The COVID-19 pandemic has caused delays for developers;
- There are few, if any, remaining developable sites that would not require a use variance to proceed; and
- The consequences of a moratorium will outweigh any perceived benefits. These consequences would be compounded by the detrimental impact to future growth and development in the City.

6.2. Further, we remain concerned about the possibility that use variances could still be allowed during the moratorium. Past and current limits on redevelopment have helped create the current housing shortage and the conditions in which use variances are being used as a reactive tool. While we urge that both proposed moratoria be rejected, if one is considered and passed, we encourage the following amendments:

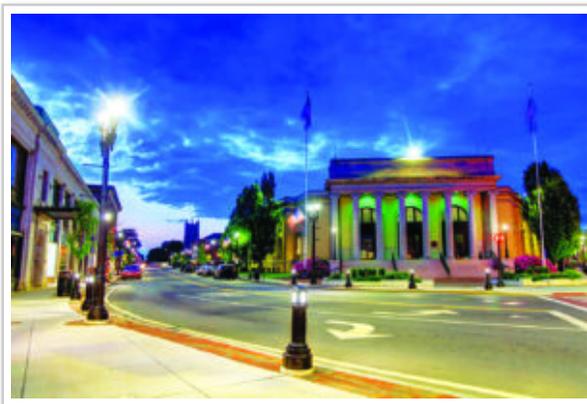
- Include a prohibition on use variances for residential;
- Exempt the Central Business zone and B-4 Nobscot Village zone;
- Exempt smaller multi-family projects under 30,000 s.f. that currently require no special permit; and
- Ensure that any studies proposed during the moratorium are fully funded before it is passed and that staff capacity is considered, specifically to conduct said studies or to manage consultants.

COMMERCIAL INTERESTS

Framingham Apartment Freeze Could Upend City's Revitalization

Council Fears School, Traffic Impact from Transit-Oriented Development

By [Scott Van Voorhis](#) | Banker & Tradesman Columnist | May 31, 2020 | [Reprints](#) | [Unlock Link](#) | [Print](#)



Framingham city councilors voted recently to hit “pause” on apartment construction downtown, overturning a decade-old plan to redevelop the area as a transit-oriented destination.

For years, downtown Framingham was mired in a post-industrial funk, with empty storefronts and a hardscrabble look.

An urban center built out for a time when thousands worked at a nearby GM auto plant and other factories, it badly needed a new lease on life.

Downtown Framingham got that boost – and then some.

Local planning officials, businesses and residents came together more than a decade ago to leverage the city's commuter rail station to spur new development.

Progress was slow at first, but the past few years has seen surge in new apartment construction in downtown Framingham, with a number of major projects totaling 1,400 new apartments having opened or under construction.

New businesses and restaurants have followed, including microbrewery Jack's Abby, joining other shops and restaurants started years earlier by the city's vibrant Brazilian community.

"A lot of times it is the folks living in the apartments that come downtown and spend their money downtown," said Courtney Thraen, executive director of Downtown Framingham Inc.

Many would see a success story to boast about, but apparently not the Framingham City Council.

The council looks at all those new apartments downtown and sees not new life, new residents and a newfound vibrancy, but rather trouble ahead in more traffic on city roads and more students in city schools.

Traffic from TOD? Not Likely

To that end, councilors recently voted in favor of a months-long moratorium on any new apartment construction.

The proposal, which would also involve a study of the impact of the new development downtown, now sits before the city's Planning Board.

It's hard to make sense of the push for a moratorium. The arguments for it are wafer thin, the timing is terrible and the whole thing reeks of petty local politicking.

Moratorium backers cite traffic congestion downtown and the potential for rising school costs.

But it's not clear how building apartments within walking distance of restaurants, businesses and a city's busy commuter rail station could make downtown Framingham's nightmarish traffic congestion any worse than it already is.

After all, it seems unlikely anyone is going to jump in their car to drive a few blocks to from new apartment buildings whose big draw is their proximity to the T.

And traffic has been a major headache downtown for decades now, long before anyone was remotely interested in investing hundreds of millions of dollars in new apartment projects.

Moratorium supporters have also cited the potential for a bump up in the number of new students in city schools.

Yet there are good reasons to be skeptical of such claims. New apartment projects have long been a favored scapegoat of local officials for rising costs, despite study after study having shown such concerns are typically overblown or nonexistent.

It also conveniently glosses over the fact that enrollment increases are far more typically the result



Alta Union House is one of several apartment complexes totaling 1,400 units to rise in downtown Framingham in recent years. Image courtesy of The Architectural Team

of natural turnover of the local housing stock, as empty nesters sell their homes to families with young children.

Vote Undercuts Decade of Reinvestment

In pushing for the moratorium, some city councilors have pointed to a supposed lack of planning for downtown's future, suggesting some sort of a reckless development surge by Framingham Mayor Yvonne Spicer.

However, Spicer took the oath of office as the city's first mayor in early 2018 as part of an overall transition by Framingham from a town to a municipal form of government.

By contrast, planning for the transformation of downtown Framingham dates to 2009, with another round of research and planning five years ago by the Metropolitan Area Planning Council.

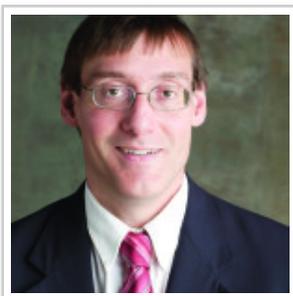
Construction on at least two of the projects began before Spicer was elected or shortly after she was sworn in.

This apparent amnesia about the city's extensive downtown planning efforts fits a larger pattern of pattern of sparring between the council, whose members including mayoral race loser John Stefanini, and Spicer, the first African-American woman elected mayor in the history of Massachusetts.

But maybe even a bigger problem is the message an apartment construction moratorium would have on Framingham's reputation as a place to live and do business.

The moratorium would effectively pull the rug out from under the developers and business owners who invested heavily, betting on the city's vision of a revitalized downtown.

Jack Hendler, co-founder of Jack's Abby, noted at a recent public hearing that Framingham's larger vision for transit orientated development downtown played a key role in his company's success.



Scott Van Voorhis

"We believed in the dream about what was trying to be recreated in downtown Framingham," Hendler said, according to the MetroWest Daily News. "I'm very concerned we could lose a lot of that progress we've seen."

And as far as the timing goes, frankly, how could it be worse?

The development and business communities are reeling from the impact of the coronavirus crisis and the savage downturn it has triggered.

Fears of another wave of new apartment development in Framingham, or for that matter, anywhere else right now, are clearly misplaced.

If I were sitting on the Framingham City Council right now, I would be concerned not about new development, but no development at all.

Scott Van Voorhis is Banker & Tradesman's columnist; opinions expressed are his own. He may be reached at sbvanvoorhis@hotmail.com.

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