



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

May 18, 2021
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Ben Ewen-Campen	Chair	Present	
Lance L. Davis	Vice Chair	Present	
William A. White Jr.	City Councilor At Large	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Mark Niedergang	Ward Five City Councilor	Present	

Others present: Kelly Donato-Housing, Mike Feloney-Housing, Bryant Gaspard-Fair Housing Commission, Dan Bartman-OSPCD, Daniel Hackett-Cushman & Wakefield, Tom Donovan-Cushman & Wakefield, Alex Vanderweil-Venderweil Engineering, Chris Ham-Genesis Engineers, Bill Sayles-Columbia Construction, Allan Ames-BR+A Consulting Engineers and Zach Baum-Bow Market, Somerville.

The meeting was held virtually and was called to order at 6:00 p.m. by Chairperson Ewen-Campen and adjourned at 9:06 p.m.

Approval of the April 13, 2021 Minutes

RESULT:	ACCEPTED
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Rooftop Mechanicals

211349: That the Committee on Land Use consider regulating the height of rooftop mechanicals on commercial buildings that abut Neighborhood Residence and Urban Residence districts.

RESULT:	KEPT IN COMMITTEE
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211612: Requesting approval of amendments to the Zoning Ordinance to regulate rooftop mechanical systems and mechanical penthouses.

This amendment was originally proposed by Councilor Ewen-Campen.

Mr. Bartman shared a number of slides to refresh everyone's understanding of this item.

He introduced a number of people from the engineering field. He stated the current zoning language requires that rooftop mechanicals must be set back at least 10 feet, and their height is unregulated. Under the proposed amendment, which Councilor Ewen-Campen described as a “place-holder” to start a conversation, MR3 and MR4 mechanicals are to be maximum 10 feet MR5 & MR6 to be maximum 20 feet. Mr. Bartman has received feedback about rooftop mechanicals, especially from professionals in the field of life science building design and engineering.

Mr. Vanderweil, mechanical engineering with over 20 years’ experience from Vanderweil Engineering in Boston, was asked to comment on this agenda item. He stated that modern life science buildings need the support of large cooling infrastructure. Air exiting the building must be done in such a way, with large and tall fans. Lab equipment need backup equipment power to protect their science such as a backup generator. Space is needed inside the building such as for compressed gases. The height of the equipment on the roof can approach 25ft above the roof, or more. The full roof area is often used for penthouse and equipment. Mr. Vanderweil referenced a number of penthouse examples that were engineered by Vanderweil Engineering. In summary, life science buildings need far more roof area for equipment, compared to other types of buildings. If rooftops cannot be used, the mechanicals will be placed inside the building, which will reduce the rentable space, and therefore risk the financial feasibility of the project.

Mr. Ames from BR+A Consulting Engineers, shared slides about generators and backup boilers which are harder to get to 100%. He gave an example of a five or six story high building with systems in a mechanical penthouse like cooling towers, some with high efficiency. Mr. Ames also shared slides of mechanical penthouse plans showing chillers, generators and exhaust system all contained within the mechanical penthouse. One of the penthouses he shared, was tight with a setback trying to get all equipment to fit including elevator shafts. Air handling units can run 12 ft tall.

Mr. Donovan from Cushman & Wakefield along with Chris Ham and Bill Sayles shared slides detailing their background relating to life science companies. They discussed MEP impact, Similar to the previous speakers, Mr. Donovan and colleagues opposed the proposed amendment and suggested it would make it nearly impossible to develop life science buildings in MR3-6 districts.

Mr. Donovan stated that if ordinances are too restrictive, may lose rental square footage. Mr. Hackett stated that when doing a green building, with high density like in Somerville, you cannot put equipment alongside of the building. In other parts of the country such as North Carolina, there is sufficient open space to do so, but not in an urban context like Somerville. In Somerville’s case, there may not be space for parking. There are certain things that must go on the roof.

Mr. Bartman asked what is the determining factor on what mechanicals go on the roof. It was stated that some equipment must go outside such as an exhaust. Additionally, some cannot exceed a 1/3 of the roof. Serviceability is not feasible to building a penthouse too big.

Councilor McLaughlin asked Mr. Bartman where are these buildings allowed to be built in the city? Which areas are closest to neighborhoods? Mr. Bartman stated that MR districts are closer to the residential districts. Following the zoning overhaul, the Administration has been surprised by the interest to develop life science buildings in commercial buildings in MR3, 4 and 5 districts, as they had anticipated interest would be limited to the Transform areas. Councilor

Mclaughlin asked about the height of buildings in East Broadway that is right next to residential neighborhoods.

Chair Ewen-Campen said that he believes the key issue is: is it appropriate to regulate life science buildings the same way we regulate other building types, given that they clearly require massive rooftop mechanicals. He stated that residents would be upset to find that the supposed 3-story building next to them was in fact being developed into essentially a 5- or 6-story building, due to the tall rooftop mechanical. Mr. Hackett stated as of beginning of the year, many have been searching for locations to build lab buildings.

Chair Ewen-Campen stated concerns from residents about shadows, noise and traffic, and Councilor Davis said the issue comes down to building massing.

Councilor Mclaughlin stated he would like housing built with restaurants and welcomes lab space on the other side of the highway, in Assembly Row. Councilor Niedergang inquired about the minimum sq. ft. lab science space that can be built on and what's the average? Mr. Hackett stated some of the smaller lab science spaces can be between 400 - 2,000 sq. ft.

RESULT:	KEPT IN COMMITTEE
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Small Commercial Spaces

210782: That the Director of SPCD present zoning recommendations addressing the size of ground floor commercial spaces produced by development, to ensure that street level development in certain areas maintains multiple smaller-sized commercial spaces to enhance the pedestrian experience.

Mr. Bartman shared slides from the overlay district. See attached slides.

The slides were a summary of general feedback from a number of different people, including special permit for formula businesses.

Mr. Baum from Bow Market was asked to speak on this matter. He asked if the ordinance applies to buildings frontages than 100 ft wide? The answer was "Yes." He suggested that rather than strict limits, he would recommend incentives to have developers to create these spaces. Mr. Baum stated maintaining flexibility will help calm businesses.

Councilor Davis shared a photo of Davis Square on Elm Street for a model pedestrian friendly street. The goal is to maintain and retain space for small businesses.

Mr. Baum asked why isn't the city looking into an incentive-based plan. Councilor Davis stated he does not trust that it will work, looking at some parts in Davis Square that has led to terrible buildings being built.

Councilor Davis would like to meet with Mr. Bartman and put this on the agenda for additional feedback from the community.

RESULT:	KEPT IN COMMITTEE
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211693: Requesting approval of proposed amendments to the Zoning Ordinances at Article 8.2 - Small Business Overlay District, and to the Zoning Map.

Policy for Affordable Third Unit in Neighborhood Residence Districts

209651: That the Director of SPCD enable owner-occupants who build 3rd units in Neighborhood Residential zones to select their own tenants, as long as they are income-qualified, instead of tenants from the City inclusionary housing list, and verify to this Council that this option is in place.

Councilor Niedergang stated he has an email from housing October 2019, and thought this issue had been settled. None of the units have been created. Mr. Feloney stated they have begun tracking some of the information from February 25 and will report on this at a later time. OHS director could not join the committee tonight and believe that OHS is on the same page to create affordable units, while also protecting fair housing principles. Mr. Feloney stated that with owner occupy creating a 3rd unit, there are 3 options to pick their own tenant. One option is a family member with 2 degrees of kinship. OHS has been working with fair housing commission on this matter. If the owner-occupied 3rd unit goes beyond two degrees of kinship, may not be consistent with the objectives in equal access to affordable housing.

Mr. Feloney described the three options for the owner-occupied property policy: 1) choose a family member within 2 degrees of kinship, 2) draw a tenant from the consolidated wait list or 3) have the owner select a tenant following an approved fair housing plan.

They have not issued guidelines yet, but fair housing commission has been doing outreach. OHS lost their inclusionary housing specialist and are working on filling open positions.

Councilor Davis has concerns about the options as they are laid out and believes the policy needs to be revisited.

Mr. Feloney stated the need to achieve some balance for fair and equal access to the units.

They have had 9 inquiries at this point and there are 2 properties proceeding (1 is owner occupied and the other is not). The staff have met with two other owners who are considering the program.

Ms. Donato thinks it would be helpful to get some feedback on what's working and not working.

Councilor Niedergang asked if the presentation will be shared with all committee members. He also asked for more details about two degrees of kinship. Mr. Feloney explained further about the two degrees of kinship is parent, grandparent, child, grandchild and sibling.

Councilor Niedergang would like OHS to get the policy out to the community. He is pleased to hear that a major investor is interested in this program.

Mr. Gaspard in fair housing operations commented on that he reached out to several fair housing units across the state. With the way the city is moving with racial and social justice, this program is moving in the right direction.

Chair Ewen-Campen stated he has enormous respect for the OHS, but respectfully disagrees with their policy because he believes it will discourage people from undertaking the program. Chair Ewen-Campen stated there is an order in to get regular updates within the next couple of months.

RESULT:	KEPT IN COMMITTEE
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Civic Spaces Near Highways

211433: Requesting amendments to the Zoning Ordinance as contained within.

The chair received some written comments and will discuss at a future meeting.

RESULT:	KEPT IN COMMITTEE
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Fair Housing Task Force

211448: That the Administration convene a working group of members of the public and Planning staff to prepare recommendations for a zoning amendment Affirmatively Furthering Fair Housing.

Mr. Feloney stated there was a meeting today with city staff and director of racial and social justice along with others. There's a lot of staff interest for this request with actionable recommendations.

RESULT:	WORK COMPLETED
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Tattoo/Body Art Shops

211136: That the Director of SPCD discuss with the Land Use Committee whether tattoo parlors should need a Special Permit to operate on Pedestrian Streets and in other areas.

Mr. Bartman stated the administration recommends approval of this item.

Councilor Niedergang states one issue raised was including small business overlay on this request and asked if this is agreeable with the administration. Mr. Bartman will provide an updated amendment language in written communication to full city council.

RESULT:	WORK COMPLETED
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211611: Requesting approval of amendments to the Zoning Ordinance Body Art Services use standards and Table 9.1.1 Permitted Uses.

Councilor Niedergang motioned and it was unanimously accepted that the small business overlay be included in the district where body art is permitted.

Councilor Niedergang motioned and it was unanimously accepted for recommendation for approval to full council as amended.

RESULT:	APPROVED AS AMENDED
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