



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Monday, June 29, 2020

Present: Councilors Crossley (Chair), Danberg, Albright, Krintzman, Ryan, Wright, Baker, and Leary

Also Present: Councilors Bowman, Markiewicz, Laredo, Kalis, Malakie, Norton, Auchincloss, Lipof, Ciccone, Greenberg, Noel, Kelley, and Gentile

Planning & Development Board: Peter Doeringer (Chair), Kevin McCormick, Jennifer Molinsky, Kelley Brown, and Sonia Parisca

City Staff: Barney Heath, Director of Planning & Development; Zachery LeMel, Chief of Long-Range Planning; Cat Kemmett, Planning Associate; Gabriel Holbrow, Community Engagement Specialist; Jonathan Yeo, Chief Operations Officer; Nathan Giacalone, Committee Clerk

#287-20 Rezoning of Takings to Public Use

DIRECTOR OF PLANNING requesting change of zone to Public Use for portions of land located at 23 Parkview Avenue (currently MR1) acquired in 2016 for the expansion of Cabot School, and at 300 Hammond Pond Parkway, known as Webster Woods, (currently SR1) acquired in 2019 for open space use and conservation purposes.

Action: **Zoning & Planning Held 8-0**

Notes: The Chair introduced the item and explained that this rezoning to public use is a necessary next step in the taking of these two properties. The Parkview property was taken to become part of the Cabot School Complex. The Hammond Pond Parkway Property must be rezoned to Public Use prior to placing a conservation restriction on it. Mr. Heath opened for questions but there were none. Councilor Danberg motioned to hold a public hearing for this item at a later date which carried 8-0.

Councilor Krintzman moved hold which carried 8-0.

#88-20 Discussion and review relative to the draft Zoning Ordinance

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

Action: **Zoning and Planning Held 8-0**

Notes: Chief of Long-Range Planning Zachery LeMel delivered a presentation, a copy of which can be found at the end of this report. Mr. LeMel's presentation was used to gain feedback from the Committee, other City Councilors in attendance and the Planning & Development Board, to build consensus on key principles. He covered three topics: whether to increase multifamily opportunities in residence districts proximate to public transit, whether and how to use building components to add design flexibility, and under what conditions to employ the special permit process. Chair Crossley emphasized the importance of hearing from all members of the Committee, Council, and P&D board on each topic, by responding to the specific questions asked. The Planning Department can use the sense of the meeting to inform the revisions to Article 3.

Residence Districts Near Public Transit:

Mr. LeMel reiterated the established goal to increase housing opportunity and diversity, with a focus near public transit and village centers. He said this was to create the "missing middle" of affordable residential housing. The second goal seeks also to promote more environmentally sustainable approaches to housing development, which align with the goals of the Climate Action Plan.

Mr. LeMel presented maps showing the amount of single-family and multi-family zoned properties within one quarter and one-half mile of three types of public transit stops in Newton. The maps covered Green Line and Commuter Rail stops, Express Bus stops, and local bus stops. Mr. LeMel said that per standard practice, radii of a quarter mile and a half mile were used to represent a five-minute and ten-minute walk to determine public transit accessibility. This analysis covered about 25,000 different lots. (Planning Department Follow up: The analysis covered 18,720 lots adjacent to transit stops of the total 22,632 residential lots within the City. Of these transit adjacent stops, 13,433 lots are currently zoned single-family while 5,287 are currently zoned multi-residence.)

These maps were used to inform the question for this topic: Generally, should Newton's zoning ordinance continue to allow single-family only within quarter and half mile distances from transit stations? Mr. LeMel clarified that this would not eliminate single-family zoning, rather it would allow more multi-family construction options in these areas in addition to single-family constructions.

Building Components

Mr. LeMel repeated that Building Components are accessory features attached to a building which may enhance the design and increase usable space. Mr. LeMel noted that allowing building components to be permitted by-right provides design flexibility and encourages differentiated massing. He provided an example of a home with no components- a "box home" and compared it with an example of a home incorporating various components. He suggested that components, when appropriately added, can add functional space without contributing to an overly large box-like appearance. Mr. LeMel noted that allowing certain building components

without counting them toward the building footprint or total square footage can encourage the maintenance of existing buildings and discourage teardowns. He emphasized that components would still be required to comply with lot coverage and setback rules.

Development Review and the Permitting Process

Regarding the Special Permit process, Mr. LeMel reiterated the importance of simplifying and streamlining the permitting and review process. He noted that a point of focus should be on determining when special permits should be offered/required. Mr. LeMel stated that many developments, which align with the City's visions and goals, still require a special permit. He noted that the process can be lengthy and can cause undue hardships for petitioners. Mr. LeMel stated that the new regulations can be observed while still shortening the review time. As noted on the attached presentation, some projects will require a special permit under the proposed zoning ordinance. Some of the projects include, a 3-Unit Building in R3, a 4-8 Unit Building in R4, Small Multi-Use Building in N, Multi-Unit Conversions (all), Courtyard Clusters (all), Rear Lots (all) and Adaptive Reuse (all). Mr. LeMel explained that allowances in some scenarios may be helpful for mitigating the number of special permits. He asked the Committee to consider what goals are achieved by requiring a special permit in various cases. Mr. LeMel also questioned whether the City should require special permits for certain developments, when they support the City's stated goals, noting that the process could be a burden for these developments.

Discussion among the Committee, Councilors, and Planning Board members addressed the following questions asked by Mr. LeMel:

Single-Family and Multi-Family near transit stops:*

*(*Note: In this discussion multi-family was assumed to mean two or more units per lot. Specific numbers and conditions by which this may be allowed would be deliberated with the revised draft.)*

Generally, should Newton's Zoning Ordinance continue to have single-family only Residence districts within one-quarter and one-half miles of public transit stops?

Overall, the Committee, expressed support for greater housing diversity and said that it made little sense to exclude multi-family housing near transit stops, and that it does make sense to allow some multi-family by right. Allowing more multi-family housing near transit would help alleviate housing burdens on other areas of Newton. This sentiment was echoed by several Councilors attending and Planning Board members. Some Committee members also said that reforming this aspect of the zoning code could undo lingering effects of systemic racism, citing the correlation between formerly redlined areas and current locations of multi-family zones. Although public transit use is currently down, it is projected to resume once the pandemic is over. To avoid gentrification and to spread out the impact, one Councilor suggested to eliminate single-family only across the entire City. Adding multifamily options would not eliminate single-family housing, but it would allow more housing variety across parts of the City for families with a variety of incomes. This idea was echoed by several members of the Planning Board and other City Councilors.

Some Committee members expressed concerns relative to allowing more multifamily by right, suggesting that it could lead to gentrification if developers can turn affordable single-family properties into expensive multi-family properties. They also noted that this may result in an increase in the need for City services and parking. Another concern was that this would negatively impact many residents who move to Newton seeking single-family homes. Others noted that single-family neighborhoods are not proposed to be eliminated, rather the addition of multi-family units within a quarter or half mile of public transit is envisioned as a transitional area allowing some increased density. One Councilor suggested it would be simpler to allow two-family housing by-right across the city, noting that if multi-family restrictions were eased, the market would be the deciding force and many residents and developers would still choose single-family. Some added that if multi-family housing is to be allowed more extensively, then it should be under reasonable conditions as neighbors ought to have a say in how their community changes.

Councilors asked Mr. LeMel to provide examples of other communities zoning regulations and best practices for special permits. Additionally, the Committee requested whether there is guidance or best practices to establishing a standard house/component size.

Building Components:

To properly allow existing buildings to evolve as homeowners needs and circumstances change and to avoid overly boxy and flat new development, should Newton's Zoning Ordinance incentivize Building components by not counting them towards the overall building footprint?

The Committee, Councilors, and Planning Board members expressed support for housing diversity and for allowing controlled building components that allow for design variety. It was generally felt that this more flexible approach would discourage teardowns in neighborhoods by allowing homeowners more opportunity to meet their needs.

Committee members expressed concern that certain building components which add foundation, as currently proposed, do not count toward the maximum footprint allowed for that building type. One was suggested that this could incentivize construction of a house under the limits with the intent of later adding building components which would significantly increase the mass. All were supportive of adding building components as design elements such as bay windows, porches, dormers, etc., and not counting those against the maximum footprint or floor area but suggested that increases to habitable space should be carefully controlled. The Committee also noted that building components that increase the footprint of the house, increase the impervious surface at the site. It was noted that strong, clear controls create guidelines for enforcement.

A Councilor expressed interest in creating a formula that would allow more changes to be made to a home provided they remain within the setbacks as add-ons.

Special Permits:

Generally, if the Committee and staff develop rules and regulations that we agree can lead to successfully achieving the City's stated goals, should we also allow or require a Special Permit that may slow or discourage those very types of development and may weaken the achievement of those goals?

A Committee member noted that the special permit process is sometimes lengthy but can result in an improved project that benefits from additional site analysis and community input, and expressed concern relative to reducing special permits, noting that the process allows an opportunity for neighbors affected by new construction to identify opportunities for improvement. Other members noted that a revised, clear zoning ordinance could result in less need for Council oversight and/or control during the special permit process. In response to a statement in the Planning memo about desirable developments that have required a special permit, A Councilor asked Mr. LeMel to provide examples of developments considered desirable that have required a special permit and would not under the draft ordinance. The Committee expressed support for encouraging smaller footprints and buildings that are designed to meet the City's climate action goals. One Councilor raised concern relative to placing a limit on house size on large lots. It was noted that concerns of relaxed special permit guidelines leading to oversized developments and gentrification are valid and the Committee should work to address those concerns. Overall, there was a strong consensus among the Committee and the Planning Board to update the special permit process to more easily allow greater housing diversity.

Other comments:

The Committee addressed other issues relating to the three main discussion topics. There was support for an easy multi-unit conversion process as it would allow for both an increase in units and preservation. It was also said that the city needs more gentle density and that the Council should incentivize alternative transportation such as bicycles and scooters for short-range trips. A Councilor said that remarks about greater housing density as negative should be clarified. It was also suggested that the guidelines should ensure that new multi-family houses do not create too much impervious surface.

Questions and answers:

Q: What is the comparison of single-family homes in Newton compared to other types of housing?

A: It is roughly 60-70 percent single-family.

Q: Many transit stops are in village centers, what are the rules for more multi-family housing in Village Centers? How large can housing be in these areas?

A: This analysis does not cover Village Center lots. The precise sizes of the multi-family buildings are also not covered in this presentation. More analysis on Village Centers will be shown at a later date.

Q: Are there overlaps between the lots in the example maps shown in the presentation?

A: Yes, there are overlaps between the maps.

Q: How many lots are in Newton's residential districts?

A: About 25,000 lots. (Follow Up: The Planning Department clarified that there are 22,632 residential lots in the City.)

Q: Are historic districts impacted?

A: No, these continue to operate under their own guidelines.

C: In the present draft of the proposed ordinance, a two-family house by-right can be 6,000 square feet, but with building components such as porches and additions this can increase to 7,000 or 8,000 square feet. Under these guidelines, a 1,200 square foot house could be torn down and replaced with a 7,000 to 8,000 square foot two-family house. This is not the "missing middle" Mr. LeMel identified, and it fails to achieve more affordable housing. A four-unit townhouse can be up to 18,000 square feet. This leads to affordable single-family housing being demolished for more expensive single-family or multi-family options.

A: All these examples occur under the current ordinance. The proposed guidelines seek to allow for greater flexibility and opportunity to create a variety of housing types. Doing so will allow for the creation not only of decent sized "luxury" housing, but also two-, three-, and other forms of multi-family that can be developed at a more affordable price for a range of incomes.

Q: In an area like Newton Centre with both a Green Line and bus stop, how would the measurements (Distance from transit stops) be created?

A: Concentric circles will be used to identify these areas. Since Green Line Service is more frequent, there will be greater emphasis to have multi-family housing proximate to those zones.

Q: Can the percentage of people living near these transit stops who regularly use the public transportation be identified? As you increase the population, where will the increased park space go? Where will designated affordable units be as these redevelopment projects lack official affordable units.

The Chair expressed appreciation for the thoughtfulness of the comments made during discussion, noting that many of the concerns are focused on specific details that have yet to be determined. The Chair expressed her support for identifying appropriate locations for multi-family conversions and multi-family dwelling units, noting that they establish a clear connection to the Comprehensive Plan regarding the revitalization of village centers and increased density proximate to public transportation. It was noted that transportation modes are changing, which will impact housing opportunities for future generations, and must be taken into account as the rules are redefined. The Chair noted that a revised draft is expected to be presented to the Committee in advance of the August meeting. Committee members questioned when there will be an opportunity for public comment.

Mr. LeMel noted that at the next Zoning & Planning Committee meeting, it is intended that design and building professionals will speak directly to the Committee, reflect on case studies and comment on areas in the proposed draft that work well and areas that need improvement. Committee members emphasized the importance of sharing the work of the Committee and hearing feedback from residents and interested parties. The Committee encouraged the use of Council list servs, the Mayor's Newsletter, the Council newsletter, mailed water bill inserts, community groups, Ward Committees and PTOs to distribute information and advertise opportunities for input. The Chair noted that many community groups (Newton Needham Chamber of Commerce, Green Building Standards Committee/Green Newton) have already begun to provide feedback on the draft before the Committee. She stated that it is planned that a Committee of the Whole and a public hearing will be held to present a final draft and confirmed that revisions will be made to incorporate public feedback in advance of any straw vote to be held on any section of the zoning ordinance. In addition, the Chair reminded that a final vote on a redesigned ordinance will not take place until coordinated review of all sections is completed.

Committee members voted unanimously in favor of a motion from Councilor Krintzman to hold items #88-20, #38-20 and #148-20.

#38-20 Request for discussion relative to single-family attached dwellings
COUNCILOR LAREDO requesting a review of the zoning requirements for single-family attached dwelling units.

Action: Zoning and Planning Held 8-0

#148-20 Request to amend Chapter 30 to eliminate parking minimums
COUNCILORS ALBRIGHT, AUCHINCLOSS, BOWMAN, CROSSLEY, DANBERG, DOWNS, GENTILE, GREENBERG, KALIS, KELLEY, LIPOF, MARKIEWICZ, NOEL, KRINTZMAN, AND RYAN seeking amendments to Chapter of the Revised City of Newton Ordinances to eliminate mandated parking minimums to improve vitality of local businesses, reduce the cost of housing, and support the climate action goals.

Action: Zoning and Planning Held 8-0

#288-20 Reappointment of William Winkler to the Urban Design Commission
HER HONOR THE MAYOR reappointing William Winkler, 48 Holman Road, Auburndale, as a regular member of the URBAN DESIGN COMMISSION for a term to expire on June 1, 2023. (60 days: 08/21/2020)

Action: Zoning & Planning Approved 8-0

Notes: Committee members reviewed the Mayor's reappointment of William Winkler to the Urban Design Commission for a term to end on June 1, 2023. Committee members expressed no concerns relative to Mr. Winkler's reappointment and voted unanimously in favor of approval with a motion from Councilor Krintzman.

#289-20 Reappointment of Ralph Abele to the Newtonville Historic District Commission
HER HONOR THE MAYOR reappointing Ralph Abele, 15 Page Road, Newtonville, as a regular member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on May 31, 2023. (60 days: 08/21/2020)

Action: Zoning & Planning Approved 8-0

Notes: The Committee reviewed the Mayor's reappointment of Ralph Abele to the Newtonville Historic District Commission for a term to end on May 31, 2023. Committee members expressed no concerns relative to the reappointment and voted unanimously in favor of approval with a motion from Councilor Danberg.

#290-20 Reappointment of Mark Chudy to the Newtonville Historic District Commission
HER HONOR THE MAYOR reappointing Mark Chudy, 34 Prescott Street, Newtonville, as a regular member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on May 31, 2023. (60 days: 08/21/2020)

Action: Zoning & Planning Approved 8-0

Notes: Committee members reviewed the Mayor's reappointment of Mark Chudy to the Newtonville Historic District Commission for a term to end on May 31, 2023. The Committee expressed no concerns relative to the reappointment. Councilor Danberg motioned to approve the reappointment which carried unanimously.

#291-20 Reappointment of Jay Walter to the Newton Upper Falls Historic District Commission
HER HONOR THE MAYOR reappointing Jay Walter, 83 Pembroke Street, Newton, as a regular member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on July 1, 2023. (60 days: 08/21/2020)

Action: Zoning & Planning Approved 8-0

Notes: Committee members reviewed the Mayor's reappointment of Jay Walter to the Newton Upper Falls Historic District Commission. Committee members expressed no concerns relative to the reappointment. Councilor Danberg motioned to approve the reappointment which carried unanimously.

The meeting adjourned at 10:34pm.

Respectfully Submitted,

Deborah J. Crossley, Chair