



# Zoning & Planning Committee Report

## City of Newton

### In City Council

**Monday, April 25, 2022**

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

**Also Present:** Councilors Lipof, Greenberg, Bowman, Laredo, Downs and Malakie

**Planning and Development Board:** Peter Doeringer (Chair), Kevin McCormick, Jennifer Molinsky, Kelley Brown, Lee Breckenridge (Alternate)

**City Staff Present:** Jen Caira, Deputy Director of Planning & Development; Barney Heath, Director of Planning & Development; Andrew Lee, Assistant City Solicitor; Nevena Pilipovic-Wengler, Community Planning/Engagement Specialist; Cat Kemmett, Planning Associate; Nathan Giacalone, Committee Clerk

#### **#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers**

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

**Zoning & Planning Held 7-0 (Councilor Leary not voting)**

**Note:** The Committee was joined for discussion on item #38-22 by members of the Utile Architecture & Planning Consulting team, Tim Love, John Trementozi and Lisa Hollywood, and Planning department staff. Mr. Love provided an overview of the proposed zoning, including a review of work presented to date, as shown on the attached presentation.

Utile first reviewed their recommended tiered zoning framework for village centers, which they created by utilizing the early test development kits to improve design outcomes. The proposed tiers are based upon existing zones MU4, BU3 and BU2, but are slightly modified to both assure viable development potential and achieve desirable urban forms. The tiers are meant to ensure appropriate scale, proportion and uses from the core business center out to the periphery of the village, where the streetscape must transition sensitively to purely residential areas. A more moderate intensity of use is proposed between the central core and periphery. Mr. Love stated that if the Committee finds this approach acceptable then Utile will test this framework on smaller villages as well.

Utile has worked with city staff to analyze how the proposed zoning framework compares to existing projects and buildings within village centers. Mr. Love explained that there are two driving reasons to modify the MU4, BU2 and BU3 zones. First, to allow for development that is economically viable, they propose lowering parking requirements (found to be unused), changing building heights, removing

maximum building area by right, removing minimum lot area per unit requirements, etc.), Secondly, to foster more desirable urban forms/ (appropriate scale and massing, more open space), Utile introduces regulating maximum building footprint, establishes a threshold for site plan review and introduces design standards, for example. Mr. Love explained that the revised MU4 district would be located in the heart of village centers, proximate to transit hubs. The revised BU3 would be located slightly farther from the center and the revised BU2 would be the farthest from the village center. The largest village centers may have three tiers of zones; smaller villages may only contain BU2 and/or BU3, depending on the fit. The standards for each zone tier are detailed in the attached presentation.

Mr. Love noted that with respect to regulating the number of stories they recommend defining a maximum half story height, (rather than a full top story) to encourage more interesting building design such as pitched roofs and stepped back upper stories. Specifically, they propose to require either a 10' step back on all sides or a pitched roof that must begin to slope no more than 2' above the floor (see diagram). Mr. Love noted that the maximum floor to ceiling heights have been carefully calibrated to meet realistic market assumptions to accommodate HVAC requirements for modern uses.

Utile also recommends restructuring of the review and permitting process. Specifically, projects on lots less than  $\frac{3}{4}$  of an acre would require administrative site plan approval by the Planning Board, whose decision would be based on adherence to clear design standards. Projects on lots greater than  $\frac{3}{4}$  acres would continue to be subject to special permits under the Council's current process. In order to adopt this recommendation and reduce the number of projects reviewed by special permit, carefully constructed design standards would be developed.

Mr. Love presented analyses on each of several actual sites in Newton Centre and explained how the design of what would be allowed under the proposed zoning framework scenarios, compares with what would be allowed today. The test fits (and analyses) can be seen on the attached presentation.

Utile and Planning staff are looking for the Committee to provide feedback on the recommendations, and to reach consensus on the approach. In which case, Utile will conduct further analyses, conduct some case studies from smaller village centers, and continue to illustrate alternate development scenarios under varying conditions.

Community Planning/Engagement Specialist Nevena Pilipovic-Wengler addressed the Committee on pending community engagement initiatives. She noted that "The Network" is a group of volunteers from within the community, who will be critical for connecting with residents. They will also help to evaluate the proposed zoning scenarios for clarity, and how well they may achieve the shared objectives resulting from the 2021 community engagement/ visioning process. Ms. Pilipovic-Wengler noted that there are over 90 applicants for The Network, spanning a wide range of the City's villages and groups. The group's kickoff meeting will be held virtually on Tuesday, May 17th, 2022 from 6:00 pm - 8:00 pm. Zoom links, additional meeting dates and times can be found at the following link:

<https://www.newtonma.gov/government/planning/village-centers>

### Committee Discussion

In response to questions from the Committee, Mr. Love clarified that in an earlier draft of the recommended framework, some of the proposed dimensional standards for buildings proved to be too big for different parts of village centers. He explained that therefore those dimensions were adjusted so as to better apply the tier to a village center based on the neighborhood context. Mr. Love confirmed that the pro formas (used to assess economic viability) align with the draft financial model assumptions.

Mr. Love again clarified that under a half story definition, a pitched roof would be allowed up to a maximum top of roof ridge height of 18 feet above the floor, with a slope beginning no more than 2 feet above the floor. One committee member questioned whether the height allowance to the ridge of a pitched roof is excessive, while others noted that allowing the pitched roof creates an opportunity where developers won't have to choose between building height (Creating likely a flat roof) and interesting architecture. The Committee asked that Mr. Love provide some visual aids to depict how a roof might be built under the proposed zoning.

A Committee member questioned how reducing the office parking ratio by  $\frac{1}{3}$  was generated. Mr. Love stated that the ratio is based on best practice planning policy and that it is a ratio that generally works well in walkable village centers. A Councilor suggested that using gross floor area as opposed to building footprint may be a good idea.

It was noted that the proposed design standards are to impose design controls on projects that are otherwise "by-right". There would be separate, additional special permit standards which have not yet been drafted. Mr. Love stated that many communities allow special permits without specific standards. Ms. Caira noted that the recommendations are still evolving and subject to additional changes.

The Chair noted that one of the major goals of the rezoning is to create pleasing forms (scale, massing, etc.). She noted that the Washington Place project was a first project subject to design criteria that required the building to appear as multiple buildings, where it is actually only one - creating some cost efficiencies and allowing a larger development, but still achieving a better scale than a single large building block.

Councilors were cognizant of the need to show that our by-right zoning will allow appropriate numbers of housing units in order to comply with the MBTA Communities Law, by way of an action plan that must be approved by the end of this year. Potential units can be reasonably estimated once a draft zoning framework is agreed to by the committee.

Mr. Love noted that a project like Washington Place would still be subject to the special permit process and the design details could be adjudicated through that process. He explained that the MBTA Communities Law explicitly contemplates Site Plan Review as an option, according to design criteria the community may develop. He also noted that lack of predictability can be a deterrent for developers.

Some committee members expressed concern relative to delegating special permits to the Planning Board for parcels containing less than  $\frac{3}{4}$  of an acre, believing that the cost to the developer remains the same whether the P&D Board or the Council is the special permit granting authority. Councilors expressed support for further refinement on which lot sizes should be reviewed administratively.

With that, Councilor Krintzman motioned to hold the item which carried 7-0 (Councilor Leary not Voting). The Committee adjourned at 11:00 pm and will meet again on Monday, May 9, 2022.

**Respectfully Submitted,**

**Deborah J. Crossley**