

February 18, 2022

Deborah J. Crossley, Chair
Zoning and Planning Committee
City of Newton
1000 Commonwealth Ave.
Newton, MA 02459

Re: Village Centers Redesign

Dear Councilor Crossley;

As Land Use practitioners in the City we have naturally been following the Zoning Redesign process since its inception in 2010, and we believe that the 2016 recodification was on the whole a success.

Among the goals of the Zoning Reform Group leading to Zoning Redesign were:

- Better organize the Ordinance for ease of use
- Simplify and streamline the permitting and review process
- Recognize each village center and commercial corridor is unique
- Encourage mixed use residential redevelopment in village centers
- Create “soft transitions” between village centers and residential neighborhoods
- Allow moderate flexible growth on commercial corridors
- Rationalize and streamline parking regulations
- Protect neighborhood character and scale
- Create more diverse housing opportunities

and others.

In addition, we are cognizant of changing conditions and in particular the need for the City to address the Housing Choice legislation of Chapter 358, and we hope this suggestion may be a step towards addressing the challenges of the legislation.

It may not be necessary to draft an entirely new Ordinance for the areas we define as Village Centers. Experience has shown that the MU-4 District can be adapted to closely align with the goals envisioned in the Community Feedback process of 2021. In particular the existing MU-4 allows retail on the ground level and commercial or residences above with a height limit of 5 stories by special permit. There have been three MU-4 projects approved to date, and to make it more adaptable going forward some modifications in the District based on experience may be advisable.

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In 2012 the City adopted the MU-4 District which was initially applied to Austin Street and Trio and later in Newton Highlands. In parallel with the Zoning Redesign process Newton has also adopted amendments to the Comprehensive Plan, revisions to the MU-3 District, the Climate Action Plan, the Economic Development Plan and the Arts and Culture Plan all having effects on the zoning discussion. Other amendments have been made to the Ordinance and the map as circumstances have arisen.

We have also monitored and participated in the significant ongoing public process and community engagement which you have conducted over several years¹.

We are not sufficiently informed to comment specifically on all the responses in the 2021 Community Engagement. However, we note that a certain consensus has evolved from the Zoning Reform Group. In particular a significant number of comments refer to:

- Village centers as having retail below with housing above;
- General height limits of 2-4 stories ;
- Accessibility to transportation
- Mix of incomes
- Some increases in density, but concerns were expressed
- A mix of retail uses – some “neighborhood retail” concept, and outdoor dining
- Enhancement of green spaces for functional public gatherings

While unanimity is elusive, these objectives ought to provide guidance for what – the Village Centers provision of the Zoning Ordinance should be designed to do. At the same time, we are mindful of the thoughtful plans which the City has already adopted and specifically the pending requirements of Housing Choice under Chapter 358 of the Acts of 2020.

We propose for discussion and deliberation, that the MU-4 District be amended to allow buildings of ground floor retail with up to 2 stories of housing as of right (3 stories total), with a fourth story allowed on established incentives. Uses currently allowed by special permit in the MU-4 District might be allowed as of right in a building with retail on the 1st floor and housing on floors 2 and 3 including perhaps:

- Assisted living
- For profit school
- Business incubator

¹ In 2016 a public engagement effort included the “pattern books” and that was followed by a series of public meetings at the Library. The Village Centers were specifically the focus of the 2021 Community Feedback including the Vision Kits, interactive fora, business engagement and focus groups. In October 2021 the “Community Input Compilation” was issued, a comprehensive catalogue of the comments of the public on a variety of elements of zoning. Hundreds of residents participated. There was no shortage of opinions!

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- Business services

We propose that where a special permit is not required for buildings up to 3 stories that UDC or Planning Department design review, but not approval might be required.

For dimensional and parking issues a comparison of the existing MU-4 District to a possible alternative is attached as Exhibit A.

In summary the proposal is to utilize the existing MU-4 District as a baseline for allowing as of right developments of up to 3 stories with minor dimensional changes such as reduced requirements for setbacks, parking or other requirements which would normally require special permits and allowing for special permits for additional height or density consistent with the existing provisions of MU-4.

This proposal is submitted as general thoughts of the undersigned with collective input on specific issues. We call to the Council’s attention that notwithstanding our setting forth a draft on these issues certain specifics bear discussion including that this proposal:

- Eliminates the option for 5th floors
- Proposes no specific density but controls bulk by f.a.r. and setbacks
- Proposes different setbacks from residential uses than commercial
- Proposes parking waivers to make the 3 story buildings including housing truly “as of right”

The authors of this letter do not necessarily each endorse every specific element of this proposal. This letter is intended to provide the Council with a menu of options as to uses, height, density setbacks and parking to help apply the existing framework of the MU-4 District to the types of village center housing envisaged in the Comprehensive Plan and which we find consistent throughout the prior community participation programs. We believe that if the Council can choose among the menu items and with relatively small changes to the ordinance and some changes to the zoning maps a lot of progress can be made.

Very truly yours,

Peter F. Harrington

Terrence P. Morris

Alan J. Schlesinger

cc: Zoning and Planning Committee

Jennifer Caira

Zachary LeMel

Danielle Delaney

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EXHIBIT A

	MU-4 Existing	MU-4 Alternative
Height	2 stories -Yes 3 stories – No 3 stories – 2 residential above retail – Yes 4 stories – SP 5 stories - SP	2 stories -Yes 3 stories – SP By right 3.5 By Right 4 stories – SP on criteria *
Density	1000 s.f. unit waivable by special permit	
F.A.R	2 stories – 1.0 3 stories – 1.5 4 stories – 2.0 SP 5 stories – 2.5 SP	2 stories – 1.0 3 stories – 1.5 3.5 stories – 1.75 4 stories – 2.0 SP
Building size	20,000 s.f. as of right Over 20,000 s.f. by special permit	No change
Lot Minimum	10,000 s.f.	TBD None for housing above first floor retail
Front setback	No minimum, max 10'	No Change
Side setback	0 except 20' at residential zone (waivable)	0 except 20' at residential use
Rear setback		0 except 20' at residential use
Building setback	Over 40' step back	Same
Transparency	Required	Same

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Parking	Per Table 5.1	Same except 1:1 for housing above 1 st floor retail **
Loading	Per 5.1.12	Same except None for housing above first floor retail up to 3 stories
Mapping Requirement	None	Restricted to one side of street
Site Plan Review	Council 7.4	Administrative

* Special Permit criteria could include for example, building setback at or above 3rd floor, additional affordability, open space, transportation management.

** Minimum parking could be tied to transportation management, Zipcars, T subsidies