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Barney S. Heath
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MEMORANDUM

DATE: April 22, 2022

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Nevena Pilipovic-Wengler, Community Engagement Planner
Cat Kemmett, Planning Associate

RE: **#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)

MEETING: April 25, 2022

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer

Introduction

At the [February 28, 2022 ZAP meeting](#), Planning Staff, Utile, and Landwise introduced and kicked-off the phase 2 Zoning Redesign: Village Center work. Phase 2 will translate the community takeaways from phase 1 in 2021 into tangible design scenarios for village centers. These scenarios will be tested against their alignment with the community visions, financial feasibility, and zoning process. Working with ZAP and the broader community, the goal will be to come up with a set of recommended scenarios that will lead to a concrete set of zoning regulations and standards calibrated to Newton's village centers of different scales.

After analyzing typical development sites in a "large" village center under the existing zoning ([see 2/28/22 presentation](#)), Utile returned to ZAP on March 28, 2022 with similar analysis (urban form and financial feasibility) on the same development sites using alternative zoning standards ([see 3/28/22 presentation](#)). At the March 28, 2022, meeting Utile and Landwise presented a proposal for a tiered framework for village centers, which would use a center, periphery, and edge model for larger village centers. The three tiers were based on the existing Mixed Use 4 (MU4), Business 3 (BU3), and Business 2

(BU2) zoning districts. At the April 25, 2022 ZAP meeting, Utile and Landwise will present further refinements to the proposed districts.

I. **Key Takeaways from February 28 and March 28 ZAP Discussions**

Existing Village Center Zoning Can Not Achieve Outcomes Desired

In nearly every development scenario, under the existing zoning regulations for Business 1 and Business 2 construction by-right and by Special Permit, the three parcels analyzed resulted in financially infeasible projects and less than desirable urban forms. Below are the key constraints within Newton's current zoning, which were used as a basis to identify proposed amendments.

Physical Constraints Under Current Zoning

- Parking requirements are the biggest limitation on building size.
 - Parcels that could provide more and smaller housing units are prohibited from doing so because the site cannot accommodate the required parking.
- The number of units is also restricted by the lot area per unit requirement. The building size permitted by other dimensional controls (floor area, height, setbacks, etc.) often allows for more units than what is permitted by the lot area per unit. This leads to projects with fewer units that are typically larger and more expensive.
- Maximum allowable building heights often do not allow for market-minimum floor-to-floor heights within the allowable number of stories. The existing zoning assumes 12 feet floor to floor for each story. Market-standards are:
 - Ground floor retail = 15 ft
 - Office space = 12.5 ft
 - Residential = 10.5 ft
- Setbacks requirements have a greater impact on smaller parcels. Parcels in village centers are relatively small (many are less than 10,000 sf).

Financial Constraints Under Current Zoning

- Residential
 - Generally, projects with an FAR of less than 1.0 are not financially feasible.
 - Typically, on smaller sites, such as those common in village centers, parking needs to be located below-grade to accommodate the building and provide the required number of stalls. Below grade parking costs between \$50,000 and \$100,000 per space.
- Office
 - Generally, projects with an FAR of less than 1.0 are not financially feasible.
 - Feasible projects need to minimize, or waive, overly burdensome parking ratios.

II. Even Adapting Existing MU-4, BU-3 and BU-2 Zoning Fails

With input from ZAP, the project team analyzed the same parcels, to see what would be allowed if they were rezoned to MU4, BU3, and BU2 depending on their location, under both by-right and special

permit conditions. While this proved to be more viable than the existing zoning, they still found that desirable development was limited by the parking requirements, floor to floor heights, lot area per unit, and setback/stepback requirements. By-right development was also limited by the maximum floor area of 20,000 square feet. In addition, the project team found that in some cases financially feasible projects resulted in a less than desirable form, such as a small building with large surface parking.

III. Looking Ahead to April 25 ZAP Presentation

The project team has further refined the proposal to address some of the elements of the revised MU4, BU3, and BU2 zones which proved infeasible or undesirable, including:

- Requiring a half story (through either a pitched roof or stepback) for the top floor when building to the maximum number of stories.
- Increasing the overall height is increased to allow industry standard commercial and residential floor to floor heights.
- Removing lot area per unit minimums.
- Eliminating parking minimums for ground floor commercial and reducing parking minimums for all other uses.
- Limiting the maximum building footprints in lieu of the maximum by-right gross floor area.
- Reducing the threshold for a Special Permit from sites greater than one-acre to three-quarters of an acre.
- Introducing a minimum frontage buildout to ensure the building is located at the front of the parcel and parking is either located to the rear or underground.

The project team believes these changes allow for both feasible and desirable development that aligns with what many community members want to see, based on our engagement.

- The requirement for a pitched roof or setback upper story reduces the mass and appearance of building heights. Increasing the overall building height however allows for commercial and residential floor to floor heights that meet industry standards.
- Removing the lot area per unit allows for the creation of smaller units within the same size building envelope.
- Eliminating parking requirements for ground floor commercial and reducing other commercial and residential parking minimums is consistent with special permits that are frequently granted for these uses. Reducing mandatory parking requirements allows for more financially feasible development, compelling alternative transportation usage, and importantly removes the need for parking waivers for small businesses locating in retail spaces where off-site parking has never existed.
- Controlling building footprint will encourage breaking larger buildings into multiple smaller buildings.
- Setting a special permit threshold based on the size of the development parcel may facilitate smaller infill development and missing middle housing. The allowance for more by-right housing

in our large Village Center zones is an important consideration with respect to achieving compliance with the State's MBTA communities requirement.

Lastly, the project team recommends that site plan review be incorporated into by-right developments and that design guidelines be developed to further ensure new development is consistent with the vision for vibrant village centers. The project team has started reviewing design guidelines in other communities, such as those utilized in Watertown.

Next Steps

With the input gathered at the April 25 ZAP meeting, the project team will make any necessary further refinements to the proposed zoning regulations. The project team will also start to test the periphery and edge zoning districts (revised BU3 and BU2) on medium and small village centers. Once ZAP has reached a level of comfort with the basic regulations of the zoning districts, Planning staff will conduct community outreach while simultaneously working on the proposed mapping and technical writing of the ordinance. Planning staff have created a community engagement network made up of volunteers representing a broad range of community groups (both formal and informal). Each network member has agreed to participate in a number of meetings over the coming months to help provide feedback on the clarity of outreach materials and to then distribute the materials to their organizations/friends/neighbors/etc. The network members will not be providing direct feedback on the policy proposals but will help the Planning department ensure materials created are accessible to the public and will help convey information to a broad spectrum of constituents.