



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: September 20, 2019

TO: Councilor Albright, Chair, Zoning & Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney S. Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development

RE: **#140-19(3) & 187-19 – Proposed Amendments to the Mixed-Use 3/Transit-Oriented Development District**

MEETING DATE: September 23, 2019

CC: Newton City Council
Planning and Development Board
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

The Zoning and Planning Committee is considering two proposed amendments to the Mixed Use 3/Transit Oriented Development District (MU3), the public hearings for which were opened on June 4, 2019. The first of these was submitted as part of a development application for the site, the second by the Lower Falls Improvement Association. The Planning Department recommendation, based on the fact that the MU3 District applies only to the Riverside site, is that the amendments be adopted that allow flexibility for the Land Use Committee's review so that the greatest degree of discretion is available to the Council as they study the issues surrounding development of this site and decide the appropriate level of development. The following memo offers the Planning Department's specific recommendations for zoning amendments to the MU3 District.

Recommendations

1. Density Controls (Lot Area per Unit, FAR): The Riverside Vision Plan concludes that the site can likely support a substantial amount of development given direct transit access availability of urban infrastructure (sewer, water, etc.) and the City's larger objectives for housing, economic development, and environmental sustainability. Design is essential to addressing any issues related to density on the site and is largely in the realm of the special permit development review process to address with the benefit of extensive design review as well as transportation analysis and a range of other studies. The Planning Department recommendation for the MU3 District is therefore to make these standards flexible so that the special permit process can lead on the question of appropriate density with the benefit of detailed and specific studies. Sufficient flexibility relative to these standards can be achieved by matching the standards to

the currently proposed density numbers in the revised development submission under the theory that the Council is unlikely to request a larger project. Therefore, the Planning Department recommends a lot area per unit of 1,197, an FAR of 2.7, and an overall square footage of 1,233,861, further broken down to 523,509 square feet of office uses, 71,070 square feet of retail and hotel uses, and 556,492 square feet of residential.

2. Design-Based Controls (Height, Setbacks): In crafting a zoning district, the first question is what type of place is the objective? Design-based controls are then the tools that implement that objective. Height, setback, lot coverage, and open space requirements all fall into this category of controls. Economic development, housing, and environmental considerations all feature into possible objectives, as well as urban design considerations. Further, the psychology of how people interact with and respond to their physical environment is an advancing field of study with significant implications for design-based controls.

The Riverside Visioning process concluded that a mixed-use development with new office space, locally oriented retail/restaurants, housing, and a hotel is an appropriate objective for the Riverside station site. Walkability and high-quality design are important considerations.

- Height: The Riverside site has been associated with opportunities for housing and economic development, understood as new office space, for over a decade and re-affirmed in the Riverside Vision process. Housing density can best be achieved here with heights of up to eight stories, allowing for some of these buildings to include a commercial ground floor. These heights are further enabled by the fact that most of the site sits below the grade of Grove Street and the site itself is largely visually isolated as it is surrounded by train yards and open space. The special permit process can determine the design specifics including the overall appropriate project density, variation in building height throughout the project, and whether or not lower heights would be appropriate along Grove Street.

From an economic development perspective, the Riverside site offers some of the highest value property in the City, with the potential to attract a major headquarters given the combination of transit access, highway access, and highway viewability. Particularly so as to capitalize on the highway views, given the rock outcroppings that potentially hide the site, office building heights of as much as 15 to 20 stories is warranted. Again, the special permit process, with the benefit of specific studies and design review can determine that a lower height might be appropriate. As the MU3 District is set up with only one maximum height, the Planning Department recommends a 15-story max height limit with the understanding that the special permit process provide further limits on height.

- Setbacks: The critical issue with regard to setbacks is how the location of the buildings relative to Grove Street can be used to enhance the walkability of this segment, further promoting the comfort and safety of pedestrians accessing the transit station from adjacent neighborhoods. The greater the setback, the more pedestrians will feel a sense of exposure and the faster cars will travel along Grove Street, diminishing pedestrian comfort and safety. The setbacks must also be sufficient to allow space for

the proposed bike path and generous space for street trees, which will further support the walkability of this area. The Planning Department recommends a minimum 15-foot setback, which will provide sufficient space (30 feet from road curb) while also ensuring that buildings are not too far back.

- **Beneficial Open Space:** There does not appear to be any reason to change the 15% open space requirement currently found in the MU3 district standards. This standard is sufficient to ensure that there is appropriate on-site open spaces to serve the residents and act as public gathering spaces. Residents and visitors to the site will also have direct access to the extensive trails along the DCR-owned Charles River Reservation. The special permit review process will include in-depth review of the open space design, ensuring it serves its intended beneficial public purpose. The Planning Department recommends retaining the minimum 15% open space requirement.
- The developer of the proposed Riverside project requested that the allowed uses in the district be expanded to include animal services, excluding boarding and various parking facilities. Consistent with other districts in the City, the Planning Department recommends that these uses be allowed within the district by special permit.

The above recommendations are focused on the standards that guide the design of the eventual development of the site in the MU3 District. Staff is not recommending any amendments be made to the development review process of the MU3 District as described in Article 7 of the Zoning Ordinance. The MU3 District already has the most extensive set of requirements in Newton's Zoning Ordinance at the same time that the Zoning Ordinance offers discretion to the City Council to request any study the Council determines is necessary to complete its review obligations.

Next Steps

Based on feedback from the Council, staff will develop a redline version of a draft MU3 District text for discussion by the Zoning and Planning Committee.