

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY JUNE 25, 2012

Present: Ald. Johnson, Danberg, Lennon, Baker, Sangiolo, Yates, Swiston

Absent: Ald. Kalis

Also present: Ald. Crossley, Hess-Mahan, Albright

Economic Development Commission: Christopher Steele, Chairman

City Staff: Candace Havens (Director of Planning and Development), Seth Zeren

(Zoning Code Official), Juris Alksnitis (Planner), Marie Lawlor (Assistant City

Solicitor), Maura O'Keefe (Assistant City Solicitor), Rebecca Smith (Committee Clerk)

#162-11 ALD. YATES requesting a report from the Director of Planning and Development on the status of the update of the *Open Space and Recreation Plan*, particularly as it pertains to the Charles River Pathway. [05/12/11 @ 10:16AM]

ACTION: **NO ACTION NECESSARY 6-0 (Danberg not voting)**

NOTE: Juris Alksnitis, Planner, gave a presentation on the status of the open space plan which he walked the committee through quite thoroughly. For the detail of this presentation please see the attached document. Mr. Alksnitis explained that the final report will be produced this summer, at which point a public hearing will be held by the Planning and Development Board. The final plan must then be sent to the Executive office of Energy and Environmental Affairs before it is published, which the Planning Department hopes to have completed in August. The committee questioned the lack of a formal adoption process to which Mr. Alksnitis explained that this is the Mayor's document and therefore no formal adoption by the Board is required. The guidelines suggest that there would be letters of support, but no formal adoption by the legislature is necessary. The committee requested that, though the open space plan does not need official approval of the Board, the Planning Department should docket an item so that the Board can review the final version.

Ald. Yates moved No Action Necessary as there will be no more updates of the status of the plan as the next step is to have a finished plan. The motion of No Action Necessary carried unanimously.

#150-09(3) ALD. ALBRIGHT, JOHNSON, LINSKY proposing that a parcel of land located in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4. [12/10/10 @9:21AM]

ACTION: **HELD 7-0**

NOTE: Seth Zeren, Chief Zoning Code Official, presented the revised version of the proposed zone for the Austin Street development. For the details of this presentation please see the attached Powerpoint document which Mr. Zeren went through in great detail. Following the presentation Ald. Johnson lead the committee through the sections of the planning memo and Mr. Zeren addressed any inquiries that arose.

Ald. Baker expressed concern with the amount of height and density allowed for this site and the possibility for it to be transferred to other places in the city. He states the general concern for whether the instrument of the vision is the correct instrument.

Ald. Lennon, whom had shared the concerns of Ald. Baker, expressed his comfort with the zone now, after understanding that it's an additional "tool in the toolbox" for the city and should it be used in another location it would be used as a base but would be tailored for the area. He is more comfortable with it now but he stated that people must be cognizant of this.

Ald. Johnson stated that these concerns are valid but that we can't build in every possible protection. She stated that the city has to do the best it can to build in safeguards, but everyone must also recognize that things change over the years.

Regarding the use chart, Ald. Yates asks that the street level definition should explicitly state that any entrance above or below grade should include ramps or other physical additions to make it accessible. Ald. Yates also asked why Mr. Zeren included an allowance for parking for non-accessory and commercial vehicles via special permit. Mr. Zeren explained that this site may house some non-accessory public parking as the Austin Street lot does now. Ald. Yates also questioned the ability for a public rail or bus station to be included in the zone when a bus stop is right at the corner of Austin Street. Mr. Zeren explained that this is included in the event that the zone is used elsewhere and recognizes that the likelihood of this being used on the Austin Street sight is quite slim.

The issue of housing was discussed briefly. Ald. Swiston expressed her approval of the inclusion of single room occupancy in the zone. She stated that even if the use were included by-right there is still a significant amount of state oversight for housing situations such as this.

Ald. Johnson expressed her preference that rooming houses are not encouraged. She stated that this can be addressed during a special permit process but would rather it not be included as by-right in the zone.

In response to Ald. Baker's concerns that this should complement the mixed use element, Ald. Johnson requests that Ald. Baker review the two and bring to light any inconsistencies. He will do his best to accommodate.

Regarding open space, the zoning text includes a 5% beneficial open space requirement. The option of having the ability for a more communal open space area in village centers was discussed which may be a more attractive and beneficial possibility.

The motion to hold was then made, which carried unanimously. This item will be taken up at the next meeting at which time the public hearing will hopefully be announced for the first meeting in September.

#162-12 THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or opened for business on the ground floor of any building in any

Business District within the city unless granted a Special Permit from the Board of Aldermen. [05-17-12 @ 4:18 PM]

ACTION: **HELD 6-0 (Baker not voting)**

NOTE: Chris Steele, Chair of the Economic Development Committee (EDC), presented the moratorium to the committee. Ald. Danberg joined Mr. Steele in sharing the belief that in order to have an active streetscape, all non-retail (inactive uses), should be relegated to the second floor or sub-street level. The committee sees the affect that inactive non-retail uses are having on village centers and would like to do something about it. They would like to broaden the language of the moratorium though so as to not explicitly identify financial institutions but rather to replace it with the term “non-retail” as referenced above. Ald. Danberg explained that the moratorium would allow the Board a little breathing space and time to work on a plan for this while keeping these non-retail establishments from dominating all available real estate.

Ald. Danberg gave a couple examples of towns in which efforts like this have succeeded. She specifically noted Bronxville, NY which was filling up with financial institutions in the town center. The town quickly passed legislation that required 150 feet between bank entrances and that allowed banks to go in by-right only into spaces above or below the street level. The next bank went into the second floor which created a market on that level for high rents where there had never been a market before.

Ald. Lennon expressed concern and interest in the responses by the landlords and brokers that represent the landlords. Mr. Steele shared that he has fronted a number of calls from these people and when he explained the idea, that the concept is essentially creating a safety valve while the city tries to fix a structural issue, it was well received by his listener. Mr. Steele also stated that at the same time we are thinking about promoting a vibrant mix, we also have to think what programs we could implement through the city (loan programs etc) to make tenants more stable and therefore more attractive to landlords so that they do not always prefer banks (a notoriously stable tenant).

Ald. Johnson wrapped up the meeting by requesting a a planning memo for the next time this is taken up which is created in conjunction with the law department. She also requests that the Planning Department provide some guidance for the period of time during which a moratorium could be in place and how to go about accomplishing the greater goal. Finally, she asks that the Mr. Steele and Ms. Havens reach out to the head of the Chamber of Commerce. The motion to hold was then made which carried unanimously.

Respectfully Submitted,

Marcia Johnson, Chairman

Department of Planning and Development



RECREATION AND OPEN SPACE PLAN UPDATE

OVERVIEW

JUNE 25, 2012

Recreation/Open Space Plan Trivia Quiz-

(Answer 6 Q right and win a free trip to an OS mystery location)



- City's first R/OS Plan was published in _____ (yr)
- Future R/OS Plans must also meet Homeland Security regs. (T/F)
- Our updated inventory records [122]; [151] or [185] open space sites in Newton ownership.
- The "America the Beautiful" Natl. Parks pass is now also accepted at most Newton Conservation Areas. (T/F)
- Newton owns a slice of Boston and a piece of Watertown. (T/F)

Recreation/Open Space Plan Trivia Quiz-

(Answer 6 Q right and win a free trip to an OS mystery location)



- Bike Newton and OLAWG seek trail biking + on-leash dogs along the Sudbury aqueduct under the new MWRA policy. (T/F)
- Newton's 3 private golf courses contain about [17%],[24%] or [31%] of total open space.
- Given the increase in Newton's 55-74 age group, "seniors only" water slides are under consideration for designated locations at our water towers.
- Elliot Memorial overlooks which scenic Newton open space: _____
- Archeological sites in Newton have artifacts dating to 6000-8000 ago. (T/F)

Open Space Planning in Newton



- Newton has periodically prepared open space plans since at least 1969.
- Format and requirements are established by the Massachusetts Executive Office of Energy and Environmental Affairs.
- Process includes advisory committee involvement and public input.
- Takes into consideration natural resources, open space assets, and community needs.
- Qualifies the City for certain funding programs.
- Is guided by Newton's Comprehensive Plan

Today Newton's Comprehensive Plan

Articulates an overall vision for a future Newton including Open Space and Recreation:

“Our open space and recreation vision is of being a metropolitan community able to maintain and preserve its natural assets and resources and able to meet both the passive and active recreational needs of its citizens. In such a vision, the well being of Newton residents is promoted by policies that safeguard Newton's land, air and water. Our parks, conservation areas and playgrounds can continue to provide opportunities for active and passive recreation through cooperative efforts -- all ingredients of a vital community.” (pg. 3-12)

Accomplishment highlights (since 03-07 R/OS Plan)



- **Conservation acquisitions**
 - 190 Elgin St. Conservation Area
 - Dolan Pd. Conservation Area expansion
 - 30 Wabasso St. parcel in Flowed Meadow
 - 200 Vine St. – Kessler Conservation Area
 - Vine St. – West Kessler Woods Conservation Area
- **Parks & Recreation acquisitions**
 - 30 Rogers St. parcel (adjacent to Crystal Lake)
 - 230 Lake Ave., rear parcel (adjacent to Crystal Lake)
- **Other:**
 - Angino Farm (operated by Farm Commission)

Accomplishment highlights (cont.)



- **Various facility improvements at:**
 - Balsamo Millenium Park (at City Hall)
 - Forte Park
 - Pellegrini Park
 - Stearns Park
 - Landscape improvements at multiple parks and playgrounds
 - Multiple play areas redone/upgraded
- **Accessibility planning and improvements:**
 - Auburndale Playground pathways
 - Coletti-Magni Park pathways
 - Cold Spring Park Accessible Route Construction
 - Nahanton Park Accessible Route Construction
 - Newton Centre Playground/Bowen Street Accessible Route Constr.

Accomplishment highlights (cont.)



- **Additional Parks and Rec. planning initiatives:**
 - Master plans for multiple parks and playgrounds
 - Historic Landscape Preservation plans for City Hall/War Memorial grounds and Farlow/Chaffin parks.
 - Natural Resources Inventory, Assessment and Management Plan for Nahanton Park

Status - Plan Update Process Today



- Ongoing R/OS Plan Update Committee meetings since Fall, 2011
- Public R/OS Plan workshop March 21, 2012
- R/OS Outreach Survey Feb. 7 – May 22, 2012
- Draft Plan Update nearing completion.
- July 9, 2012 - Public Hearing by Planning & Dev. Board - to receive comments on draft Plan Update
- Next: integrate hearing comments; request MAPC regional review.
- Then: final, send proposed Plan Update to EOEEA.
- Late August – publish Plan Update; celebrate.

Thinking about needs



- **EOEEA needs categories:**
 - Resource protection, including: ecological network, aquifers, habitats, vegetative types, wetlands, riverways, surface water bodies, linkages, public and private conservation and recreation lands of interest, etc.
 - Community needs, including: conservation and recreation needs, needs of population groups including special populations, supply of and demand for open space resources, etc.
 - Management needs; potential change of use: need for statutory, regulatory, policy, and/or management approaches to better manage open space resources. Also: identification of areas subject to development pressure, and possibly needing protective steps.

What we have learned so far - key considerations – (1)



- US Census – increases in 0-24 and 55-74 age groups – roughly correlate with ongoing needs in active recreation AND also increased interest in passive recreation.
- While survey suggests increased emphasis on passive rec. and natural resources, people care a lot about both.
- Survey and workshop inputs show rising concern about declining quality of facilities, seen as due to low maint.
- Serious concern about mismatch between available resources and demands of maintaining our parks, playfields, and conservation areas.

Population Distribution by Age Group

(US Census, 2000, 2010, Table DP-1 Profile of General Demographic Characteristics)

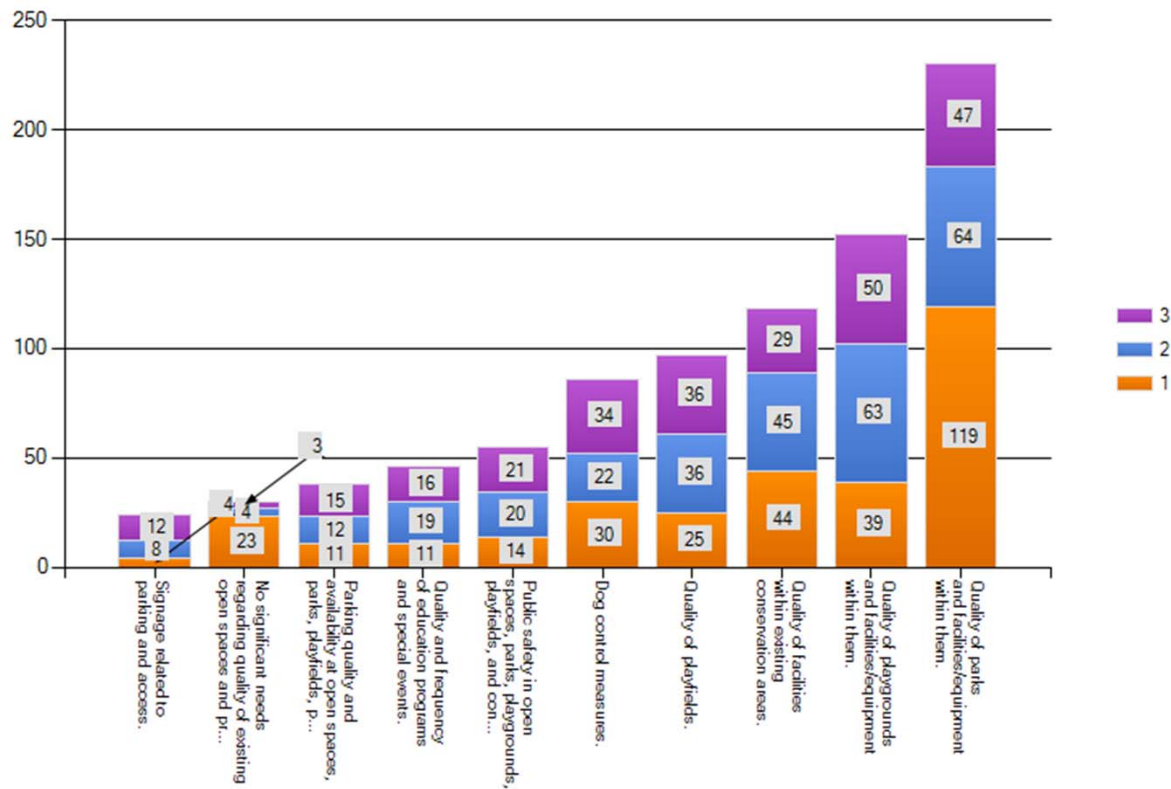


Age group	2000	2010	Change since 2000
0-17	17,811	18,416	605 [3.4%]
18-24	8,657	10,318	1,661 [19.2%]
25-54	37,032	31,644	-5,388 [-14.6%]
55-74	13,607	17,986	4,379 [32.2%]
75+	6,722	6,782	60[0.9%]
Total	83,829	85,146	1,317 [1.6%]

Three highest concerns regarding quality:



Q8 - Community needs - quality of open space. What do you believe are the three most significant community needs City-wide regarding the QUALITY of existing open spaces and programs in Newton? Should the City seek to improve: (Check off up to 3 choices)



What we have learned so far..key considerations – (2)

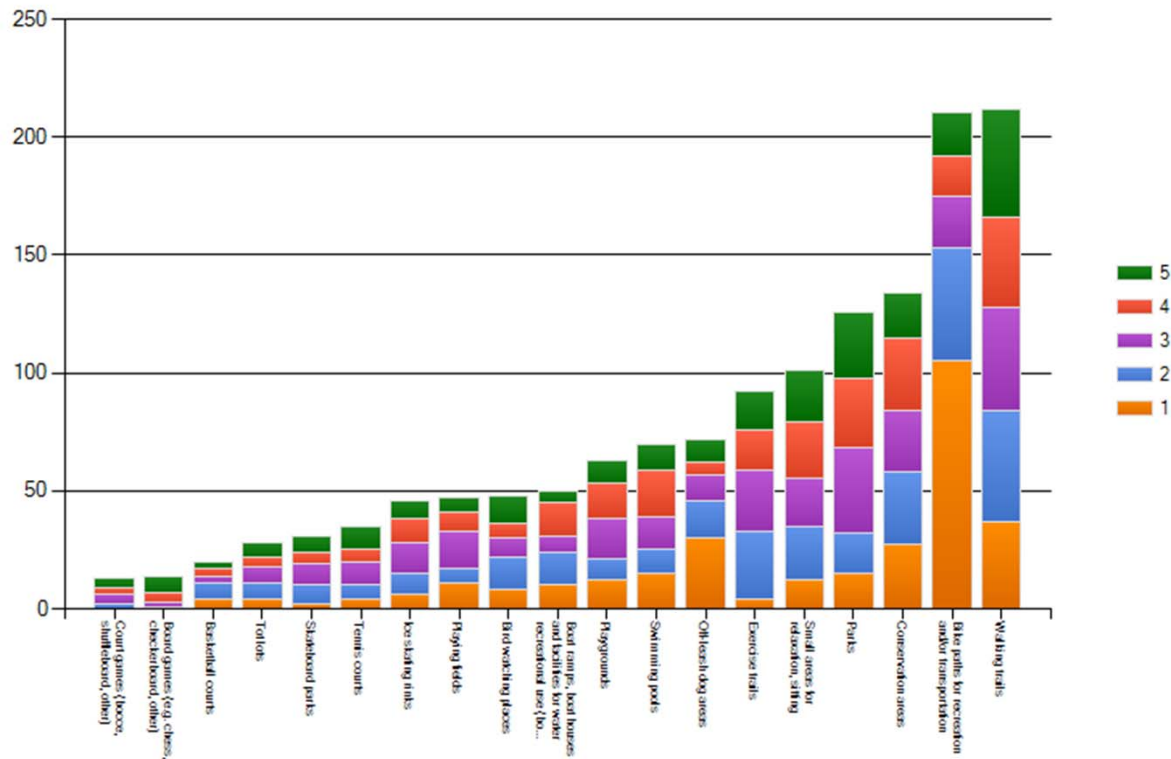


- High interest in walking trail systems linking aqueducts, Charles Riv. Pathway, open spaces, and natural resource areas.
- Emerging - more interest in integrated approaches to open space use.
- New opportunities w/ challenges: convert old rail spurs/beds to pathways serving pedestrians, others: UF Greenway (NH to Ch. Riv); Circle Line Trail (Renovated Concord St. bridge to Riverside).
- Interest in increasing bike access to trails. Challenges: preserve habitats; manage shared use with pedestrians.
- Interest in increasing off-leash dog areas but also balancing needs of non-dog users(OLAWG and P & R working on this).

5 Most needed OS resources/facilities



Q12 - Please indicate the five open space resources and/or facilities you feel are most needed or should be expanded in the City (i.e. City-wide, including your village) in order of importance to you. Select five items and rank.



What we have learned so far - key considerations – (3)

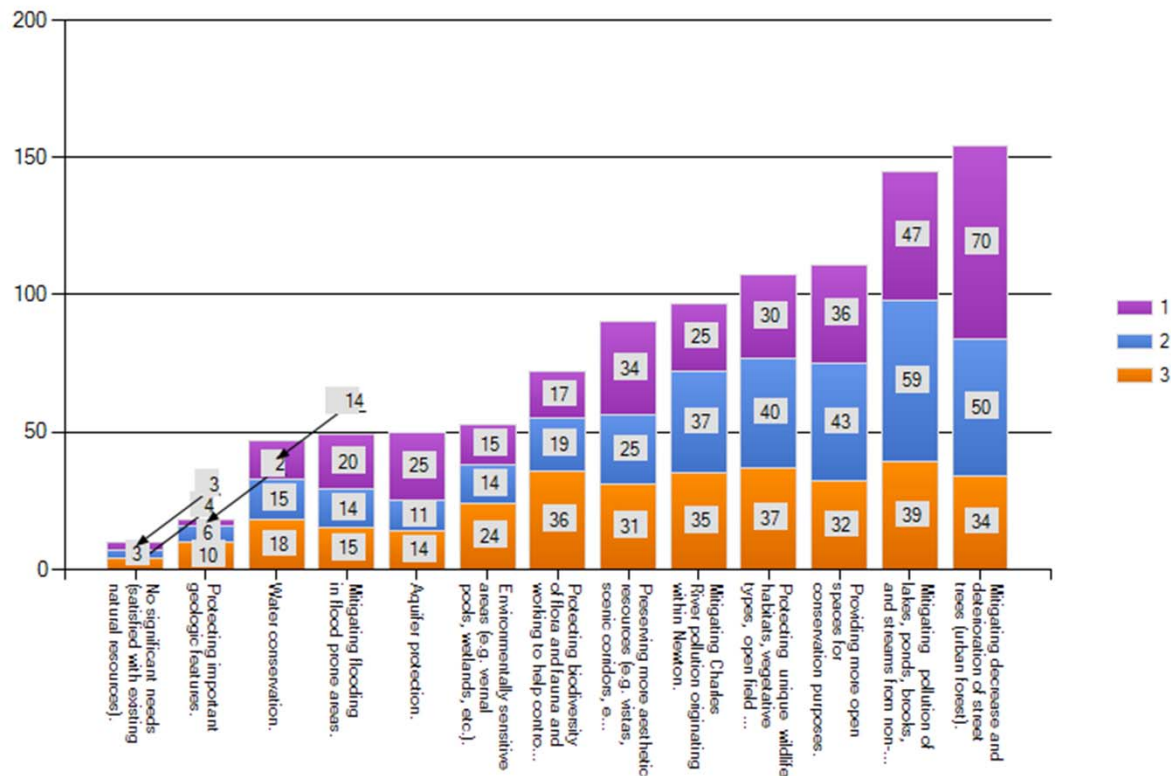


- Significant concern about remediating our declining urban forest, particularly regarding street trees.
- Ongoing need to provide accessibility at a range open spaces and facilities for persons with disabilities, incl. persons with mobility challenges as well as an increasing senior population.
- New interest in smaller open spaces with aesthetic and respite value, particularly in village centers.
- Ongoing concern to provide vest pocket parks in the more densely populated neighborhoods.

3 Most significant natural resource needs



Q6 - Natural Resources What do you believe are the three most significant needs regarding natural resources in Newton in order of importance to you? Rate on a scale with 1 being most important.



Open space re-inventory completed



Private:

- Cemeteries
- Golf courses
- Tax-exempt – religious, educational, non-profit, other
- Various residential with significant open space

Public:

- City – Cochituate Aqueduct
- City - General
- Conservation Commission
- Historic cemeteries (P &R)
- Parks & Recreation – General
- Parks & Recreation – Linear pks, medians, islands
- School Dept. - playgrounds
- DCR (state)
- MWRA (regional) – Sudbury Aqueduct

What we have: Open Space Overview (1)



Category	Acres	% of tot. OS
PRIVATELY OWNED	964.06	41.9
Cemeteries	118.62	5.2
Golf courses	542.69	23.6
Vacant/Dev w/OS	183.32	8.0
Tax exempt land	119.43	5.2

Open Space Overview (2)



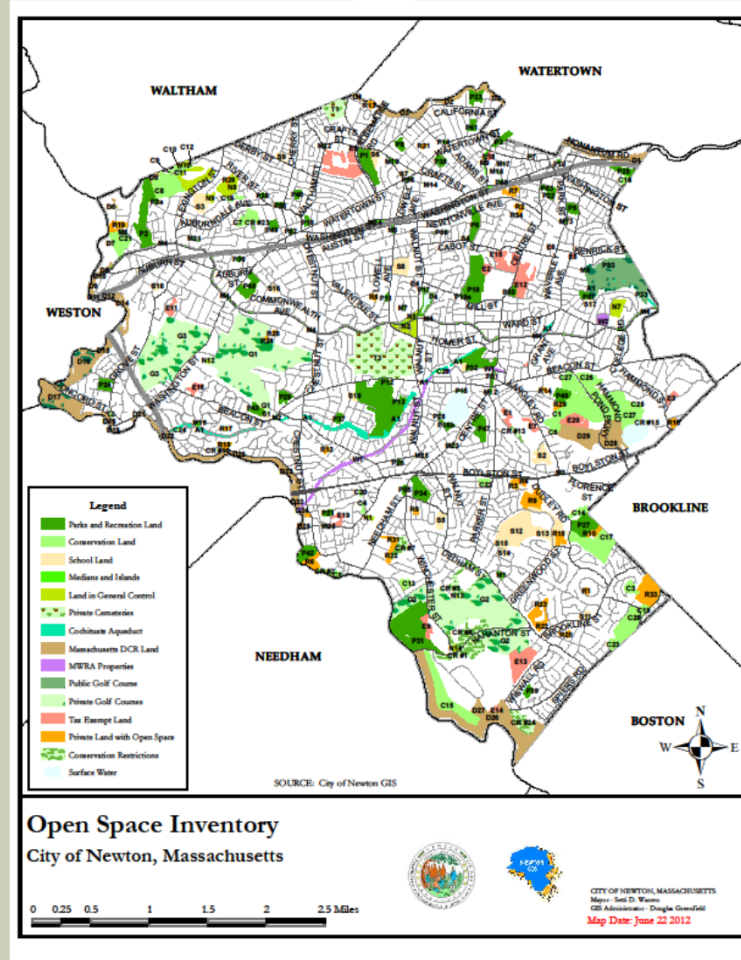
Category	Acres	% of tot. OS
PRIVATELY OWNED	964.06	41.9
CITY OWNED	1,017.18	44.2
Cochituate Aq.	36.38	1.6
General control	67.97	3.0
Conservation Com.	281.49	12.2
Parks & Rec. – Gen.	478.85	20.8
Parks & Rec. – Med.	33.54	1.5
School Dept. playgr.	118.95	5.2

Open Space Overview (3)



Category	Acres	% of tot. OS
PRIVATELY OWNED	964.06	41.9
CITY OWNED	1,017.18	44.2
STATE & REGIONAL AGENCY OWNED	317.84	13.8
Mass DCR.	296.37	12.9
MWRA	21.47	0.9
<i>TOTAL</i>	<i>2299.08</i>	<i>100.0</i>

Open Space Inventory Map



DRAFT

City of Newton

Recreation and Open Space Plan Update

2013-2017



Peterbley."CrystalLakeNewtonMa". Photo. *Panoramio.com* 30 July. 2008. 21 June. 2012 <<http://www.panoramio.com/photo/12642690>>

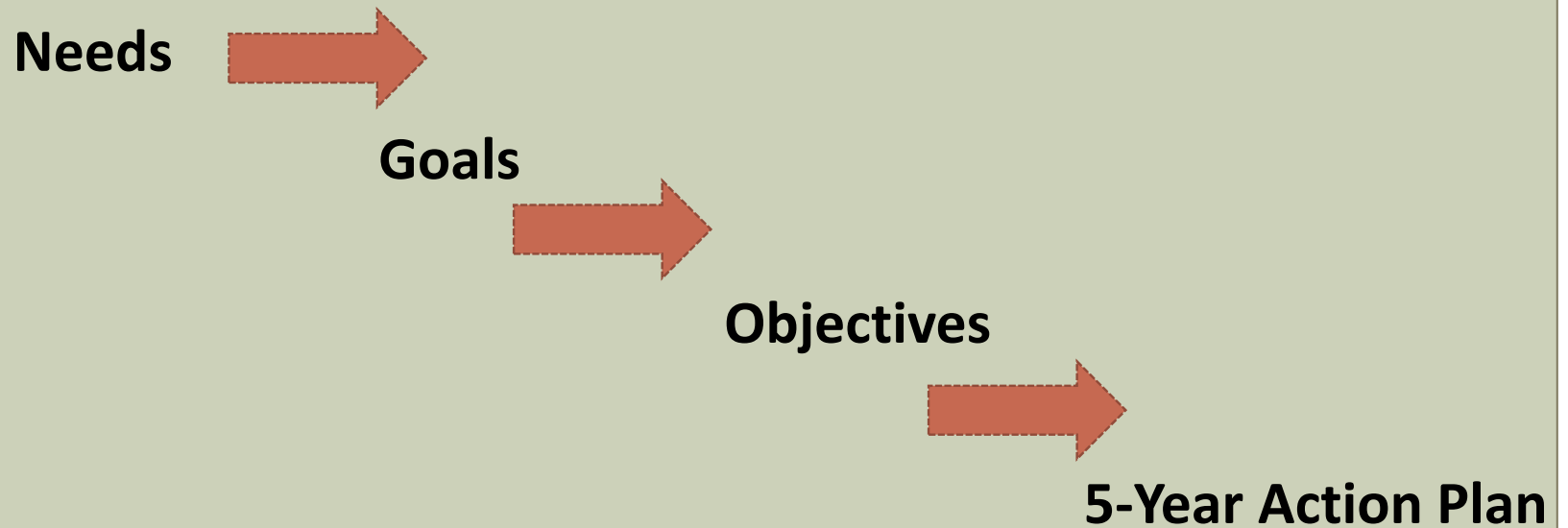
Prepared per the requirements of the Massachusetts Executive Office of Energy and
Environmental Affairs

R/OS Plan Update - Main Components



- Introductory materials
- Community Setting
- Environmental Inventory & Analysis
- Community Vision
- Analysis of Needs
- Goals, Policies, Objectives
- Five Year Action Plan
- Supplemental information: Large parcel analysis; Accomplishments; Accessibility statement; CR Inventory

Needs translate to Action Plan



Five-year Action Plan Components



- This is the “core” of the ROS Plan Update.
- Three Action Programs for: Conservation; Active Use Recreation; Passive Use Recreation.
- Actions are typically organized in categories such as:
 - + acquisition (in fee, easements; CR's)
 - + facility development or improvement
 - + accessibility improvements
 - + management
- Distributed over a 5-year period.
- Reflect inputs received and considered by the Advisory Comm. through the plan preparation process to date.
- See Draft 5-year Action Plan (copies distributed).

Future integrated wildlife & tree maintenance ?



Next steps



- Draft Plan Update available in paper and on line by end of this week. Survey results already on line.
- Planning and Development Board holds public hearing **Monday, July 9, 2012 – 7PM Druker Aud., Library**
- Hearing comments are addressed and Plan Update is circulated to MAPC for regional agency review.
- Plan Update is finalized for submittal to Mass. EOEEA/DCS.
- Upon State approval, Plan Update is officially published and distributed.



Setti D. Warren
Mayor

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Candace Havens
Director

WORKING SESSION MEMORANDUM

DATE: June 22, 2012

TO: Alderman Marcia Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development 
Seth Zeren, Chief Zoning Code Official

RE: #150-09(3) Aldermen Albright, Johnson, and Linsky proposing that a parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4.

MEETING DATE: Working Session on June 25, 2012

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

EXECUTIVE SUMMARY

At the Zoning and Planning Committee working session on June 11, the Planning Department introduced draft text for a Mixed-Use 4 zone to permit a mixed-use development on the Austin Street parking lot. This report responds to questions raised at that working session by providing additional research and analysis and a revised draft zoning text (Attachment A). The proposed zone is crafted to guide the redevelopment of the Austin Street lot in line with the guidance of the 2007 *Comprehensive Plan*, the 2011 Mixed-Use Centers Element, and the JAPG Report. These documents outline a vision for Newton's village centers that includes moderate growth that supports mixed-use business development, a diversity of residential options, and addresses parking and transportation infrastructure needs, consistent with the envisioned redevelopment of the Austin Street lot.

Though the Planning Department crafted the proposed zone for the constraints of the Austin Street site, staff notes that there may be other sites in the City where the zone may be appropriate in the future. Staff found that zoning changes are relatively rare over the past 20 years and typically part of a specific special permit application (Attachments B1 and B2). Staff did not find any trend of rezoning residential areas to business zones. While a rezoning could be forced on a neighborhood in theory, in practice the Board of Aldermen exercises final authority over zoning and such changes must be approved by a 2/3 vote of the Board. The proposed zone would

offer another option in the zoning toolkit, providing a middle ground between the low-density Business 1 zone (BU1) and the high-density Business 4 zone (BU4) and enabling more fine-grained control over future redevelopment in some village commercial centers.

The Economic Development Commission (EDC) concluded that the proposed dimensional standards would allow redevelopment that is economically viable. Staff also analyzed how the proposed setbacks would affect the Austin Street site and found that the standards will permit the envisioned mixed-use development (Attachments C1-4). Staff considered the proposed residential density standards in light of the EDC analysis and analysis of other dense-residential projects within the City (Attachments D1 and D2). Allowed uses are now organized in a table and low-activity uses permitted at street-level by special permit only. Specific special permit criteria have also been included. Staff considered best practices to encourage open space in village centers and concluded that an open space requirement for large sites is appropriate. For smaller sites, staff recommends that future village area plans designate areas for open space that can serve as a public and civic focal point before requesting contributions to their development.

The Planning Department concurs with the JAPG recommendation that the site be re-zoned concurrently with the issuance of the RFP to give potential developers certainty about the zoning standards that will apply. Pre-zoning will not open up any unexpected development opportunities as the City controls the site and final approval of any particular development will remain with the Board of Aldermen through the special permit process.

ANALYSIS

The vision for Newton's village centers

The 2007 *Comprehensive Plan*, the 2011 Mixed-Use Centers Element, and the 2011 JAPG Report identify general and specific principles for planning and zoning in Newton's village centers (Attachment E). A key component of the *Comprehensive Plan* vision for village centers is the creation of village area plans that address economic growth, redevelopment, housing, open space, and transportation.

Both the *Comprehensive Plan* and the Mixed-Use Center Element stress the importance of fine-grained mixed uses, a diversity of housing choices, and proximity to transit and transportation options in the success of Newton's village centers. The *Plan* envisions moderate growth in Newton's larger village commercial centers that provides new housing opportunities, expands the commercial tax base, and provides opportunities to address parking and transportation infrastructure deficiencies. The *Plan* also emphasizes that every village is different and that land use strategies should reflect those differences.

The proposed MU4 zone permits the general type of development envisioned for Austin Street while reserving those features that are truly site-specific, such as replacing existing public parking, for the RFP and special permit process. The MU4 provides a middle ground between the low-density Business 1 and high-density Business 4. The zone would support the *Plan's* goal of encouraging diverse housing options by allowing more, smaller dwellings per lot and would support the goals of encouraging mixed-uses through the revised use table and limitations on low-activity uses. The zone would also encourage context-appropriate design through the setback and step-back requirements. The MU4 would add another tool to the zoning tool-kit providing a finer range of options for guiding redevelopment in select village commercial centers in the future.

Applicability and transferability

Several questions at the previous working session centered around where this proposed zone could be applied and about whether it could be transferred to other areas of the city where it would be inappropriate. Ultimately the appropriateness of a zone for a particular site or village center is at the discretion of the Board of Aldermen,

either as a legislative act of remapping or as part of a special permit. As any map change requires a 2/3 vote of the Board of Aldermen, it is unlikely that an inappropriate or unpopular zoning change would be approved. For example, a developer could now submit a proposal to rezone Waban Square from Business 1 to Business 4 and ask for a special permit to erect an eight-story office building, and the Board of Aldermen could choose to approve that rezoning by a 2/3 vote. But such a plan, so at odds with the City's planning goals and the neighborhood context, would be extraordinarily unlikely to receive approval. In staff's view, the proposed MU4 zone is likely to be used again elsewhere only if fitting in the context.

Planning Staff worked with the Clerk's office and the City's GIS Administrator to analyze the history of zoning map changes in Newton over the last 20 years (see Attachments B1 and B2). Planning Staff found that rezonings are relatively rare (approximately 27 by ordinance over the past 20 years). A separate GIS analysis produced the map provided in Attachment B2 which highlights the current zoning of parcels whose zoning has changed since 1994.¹ The GIS data shows that the majority of map changes in the City have been to the Public Use zone (typically for public open space)². Many of the other zoning changes have actually been "down-zonings" (Changing an SR2 to a lower density SR1, for example). The most significant map changes have related to large commercial or residential developments such as at Chestnut Hill Square or The Gables near Charles River Country Club. These large projects involved significant community and City involvement and oversight and took years to develop, and ultimately each rezoning received more than a 2/3 vote of the Board of Aldermen.

Staff did not find evidence to support a concern that a new MU4 zone would be exported into areas of the city without thorough discussion and review. At present, staff provides extensive guidance to potential developers early in the process and guides development toward the vision expressed in the *Comprehensive Plan* and other City planning documents. Future village and neighborhood area plans would further direct potential rezonings with even more detailed visions of desired development patterns. In the end, the Board of Aldermen has the final authority to approve or reject map changes, ensuring that zone changes meet the City's planning goals and protect the community from negative impacts.

Table of allowed uses

The Planning Department had originally proposed a list of allowed uses based on the format for the Business 4 zone. The Committee expressed a preference for the table that was employed for the Mixed-Use 3/TOD zone and staff has revised the list of allowed uses along those lines, with revisions to incorporate the full range of uses already present in Newtonville, including martial arts studios and pet stores, for example.

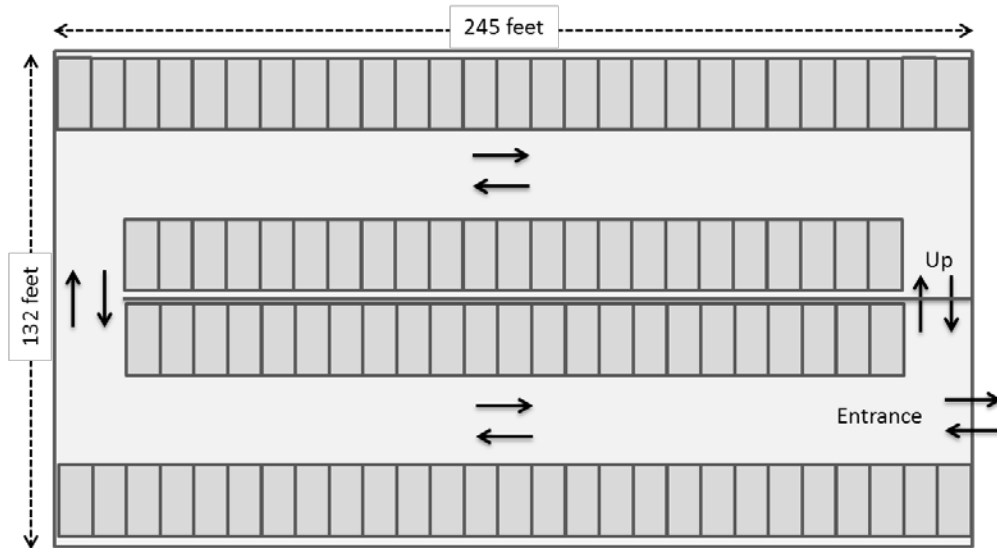
Comparing proposed setback standards to existing setback requirements

The Committee requested that the Planning Department review how the proposed setback regulations would relate to both the existing setback requirements for business zones abutting residential zones and the rear setback requirements for the residential uses behind the Austin Street site. Staff prepared several diagrams and plans to evaluate how the proposed setbacks and step-backs for upper floors would function on the site (see Attachments C1-4). This analysis suggests that the setbacks for the proposed MU4 zone are comparable to those typically required by existing business zones and actually provide more protection for abutting residential uses by stepping back upper floors to provide more light and air. A key consideration, highlighted in Attachments C3 and C4, was the need to be able to locate a standard-dimension parking structure on the site. Staff has estimated how much space would be required to accommodate an approximately 200-parking stall structure. The image below shows that a 200-stall parking structure on two levels could reasonably be expected to be at least 245 feet by 132 feet (including one hundred 9'x19' parking stalls per level, 24' maneuvering aisles, and 2' thick walls). The diagram below shows a diagram of a standard floor plan for a garage of this size. Attachment C4 shows that with the proposed setbacks, some creativity in the design of the parking structure and any retail uses

¹ NB: Some of the parcels highlighted may be false positives due to errors in the City's GIS database

² Based on GIS analysis, approximately 11% of the City has been rezoned to Public Use since 1994. Another 7% of the City was rezoned to another zoning classification over the same eighteen years.

will be required to fit both into the width of the site. Therefore, the proposed setbacks are near the maximum that will allow the type of mixed-use development envisioned for the site. The specific design and location of any proposed parking structure would be up to the developer, but this illustration provides a sense of the spatial considerations involved.



The market viability of the proposed zone

Planning staff has worked with members of the Economic Development Commission (EDC) to analyze the market viability of the proposed zone by using a *pro forma* cash flow model to test various assumptions about the development potential of the site. The EDC analysis broadly demonstrates that a project can be successful within the density allowed in the zone (approximately 85 units, 5 stories, FAR 2.0-2.5, within setbacks). According to the model prepared by the EDC, the key factor that affects the viability of projects is the cost of providing structured public parking. Changing the assumptions about the number of stalls, the cost of construction (above or below grade), and who collects the revenue from the public parking has dramatic impacts on the economic viability of development. These considerations will mainly be addressed in the RFP process, but they do bear on the zoning as well. Because of the potentially very high cost of below-grade parking (\$20,000-\$45,000 per space), a large fraction of the parking would need to be provided above grade, taking up one or two of the allowed stories and reducing the space available for tenants. Similarly, a standard-dimension parking garage barely fits on the site with the proposed setbacks (as described above). Based on this analysis, the dimensional standards proposed are likely the minimum that would support economically viable development that also achieves the JAPG’s recommendations for public benefits.

Encouraging open space in village centers

The Planning Department consulted APA research materials and the *Comprehensive Plan* and concluded that the best way to create open space that serves as a community focal point is through area planning for village centers. Such a plan, once in place, would serve as a focus for coordinating public investments or directing private contributions in a coordinated fashion. There are significant opportunities to create beneficial open space and a community focal point on larger parcels, such as that at Austin Street. However, requiring smaller parcels to contribute to open space without a larger plan could led to a series of one-off, *ad hoc* minor contributions that do not work together to improve the overall public realm. For this reason, the Planning Department favors creating village area plans to identify open space opportunities to guide City investments and private contributions as part of special permits. In the meantime, encouraging open space on smaller parcels wherever possible is still a worthwhile goal.

Low-activity uses

Low-activity uses (such as offices and banks) draw relatively little foot traffic and are open for limited hours. Too high a concentration of such uses can harm a business center by creating dead space in the evenings and on weekends when they are not open. Furthermore, once established, banks and office uses are often very stable tenants meaning that future shops and restaurants may have fewer available sites. In response to comments from the Committee, the Planning Department has incorporated a special permit requirement for low-activity uses at street-level, with an allowance for lobbies servicing establishments above or below street level.

In presenting the proposed regulations, staff drew upon research from the APA that explored a range of methods of regulating low-activity uses, including establishing a quota system, limiting the percentage of ground floor area available to low-activity uses, and making it easier for active uses to occupy street-level spaces. Ultimately, staff recommends requiring low activity uses to obtain a special permit to locate at street level, because the approach is easier to administer and enforce, creates less of an unfair advantage to established uses than a quota system, and is narrowly focused on a specific problem in Newton today: the profusion of banks in store fronts. The proposed special permit criteria (described above) would allow the Board to permit banks or offices in underserved areas, but deny them when their addition would not strengthen the retail mix.

Residential density

The number of dwelling units allowed on a given parcel is controlled by the regulation of the minimum lot area per dwelling unit. The Business 1 zone, typical of village centers, requires a minimum ratio of 1,200 square feet per unit. On the 74,500 square foot Austin Street lot, this would allow an absolute maximum of 62 dwelling units. At the previous working session, the Planning Department proposed a minimum lot area of 600 square feet per dwelling unit. This recommendation was made for two reasons. First, by setting an overall cap on the number of residential units, the regulation gives a preference to larger units over smaller units. By lowering the requirement, the same amount of residential square feet can result in more, smaller dwelling units. In village centers in particular, the *Comprehensive Plan* and the JAPG Report call for providing smaller dwellings to increase the diversity of Newton’s housing stock. Second, staff noted that several existing, desirable buildings in Newton do not comply with this requirement, either because their construction pre-dates zoning or because they were built under Section 40B of the Mass. General Laws. Planning staff collaborated with the Assessing Department to identify 18 sites in Newton that exceed the residential density now allowed (see Attachments D1 and D2). Furthermore, a minimum density of approximately 80 to 90 dwelling units on the Austin Street site is likely necessary to create an economically-viable development based on EDC and staff analysis. The table to the right compares various lot area per dwelling unit ratios and shows the resulting number of dwellings that would be possible on the 1.7 acre Austin Street site.

Lot Area/DU	Maximum # of DU
1,200	62
1,000	74
900	82
800	93
700	107
600	124
400	186

Pre-zoning

The Planning Department concurs with the JAPG recommendation that the site be pre-zoned concurrently with the issuance of the RFP so as to give potential developers certainty about the zoning standards that will apply. Pre-zoning will provide developers with more confidence as they invest money to develop their plans. Pre-zoning will not open up any unexpected development opportunities, as the City owns the parcel and can choose whom to sell or lease to and may include deed restrictions to further articulate the City’s development preferences. Furthermore, given the standards of the proposed Mixed-Use 4 zone, any development meeting the JAPG recommendations would require a special permit from the Board of Aldermen. While in recent years the Land Use Committee has considered map changes concurrently with special permit applications, docket item #150-09(3) and the Board’s rules indicate that, should the Board desire to, it could remap the Austin Street to the MU4 zone once it agrees on zoning text.

SUMMARY OF CHANGES TO PROPOSED TEXT

Starting with the draft text presented on June 11, staff revised the proposed Mixed-Use 4 Zone (Attachment A) to respond to questions and comments from members of the Committee and other feedback. The revised zone incorporates the following specific changes:

- Updated list of uses provided in a table format similar to the MU3/TOD
- Offices and banks allowed at street-level by special permit only
- More specific criteria for special permit for uses and dimensional standards
- Dimensional standards in Table 1 and Table 3
- Maximum setback (build-to line) text
- Step-backs are drawn from lot lines rather than building façades
- Special permit 'safety valve' for setback regulations
- Simplified definition for "mixed-use residential buildings"
- Minor changes to wording to reflect Committee comments

PREVIOUS DISCUSSION

Initial discussions about the reuse of the City's Austin Street parking lot for mixed-use development began in 2005. In March 2011, the Board of Aldermen appointed a Joint Advisory Planning Group (JAPG) to consider the reuse of the site and in June 2011, the JAPG submitted "The JAPG Report Austin Street Parking Lot," spelling out the group's recommendations. On May 29, the Planning Department presented an overview of the Austin Street JAPG report and staff analysis related to the proposed rezoning of the Austin Street parcel (see the Planning Department report dated May 25, 2012 for analysis of the JAPG recommendations). On June 11, the Planning Department responded to Committee questions and presented draft zoning text for a new Mixed-Use 4 (MU4) zone (see the Planning Department report dated June 8, 2012 for more information).

NEXT STEPS

Based on Committee feedback, staff will provide additional information and/or revisions to a draft text in preparation for a public hearing at the Committee's discretion.

ATTACHMENT A: Draft Zoning Text for the Mixed-Use 4 District

ATTACHMENT B1: Table of Zoning Map Changes from 1992-2012

ATTACHMENT B2: Map of Zoning Changes from 1994-2012

ATTACHMENT C1: Step-back Diagram

ATTACHMENT C2: Comparisons with Existing Setback Standards

ATTACHMENT C3: Plan View of BU4 Setbacks

ATTACHMENT C4: Plan View of Proposed MU4 Setbacks

ATTACHMENT D1: Table of Dense Residential Properties

ATTACHMENT D2: Map of Dense Residential Properties

ATTACHMENT E: Excerpt from the *Comprehensive Plan*

Draft Zoning Text for the Mixed-Use 4 District

Version 2.0, June 20, 2012

Add the following definitions to Section 30-1: Definitions

- **Mixed-use residential building:** A building occupied by both residential and nonresidential uses.
- **Street-level:** Any level of a building, the floor of which is located between four feet below and four feet above the average sidewalk grade.

Section 30-13(h) Establishment and purposes of the Mixed-Use 4 District (existing 30-13(h), etc. to be re-lettered)

(1) Purposes. The purposes of the Mixed-Use 4 District are to:

- a) Allow the development of buildings and uses appropriate to Newton’s village commercial centers and aligned with the vision of the City’s *Comprehensive Plan*.
- b) Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
- c) Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
- d) Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and create sense of place and community.

(2) Allowed uses. In the Village Center District, land, buildings, and structures may be used or may be designed, arranged, or constructed for one or more of the purposes listed in Table B, below. In granting a special permit in accordance with the procedures of Section 30-24 for a use enumerated below, the Board of Aldermen shall make a finding that the proposed use will encourage an active, pedestrian-oriented streetscape throughout the day and week, that the proposed use fills a demonstrated need for the use within the vicinity, and that the proposed use is not inconsistent with the purposes of this section, 30-13(h)(1), the 2007 *Newton Comprehensive Plan*, and the Mixed-Use Centers Element amendment to the *Comprehensive Plan*.

TABLE B: PRINCIPAL USES FOR THE MIXED-USE 4 DISTRICT ¹	
Uses similar to or accessory to the following, may be allowed as determined by the Commissioner of Inspectional Services ²	
Commercial	
• General office, including but not limited to research and development, professional offices, and medical office, above or below street-level	BR
• At street-level ³	SP
• Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding	SP
• Retail sales, including but not limited to specialty food store, convenience store, newsstand, bookstore, food coop, retail bakery, art gallery, and general merchandize store, 5,000 square feet or less	BR
• More than 5,000 square feet of gross floor area	SP
• Personal services, including but not limited to barbershop, salon, tailor, cobbler, personal trainer or fitness studio, laundry, and dry cleaning drop off, 5,000 square feet or less	BR
• More than 5,000 square feet of gross floor area	SP
• Business services, including but not limited to copying and printing establishments and shipping services, 5,000 square feet or less	BR
• More than 5,000 square feet of gross floor area	SP
• Eating and drinking establishments, 50 seats or less	BR
• More than 50 seats	SP
• Open between the hours of 11:30 p.m. and 6:00 a.m.	SP
• Retail banking and financial services, above or below street-level	BR
• At street-level ³	SP
• Automated Teller Machines	BR
• Health club	SP
• Place of entertainment and assembly, theater, club	SP
• Lodging, including but not limited to, bed and breakfast, hotel, motel	SP
• Open-Air Business	SP

Residential	
• Multifamily dwelling (a building containing three or more dwelling units) , above street level	BR
• At street-level	SP
• Live/work space or home business, above street level	BR
• At street-level	SP
• Single-room occupancy dwelling or single-person occupancy dwelling, above street level	BR
• At street-level	SP
• Assisted living or nursing home	SP
Civic, Public, and Community	
• Community use space	BR
• Day care services for adults or children	BR
• Place of religious assembly	BR
• Government offices or services	BR
• Park or garden	BR
• Nonprofit or public school	BR
• Library or museum	BR
Transportation and Infrastructure	
• Parking, public or accessory to an allowed use	BR
• Parking, non-accessory commercial	SP
• Car-sharing services, bike rental, electric car-charging stations	BR
• Public rail or bus station	BR
Prohibited	
Drive-in business, hospital, manufacturing, funeral home, sales of motor vehicles, care wash, gas station or motor vehicle service station, fast food establishments as defined in section 30-1, personal storage warehouse	

¹ Uses listed in Table B are permitted as of right in the Village Center District where denoted by the letter “BR.” Uses designated in the Table by the letters “SP” may be allowed only if a special permit is issued by the Board of Aldermen in accordance with the procedures in section 30-24. Where more than one enumerated classification could apply to a proposed use, the most specific classification shall be employed; where the uses are equally specific, the most restrictive classification shall be employed.

² Any use determined to be similar to a use listed in Table B shall be subject to the same level of review as the use to which it is similar. An accessory use is only allowed if the use to which it is accessory is allowed, as shown in Table B.

³ Street level as defined in Section 30-1; street-level entry lobbies permitted per Section 30-15(w)(5)

Add the following to Section 30-15, Table 1:

Zoning District	Minimum Required Lot Area	Minimum Lot Area per unit	Minimum lot Frontage	
Mixed-Use 4	10,000	600	80	SEE TABLE 3 for other dimensional controls

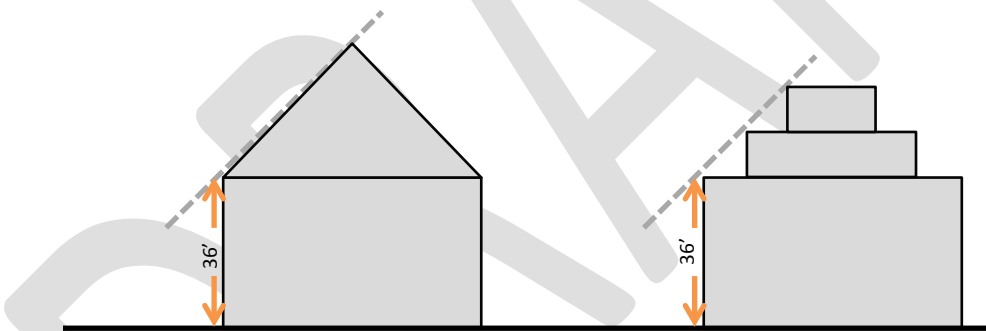
Add the following to Section 30-15, Table 3:

Zoning District	Max. # of Stories	Bldg. Ht. (ft.)	Total Floor Area Ratio	Gross Floor Area/ Site Plan Approval (SF)	Threshold by Special Permit (Gross Floor Area; SF)	Min Lot Area (SF)	Lot Coverage	Beneficial Open Space	Front (feet)	Side (ft.)	Rear (ft.)
Mixed-Use 4											
As of Right ¹⁴	2	24	1.0	10,000-19,999	20,000	10,000	N/A	0% or 5% ¹⁴	5-10 ¹⁴	0 or 20 ¹⁴	0 or 20 ¹⁴
By Special Permit ¹⁴	4	48	2.0	10,000-19,999	20,000	10,000	N/A	0% or 5% ¹⁴	5-10 ¹⁴	0 or 20 ¹⁴	0 or 20 ¹⁴
Mixed-use residential, by right ¹⁴	3	36	1.5	10,000-19,999	20,000	10,000	N/A	0% or 5% ¹⁴	5-10 ¹⁴	0 or 20 ¹⁴	0 or 20 ¹⁴
Mixed-use residential, by Special Permit ¹⁴	5	60	2.5	10,000-19,999	20,000	10,000	N/A	0% or 5% ¹⁴	5-10 ¹⁴	0 or 20 ¹⁴	0 or 20 ¹⁴

¹⁴ See sec. 30-15(w) for additional dimensional requirements for developments within the Mixed-Use 4 Zone.

30-15(w) Design Standards for the Mixed-Use 4 District. Notwithstanding any provisions of Section 30-15 to the contrary, buildings and structures in the Mixed-Use 4 Zone shall conform to the following standards:

- (1) Height.** Buildings in the Mixed-Use 4 Zone shall be a minimum of two (2) stories and shall conform to the limits for building height and stories established in Section 30-15, Table 3. The board of aldermen may grant a special permit in accordance with the procedures in section 30-24 to allow up to four (4) stories and forty-eight (48) feet of building height by finding the proposed structure plan advances the purposes of Section 30-13(h)(1) and that the proposed structure is compatible in visual scale to its surroundings.
- (2) Mixed-Use Residential Incentive.** Buildings that meet the definition of Mixed-Use Residential Buildings per Section 30-1 shall conform to the specific limits for building height and stories established in Section 30-15, Table 3. The board of aldermen may grant a special permit in accordance with the procedures in section 30-24 to allow up to five (5) stories and sixty (60) feet of building height by finding the proposed structure plan advances the purposes of Section 30-13(h)(1) and that the proposed structure is compatible in visual scale to its surroundings.
- (3) Setbacks.** The board of aldermen may grant a special permit in accordance with the procedures in section 30-24 to vary the following setback requirements by finding the proposed plan can better protect the surrounding community, support pedestrian vitality, and encourage the purposes of section 30-13(h)(1) than by strict compliance with these setback standards.
 - a) A minimum front setback of five (5) feet is required. At least 75% of the street-level façade of the principal building shall be set back a maximum of ten (10) feet from the public right of way.
 - b) No side or rear setbacks are required, except where abutting a residential district the required side and rear setbacks shall be no less than twenty (20) feet.
 - c) Any portion of a building greater than 36 feet in height must be setback one foot from the adjacent lot line for each additional foot of height.



- (4) Transparency.** Commercial uses in a Mixed-Use 4 Zone must meet the following transparency requirements:
 - a) A minimum of 60% of the street-facing building façade between two feet and eight feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas.
 - b) Display windows used to satisfy these requirements must be regularly updated and maintained to create an active window display; any illumination of the display shall be internal to the façade of the building.
- (5) Lobbies for low-activity uses.** Section 30-13, Table B, permits offices, retail banking, and financial service uses at street level by special permit only. Entryways and lobbies at street level are allowed for office, retail banking, and financial service uses occurring above or below street level subject to the following requirements:
 - a) Any dedicated entranceway and lobby space for such uses may not exceed a total of fifteen (15) linear feet of an exterior building wall and 400 square feet of gross floor area
 - b) Exterior ATMs may occupy no more than an additional twelve (12) linear feet of an exterior building wall
- (6) Open Space.** Parcels greater than one acre in area shall provide beneficial open space totaling no less than 5% of the total lot area. Parcels smaller than one acre in area are encouraged to provide and maintain attractive landscaping where it enhances the public realm, environmental sustainability, or the appearance of the site.

ATTACHMENT B1

Zone Changes 1992-2012

REZONE SHIRLEY STREET – **Public Use to SR3** 372-91 T-194
12/2/91 *request of planning dept*

RE-ZONE LAND ADJOINING 1180 BEACON **MR1 to B2** 370-91(2) T-195
12/2/91 **w/special permit**

RE-ZONE PROPERTY 714-726 BEACON **Public Use to B2** 66-92 T-223
4/21/92 **w/special permit**

PUBLIC USE TO MIXED USE 1
INDUSTRIAL PLACE, NEWTON UPPER FALLS 259-92 T-246
9/21/92 **w/special permit**

PUBLIC USE DISTRICT TO BUSINESS 4
DISTRICT, 414 CENTRE ST 260-92&(2) T-251
10/5/92 **w/special permit**

V-118 40-97 **Manufacturing to B4** 6-2-97 275 Grove Street **w/special permit**

V-126 41-97 **MR2 to MR3** 6-2-97 515 Centre St **w/special permit**

V-178 59-98 **Manufacturing to MR1** 6-1-98 Crescent St **w/special permit**

V-179 461-97(2) **Public Use to B2** 4-21-98 Ramsdell St **w/special permit**

V-182 81-98 **Manufacturing to MR2** 6-15-98 Webster St **w/special permit**

V-187 218-98 **Public Use to MR1** 8-10-98 Watertown St **w/special permit**

V-268 360-99 **MR1 to SR3** 11-1-99 parcels on Larkin Rd,
Murray Rd, Cumberland Rd, Auburndale
Ave, Fernwood Rd, Stratford Rd
**Gentile/Salvucci/Bullwinkle on behalf of
neighborhood**

W-37 16-01 **Public Use to SR3** 4-2-01 Harris St Denucci's **1561 sf of abutting
property**

X-40 231-02(2) 12-16-02 Oakmont Rd, Dudley Rd, Jackson St from
MR1 to SR3 Cypress St, Boylston St from MR1 to SR3
30-15 Task Force

X-41 285-02 1-6-03 Woodbine St & Rockwood Terrace from **MR1 to SR3 30-15
Task Force**

X-63 331-03 11-17-03 109 Dalby St from **B1 to MR 2 Bartolommuci/Lennon**

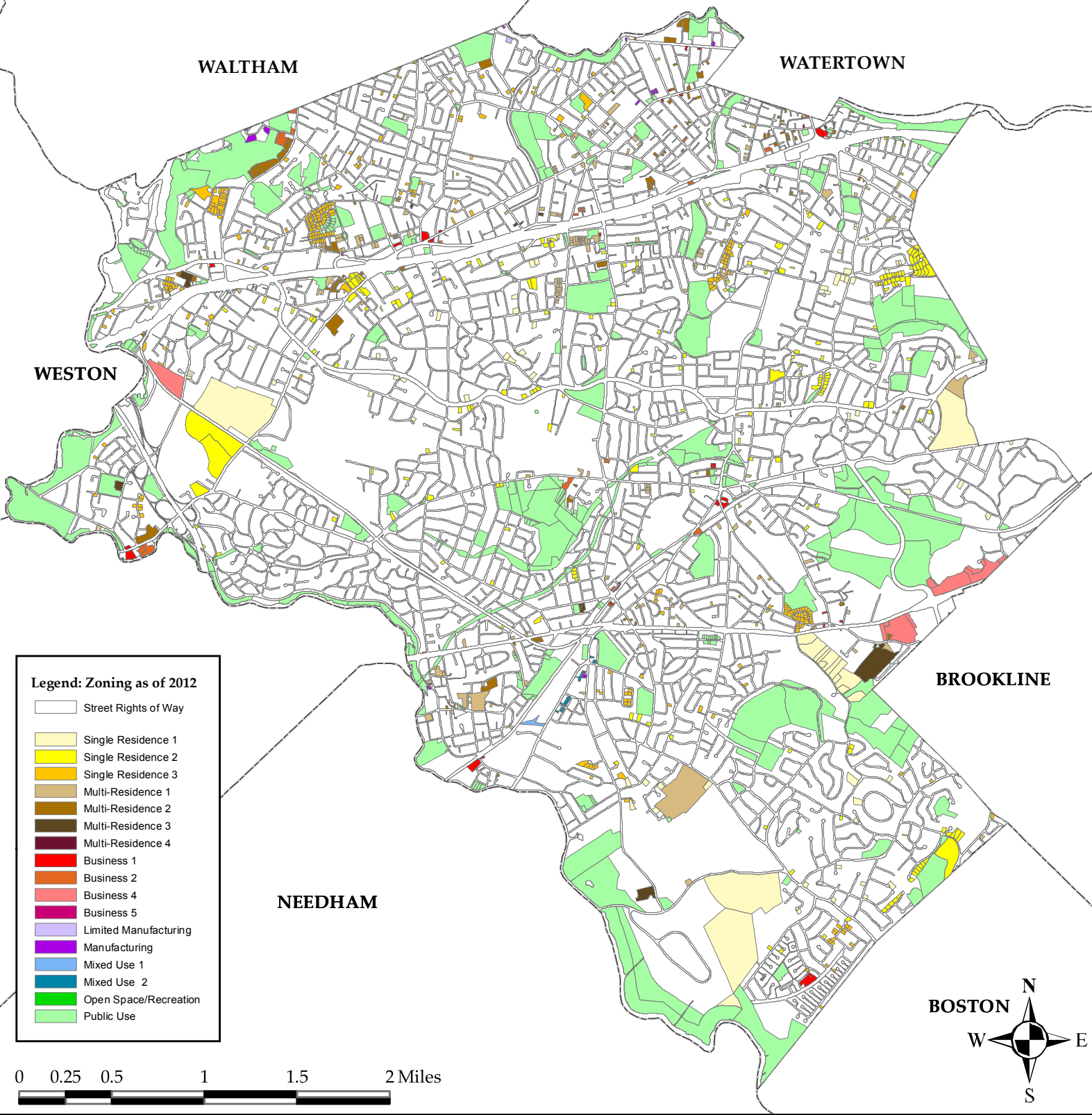
X-84 510-03 4-20-04 391 Walnut St from **SR2 to MR2 w/special permit**

X-94 263-04 7-12-04 St Bernard's properties **MR to SR/Aldermen from ward**

ATTACHMENT B1

X-107	49-04	9-7-04	Portions of Claremont St, Cabot St, Langdon St, Laudholm Rd, Rochester Rd, Surrey Rd, Westchester Rd from MR1 to SR3 Ald. Johnson and Linsky
X-233	102-06(2)	10-16-06	land on LaGrange Street from SR3 to MR3 w/special permit
X-247	392-04(8)	8-8-05	303 Nahanton St – Angino Farm SR1 to Public Use ***
Y-7	465-06	3-19-07	Zone change - portion of 50 Middlesex Rd w/ special permit Public Use to SR1 ***
Z-15	276-07	12-03-07	rezone land @Station Ave Public Use to B1 w/special permit
Z-37	102-06(8)	11-17-08	rezone land @ LaGrange St SR3 to MR3 w/special permit
Z-73	214-10	12-06-10	rezone land @Boylston St, Hammell Place, Florence Street B4 in conjunction w/special permit 214-10
Z-93	161-11	08-08-11	rezone 1-55 Boylston Street from B1 to B4 in conjunction w/special permit 161-11(2)
Z-94	161-11(3)	08-08-11	rezone right-of-way along Boylston St/Chestnut Hill Shopping Center from Public Use to B4 in conjunction w/special permit 161-11(4)

Attachment B2. Map of Zoning Changes since 1994



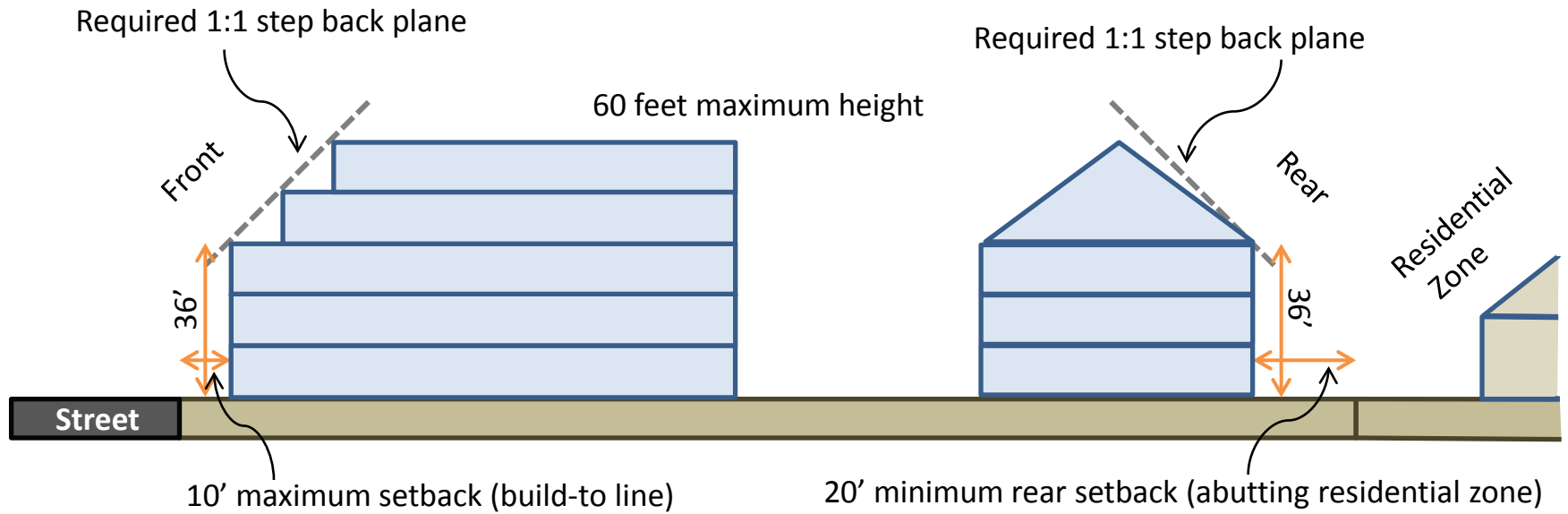
Base Map
City of Newton, Massachusetts
 Zoning Map Changes, 1994-2012



CITY OF NEWTON, MASSACHUSETTS
 Mayor - Seti D W rren®
 GIS Administrator - Douglas Greenfiel d

SOURCE: City of Newton GIS

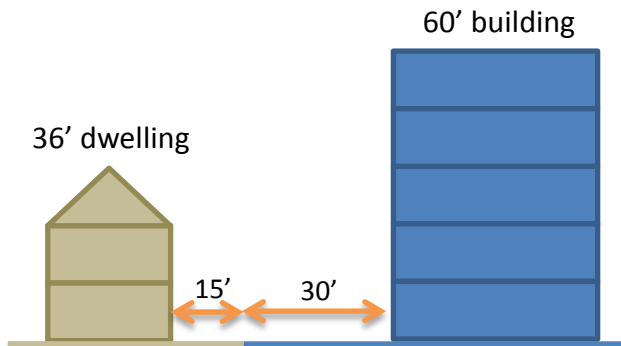
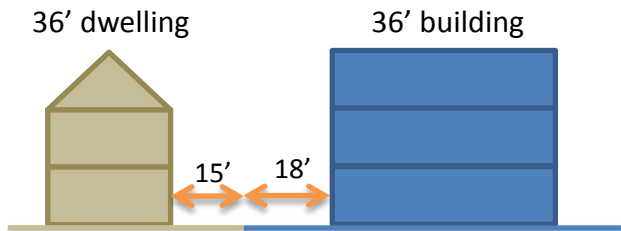
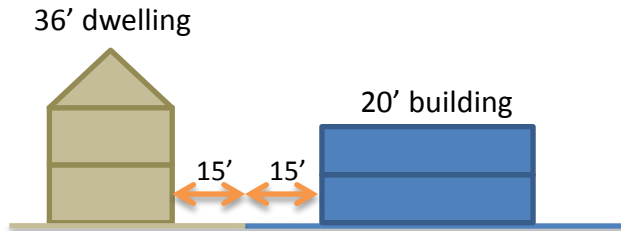
Map Date: June 19 2012



10'

Current Rule:

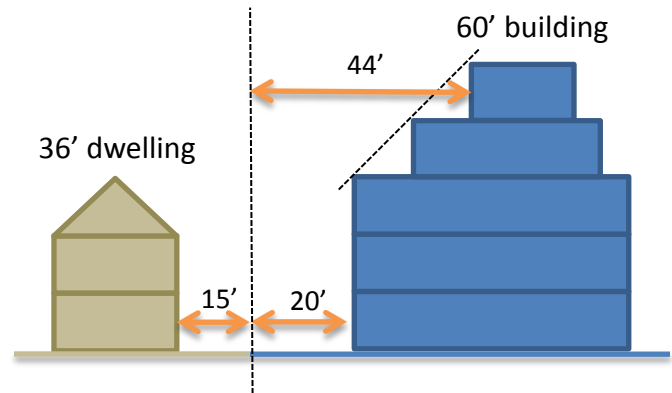
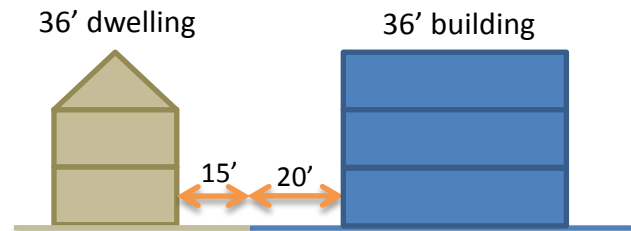
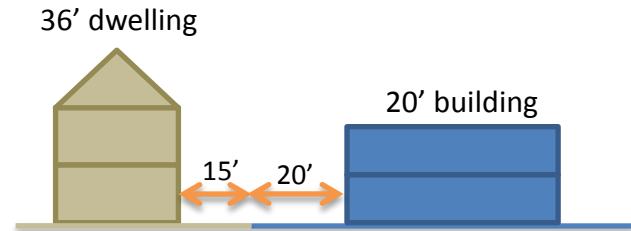
15 feet or 1/2 building height from residential zones



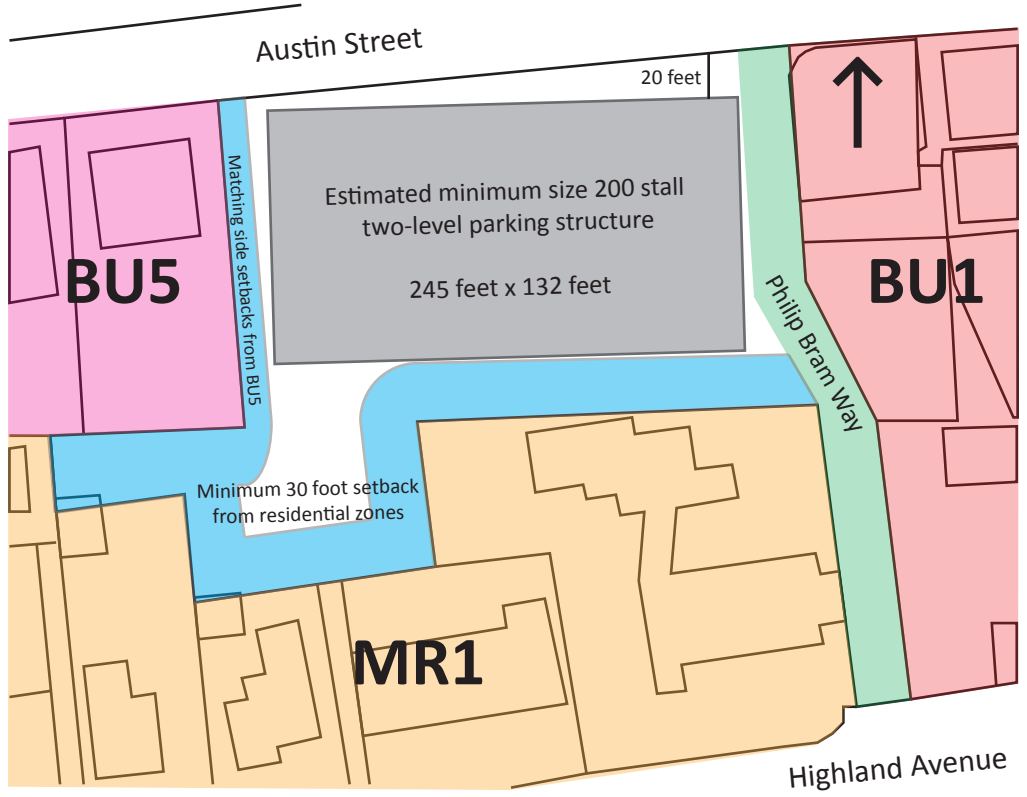
10'

Proposed Rule:

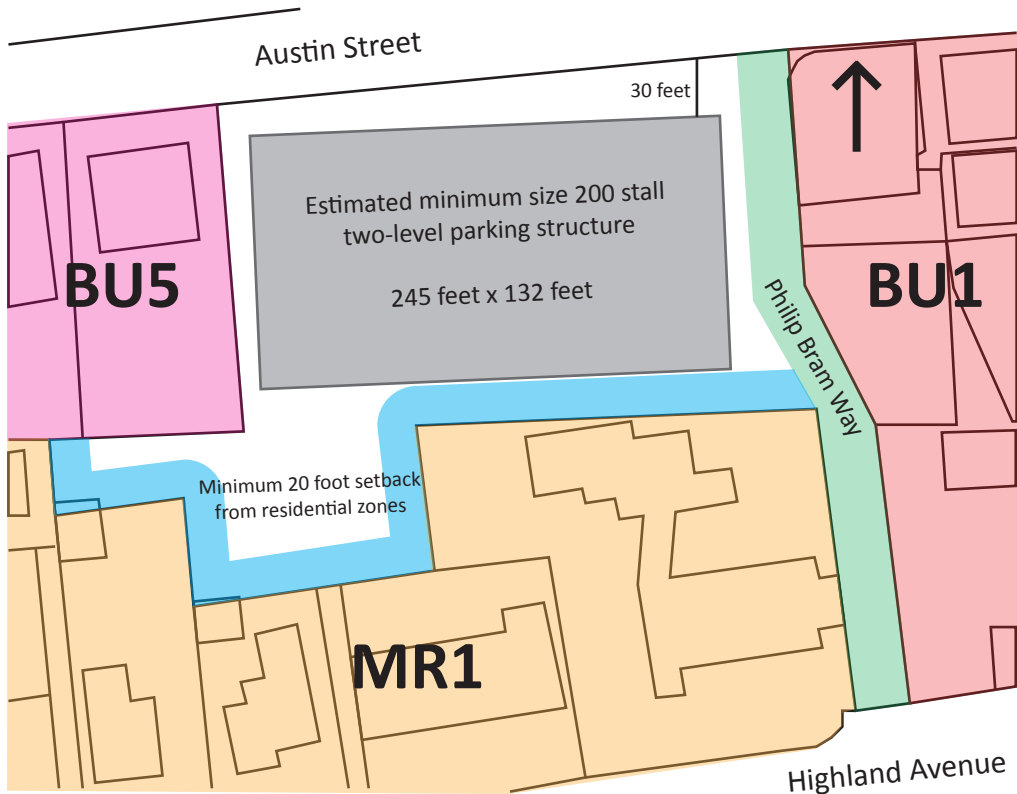
20 feet; 1:1 step backs above 36 feet from residential zones



Attachment C3. Business 4 Setbacks (Assuming 60' building)



Attachment C4. Mixed-Use 4 Setbacks (Assuming 60' building)



100 feet

ATTACHMENT D1

Address:	Number of units	Lot area (sf)	Lot area (sf)/unit
337 WASHINGTON ST	18	5,381	299
230 WALNUT ST	46	15,806	344
219 COMMONWEALTH AVE	27	10,347	383
457 CENTRE ST	24	9,650	402
1938-1946 WASHINGTON ST	180	76,907	427
430 CENTRE ST	114	51,243	450
195 SUMNER ST	43	21,379	497
2300 WASHINGTON ST	90	73,589	818
160 STANTON AVE	199	167,207	840
8-14 MT IDA ST	16	13,910	869
241 WATERTOWN ST	35	30,500	871
41 COMMONWEALTH AVE	14	13,278	948
55 FARWELL ST	23	22,830	993
160 BOYLSTON ST	204	203,159	996
677 WINCHESTER ST	146	153,629	1052
402-404 LANGLEY RD	16	17,442	1090
109 NEEDHAM ST	294	339,768	1156
483-487 CENTRE ST	35	41,871	1196



337 Washington Street (18 units, 299 square feet/unit)



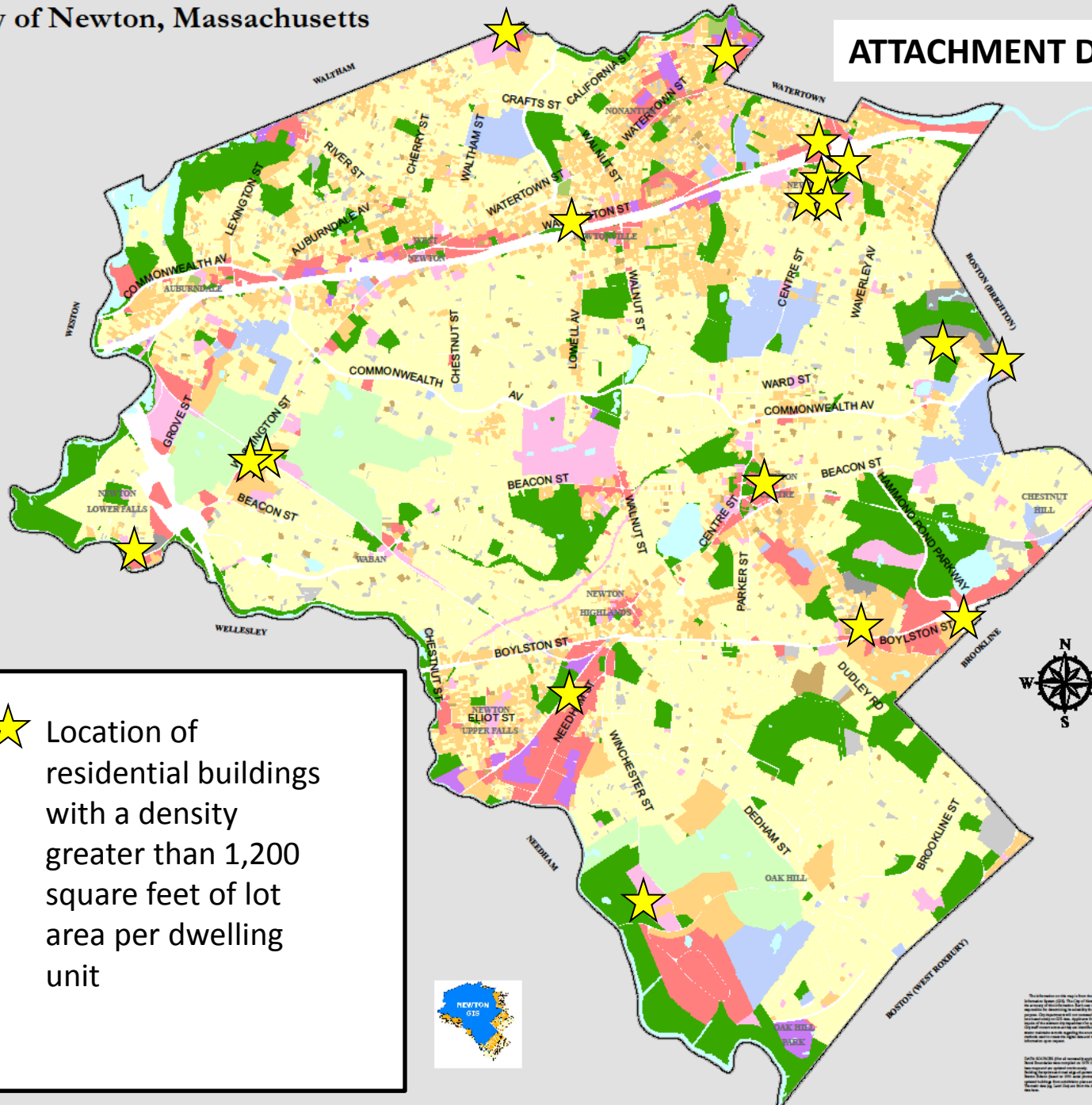
195 Sumner Street
(43 units)
(457 square feet/unit)



457 Centre Street (24 units, 402 square feet/unit)



483-487 Centre Street (35 units, 1196 square feet/unit)



★ Location of residential buildings with a density greater than 1,200 square feet of lot area per dwelling unit



This information is for informational purposes only and does not constitute an offer of insurance. The information is provided for informational purposes only and does not constitute an offer of insurance. The information is provided for informational purposes only and does not constitute an offer of insurance. The information is provided for informational purposes only and does not constitute an offer of insurance.

ATTACHMENT E

Excerpts from the *2007 Newton Comprehensive Plan* and the *2011 Mixed-Use Centers Element Plan* amendment:

2007 COMPREHENSIVE PLAN

1. THE NEWTON WE WANT

“What is right for one is not right for all, and our approach should reflect that. Accordingly, the guidance for design excellence should be chiefly based upon planning efforts centered on those neighborhoods, village centers, and other places individually, building a sense of place for each, but with some reliance on guidance regarding what constitutes Newton-wide ‘excellence.’”

3. LAND USE

“Land use is to be guided with the intention of enhancing village centers, supporting their vitality, with special emphasis on the role of those centers in:

- Providing services to nearby neighborhoods, restoring that function where it may have been eroded, while also
- reflecting how those centers interrelate to each other in often complementary ways in serving the entire City, and
- providing a housing alternative - that of living in a mixed-use environment - otherwise largely missing in the City, and
- providing focal areas around which the sense of place and of community that we seek can be effectively shaped.”

Residential Strategic Plan and Approach

“Central to implementing residential land use intentions is the process outlined elsewhere in the Plan for developing a series of individual area plans for the village centers, neighborhoods, and other special areas that make up the City, recognizing both the similarities and unique identities of each area of the City.”

Residential Implementing Actions

“Revise the zoning rules that presently impose restrictions on residential uses in village centers and other business areas, at the same time assuring that concerns with regard to traffic, parking, affordability and livability are carefully addressed.”

Business Vision and Goals

“Newton has never been and does not seek to become a bedroom community. It has steadily had about the same number of jobs within the City as there are employed residents of the City, epitomizing

jobs/housing balance. In planning for land use, it therefore is essential to maintain ample land and buildings for business use to meet the following goals:

- a. Maintain a significant commercial real estate tax base;
- b. Maintain a significant employment base;
- c. Encourage business (including retail) growth that furthers other goals in the Plan, provides essential services, and contributes to the vibrancy of the community;
- d. Maintain current land and building inventory zoned and utilized for commercial uses without major shifts to exclusively non-commercial uses;
- e. Discourage expansion of commercial uses in land and buildings currently zoned and utilized for non-commercial uses;
- f. Encourage retail uses providing essentially a mix of neighborhood and regional services appropriate for the specific area of the City; and
- g. Encourage mixed uses in business areas and village commercial centers, particularly where public transportation is available. “

Nodes and Corridors Vision and Goals

“While each of the village centers is different, certain general policies should be observed. The smaller village centers should be left to their own devices. Their current land use seems appropriate both as to scale and type, and any significant expansion would significantly alter their character.”

“The larger centers are another matter. A strong case can be made for moderate growth in some of them and a change in the balance of uses in others. Providing incentives for the creation of more multifamily housing in the larger centers deserves serious consideration. So does the application of a more proactive approach to planning. It is appropriate for the City to encourage the uses and design criteria it deems preferable while discouraging those which are not. This is different from a no-growth strategy. On the contrary, many of the larger centers could and should be expanded at a moderate pace. “

“The City needs to look at each of the larger centers and develop a plan to enhance it.”

“One-story buildings are often inefficient and a waste of expensive land so should generally be discouraged in the village centers. Where overriding historic or scale considerations are not present, density incentives might be provided to owners or developers who are willing to develop multi-story buildings.”

LAND USE – ZONING, REGULATIONS AND PUBLIC PROCESS

“Create overlay districts or other innovative zoning techniques to implement village center, corridor and neighborhood master plans. “

MIXED-USE CENTERS ELEMENT:

3. DESIGNING MIXED-USE CENTERS

Background

“Unlike new mixed-use centers, Newton’s villages grew incrementally over several centuries of profound change at the hands of many actors. Despite those and other differences between then and now, we would do well to learn from our existing village centers in the locating, programming, and designing of new mixed-use centers. One lesson learned is, while the full set of villages serves us well, those centers are highly individual. No tight template governing their development would have produced as good an outcome as has some invisible hand that has allowed broad variation. However, the set of village places does have some powerful consistencies, and those are critical to their success. In guiding development of new mixed use, we shouldn’t be overly prescriptive about the details of how development should be shaped, but we should be firm about assuring consistency with those qualities that have historically proven critical to success in Newton’s development.”

“Lessons learned from village centers include:

- Each village center is made up of a mix of uses, not simply one dominant one.
- The uses are not separated from each other but, rather, are mixed at fine grain.
- Those uses are easy to move within and among on foot.
- To a greater or lesser extent, the uses are often interrelated, to some degree serving or depending on each other, so that the adjacencies and integration are not just symbolic; they are functional and complementary.
- It is usually hard to define where the village center ends; the zoning map came too late to dictate otherwise. To successfully replicate that kind of “soft” transition from center to surroundings is challenging, but critically important in the long term.”

Department of Planning and Development

1

ZONING AND PLANNING COMMITTEE

JUNE 11, 2012

WORKING SESSION

#150-09(3): Aldermen Albright, Johnson, and Linsky proposing that a parcel of land located at 28 Austin street in Newtonville identified as section 24, block 9, lot 15, containing approximately 74,536 square feet of land, known as the Austin street municipal parking lot, currently zoned public use, be rezoned to business 4.

Austin Street Rezoning

Introduction

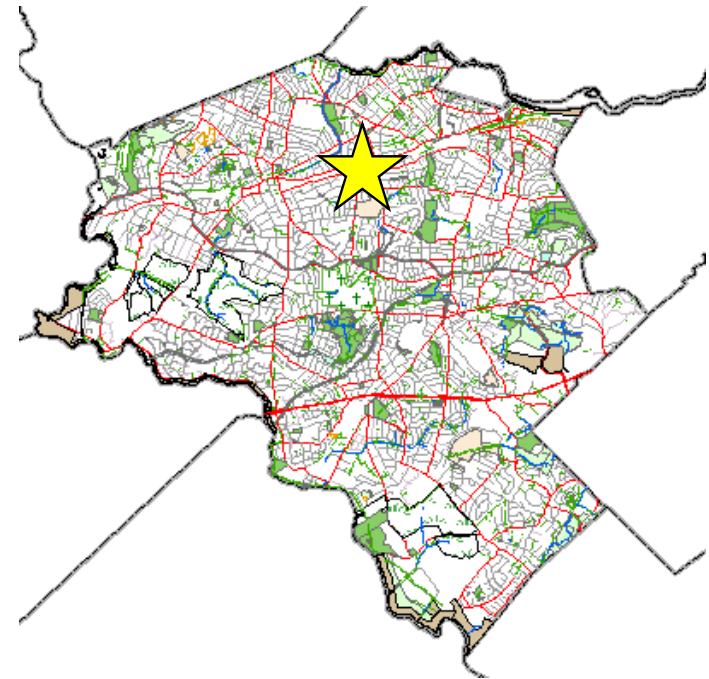
Analysis

Mixed-Use 4 Zone

Next Steps

Introduction

- Rezoning the Austin Street lot for mixed-use development
- Proposed Mixed-Use 4 zone



Newtonville Village Context



Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Analysis

Responses to topics raised on June 11:

- The vision for Newton's village centers
- Applicability and transferability
- Table of allowed uses
- Setback standards
- Market viability
- Open space
- Low-activity uses
- Residential density
- Pre-zoning

Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

The Vision for Village Centers

- **Secrets to success:**
 - Fine-grained mixed uses
 - Diversity of housing
 - Transit options
- **Modest growth envisioned:**
 - In larger village commercial centers
 - Housing
 - Economy
 - Infrastructure
 - Reflect each unique village
- **MU4 supports vision**
 - New residential development
 - Preference for active uses
 - Context-appropriate design



Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Applicability and transferability

- Rezoning at discretion of Board of Aldermen
 - At least 2/3 vote
- Rezoning last 20 years
 - 27 Ordinances
 - GIS Map
 - Downzoning/public use
 - Significant changes passed with >2/3 vote
- Exportability
 - Zoning changes typically tied to specific projects
 - Development review
 - Approval rests with full Board
- Future neighborhood area plans
 - Guide rezoning and development

Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Table of Allowed Uses and Active Uses

- **Table of uses**
 - Easy to reference
 - Reflects existing and desired village uses
- **Low-activity uses by special permit at street level**
 - Office and banks
 - Lobbies allowed

Austin Street Rezoning

Introduction

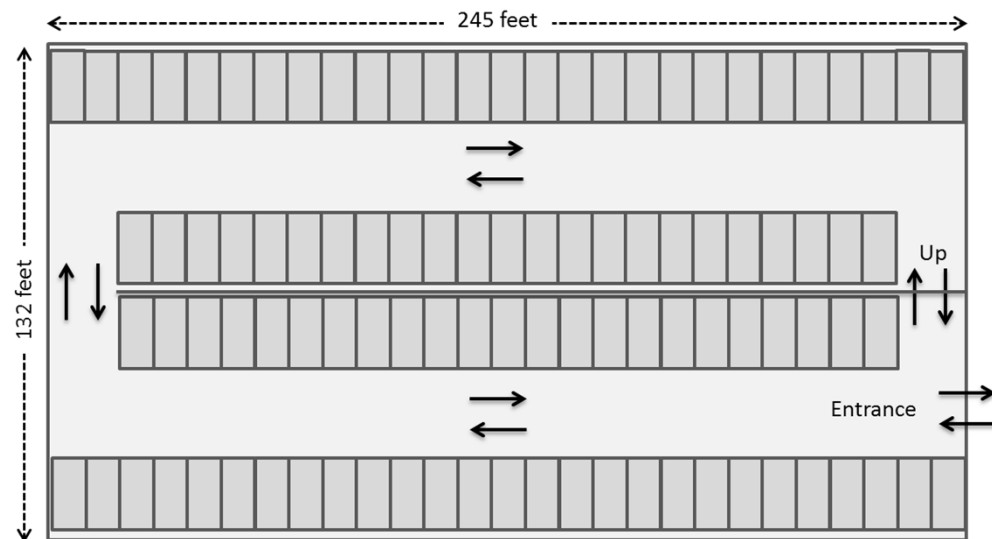
Analysis

Mixed-Use 4 Zone

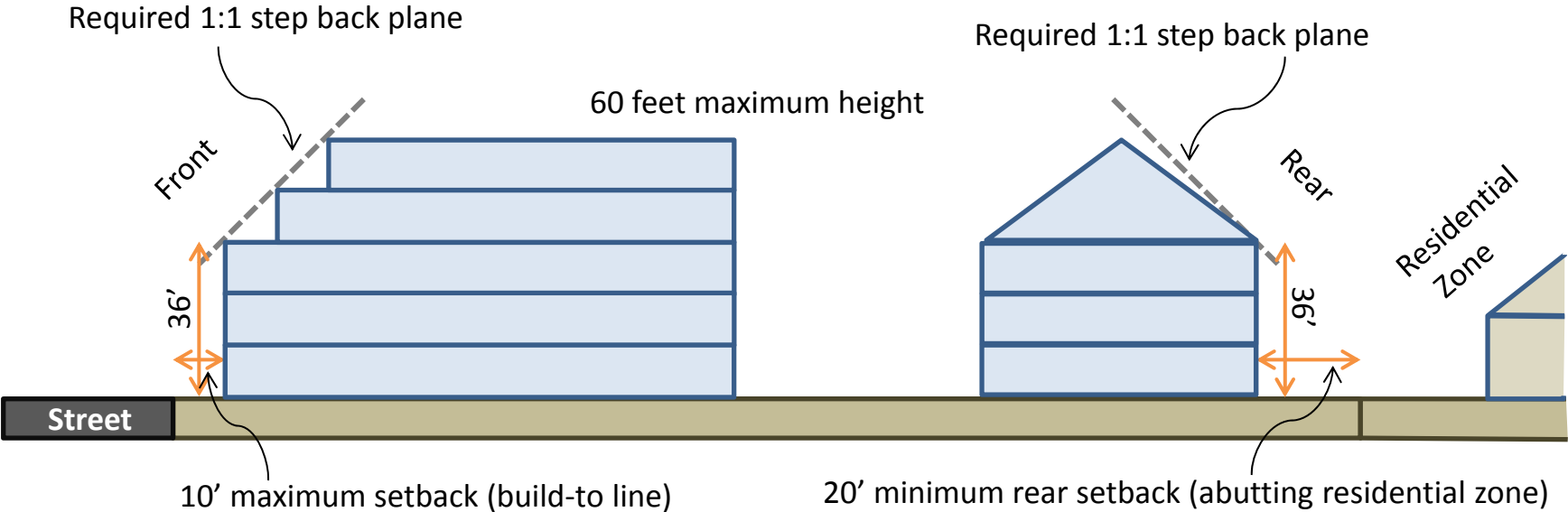
Next Steps

Setback standards

- Analysis of proposed setback regulations
- Challenge: fitting 200-stall parking structure on site
- Proposed standard:
 - Comparable or more protective than existing standard
 - Envisioned structure is tight fit



ATTACHMENT C1

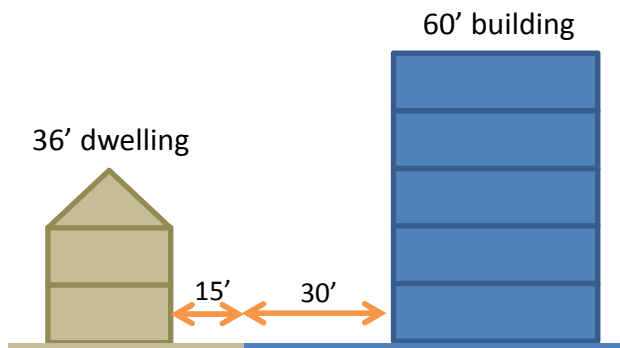
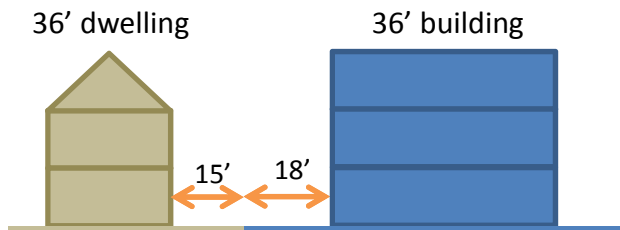
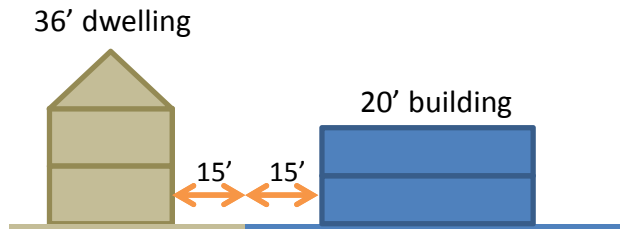


ATTACHMENT C2

10'

Current Rule:

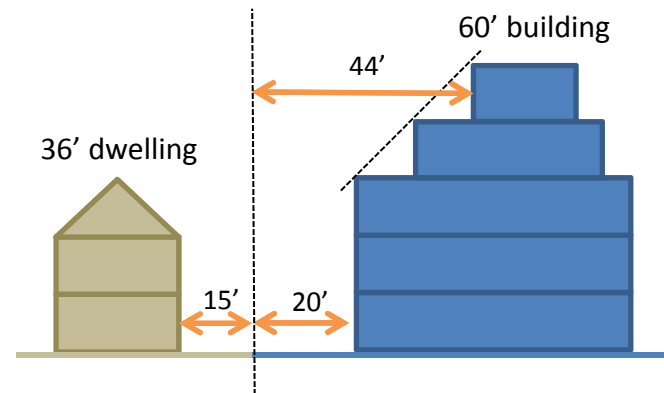
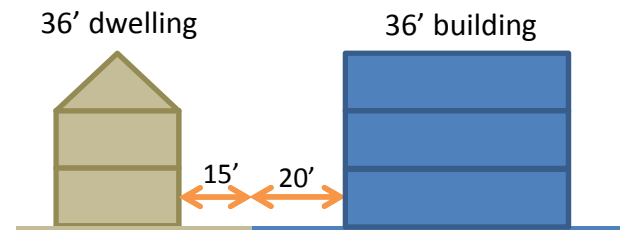
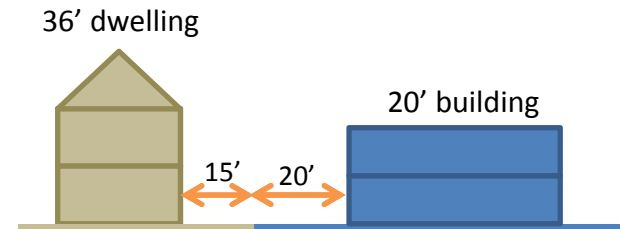
15 feet or 1/2 building height
from residential zones



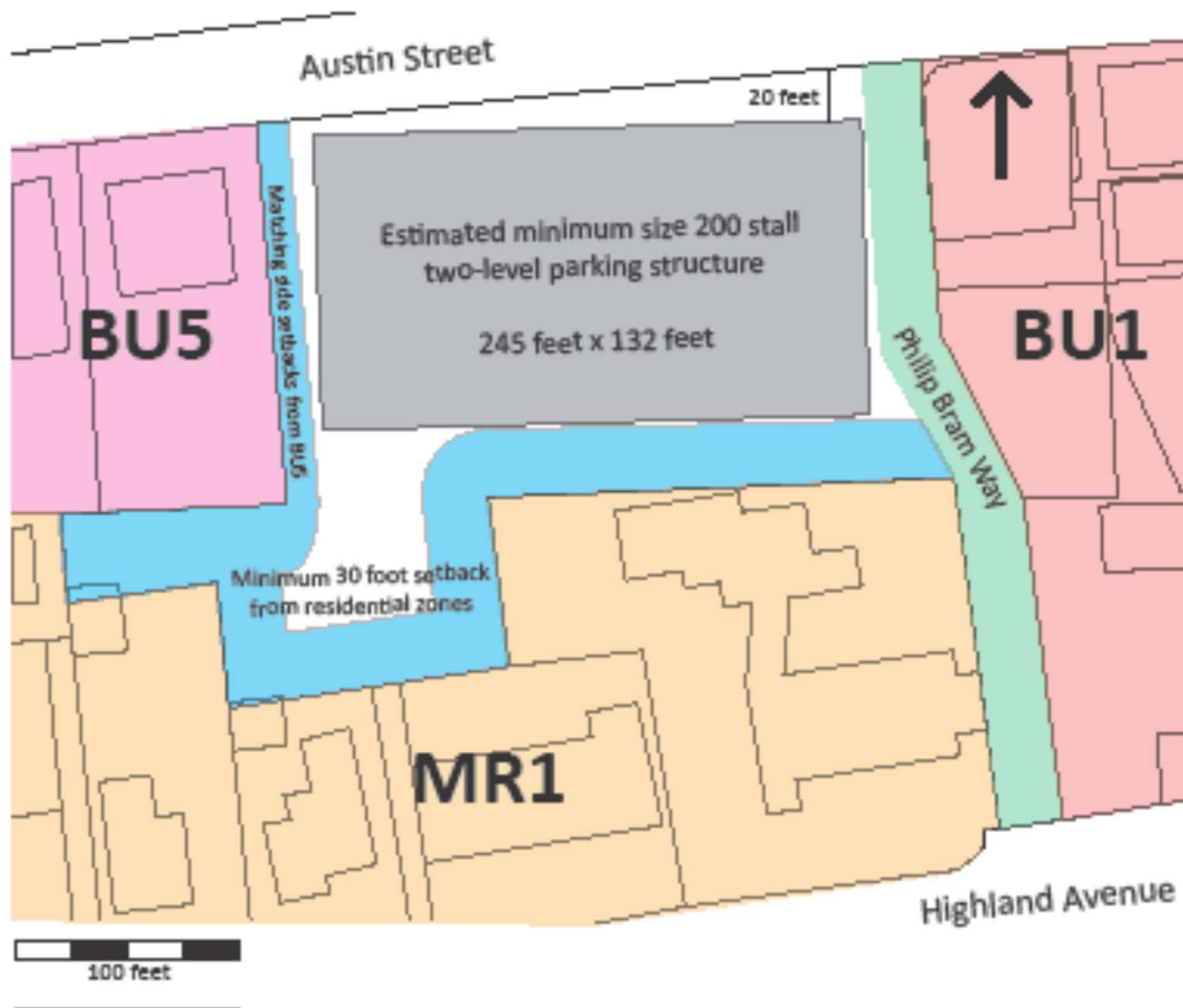
10'

Proposed Rule:

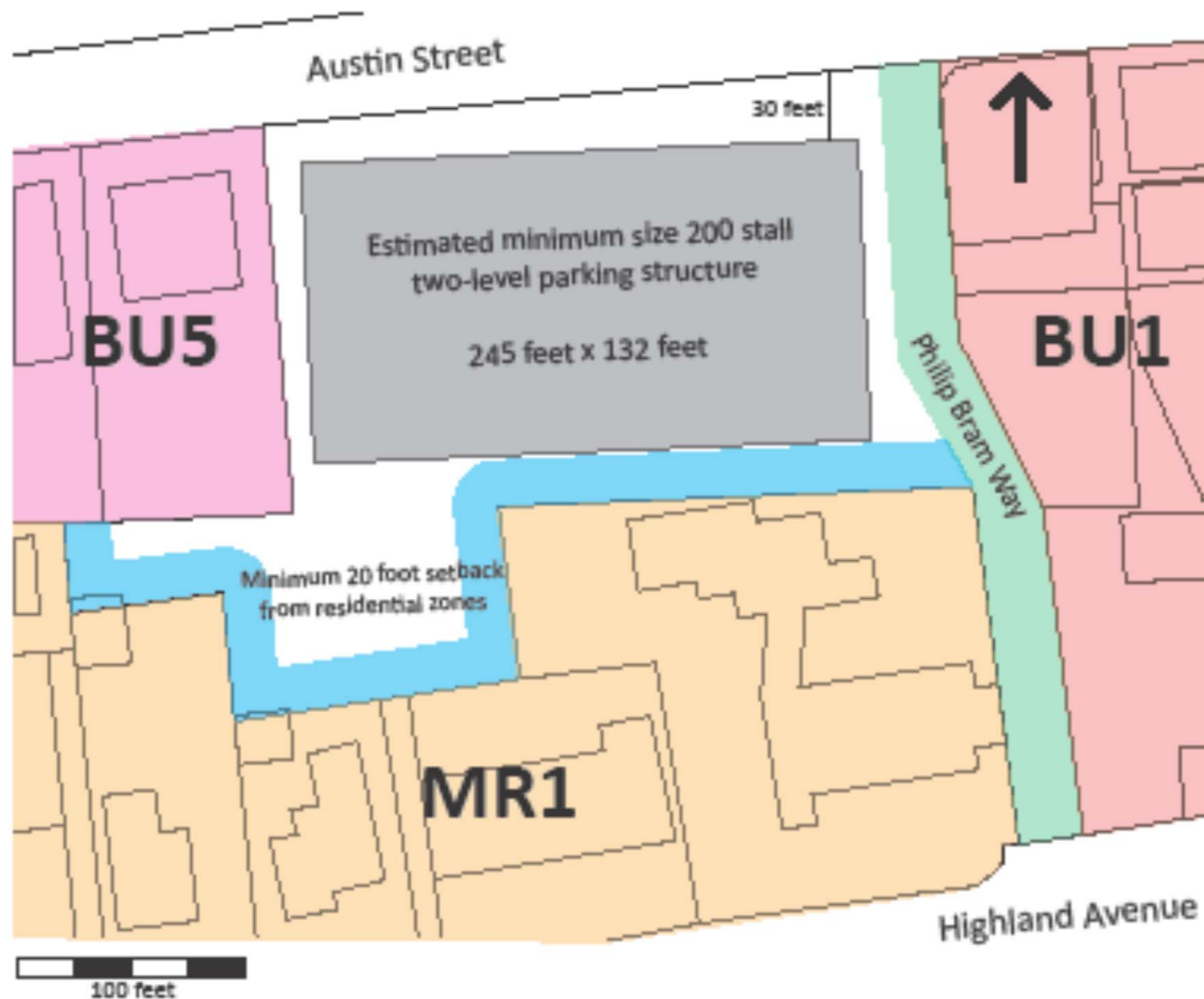
20 feet; 1:1 step backs above
36 feet from residential zones



Attachment C3. Business 4 Setbacks (Assuming 60' building)



Attachment C4. Mixed-Use 4 Setbacks (Assuming 60' building)



Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Market Viability

- Economic Development Commission analysis
 - *Pro forma* cash flow model
 - Tested development assumptions:
 - ~85 units, 5 stories, FAR 2.0-2.5, 110 public parking stalls, etc.
- Conclusion: dimensional standards do permit a viable development
 - Key factor is providing public parking
 - Cost/design limit freedom for commercial/residential location
- Proposed standards likely minimum to support economically viable development

Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Open Space

- Important goal in many village centers
 - Community focal point
 - Beautification
- Best approach: Open space vision in area plans for village centers
 - Overall civic vision for the public realm
 - Guide public investments and private contributions
- Large parcels vs. smaller parcels
 - Avoid one-off, ad hoc minor contributions
 - Coordinate investments to create significant spaces

Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Residential Density

- Lot area per dwelling unit
 - Total lot area divided by total number of units
 - Maximum threshold, not varied by special permit
 - Stricter regulation creates preference for large units
 - Existing sites have ratios: 300-1200 square feet/DU

- BU1 and BU2:
 - 1,200 square feet/DU
 - Maximum of 62 units at Austin St.

- EDC analysis:
 - 80-90 units may be required for financially viable development

- Proposed MU4:
 - 600 square feet/DU
 - Maximum of 124 units

Sq. Ft./ DU	# of DU
1,200	62
1,000	74
900	82
800	93
700	107
600	124
400	186



337 Washington Street (18 units, 299 square feet/unit)



195 Sumner Street
(43 units)
(457 square feet/unit)



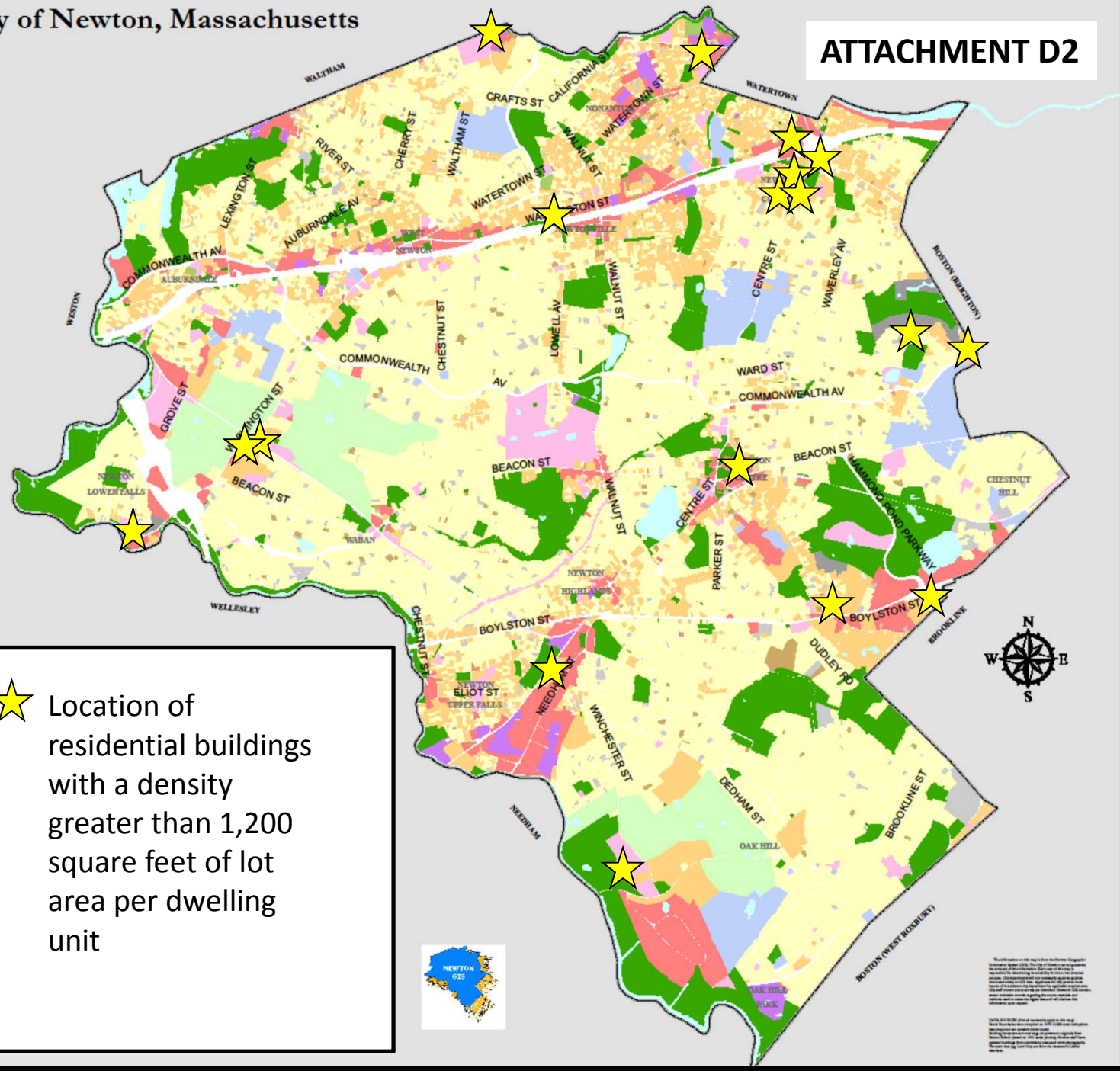
457 Centre Street (24 units, 402 square feet/unit)



483-487 Centre Street (35 units, 1196 square feet/unit)

City of Newton, Massachusetts

ATTACHMENT D2



★ Location of residential buildings with a density greater than 1,200 square feet of lot area per dwelling unit



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Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Pre-zoning

- Provides certainty about what is permissible
 - City owned site:
 - Additional control through RFP and deed restrictions
 - Development would also likely require special permit review
 - Board may remap site prior to special permit application
-
- JAPG Report and Planning Department recommend pre-zoning in this case

Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Changes to Proposed Zone:

Revised zoning text:

- Table of uses
- Low-activity uses by SP at street level
- Special permit criteria
- Dimensional standards in Table 1 and Table 3
- Maximum setback (build-to line) text
- Step-backs clarified
- Special permit 'safety valve' for setbacks
- Minor changes to wording

Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Next Steps

- Revise draft text
- Schedule a public hearing when ready
- Release RFP

Austin Street Rezoning

Introduction

Analysis

Mixed-Use 4 Zone

Next Steps

Special Permit Criteria

More specific criteria included:

- **Uses:**
 - Encourages an active, pedestrian-oriented streetscape throughout the day and week
 - Fills a demonstrated need for the use within the vicinity
 - Is not inconsistent with the purposes of the section or the *Comprehensive Plan*
- **Dimensions:**
 - Advances the purposes of this section and is compatible in visual scale to its surroundings
 - Can better protect the surrounding community, support pedestrian vitality, and encourage the purposes of this section, than by strict compliance

162-12



CITY OF NEWTON, MASSACHUSETTS
Economic Development Commission

Alderman Marcia Johnson, Chair, Zoning and Planning Committee
Alderman Ted Hess-Mahan, Chair, Land Use Committee
Alderman Victoria Danberg, Vice-Chair, Zoning and Planning Committee
Alderman Mitch Fishman, Vice-Chair, Land Use Committee

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

May 18, 2012

Re: Village Center Zoning and Parking Regulation

Dear Alderman Johnson, Alderman Hess-Mahan, Alderman Danberg, and Alderman Fishman,

The EDC respectfully submits this letter to suggest a course of action regarding revitalization of the Village centers.

During our joint meeting of the Board of Aldermen and the Economic Development Commission on February 16, several Aldermen suggested that enhancing the economic vitality of the Village centers should be a key economic development goal of the City. We agree.

Drawing on our ongoing conversations with village restaurants and merchants (as well as our own observations) we have identified the interrelationship of zoning and parking as critical to the continued vitality of the village centers. A vital neighborhood center caters to the needs of pedestrians and automobile-based shoppers alike. As such it is different from other forms of isolated, strip- or one-off retail developments in that it requires parking, but that parking is shared for the center as a whole, and is not dictated by the use of any one space.

Moreover – as is shown in studies by the Urban Land Institute and National Trust for Historic Preservation, the density and mix of development in such spaces is directly correlated to its overall vitality and its overall economic sustainability. Our February 29, 2012 letter to the Board of Aldermen suggesting a temporary (12-month) moratorium on permitting new banking facilities as-of-right is intended to provide our village centers the chance to rebuild their diversity of development. Still, such a moratorium is only a stop gap measure.

Our commission has spent some time examining the situation and suggests that the concepts of a Village Overlay District with an associated parking plan – a concept already advanced within the Zoning and Planning Committee – are key steps towards reinvigorating Newton's village centers.

Setti D. Warren
Mayor

Candace Havens
Director
Planning & Development

Amanda Stout
Senior Economic
Development Planner

Commissioners

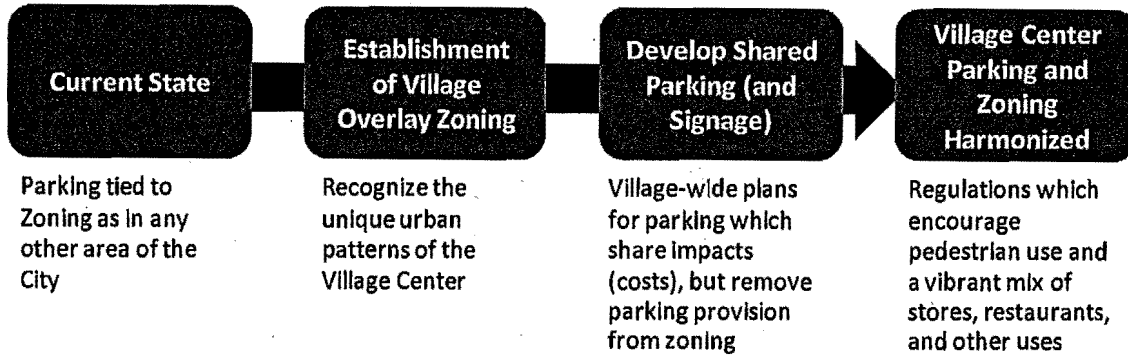
Christopher Steele, Chair
Ronald Lipof, Vice Chair
Jack Leader, Secretary

Barry Abramson
David Abromowitz
Daphne Collins
Charles Eisenberg
Robert Gifford
Jane Ives
Peter Kal Jung Lew
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As noted above, several docket items already exist which cover some of the issues mentioned above notably docket item # 153-11, #153-11(2) for Retail overlay districts and #391-09 for Payment in-lieu for parking (which could be used to establish broader Village parking plans). The EDC would like very much to work with both the Land Use Committee and Zoning and Planning Committee to move forward on a broader plan towards revitalization of the village centers.

Please let us know how we can best support these efforts towards revitalization through enhancing the regulatory environment. We believe that clear signals from the City towards more dense, mixed use development, and a parking policy which does not adversely impact individual selected uses will spur market forces in a positive direction.

Sincerely,

Christopher Steele, Chair
Newton Economic Development Commission

CC: Candace Havens, Director, Department of Planning and Development

Brian Yates

**Alderman-at-Large, Ward 5
City of Newton, MA**



Main Street—

The Proven Method of Revitalizing Neighborhood Business Districts

A great deal of attention has been devoted to revitalizing village business districts in Newton, particularly Newton Centre and Newtonville. Though there has been much hard work on these projects and some good ideas have been generated, they have gotten off track by focusing on new development on underutilized parcels, rather than on fixing what's there already.

There is a proven method to do this developed by the National Trust for Historic Preservation and its Main Street Center and successfully implemented across the country and with great success in the City of Boston. I have repeatedly urged the city to follow the MainStreet approach with its Four Points and Eight Principles.

The Four Points of Main Street are:

1. Community Organization
2. Promotion
3. Design
4. Economic Restructuring.

The Eight Principles of Main Street are:

1. Comprehensive
2. Incremental
3. Self-Help
4. Partnerships
5. Identifying and Capitalizing on Existing Assets

6. Quality
7. Change
8. Implementation

To learn more about these Points and Principles, visit the National Trust Main Street Center <http://www.preservationnation.org/Main-Street/> or the City of Boston Main Street www.CityofBoston.gov/mainstreets

This page last updated on Wednesday September 09, 2009

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