

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, SEPTEMBER 24, 2012

7:45 PM  
Room 202

*Items to be discussed:*

- #60-10(2) ALD. HESS-MAHAN proposing that Chapter 30 sections 30-15(s)(10) and 30-24 be amended to substitute a requirement for a three-dimensional computer model for the option of providing a scaled massing model for special permit applications in the Planned Multi-Use Business District (PMBD), per Section 30-15(s)(10)a), and for commercial and/or multi-family development with a gross floor area of greater than 20,000 square feet, per Section 30-24(b) in order to facilitate compliance with recent amendments to the Open Meeting Law and that Sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [08-06-12 @11:59AM]
- #150-09(7) DIRECTOR OF PLANNING & DEVELOPMENT proposing that Chapter 30 section 30-13 be amended to establish a Mixed Use 4 (MU4) District; that Section 30-15 be amended to create a new Section 30-15(w) and revised Table 1 and Table 3 providing dimensional standards for development in the MU4; Section 30-15(w) shall include specific standards and special permit criteria for height, residential density, setbacks, accessibility, street-level transparency, lobbies for low-activity uses, open space, and an incentive for including mixed-use residential dwellings; and that Sections 30-13(h) and 13(i) be renumbered and revised to include specific special permit criteria and allow shared parking and connections with adjacent lots. [08-06-12 @11:53AM]
- #150-09(8) DIRECTOR OF PLANNING & DEVELOPMENT proposing a certain parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, known as the Austin Street Municipal Parking Lot be rezoned to the Mixed Use 4 (MU4) District to allow a mixed-use development. [08-06-12 @11:53AM]
- #152-10 ALD. BAKER, FULLER, SCHNIFFER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]

***Items not yet scheduled for discussion:***

- #260-12      ALD. YATES proposing amendments to Sec. 30-19 to increase the vitality of village centers without adverse impacts on the residential neighborhoods around them. [08-17-12 @ 1:01 PM]
- #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]
- #214-12      ALD. DANBERG, BLAZAR, SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment. [07-09-12]
- #215-12      ALD. YATES proposing a RESOLUTION requesting that the Planning Department and the Economic Development Commission develop a Main Streets Program following the model of the National Trust for Historic Preservation to revitalize the Newtonville and Newton Centre business districts. [07-17-12 @ 2:55PM]
- #216-12      RECODIFICATION COMMITTEE recommending that the definition of “*Space, usable open*” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.
- #217-12      RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.
- #218-12      RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.
- #219-12      RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”
- #220-12      RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a) be clarified with respect to “lot width,” “lot area,” or “lot frontage.”

- #60-10 ALD. HESS-MAHAN proposing that sections 30-15(s)(10) and 30-24(b) of the City of Newton Ordinances be amended to substitute a 3-dimensional computer model for the scaled massing model in order to facilitate compliance with recent amendments to the Open Meeting Law and that sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [02/23/10 @ 3:24 PM]
- #48-12 ALD. ALBRIGHT requesting a discussion with the Executive Office and the Planning Department on the creation of a housing trust. [02/10/2012 @ 9:13AM]
- #391-09 ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

- #102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]  
**FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012**

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

- #95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]  
**FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012**
- #64-12 ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances Sec 30-24(f)(8)b) to clarify the inclusionary zoning preference provisions for initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities. [03-14-12 @8:54AM]
- #49-11 ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @8:44AM]

- #25-12 TERRENCE P. MORRIS, G. MICHAEL PEIRCE, JASON ROSENBERG, JOHN LOJEK proposing a zoning ordinance amendment to amend section 30-15(c)(3)(b) by inserting the word “*subject*” before the word “*lot*”, the word “*and*” before the word “*such*” and the word “*adjoining*” after the word “*such*” so that the paragraph reads as follows:  
*(b) if the subject lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the subject lot and such adjoining lot had on it a single-family or two-family dwelling.* [01/30/2012 @ 3:14PM]
- #11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]
- #61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]
- #164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]
- #81-11 ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group’s Progress. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee. [3/14/2011 @ 11:16PM]
- #153-11 ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts. [05-10-11 @3:19 PM]

- #153-11(2) ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting the map changes necessary to establish certain Retail Overlay Districts around selected village centers. [05-10-11@3:16 PM]
- #65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.
- #154-10(2) ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @ 11:34AM]
- #154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]
- #153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]
- #183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @ 12:00 PM]

Respectfully Submitted,

Marcia Johnson, Chairman

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The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at [TGuditz@newtonma.gov](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date



Setti D. Warren  
Mayor

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Candace Havens  
Director

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**WORKING SESSION MEMORANDUM**

**DATE:** September 21, 2012

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

**FROM:** Candace Havens, Director of Planning and Development  
James Freas, Chief Planner for Long Range Planning  
Seth Zeren, Chief Zoning Code Official 

**RE:** #60-10: Ald. Hess-Mahan proposing that sections 30-15(s)(10) and 30-24 of the City of Newton Ordinances be amended to substitute a requirement for a three-dimensional computer model for the option of providing a scaled massing model for special permit applications in the Planned Multi-Use Business District (PMBD), per Section 30-15(s)(10)a), and for commercial and/or multi-family development with a gross floor area of greater than 20,000 square feet, per Section 30-24(b) in order to facilitate compliance with recent amendments to the Open Meeting Law and that Sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen.

**MEETING DATE:** Working Session on September 24, 2012

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

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**EXECUTIVE SUMMARY**

The Zoning and Planning Committee held a public hearing on Petition #60-10 on September 10, 2012. The current regulations require that applicants proposing large commercial or multi-family developments provide a physical model with a special permit application. Petition #60-10 seeks to replace the existing requirement with a 3D computer model. Petition #60-10 also seeks to make the site plan review and special permit procedures of the Zoning Ordinance and the Rules of the Board of Aldermen conforming through other changes to Sections 30-23 and 30-24. (See the Planning Department memorandum dated September 7, 2012 for more information).

Members of the public and the Board of Aldermen raised several important issues at the public hearing including:

- What level of details should be called out in the Ordinance to ensure the model provides a useful representation of the proposed development and the neighborhood context?
- Who should prepare or certify that the 3D model is accurate?
- Does a requiring a computer-based model create an undue burden on developers?
- Similarly, is a computer-based model accessible to the general public, including those who do not have access to computers or expertise in the type of software demonstrated?

### **Level of detail**

The intent of this provision is to provide sufficient detail so those who view it are able to readily understand the relationship of the project to its surroundings. How this is carried out may vary depending on the scale of the project, complexity of the design, topography, and other considerations. As such, staff suggests that the level of detail needed be left to the discretion of the Planning Director and. recommends adding the following text, excerpted below, to the requirements in 30-24(b).

“...a 3D computer-generated model including such details as necessary to show the relationship of the project to its surroundings at the discretion of the Director of Planning and Development...”

### **Certifying the model**

The existing text requires the physical model be built by an architect, engineer, or land surveyor. Graphic representations of structures could be prepared not only by design professionals, but by graphic artists. The key consideration is whether they accurately depict the architect’s design. As such, Planning staff supports the recommendation made by some of the participants that the ordinance should not too closely specify who creates the model, but rather the ordinance should include a requirement that the model be submitted by a licensed professional to provide assurance that the model faithfully represents his or her design.

### **Burden on developers**

The proposed 3D model is only required for large commercial developments that are already likely producing 3D models as part of their design process or community engagement process. The SketchUp software demonstrated at the public hearing is widely used in the design and architecture professions and developing a model as described is a relatively easy and inexpensive proposition, particularly in comparison to the current requirement to provide a physical model.

### **Public accessibility**

City staff believes that an appropriate software format can be selected to ensure that the technology is widely accessible, free, and works on most computer systems. Staff is also committed to access for all interested parties. If this Petition is approved, Planning staff will work with the Information Technology Department to develop procedures and capacities to ensure accessibility. Access can be provided remotely by providing or linking to online instructions or tutorials on using 3D model software. For visitors to City Hall, software and current models can be loaded onto the computer kiosk in the City Hall Rotunda where customer service staff are available to assist them.

**PROPOSED TEXT CHANGES****1. Replace the current 30-15(s)(10)a) with the following:**

(10) Additional Filing Requirements for PMBDs. In addition to the provisions of sections 30-23 and 30-24, applicants for a grant of special permit for a PMBD shall submit:

a) A 3D computer-generated model consistent with section 30-24(b);

**2. Replace the current Section 30-24(b) with the following:**

(b) Contents of the Application. Each application for a special permit shall be accompanied by a site plan submission prepared in accordance with the provisions of section 30-23(b).

The applicant shall also submit a 3D computer-generated model, including such details as necessary to show the relationship of the project to its surroundings. The level of detail included in the model shall be at the discretion of the Director of Planning and Development. The architect of record shall certify that the model is an accurate representation of the proposed design. For any commercial and/or multi-family development with a gross floor area of 20,000 square feet or more a model shall be provided as follows: for a proposed development containing a gross floor area of 20,000 to 50,000 square feet, the model shall show the proposed development, all abutting properties and abutters to such abutting properties; for a proposed development containing a gross floor area 50,001 to 100,000 square feet, the model shall show the proposed development and all properties within 500 feet from the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater; for a proposed development containing a gross floor area in excess of 100,000 square feet, the model shall show the proposed development and all properties within 1,000 feet of the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater. The model shall be provided to the City in a file format acceptable to the Director of Planning and Development, in consultation with the Clerk of the Board of Aldermen, the City Solicitor, and the Chief Information Officer.

**3. Add the word "3D" to the current Section 30-24(j)(2), to read:**

(j)(2) 3D computer-generated model that shows the relationship of the project to its surroundings consistent with section 30-24(b);

**4. Replace the current Section 30-23(a) with the following:**

(b) Applications. A written application for a site plan approval, on forms provided by the city clerk and accompanied by fifteen (15) sets of plans prepared as provided below, shall be submitted in accordance with the procedures of this section and the Rules and Orders of the Board of Aldermen pertaining to special permit and site plan approval petitions by delivery or registered mail, return receipt requested, to the city clerk, who shall transmit such application to the board of aldermen and the department of planning and development. If the application is submitted by delivery, the city clerk shall give the applicant a written receipt therefor, indicating the date of such submission.

**5. Replace the current Section 30-24(a) with the following:**

(a) Whenever a special permit is required under the provisions of this ordinance, a written application for a special permit, on forms provided by the city clerk and accompanied by plans prepared as provided in section 30-23(b) shall be submitted in accordance with the procedures of this section and the Rules and Orders of the Board of Aldermen pertaining to special permit and site plan approval petitions by delivery or registered mail, return receipt requested, to the city clerk, who shall transmit such application to the board of aldermen and the department of planning and development. If the application is submitted by delivery, the city clerk shall give the applicant a written receipt therefor, indicating the date of such submission. Whenever an application for a special permit is required under the provisions of this ordinance, site plan approval in accordance with section 30-23 shall also be required and an application for such approval shall be filed concurrently with the application for special permit.



**6. Add the following to Section 30-24(c) and renumber the other subsections accordingly:**

(c) Procedures.

- (1) As part of an application for special permit, an applicant must comply with the Rules and Orders of the Board of Aldermen pertaining to special permit and site plan approval

**RECOMMENDATION**

The Planning Department believes that the proposed text above achieves the intent of Petition #60-10 and recommends that the item be advanced to the full Board of Aldermen for final consideration. Planning staff looks forward to addressing any remaining questions or comments.



Setti D. Warren  
Mayor

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**#150-09(7) & (8)**

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Director

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**WORKING SESSION MEMORANDUM**

**DATE:** September 21, 2012

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

**FROM:** Candace Havens, Director of Planning and Development   
James Freas, Chief Planner for Long Range Planning  
Seth Zeren, Chief Zoning Code Official

**RE:** #150-09(7): The Director of Planning and Development proposing that section 30-13 be amended to establish a Mixed Use 4 (MU4) District; that Section 30-15 be amended to create a new Section 30-15(w) and revised Table 1 and Table 3 providing dimensional standards for development in the MU4; Section 30-15(w) shall include specific standards and special permit criteria for height, residential density, setbacks, accessibility, street-level transparency, lobbies for low-activity uses, open space, and an incentive for including mixed-use residential dwellings; and that Sections 30-13(h) and 13(i) be renumbered and revised to include specific special permit criteria and allow shared parking and connections with adjacent lots. A complete copy of the proposed text can be obtained from the Planning Department on the second floor of City Hall, or at 617-796-1120, or [szeren@newtonma.gov](mailto:szeren@newtonma.gov).

#150-09(8): The Planning Department proposing a certain parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, known as the Austin Street Municipal Parking Lot be rezoned to the Mixed Use 4 (MU4) District to allow a mixed-use development.

**MEETING DATE:** Working Session on September 24, 2012

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

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## EXECUTIVE SUMMARY

The Zoning and Planning Committee held a public hearing on Petitions #150-09(7) and #150-09(8) on September 10, 2012. These petitions propose the creation of a new Mixed Use 4 zone and the mapping of that zone onto the City-owned parking lot at 28 Austin Street. When the zoning status of the parcel is finalized, the City will release an RFP to solicit development proposals for a new mixed-use residential development on the site (see the Planning Department memorandum dated September 7, 2012 for a complete background). This memorandum addresses the comments and questions raised at the public hearing and where appropriate provides recommended changes to the proposed text.

### ANALYSIS

Members of the public and the Board of Aldermen made many insightful comments and raised additional questions at the Public Hearing. Following the meeting, staff grouped the comments into the following major topics, discussed in detail below: the economic feasibility of development within the zone, the appropriateness of height and setback requirements, how to ensure viable street-level retail, and how to encourage affordable housing.

#### Site-specific vs. general mixed-use standards

Some comments focused on issues such as the future status of Philip Bram Way, the number and location of public parking facilities, and the ratio, design, and location of affordable housing units. The proposed zoning district focuses on the core standards for a MU4 zone, including regulation of allowed uses, setting a building design envelope, and specific criteria for granting special permits, that could apply to not only Austin Street, but in other appropriate sites. The JAPG report described a number of desired public amenities, including affordable housing, open space, and public parking as part of the overall vision for 28 Austin Street and since they are site-specific, are best addressed during the RFP; because the City owns the site it has greater latitude for specifying unique features that may not be applicable elsewhere.

#### Economic Feasibility

The question of whether the proposed zoning text prohibited economically viable development was raised in several comments. City staff has considered the financial feasibility of development on the site, including conducting a *pro forma* analysis in cooperation with the Economic Development Commission (EDC). The financial feasibility of development on this site will ultimately be strongly influenced by factors outside this proposed zoning text, including public amenities such as structured public parking or a greater percentage of affordable housing. Based on this analysis and the strong interest of developers in the site, staff is confident that the proposed zoning text allows for an economically viable development. A spreadsheet with the capability to model different financial scenarios was produced as a part of the *pro forma* analysis work with the EDC. At the request of the Committee, staff will be prepared to demonstrate that model at the meeting.

Diversity of housing opportunities

Several speakers felt that affordable housing or diverse housing opportunities should have a more prominent place in the proposed zoning text, given the importance of affordable housing the JAPG report. Planning staff has reviewed the proposed text and agrees that the Statement of Purpose should be revised to include a reference to housing. Staff recommends the following addition to the proposed Section 30-13(h)(1):

- d)** Expand the diversity of housing options available in Newton.

This addition broadly covers the goals of providing restricted affordable housing, naturally affordable housing (i.e. smaller units on dense sites), and different styles of housing (apartments and townhouses in addition to single-family homes).

At the public hearing, some expressed confusion over whether the proposed zoning district requires 25% affordable housing. The zoning district does not specifically call out a percentage of affordable housing because the current Inclusionary Zoning Ordinance in Section 30-24(f) requires 15% of the units approved under a special permit to be affordable; this provision would apply to projects that include housing if this zone is used elsewhere. The Austin Street RFP explicitly requires 25% as recommended by the JAPG and the Board of Aldermen.

Building height and setbacks

The proposed zoning district allows appropriate density to encourage pedestrian vitality and a diverse mixture of uses and housing. One commenter suggested that the 36-foot façade height to the required setbacks was too low to accommodate a first floor retail use and two floors of residential above and suggested that retail floor-to-ceiling heights range from 15 to 20 feet today, significantly higher than the 12 feet assumed in Newton's Zoning Ordinance. The 36-foot limit could make it difficult to stack two levels of residences over shops before stepping back, as has been envisioned. Planning staff has consulted with APA materials and concurs that a 15-foot  $\pm$  first floor is a realistic expectation. Adding a 15-foot first floor to two 12-foot second floors would total 39 feet before stepping back, which makes sense structurally. Therefore, staff recommends increasing the height at which the stepback begins from 36 feet to 40 feet with the maximum height remaining at 60' overall.

Bank uses

Many features of the zoning text are intended to encourage an active and vibrant pedestrian environment. Several members of the public expressed concerns that a requirement for a special permit for banks located at street level may hamper the ability of a developer to lease new ground floor space and limit the range of tenants available. New development is also likely to require higher rents that banks are better positioned to afford, increasing the overall financial viability of development. In light of the recent discussion surrounding banks and similar uses in village centers, the Committee may no longer want to specifically restrict them from street level, since some banks attract significant retail foot traffic and more banks are increasing their hours of operation. Given the number of other public

benefits the Committee expects to see in a proposed development (public parking, affordable housing, open space, limited height, etc.), not being able to locate bank tenants at street level may negatively impact the overall development feasibility and increase developer's sense of risk. The Planning Department recommends allowing banks by right at street level, but keeping the special permit requirement for offices at street level.

#### Commercial establishment size

The proposed zoning district also includes a limit on the size of retail, service, and restaurant establishments to 5,000 square feet without a special permit. One person questioned whether these numbers would, in fact, add a barrier to the tenanting of commercial space. Planning staff recognize that this requirement could concern some developers and create a barrier to the reuse of the zone over time for larger format uses. On the other hand, it may also create an incentive to emphasize more numerous, smaller shops and other businesses. A visually diverse streetscape is an essential element of creating an attractive pedestrian environment in keeping with the vision for village revitalization and the statement of purpose for this zone. Planning staff reviewed several recent commercial development proposals and found that new retail construction typically assumes establishments smaller than 5,000 square feet. In contrast, a typical Walgreens or CVS is 10,000 -15,000 square feet in floor area. Therefore, the Planning Department recommends retaining the 5,000 square foot special permit threshold for business establishments.

#### Lot area per dwelling unit

The lot area per dwelling unit (DU) standard does not regulate the size of apartments, but rather the number of dwellings that may be located on a given piece of land (e.g., a lot area per DU requirement of 10,000 square feet per DU roughly equals four units per acre). The Committee heard from members of the public who were concerned that the proposed 1,200 square feet was too high a ratio given the desire to create diverse, affordable and "naturally affordable" housing and would result in an insufficient number of apartments to make the development viable. (Under the 1,200 square feet per DU standard, a maximum of 62 dwellings would be allowed on the Austin Street site without a special permit). The Committee has previously considered the possibility of reducing the lot area per dwelling unit below the currently proposed 1,200 square feet per DU. The Planning Department recommends that the standard could be reduced to 1,000 square feet per DU (as is allowed for multifamily buildings in the MR4 zone), with further reductions in density permitted by special permit as currently proposed. (Under the 1,000 square feet per DU standard, a maximum of 74 dwellings would be allowed on the Austin Street site without an additional special permit). No development on this site is likely to take place without some special permit requirement; however, developers may view the 1,200 square foot requirement as another source of risk that the number of dwelling units required to make the project feasible will not be approved during the special permit process.

Street Setback

The text presented at the public hearing included a minimum front setback of five feet to encourage the widening of sidewalks to make room for outdoor seating and an enhanced pedestrian environment for which sidewalks are currently too narrow to accommodate. However, this concern may be better addressed in the RFP due to its site specific nature. After considering possible applications elsewhere, a zero-foot setback may be more appropriate where there is no need for a wider sidewalk.

Philip Bram Way

Planning staff have been working with the Law Department and Engineering Division of DPW to find documents that specifically define the legal encumbrances associated with Philip Bram Way, such as easements and rights-of-access. No final determinations have been made as of this writing; however, the findings will not affect the zoning text or map change and will be included in the Austin Street RFP to prospective developers.

**RECOMMENDATIONS**

The Planning Department believes that the proposed zoning district will be an effective tool for guiding mixed-use development on the Austin Street site, elsewhere in Newtonville, and in other village centers where the Board of Aldermen deems appropriate. The Planning Department recommends the following for the proposed zoning district:

- Add a statement about providing diverse housing opportunities to the Purposes of the district
- Stepbacks begin at 40 feet instead of 36 feet
- Allow banks by right at street level; keep special permit requirement for offices at street level
- Discuss whether to require a special permit for commercial establishments over 5,000 square feet
- Lower the lot area required per dwelling unit to 1,000 square feet
- Reduce front setback to zero feet for MU4, but require five feet in Austin Street RFP

Staff recognizes the concern expressed at the public hearing that the zone should allow and encourage economically viable development that enhances the Village of Newtonville. It is impossible to remove all uncertainty about what the future holds for the Austin Street parking lot, either for the developer or for the City, but risks can be minimized. The Planning Department has consulted the Economic Development Commission, APA resources, and members of the Newton design and development community and believes that the proposed zoning text allows for viable and appropriate development.

**ATTACHMENT A:** Proposed zoning text amendments creating a Mixed Use 4 Zone

**PROPOSED ZONING TEXT AMENDMENTS**

**Add the following definitions to Section 30-1: Definitions**

- **Mixed-use residential building:** A building occupied by both residential and nonresidential uses.
- **Street level:** The level of a building the floor of which is nearest to the grade of the adjacent sidewalk.

**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) Expand the diversity of housing options available in Newton.
- e) Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

**(2) Allowed uses.** In the Mixed Use 4 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) or the *Newton Comprehensive Plan*.

<b>TABLE B: PRINCIPAL USES FOR THE MIXED USE 4 DISTRICT <sup>1</sup></b>	
Uses similar to or accessory to the following may be allowed as determined by the Commissioner of Inspectional Services <sup>2</sup>	
<b>Commercial</b>	
• General office, including but not limited to research and development, professional offices, and medical office, above or below street level	BR
• At street level <sup>3</sup>	SP
• Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding	SP
• Retail sales establishments that are 5,000 square feet or less in area, including but not limited to specialty food store, convenience store, newsstand, bookstore, food coop, retail bakery, art gallery, and general merchandize store	BR
• More than 5,000 square feet of gross floor area	SP
• Personal service establishments that are 5,000 square feet or less in area, including but not limited to barbershop, salon, tailor, cobbler, personal trainer or fitness studio, laundry, and dry cleaning drop-off	BR
• More than 5,000 square feet of gross floor area	SP
• Business service establishments that are 5,000 square feet or less in area, including but not limited to copying and printing establishments and shipping services	BR
• More than 5,000 square feet of gross floor area	SP
• Eating and drinking establishments with 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	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
<b>Residential</b>	
• Multifamily dwellings (a building containing three or more dwelling units) above street level	BR
• At street level	SP
• Live/work space or home business	BR
• Assisted living or nursing home	SP
<b>Civic, Public, and Community</b>	
• 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
• Other uses allowed in Section 30-6	BR
<b>Transportation and Infrastructure</b>	
• 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
<b>Prohibited</b>	
Drive-in business, hospital, manufacturing, funeral home, sales of motor vehicles, car wash, gas station or motor vehicle service station, fast food establishments as defined in Section 30-1, personal storage warehouse	

<sup>1</sup> Uses listed in Table B are permitted as of right in the Mixed Use 4 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.

<sup>2</sup> 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.

<sup>3</sup> 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	1,000	80	SEE TABLE 3 for other dimensional controls

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

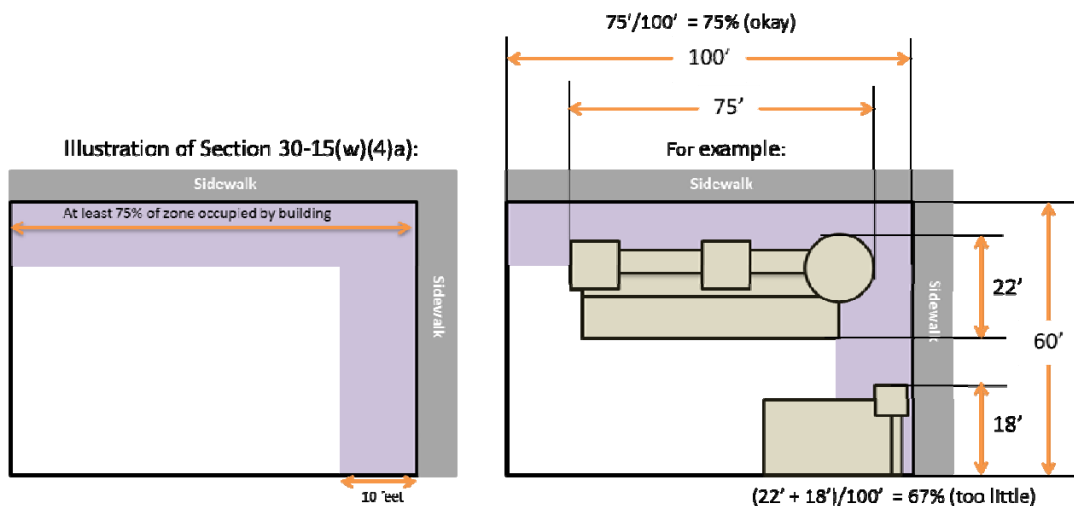
Zoning District	Max. # of Stories	Bldg. Ht. (ft.)	Total Floor Area Ratio	Gross Floor Area/ Site Plan Approval (SF)	Threshold by Special Permit (Gross Floor Area; SF)	Min Lot Area (SF)	Lot Coverage	Beneficial Open Space	Front (feet)	Side (ft.)	Rear (ft.)
<b>Mixed Use 4</b>											
As of Right <sup>14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

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

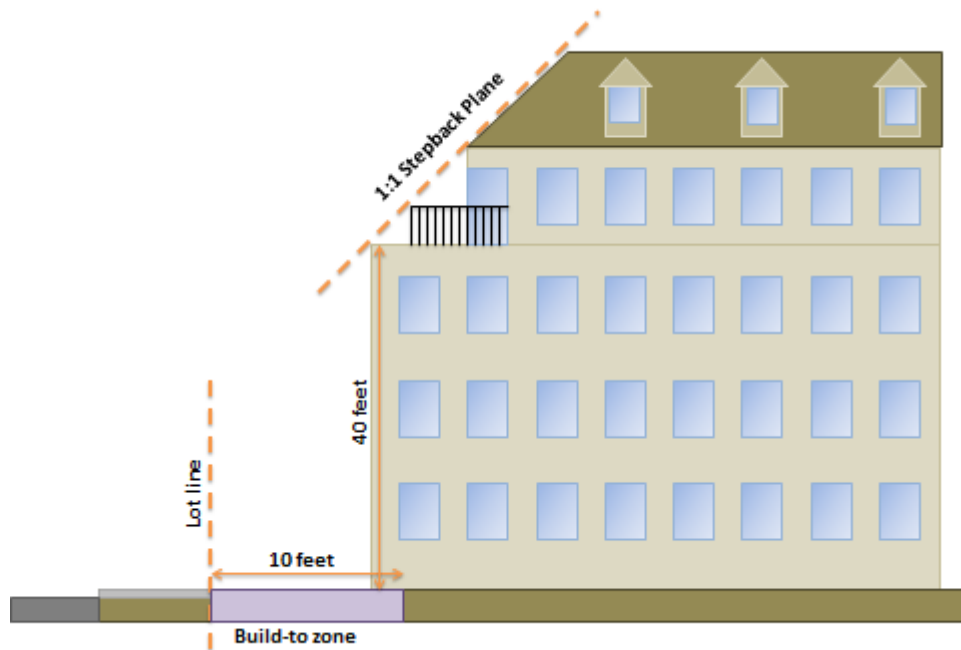


**30-15(w) Design Standards for the Mixed Use 4 District.** Notwithstanding any provisions of Section 30-15 to the contrary, buildings and structures in the Mixed Use 4 Zone shall conform to the following standards:

- (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 that the proposed structure(s) is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of Section 30-13(h)(1).
- (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 that the proposed structure(s) is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of Section 30-13(h)(1).
- (3) Residential Density.** The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to waive the lot area per dwelling unit requirement of Table 3 by finding that the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of Section 30-13(h)(1) than strict compliance with these standards.
- (4) Setbacks.** The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to waive the following setback requirements by finding the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of Section 30-13(h)(1) than strict compliance with the following standards.
  - a) A minimum of 75% of the frontage of the lot facing a public way shall contain a building(s), the first floor façade of which is setback between zero and ten feet from lot line.



- 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 40 feet in height must be setback one foot from the adjacent lot line for each additional foot of height.



**(5) Accessibility.** The design of the building(s) and the site plan shall comply with the Americans with Disabilities Act and the rules and regulations of the Massachusetts Architectural Access Board.

**(6) Transparency and Entrances.** Commercial uses in a Mixed Use 4 Zone must meet the following requirement. The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to waive these requirements by finding the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of Section 30-13(h)(1) than strict compliance with the following standards.

- a) There shall be at least one entrance every fifty feet of building frontage facing a public way.
- b) 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.
- c) Display windows used to satisfy these requirements shall be changed and maintained to create an active window display; any illumination of the display shall be internal to the façade of the building.

**(7) Lobbies for low-activity uses.** Section 30-13, Table B, permits office uses at street level by special permit only. Entryways and lobbies at street level are allowed for office 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.

**(8) 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, and/or the appearance of the site.

**Renumber Sections 30-13(h) and 13(i) to Sections 30-13(i) and 13(j) and revise the new Sections 30-13(i) and 13(j) as follows:**

**~~(h)~~ (i) Site Plan Approval, Building Size.** In all Mixed Use Districts, land and buildings may be used for the purposes authorized in their respective districts, provided that:

- (1) any proposed building(s) or structure(s) containing individually or in the aggregate between 10,000 and 19,999 square feet in gross floor area; or
- (2) any addition(s) to an existing building(s) or structure(s) containing individually or in the aggregate between 10,000 and 19,999 square feet in gross floor area which increases the total gross floor area to less than 20,000 square feet; or
- (3) any addition(s) to an existing building(s) or structure(s) which increases the gross floor area individually or in the aggregate to between 10,000 and 19,999 square feet in gross floor area

shall require site plan approval in accordance with Section 30-23, except that after August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure identified in subsection (2) or (3) of this section shall not be subject to site plan approval. All building(s), structure(s) and addition(s) thereto shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot. However, nothing herein prohibits phased development of a property, shared open space, pedestrian or vehicular connections between parcels, shared parking between the parcel(s) and other parcels in the vicinity, and/or similar design features that are in keeping with the vision for the subject parcel in the Comprehensive Plan and supporting documents.

**~~(i)~~ (j) Special Permit, Building Size.** In all mixed-use districts, land and buildings may be used for the purposes authorized in their respective districts, provided that:

- (1) any proposed building(s) or structure(s) containing individually or in the aggregate 20,000 or more square feet in gross floor area; or
- (2) any addition(s) to an existing building(s) or structure(s) containing individually or in the aggregate 20,000 or more square feet in gross floor area; or
- (3) any addition(s) to an existing building(s) or structure(s) which increases the gross floor area individually or in the aggregate to 20,000 or more square feet in gross floor area

shall require a special permit in accordance with Section 30-24, except that after August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure identified in subsection (2) or (3) of this section shall only require site plan approval pursuant to Section 30-23. In granting a special permit, the Board of Aldermen shall make a finding that the proposed site plan and building form is compatible with the neighborhood context, that the proposed project improves the pedestrian environment through design, creation of open space, and/or improvements to the public way, including plans for their maintenance and use, and that the proposed uses enhance the commercial and civic vitality of the vicinity. All building(s), structure(s) and addition(s) thereto shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot. However, nothing herein prohibits phased development of a property, shared open space, pedestrian or vehicular connections between parcels, shared parking between the parcel(s) and other parcels in the vicinity, and/or similar design features that are in keeping with the vision for the subject parcel in the Comprehensive Plan and supporting documents.



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Candace Havens  
Director

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**WORKING SESSION MEMORANDUM**

**DATE:** September 21, 2012

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

**FROM:** Candace Havens, Director of Planning and Development  
James Freas, Chief Planner – Long Range Planning  
Seth Zeren, Chief Zoning Code Official 

**SUBJECT:** #152-10: Ald. Baker, Fuller, Schnipper, Shapiro, Fischman, Yates and Danberg recommending discussion of possible amendments to Section 30-19 of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.

**MEETING:** September 24, 2012

**CC:** Board of Aldermen  
Donnalyn Kahn, City Solicitor

**BACKGROUND**

The issue of how Newton regulates the provision of parking on college and university campuses first arose in the context of a special permit application submitted by Boston College for the “Middle Campus Project” in 1996. The Newton Board of Aldermen denied the permit in part based on inadequate parking as required by the ordinance and that decision was overturned in the Massachusetts Land Court<sup>1</sup> based on the “Dover Amendment” status of the College. The court decision further recommends that the City adopt requirements more closely tailored to colleges and universities. Later, the 2007 *Comprehensive Plan* recommended that the City work with these institutions to refine a set of zoning provisions relative to the review of their campus development and expansion. Most recently, the Zoning Reform Group, initiated in 2011 to study and make recommendations towards a process of reforming the City’s zoning ordinance, made some general recommendations with regard to zoning changes relative to educational

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<sup>1</sup> See the 2003 Appeals Court of Massachusetts case, *Trustees of Boston College vs. Board of Aldermen of Newton*.

institutions in the City. In the spring of 2012 ZAP began discussion on a possible amendment to the zoning ordinance to clarify the parking requirements applicable to colleges and universities. Planning staff has since met twice with representatives of the City's colleges and universities to discuss the implications for their campuses of the previously proposed draft language for new section 30-19(21):

*In the case of a college or university campus, where food service, living quarters, places of assembly, and other related uses are provided, the parking requirement for the campus shall be 1/3 of the combined total number of parking spaces required for the individual uses as provided in Section 30-19; a further reduction may be allowed by special permit if a professional shared-parking study demonstrates that fewer spaces can effectively meet the parking demand.*

This language parallels that allowed in the current zoning standards for mixed-use sites with shared parking opportunities that allow for parking reductions up to 1/3.

## **ANALYSIS**

As noted, Planning Department staff met in July and August with representatives of Newton's colleges and universities and aldermen representing wards that host local college/university campuses. All agreed that the institutions should manage parking effectively in an effort to minimize, if not eliminate, parking spillover and adverse impacts on the surrounding neighborhoods. There also was agreement that the current parking standards as applied to each individual use on campus are too high and that a reduction in required parking is appropriate. All wanted to see a fair, clear, and simple resolution, if possible. There was a clear distinction between the needs of the larger campuses (BC and Lasell), which have less clear boundaries than the smaller, more discrete campuses (Andover Newton, Mt. Ida). It was also noted that the schools generally have the unique ability to monitor and control their parking more readily than independent commercial uses, such as those that exist in village centers.

The challenge is to strike an appropriate balance between regulating the provision of parking and not requiring too much parking, with the negative impacts on both public interests as well as the interests of the institutions themselves, that come with parking lots. Further, given the restrictions of the "Dover Amendment," Massachusetts municipalities must ensure that the regulation of parking does not become a de-facto regulation of institutional development that is in support of their educational mission. While the proposed text shown above considers a reduction in parking for shared use, it does not account for some of the nuances and variations among the different campuses. The proposed approach outlined below therefore attempts to focus regulation under the zoning ordinance directly on meeting parking demand, recognizing that the campus itself is a mixed use, shared parking-type environment, and allowing for a degree of flexibility that will incentivize active management of parking and allow for different approaches that fit the unique circumstances of each college/university in Newton.

### Parking Demand

A college or university campus is a true mixed-use environment. Residential, office, dining, classroom space; and other uses are all land uses typically found on a campus. The difference

between the campus and these same uses spread along an arterial road is that a campus is treated as a single destination at which a person arrives once and utilizes many of the different land uses available. Therefore, the best primary measure of parking demand is not the size of any individual building, but instead, the number of people coming to the campus.

Another significant difference between a college/university campus and a typical commercial site is that, for the most part, the institution can predict the number of people coming to the campus based on enrollment and levels of staffing. With the exception of event space open to the public, all people making use of the various buildings on campuses are either students, faculty, or staff for which there is a generally fixed number each year.

With its mixed-use environment and basic control over who is coming to the campus, there is a tremendous opportunity for colleges and universities to take advantage of various parking demand management techniques. These can range from restricting parking permits to upper classmen to providing staff with transit benefits. The net result of these alternative approaches to managing parking are general benefits like reduced traffic on neighboring streets, reduced pollution associated with driving and parking lots, and reduced costs to the university, allowing those funds to be spent on education and research programs and facilities, to the general benefit of the community and the regional economy. Strict mandates to provide parking lots as the preferred parking management strategy reduces or removes the incentive to pursue these alternative approaches.

#### Proposed Ordinance Language

Given the context described above, an ordinance focused on requirements to meet parking demand must have a great deal of flexibility built into it; without that flexibility it is difficult to create the incentives for alternative approaches. Further, flexibility is necessary in Newton because of the significant differences between each of the college university campuses in the City. The parking demands at each are really different. At the same time, it appears that there needs to be some baseline standard that essentially forms the basis for review and assures the City that there is sufficient parking management activity, whether it is parking lots or an alternative approach.

Planning Department staff, in conjunction with representatives of the institutions and aldermen representing some of the wards that host these institutions, have considered one model based on the language used in the Mixed Use 3 district, which was created for, and applied to, the area at the Riverside Green Line 'T' station. Draft proposed zoning text based on this model can be found below.

*Notwithstanding the other requirements of 30-19(d), ~~by special permit from the Board of Aldermen in accordance with the procedures provided in section 30-24, the parking requirement for a mixed-use development approved under Section 30-13(g) college or university campus shall be set through a shared-parking analysis, which demonstrates that the number of stalls provided is sufficient for the combination of uses proposed taking into account the proximity to public or campus-based~~*

*transportation services and other factors. This analysis shall be subject to review by the director of planning and development and peer reviewer at the petitioner's expense, if requested by the director of planning and development. Following ~~the grant of a special permit~~ approval by the director of planning and development under this section, no material change in the combination of uses, ~~permitted either by right under section 30-13(f) or as part of a Mixed Use Development special permit under section 30-13(g)~~, shall be authorized until the petitioner submits a revised analysis demonstrating to the satisfaction of the director of planning and development that sufficient parking exists to accommodate the new combination of uses ~~or requests and receives a modification of the special permit to authorize a change in the number of stalls provided.~~*

The ordinance goes further by providing greater detail on what would be included in a shared-parking analysis: *demonstrates that the number of parking spaces to be provided is appropriate to the context, taking into consideration the mix of uses; the demand for parking spaces at different times of day, week, and year; availability of alternatives modes of transportation; and other site-specific influences on parking supply and demand* [which could include special events].

This shared-parking plan approach shown above maximizes flexibility but does not provide a clear set of standards to serve as a baseline. Planning Staff's recommendation would be to use a per-person parking ratio as a baseline while allowing a shared-parking study or similar to be used as a mechanism to modify the parking ratio requirements. For example, the parking ratio could be one parking space per 15 students residing on campus as the baseline with a shared-parking plan allowing a ratio of one per 25 with various strategies to limit the use of vehicles by students living on campus.

This latter approach is similar to that employed by the City of Somerville as they regulate parking at Tufts University. Somerville's ordinance also has requirements relating to the distribution of parking lots across that campus, an issue we would need to consider as well relative to the larger campuses in the City. Significantly, the review is not tied to development on campus but is instead an annual review of parking supply based on actual parking demand.

### Process

In staff's view, once baseline standards are established, an administrative site plan review would be performed whenever changes to a campus master plan and/or parking are contemplated to determine conformance with the parking standards. If there is a deficiency in parking supply, per the standards, it would continue to be subject to special permit review or a Dover Amendment finding, at the discretion of the Commissioner of Inspectional Services. These processes are currently in place and would remain unchanged. In addition to this procedure, staff would like to consider a simple annual review that requires the institutions to report basic information on their parking supply and persons on campus that can be compared to the proposed per person parking standard to ensure that parking supply is keeping pace with any growth in student body or faculty, irrespective of any new buildings.

**NEXT STEPS**

Staff will need additional time to work on developing a proposed ordinance section more reflective of this tiered approach with a baseline standard and mechanisms to modify that standard based on identified strategies for managing parking demand. The biggest challenge will be in setting those initial standards and staff expects to work closely with college and university representatives and aldermen to complete this work. Our objective would be to work towards development of a complete ordinance proposal for the Committee in time for the December meeting.

**PREVIOUS REVIEWS**

- May 14, 2012 Issue introduced and initial ordinance proposal made.
- June 11, 2012 Additional research presented to ZAP; Committee agrees to work with representatives of colleges and universities so as to better understand how parking is managed on campuses and develop a regulation that better serves both the institutions and the community.
- July 27, 2012 First meeting with college/university representatives and aldermen representing wards hosting these institutions.
- August 16, 2012 Second meeting with representatives and aldermen. The Riverside-based approach is discussed.