

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

TUESDAY, DECEMBER 18, 2012

Present: Ald. Johnson (Chairman), Yates, Swiston and Danberg

Absent: Ald. Baker, Sangiolo, Lennon and Kalis

Others Present: Seth Zeren (Chief Zoning Code Official), Maura O'Keefe (Assistant City Solicitor), Chris Steele (Economic Development Commission), Greg Reibman (Newton Needham Chamber of Commerce), Karyn Dean (Committee Clerk)

Re-appointment by His Honor the Mayor

#404-12 TABETHA McCARTNEY, 155 Hunnewell Avenue, Newton, re-appointed as a member of the PLANNING AND DEVELOPMENT BOARD for a term to expire February 1, 2017 (60 days 02/01/13) [11/19/12 @ 9:51 AM]

ACTION: **APPROVED 4-0**

NOTE: The Committee reviewed Ms. McCartney's updated resume and voted to approve this appointment.

#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]

ACTION: **HELD 4-0**

NOTE: Ald. Johnson reminded the Committee that there had been an item submitted by the Economic Development Commission regarding a moratorium, of sorts, on banks in villages. The Committee decided they would like to look at broader approaches and that is the origin of this item.

Overlay Districts

Ald. Swiston asked Seth Zeren, Chief Zoning Code Official, to describe how overlay districts work. He explained that the basic unit of zoning is the base zone like SR1, SR2, etc. Base zones include both use standards and dimensional design standards of some kind and could potentially have other components as well. The base zones can be used to get to most development outcomes. An overlay is used when one desires to modify one or a small number of particular aspects about base zones. It's particularly useful when you want to modify that aspect

irrespective of what the base zone is. A classic example would be something along the lines of an historic district or a flood plain overlay; it doesn't really matter if it's a commercial building or a residential building, the overlay would provide for preservation of the historic character, or for construction that is flood safe. In principle, the statutory enabling language in Massachusetts is pretty broad for an overlay, but from a zoning practice perspective, they would be reserved for things that are fairly simple "colorings". If one is really going to have an overlay that fundamentally reshapes the character of the underlying situation, a different base zone would be the better tool.

Introduction

Ald. Danberg explained that the new mode of thought with villages and city centers is design with car traffic as well as pedestrian traffic in mind. These centers should be vibrant and accommodating to both, with a good mix of retail that encourages people to park and shop in multiple venues, or walk and be drawn into the various retail locations. Decades ago the villages served as the center of activity and the location where people could come and get all their business taken care of. That concept has eroded and she would like to revitalize that model for Newton. One practice she would like to implement is storefronts with windows that allow people to look in as they walk along and be attracted to what is going on inside. She would also like to see establishments that are conveniently located to make multi-stop shopping easier. Having some outdoor seating at restaurants is another way to encourage patrons to stay and patronize the local businesses and make for an attractive streetscape as well.

Ald. Danberg noted that many of the multi-story buildings in Newton were removed because taxes were assessed by the number of floors. As the automobile became more popular, the apartments above retail shops were no longer needed as people moved out of the city villages. The empty floors were still being taxed so it made sense to the building owners to remove the excess stories.

Ald. Johnson said she realizes that the same solution will not fit every village. Each village will need a plan that relates specifically to its geography and needs. The idea is to increase vitality without squashing opportunity.

Planning Department Response

Seth Zeren addressed the Committee. He said the objective here relates to the vibrancy and use of the village centers. The specific objectives would include having a greater diversity of uses and uses that also speak to not just luxury goods, but day to day necessities. Another objective would be to address the density of activity. There has been a removal of building stock in Newton Centre and having more people living, working, and shopping in the village centers would be desirable. The third objective was related to urban design in terms of the windowscapes and transparency, streetscapes, and providing a good public realm.

Ald. Danberg said that Newton Center, Newtonville and West Newton are interested in some type of overlay. The idea is to create a village overlay template that each village can adopt and change or tweak as necessary. Mr. Zeren said that the Planning Department is not yet prepared to recommend an overlay or base zone for this issue. There needs to be further discussion to

identify the challenge and objectives and to make sure the right package of tools is put into play which will probably also include some non-regulatory components.

Ald. Yates asked if there are some models of success in other communities and if the particulars of this item came out of discussions with the interested villages. Mr. Zeren said the docket language relates to some draft ordinance language that was prepared a couple of years ago. He noted that Bronxville, New York, has some success in shifting financial institutions to second floors; and Ann Arbor, Michigan ended up not adopting a provision because of active opposition from business owners. He has heard of both ends of the spectrum. He also noted that the retail economy has been very poor in the last 5-7 years and that is something to take into consideration. Ald. Danberg said before 2001 she met with the then-Mayor of Bronxville, and they had the overlay in place as a result of the proliferation of banks and financial institutions. An unintended welcome outcome of this is that second floor space suddenly became desirable for tenants and had a value for landlords. There was a bit of opposition at first to the idea that if there was a saturation of a particular type of business, they had to go through a vetting and approval process. If not, they did not have to and she wasn't sure who made that judgment. Mr. Zeren said that this is a fairly immature process in zoning and planning at this point, but communities are starting to try different tools to encourage this whole concept.

Ald. Yates asked how this relates to the work of William H. White and storefronts in New York City. Mr. Zeren said that William H. White's concept was to study urban space and he did quite a bit of time lapse photography work. He would set up cameras on a street corner and just observe the habits and activities of people. This concept of requiring transparency certainly draws upon his tradition. There is an organization called Place Makers which is a leading force for this kind of urban design and they credit William H. White for bringing this idea of how people interact with storefronts, whether through the windows or doors or planters or outdoor seating, etc., as a measure of what space is considered well-used or not.

Economic Development Commission and Chamber of Commerce Response

Chris Steele of the Economic Development Commission (EDC) said that there are the issues of transparency, the mix of use on the ground floor, and the desire for densification in the village centers. Many different tools have been looked at by the EDC for the revitalization of the village centers. He feels less inclined to go on a more restrictive path, however, this tool might create a climate for more diversified use on the ground floor.

Greg Reibman of the Newton Needham Chamber of Commerce said that banks find it most advantageous for their business model to be on the ground floor, and they think quite carefully about the view in from their windows. They try to project a feeling of confidence and security through their windowscape. Ald. Swiston said that the customers that tend to walk into a bank are generally older and going to a second floor may seem physically intimidating or difficult. Ald. Danberg said that Bronxville did not believe that their customers would go to the second floor, but they do. Businesses are afraid of change, but if a senior citizen can enter a lobby and get on an elevator that would work. This model allows for 400 square feet on the first floor as well.

Ald. Swiston said there needed to be discussions with building owners because several businesses have recently left due to high rents. It's not just lack of incentives, they need to look at the disincentives that are in place and are obstacles. She noted a business owner that owned stores in Newton and Waltham. Ultimately he left the Newton business behind and is operating just in Waltham. She thinks they have to examine why something like that would happen. Ald. Danberg noted that the Zoots building in Newton Centre has been leased by Capital One but it's been empty for over a year which is detrimental to the area.

The party missing from the table is the landlords. They are essential and they need to see it in their own self-interest to have a mix of uses. The data from the Urban Land Institute said that you can have a more successful business climate, and therefore a more stable rent paying base, if you have a more effective mix of uses. An effective downtown has a situation where you can park once and walk into store A, B, C and then eat at restaurant D. No one goes from bank A to B to C.

Mr. Zeren said there are three components in this process. The first and maybe the most important is the planning part. Not just in City Hall but out in the community. This promotes engagement and support from the community. One key way to get to solutions is to have an open and inclusive planning process. This makes everyone more comfortable with things they may be wary of. It generates a lot of grassroots political good will. The Comprehensive Plan calls for village plans that are smaller and more tightly focused. The second component is coordination tasks. It's things like throwing events and having property and merchant associations that are collaborating and neighborhood associations that are collaborating, educational events and village councils. This is promotion; making it exciting. The third piece is the regulatory component. This work will happen in the Zoning & Planning Committee with legislation. There is diversity of uses, density and design. It's important to recognize that if the BOA and the Mayor agree that this is a key priority, then there is a tremendous opportunity to do a fantastic job. Resources that will be needed are significant, however.

Ald. Danberg would like to hear from the business community to find out what their needs are. She asked Mr. Reibman if he could help with that. Ald. Swiston said it would be beneficial to hear from Needham as well

Parking

Mr. Zeren explained that parking needs to be looked at. Chris Steele said that one disincentive is parking and it needs to be discussed. Some changes that have been made are very effective for restaurants and more of them are now coming to the City. He said it would be useful if they didn't have to go through Land Use Committee each time, however. Ald. Yates said he would like to remove any restrictions to parking in church parking lots. Ald. Danberg said in Newton Centre they looked into parking at church lots. A church cannot accept rent from a commercial institution and still maintain their tax status. The church can establish a 501(c)(3) to take in the funds and donate it to something the church chooses. She learned that the Newton Centre churches with parking lots were not interested in the proposal. One had neighbors who did not like the idea of cars moving in and out during the weekdays, and the other church just was not interested in general.

Ald. Johnson said she is working with Ald. Albright to docket an item requiring all village centers to have a parking plan. She also noted that there are several parking items on the agenda and the Planning Department will let the Committee know when they are ready to take up those items as a whole.

Ald. Yates moved hold on this item and the Committee voted in favor.

#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]

ACTION: **HELD 4-0**

NOTE: Ald. Johnson said this item was relative to the three village centers that have been discussed. She asked the Planning Dept., the EDC and the Chamber of Commerce to look at Nonantum's village center. She feels it is vibrant, with a nice mix of stores and not many empty storefronts. She would also like them to look at Lexington as another favorable model.

Ald. Yates moved hold on this item and the Committee voted in favor.

#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 @ 2:55 PM]

ACTION: **HELD 4-0**

NOTE: Ald. Yates said this program has worked across the country including 8 neighborhoods in Boston. It has various components that are modeled on the management of shopping centers. Ald. Danberg's economic development project in Newton Centre came up with a lot of design recommendations but they somehow have not been followed. Ald. Danberg noted that the whole package was not implemented due to a change in administration and some other issues. Ald. Yates said that economic restructuring is the focus; trying to figure out what is missing in a particular area and what people might want added to the mix. He thinks he could get someone to come out from the Boston regional office of the National Trust for Historic Preservation. Or he could invite someone from Boston Main Streets. Nationwide, they have leveraged private investments, added businesses and jobs and rehabilitated buildings. *Beautiful Newtonville* has some of the elements of this idea but it needs to be put in a bigger framework. It would take a while to get certified as a Main Street program. The process begins with coordinating programs, the formation of subcommittees that work through the steps, and then the community crosses the line into being certified.

Ald. Yates would like to move approval with the Planning Department and the Economic Development Commission taking the next steps to meet with the National Trust in Boston. Or ask for outside experts to come in and invite those from interested villages for their relevant input. The Newton Center Task Force members may be a good resource as well.

Ald. Danberg was skeptical that it would do anything in Newton Centre because the historic buildings were pretty much destroyed. She is concerned that the National Trust might want to declare the current buildings as protected and that would not be desirable. Ald. Yates said that the Historic element was supportive and the economic element was in the forefront. She would like to hear from the experts.

Mr. Steele said he has worked with Main Street programs elsewhere in the country and they work fabulously, particularly in areas with a defined downtown. The problem with Newton is that it has several commercial areas. He asked some planning and economic development people he knows, and there was a 50/50 split among them about whether this would work for Newton or not. He thinks that it makes sense to invite Karen O'Connell who was the Main Streets Coordinator for Hyde Park, and Emmy Hahn, who is the Coordinator for the MA Downtown Initiative Program. He noted that in order for this model to work, a Main Street staff would be necessary. Boston has handled this by setting up a series of cascading 501(c)(3)s. One is at the City level and they have the neighborhoods compete for the funding that is available from the City for their own Main Streets program. That was a prototype of how to do this with multiple commercial centers in a city. Greg Reibman thinks this might be adding another layer of bureaucracy when there is an administration that is already moving in the right direction. Ald. Yates said it gives guidance and has a proven track record.

Mr. Steele said that Emmy Hahn has been to Newton many times talking about different tools. A previous administration in Newton did not feel that the competition between the villages as a means to get them ready to adopt this model. Through the neighborhood area councils and the merchants association and *Beautiful Newtonville*, a step has been made in getting some of the organizational elements going to get this off the ground. The Chamber and the EDC can work on getting the promotional element up and running. Whether it's full blown Main Streets or some part of it, he feels this could be successful.

Follow Up

Ald. Johnson asked Ald. Yates and Chris Steele to work together on inviting relevant people in for the discussion. She would like to meet again in January or February. Mr. Zeren said he would like to expand the audience because the Main Street programs are successful when merchants and property owners are also involved. He would like to see this as a larger forum. Ald. Johnson asked that Amanda Stout lead the effort and coordinate with Mr. Steele, Mr. Reibman, the Aldermen and people in the community. Mr. Zeren said he would convey that message to Candace Havens. She also asked Ward aldermen to reach out to their constituency.

The Committee voted to hold this item.

Respectfully Submitted,

Marcia Johnson, Chairman