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Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** November 18, 2021

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

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

**RE:** **#88-20 Discussion and review relative to the draft Zoning Ordinance**  
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

**MEETING:** November 12, 2021

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

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### Introduction

At the October 25, 2021 ZAP meeting, Planning staff and Utile presented on the findings from the first phase of engagement focused on updates to the village center zoning districts. This five-month engagement effort generated an incredible amount of community data that staff synthesized into seven major community takeaways guiding us towards possible zoning recommendations:

- Creating more communal & public space + activation
- Increasing accessibility to buildings and infrastructure within village centers
- Incorporating climate resiliency through built structures and green spaces
- Helping small businesses to begin, stay and thrive in village centers
- Making the permitting process easier, clearer, and multi-tiered
- Adding more diverse housing options and encourage mixed-use projects
- Prioritizing safe and accessible routes to and through village centers, especially walking and biking

The ZAP Committee held an additional conversation at their November 8 meeting regarding the community takeaways. Committee and other City Council members expressed support for the engagement effort in that it brought in a significant number of voices not only from those who normally participate, but also from those who are traditionally underrepresented. As the conversation now shifts towards policy, Committee members expressed that Planning staff must ensure the community voices are carried through, that additional data analysis on policies occurs as needed, and that tiered solutions are tailored for the different categories of village centers throughout Newton.

### **Draft Zoning Tools**

Utile and Planning staff have incorporated this feedback from ZAP with the quantitative analysis shared in September and the community takeaways to translate them into a draft set of zoning tools for village center zoning recommendations (Attachment A). These tools seek to lay out immediate next steps focusing on the most problematic barriers, addressing inequities, and directly responding to the goals and principles raised during the engagement process.

The zoning tools below are organized by takeaway, though many overlap with each other as the attached zoning matrix shows. These are not exhaustive and are not meant to be read as fully formed proposals. At the upcoming meeting, Utile will go into greater detail and provide local and regional examples to highlight different possibilities within each tool. The input staff receive from ZAP throughout the remainder of the year will help determine the targeted zoning amendments to be further researched and reviewed by the community and elected officials going forward.

#### *Creating more communal & public space + activation*

Zoning can impact the communal and public space through street standards and other zoning that dictates where buildings are placed (dimensional requirements), how they are used (allowable uses), where and how much parking is built (development standards), and zoning can require (or incentivize) developments of a certain size to provide outdoor public spaces such as plazas or community spaces within buildings.

#### *Increasing accessibility to buildings and infrastructure within village centers*

Zoning can ensure that all new buildings and public spaces comply with minimum accessibility standards and provide incentives to go above and beyond. Zoning can ensure that even if parking requirements are removed or reduced, accessible stalls are still accommodated. In addition, zoning can set requirements or incentives for accessible units and further link those units that are required to be affordable. Zoning can also allow for multifamily buildings large enough to include elevators, an important point we heard during the older adults and people with disabilities focus groups.

#### *Incorporating climate resiliency through built structures and green spaces*

Many studies show that the greenest building is often the one that already exists, which is because of the incredible amount of resources it takes to both remove an existing building and replace it with a new one. However, retrofitting older buildings can be extremely costly though necessary to attract

commercial tenants who typically have different needs from these older spaces. Zoning that removes barriers for adaptive reuse, and possibly incentivizes it through certain bonuses could lead to reduced energy use and less construction waste ending up in a landfill. Providing housing in walkable village centers and near transit also allow residents to live lower carbon lifestyles. Zoning can also incorporate stronger requirements and incentives for sustainability in new development, such as LEED/Passive House requirements, solar panels and electric vehicle charging stations, and embodied carbon regulations.

#### *Helping small businesses to begin, stay and thrive in village centers*

Appropriate zoning updates can create the conditions that allow new businesses to open, as well as support new businesses in expanding or adapting. To attract smaller businesses, as we heard were desired, zoning can allow for a broader and more flexible range of uses that can adapt to changes in the market over time. Parking can also be a barrier to small businesses as changes in the size of a commercial space, the use, the number of seats, and or the number of employees may require additional parking. Zoning can also dictate where certain less active uses, such as banks, can be located and can include requirements and/or incentives for restricting a certain amount of ground floor commercial space to local businesses. Lastly, businesses need customers to survive. Building on the historical development of Newton's village centers, appropriate residential and commercial development within village centers would lead to a built-in customer base at all times of the day.

#### *Making permitting process easier, clearer, and multi-tiered*

Zoning also specifies the approval process for new uses and buildings. Some uses are by-right and need only a building permit and others need a Special Permit from the City Council. The process can be tailored to the type of request, making it simpler for projects that clearly align with City goals and follow defined criteria developed through the City Council. The process is an opportunity to encourage desired uses through a simpler, predictable process with clear standards. Larger, more complex, developments would still require a Special Permit. Through a tiered process, proportional to the scale of the project, larger projects would have more time to be thoroughly vetted by the City Council appropriately and efficiently.

#### *Adding more diverse housing options and encourage mixed-use projects*

Housing within walking distance of a village center is vital to an area's success, especially outside of peak business hours. Zoning dictates where housing can be located, how much housing, the type of housing, the process for approving housing, and how much of the housing is affordable. Zoning can be more flexible in the types of housing allowed and also be more prescriptive regarding the form of the buildings. To ensure greater levels of affordability, zoning can allow for bonus height and density only when developers provide units targeted to lower levels of area median income (AMI).

#### *Prioritizing safe and accessible routes to and through village centers, especially walking and biking*

While zoning does not directly regulate streets, bike lanes, or transit it can contribute to creating village centers that are safe for all modes of transportation and it can encourage walking and biking through

requiring setbacks that allow for wider sidewalks, requiring bike parking in new developments, and requiring or incentivizing other transportation demand management (TDM) measures such as reimbursing transit passes, providing space for car share, or contributing to shuttles. Zoning can also allow for more housing near transit, allow for a mix of uses that helps reduce the need to drive or take multiple trips, and can dictate where parking is provided (such as underground or behind buildings rather than in front of buildings).

### **Looking Ahead**

What is clear from these potential zoning tools is that no zoning tool alone can facilitate the desired evolution of Newton's village centers. There are many options to explore going forward. In some cases this means creating greater flexibility, like expanding allowed uses, and in other cases it means being more prescriptive, like maximum front setbacks. Some may be appropriate for all village centers, while others might need to be tailored specifically for certain village centers. In addition, some zoning tools call for greater detail within the text to ensure development outcomes that align with community desire. However, overly prescriptive or restrictive zoning can have the exact opposite effects that the community identified through the engagement - hindering economic competitiveness, undermining goals for diversity and inclusion, and slowing revitalization. In short, future zoning proposals will need to be balanced. Going forward, staff will continue to collect data, engage with the community and work with consultants such as Utile and others as necessary to fully analyze the possible zoning tools and present the zoning proposals that best achieve the desired goals.

### **Next Steps**

Staff and Utile look forward to a productive discussion at ZAP and will be on hand to answer questions and comments. At the upcoming ZAP meeting on December 16, staff and Utile plan to present more detailed zoning tools to further develop in the coming year. In order to get to these more detailed zoning proposals, staff would like feedback from the Committee on how they would like to prioritize these zoning tools. Through this prioritization, staff and Utile can identify potential groupings of tools that could be taken up together, begin reaching out to relevant boards and commissions, determine appropriate consultants, and design targeted engagement.

### **Attachments**

Attachment A            Village Center Engagement: Zoning Tools Matrix

Engagement Takeaways	Zoning Tools						Non-Zoning Tools
	Dimensional Standards	Development Standards	Allowable Uses	Allowable Density	Permitting / Process	Incentive	
<b>Communal &amp; Public Space: More + Activated</b>	Setbacks that prioritize active use	Open space/ community space requirements for new development & redevelopment	Update Use Table		Public realm design guidelines that address accessibility, green infrastructure, and activation considerations	Height and density bonuses in exchange for greater public realm enhancements	x
<b>Increase the ability for small businesses to begin, stay and thrive in VCs</b>	Smaller retail spaces  Flexible ground floor story height	Flexible parking requirements	Simplify home business regulations  Update Use Table	Upper floor residential above ground floor retail  Expand built-in customer base	Flexible parking requirements  Streamline process for use change in existing space	Height and density bonuses in exchange for subsidized commercial space	x
<b>Climate resiliency through built structures and green spaces</b>	Exemptions for sustainable building design components	Tier sustainability benchmark requirements for different sized projects  Planting/open space requirements for new development & redevelopment		Height and density allowance for sustainability measures	Public realm design guidelines that address accessibility, green infrastructure, and activation considerations	Height and density bonuses in exchange for increased sustainability measures	x
<b>Increase accessibility to buildings and infrastructure within VCs</b>	Ensure minimum sidewalk widths	Follow universal design guidelines  Require affordable accessible housing units			Public realm design guidelines that address accessibility, green infrastructure, and activation considerations	Height and density bonuses in exchange for public realm accessibility improvements	x
<b>Make permitting process easier, clearer + multi-tiered</b>	Update standards for by-right projects	Update standards for by-right projects  Design guidelines	Tiered process for by-right and Special Permit projects  Update Use Table		Tiered process for by-right and Special Permit projects  "How To" guide for small builders and developers	Streamlined process in exchange for greater levels of affordability, sustainability, accessibility, etc.	
<b>More diverse housing options and encourage mixed-use projects</b>	Setback requirements that allow for missing middle housing	Flexible parking requirements	By-right mixed use and multi-family projects  Update Use Table	Height and density allowance for missing middle and mixed-use buildings	Tiered process for by-right and Special Permit projects		x
<b>Increasing ease to get to Village Centers, especially through alternatives to driving</b>	Ensure minimum sidewalk widths	Promote bicycle, shuttle, rideshare, and other alternatives to driving infrastructure  Flexible parking requirements	Update Use Table	Height and density allowance for missing middle and mixed-use buildings	Public realm design guidelines that address accessibility, green infrastructure, and activation considerations	Height and density bonuses in exchange for greater public realm enhancements	x