



#259-22 and #260-22

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

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

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 17, 2022
Land Use Action Date: August 9, 2022
City Council Action Date: August 15, 2022
90-Day Expiration Date: August 15, 2022

DATE: May 13, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Senior Planner

SUBJECT: **Petition #259-22** to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.

Petition #260-22 to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19 Court Street and 21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

CC: Planning Board

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing that the Land Use Committee of the City Council can consider at a subsequent working session.



EXECUTIVE SUMMARY

The subject property consists of seven parcels located along Crafts Street (five parcels) and Court Street (two parcels) between Washington Street and McGuire Court and opposite Lincoln Road. Together, the parcels total approximately 115,818 square feet. The Crafts Street parcels consist of commercial uses each with their own associated parking areas and the Court Street parcels consists of two, two-family residential uses.

The five parcels on Crafts Street are within the Manufacturing zone (“MAN”) and the two parcels on Court Street are within the Multiresidence 1 zone (“MR1”). The petitioner is seeking to rezone all the parcels to Business 4 (“BU-4”) zone and construct a seven-story structure with 84 feet in height for elderly housing and services. The facility will have both assisted living, independent living, and memory care consisting of 209 units and 257 beds total. The petitioner requires relief for the height, number of stories, and gross square footage of the project, as well as parking dimensional waivers and a waiver of the lighting requirements for parking facilities over five stalls.

The Planning Department has engaged an on-call consultant to conduct a review of the petitioner’s traffic memorandum, staff anticipates discussing the transportation aspects of the petition at a future public hearing. The petitioner should be prepared to respond to all comments contained in this memorandum and at the public hearing at a subsequent public hearing.

Due to the size of the project, images will not be featured in this memorandum and can be found here:

<https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2376>

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing these requests, the City Council should consider whether:

- The site is an appropriate location for the proposed elderly housing with services facility as designed with more than 20,000 square feet in gross floor area, seven stories, and 84 feet in height (§7.3.3.1).
- The proposed elderly housing with services facility as designed with more than 20,000 square feet in gross floor area, seven stories, and 84 feet in height as developed will adversely affect the neighborhood (§7.3.3.2).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).
- The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. (§7.3.3.C.5)
- Literal compliance with the dimensional parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
- Literal compliance with the lighting requirements for parking facilities over five stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject parcels are located on the western side of Crafts Street and northern side of Court Street, between Newtonville and Nonantum. The subject Crafts Street and Court Street parcels are within the MAN and MR1 zones. The area is comprised of a range of zones, including manufacturing, Business, Public Use, and Multi Residence zones along Crafts Street. (**Attachment A**). This diversity of zones consists of retail uses abutting the Crafts Street parcels on Washington Street, multifamily residential uses directly abutting the site to the west, and commercial uses directly to the north.

Along the eastern side of Crafts Street are multi residential uses and commercial uses **(Attachment B)**.

B. Site

The site consists of seven parcels: 34, 36, 38, 48, 50 Crafts Street (the “Crafts Street parcels”) and 19 and 21 Court Street (the “Court Street Parcels”). The Crafts Street parcels consist of commercial uses each with their own associated parking areas. 36 Crafts Street features surface parking and parking below the second story of the commercial building. 38 Crafts Street consists of a commercial building with a nonconforming front setback of less than one foot and parking. The Crafts Street parcels have large areas dedicated to school bus parking between the commercial buildings and up to the Court Street parcels to the west. The Court Street parcels consists of two, two family residential dwellings. The Crafts Street parcels are largely hardscaped, and the areas not covered by buildings consist of broken pavement and gravel, and feature little if any landscaping. Together, the parcels contain 115,818 square feet of area and four existing buildings, two commercial and two residential.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The current uses of the site are commercial and two-family residential uses. If approved, the use would be elderly housing with services residential use.

B. Site Design

The petitioner is proposing to combine the seven parcels on Crafts Street and Court Street and rezone the property to BU-4 **(Attachment C)** to construct the elderly housing facility and associated parking. The site will have three points of access, two driveways from Crafts Street and one driveway on Court Street, which is intended for emergency vehicles and loading. Primary vehicular access to the building will occur from Crafts Street. Pick up and drop off would take place in the circular front driveway at the front of the building.

In the BU-4 zoning district, the required front yard setback is the lesser of half of the building height or the average front setback from abutting properties. The petitioner elected to use the averaging provision, which requires a front setback of ten feet, where 12 feet is proposed. The required side setbacks are the equivalent of half of the building height or equal to the abutting side yard setback. The petitioner is utilizing the abutting side yard setbacks to determine the required side setbacks. As proposed, the side setbacks are 32 feet from the side (northern) property line, where

15 feet is required and 30 feet from the side (southern) property line, where 27.5 feet is required. The rear setback abuts a residential zone, as such, the greater of half the building height or 15 feet is required, the petitioner is proposing 42 feet which is half of the building height.

The project's lot area per unit is based off the number of independent living units. At 129 independent living units, the property's lot area per unit is 898 square feet per unit. Not included in the lot area per unit calculation are the assisted living beds and memory care beds.

Pedestrians would be able to access the building from the Crafts Street frontage, as well as internally within the site from the two building entrances along the pickup and drop off area. There is a walkway canopy separating the pickup and drop off area from the courtyard. The Planning Department would like further detail on the canopy and what type of separation and/or access is permitted between the two spaces. Also proposed is a five-foot-wide sidewalk providing a path from the Crafts Street frontage to Court Street along the side (eastern) property line.

C. Building Design

The petitioner is proposing to demolish the existing structures and construct a seven-story elderly housing with services facility consisting of 224,000 square feet and 84 feet in height. There are two entrances on opposite sides (north and south) of the pickup/drop off loop that provide access to two lobbies for either assisted living or independent living and their dedicated wings. There is a secondary entry for independent living that can also be accessed directly from the Crafts Street sidewalk.

The three primary outer facing edges of the building mirrors the north, west, and south property lines as the building meanders through the property. The design takes care to step back the additional story heights above five stories from the Crafts Street front elevation and the rear elevation. Most of the building along the northwestern property line, which borders properties on McGuire Court, is set further back from the property line with the portion of the building that is closest to the boundary located 32 feet away. The building's longest edge is located along the rear (southwestern) property line and maintains a distance of 42 feet from the rear property line. The story heights along this edge vary from two to seven, where most of the building height proposed above five stories is stepped back from the lower stories. While renderings were submitted for most facades, there was no rendering submitted for the rear façade, the Planning Department would like more information to better visualize this building edge.

For the proposed seven-story building with 84 feet in height, the maximum allowed floor area ratio "the FAR" is 2.75. The petitioner is proposing an FAR of 1.94, with

approximately 224,000 square feet of floor area. Floors 1-5 each contain 35,000 - 40,378 square feet of floor area, and floors 6 and 7 contain 16,582-17,361 square feet of floor area. At a March 9, 2022 meeting of the Urban Design Commission (“UDC”), the UDC expressed concerns with the height of the building at seven stories (**Attachment D**). While the petitioner made thoughtful efforts to step back the higher stories, the UDC’s sentiment was that the proposed seven-story building seemed too tall. The UDC commended the applicant that the configuration of the building was well done and requested further details on the roof. The UDC also requested more detail of the building’s façade along Craft’s Street.

The petitioner submitted a shadow study to demonstrate potential shadows cast by the structure. The largest impact from shadows is anticipated during the Winter Solstice, where shadows would be cast primarily to the north and west of the site. At 9 AM, the building would cast shadows to the west, across Crafts Street and further west beyond Clinton Street and Lincoln Road. Midday during the winter solstice, the shadow’s impact is mainly to the north, extending beyond Lincoln Road. At 3:00 PM, much of the area to the east is cast in shadow from the proposed structure, and other surrounding structures. During other times of the year, the proposed structure is anticipated to cast shadows, but is not anticipated to cast on other structures and largely upon open space.

D. Parking and Circulation

Overall, the proposed project will consolidate the number of curb cuts on Crafts Street from five to two, allowing for three street parking spaces. The southernmost driveway measures 22 feet wide and will provide access to a pickup and drop off loop and an underground parking garage. The petitioner is proposing 144 parking stalls for the site, where 102 stalls are required. There are seven surface parking stalls along the eastern driveway providing access to the garage, where there are 137 parking stalls proposed. The surface parking consists of parallel stalls and vary from 21 feet long to 24 feet long for the accessible stall. The garage stalls are 90-degree parking with all the stalls requiring waivers for the dimensional parking requirements at 8.5 feet x 18 feet.

The northern driveway off Crafts Street provides access to the loading facility and will be designated for loading and emergency vehicles only. The petitioner should clarify any measures that will ensure the access is limited to the appropriate vehicles. The petitioner should clarify the trash operations and schedule. The driveway off Court Street is intended for emergency access and loading only and will consist of stamped asphalt. The Court Street driveway and northern driveway appear to connect at the rear of the site and the petitioner should provide information on this connection and whether non-emergency vehicles will be prevented from looping around the site. The

petitioner stated that smaller delivery vehicles would be allowed to use visitor parking near the pick-up drop off loop as well as on street parking.

All but one of the drive aisles within the garage comply with the 24 feet required by the Ordinance. The rear of the garage has a drive aisle width of 22 feet, requiring relief.

E. Transportation Demand Management Plan

The petitioner provided a Transportation Demand Management (TDM) plan within the Traffic Study. As part of the TDM plan they propose to display public transit schedules, provide detailed maps to public transportation, provide a secure bicycle storage onsite, and implement an onsite car-pool rideshare program with guaranteed ride home. The petitioner should clarify additional bicycle parking locations beyond the location within the garage. The petitioner should also provide further details around the guaranteed ride home.

The petitioner also proposes multiple vehicles ranging from shuttles, vans and passenger vehicles that will be available to residents to schedule rides. The petitioner should clarify where these vehicles will be stored and more information on this program.

The plans indicate a bike parking area in the garage; however, the space is located between the garage wall and the parking stalls. The Planning Department questions whether this location is accessible to bicycle users, poses any obstacles to bicycle users and whether additional, secure, covered bicycle racks could be provided at surface level for visitors to the site. The petitioner stated that the site will provide 50 secure bicycle parking spaces, the petitioner should clarify the location(s) of those spaces and whether they are limited to the garage, as well as the type of bicycle rack(s) envisioned for the property.

The Planning Department suggests additional measures to bolster the proposed TDM plan such as subsidized transit passes for employees. The Planning Department also suggests the petitioner consider electric vehicles where feasible as part of the multi modal transportation plan for residents.

F. Landscaping and Lighting

The seven surface parking stalls along the eastern driveway are subject to provisions for parking facilities over five stalls, which requires these parking facilities be screened with at least five feet of landscaping and/or fencing. The submitted landscape plan does not demonstrate the required screening, however the petitioner stated they will comply with the requirement. The petitioner should provide a landscape plan demonstrating compliance to the Chief Zoning Code Official.

The petitioner submitted a landscaping plan which shows generous screening around the perimeter of the site. The existing conditions of the Crafts Street parcels are largely hardscaped and impervious surfaces. The proposed landscaping would be a vast improvement and will help mitigate any heat island effect from the existing paved areas. Portions of the site are included on a “Hot Spot” Map within the Climate Action Plan of areas in the city where surface temperatures can reach 140 degrees. Portions of the site not designated as a Hot Spot are within zones nearest the red zone at 140 degrees. The petitioner proposes deciduous and ornamental trees around the perimeter and interior of the site, as well as lawn areas. The landscape plan does not indicate any fencing around the site, only landscape screening in the form of deciduous and ornamental trees.

The petitioner submitted a lighting plan which shows lighting levels less than the one foot-candle minimum required by the Ordinance.

G. Housing

The petitioner elected to utilize the inclusionary zoning cash payment option under §5.11.11.I. This section of the Ordinance governs the inclusionary component of the elderly housing with services use and allows the petitioner to comply with the Inclusionary Zoning via a cash equivalent payment to the City. The petitioner’s proposed Inclusionary Housing Contribution was reviewed by City Staff in the Housing Division and they have issued a memorandum (**Attachment E**). Based on current amounts of \$578,239.20 for A (average total development cost) and \$358,612.50 for B (average cost of providing long term care for an elderly individual for three hours a day over a ten-year period), Housing Division staff calculates the total cash payment from the petitioner for this 257-bed project to be \$12,085,386.93. The payment would be split equally between the City and the Newton Housing Authority, as such, the Housing Division supports the infusion and timing of this payment as it aligns with the formation of the City’s new Affordable Housing Trust (AHT). The allocation of this payment to the AHT will greatly serve to spur and support the development of affordable housing projects and units in the City.

H. Sustainability

The petitioner submitted a sustainability plan indicating a commitment to making the building achieve the LEED Green Building Rating Program. The City’s Climate and Sustainability Team issued a memo (**Attachment F**) stating that the project is on track to meet the requirements of the Ordinance under §5.13.4 with LEED Gold Certifiable standards, and the designation for electric vehicle charging stations and 10% electric vehicle charging ready. The Climate and Sustainability Team implores the petitioner to consider a greater number of electric vehicle charging stations.

I. Signage

The petitioner has not submitted a sign plan. Should this project be approved, any signage installed shall be as of right, or if requires a zoning relief, require an amendment to an approved special permit.

J. Washington Street Vision Plan

While the site does not front Washington Street, it is approximately 500 feet away from Washington Street and if approved, will have a noticeable presence from Washington Street over the single and two-story buildings fronting Washington Street. The Vision Plan envisages medium heights of three to six stories along the frontage of Washington Street between Crafts Street and Central Avenue. The Vision Plan also encourages a variety in building size and shape with multiple buildings with varying heights, materials, and other design distinctiveness.

The housing diversity section of the Vision Plan aims to offer housing for all ages, all people, to promote diverse building and unit sizes and allow communal living models, including age restricted senior housing. The plan identifies Washington Street as a location to consider these more complex forms of multi-family housing. The City's Comprehensive Plan also sets forth housing goals to achieve affordability and a diversity of housing types. The Comprehensive Plan seeks to address the needs of special populations, including elderly populations, those with disabilities, and those who need supportive services.

The Vision Plan contemplates transportation demand management to create parity between incentives to drive and incentives to walk, bike, or take transit. The petitioner submitted a TDM plan that includes displaying transit schedules, providing bicycle parking, and rideshare program with guaranteed ride home. The addition of subsidized transit passes as a TDM measure would serve as an impactful way to discourage driving and single occupancy trips.

The Global Climate and Local Environment section of the Vision Plan encourages low-carbon living, smaller units, and reduce greenhouse gas emissions. The redevelopment of this site provides a unique opportunity to meet and exceed the City's climate goals. The applicant is proposing to meet the standards of the Ordinance at the LEED Gold certifiable standard which is required for projects with greater than 50,000 square feet. The increase in landscaping and removal of existing paving, broken pavement and gravel reduces the heat island effect, also outlined in the Vision Plan's Global Climate and Local Environment section.

IV. NEXT STEPS

The Planning Department will coordinate the various reviews required with City staff and City peer reviewers to be provided at upcoming meetings. The petitioner should respond to the following issues and requests for more information raised in this memo:

- Parking stall dimensions within the garage
- Non-emergency vehicle access around the loop
- Bicycle parking
- EV charging
- Loading and Trash
- Landscape Plan and parking buffer
- Crafts Street façade – further detail
- Additional TDM measures

V. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (**Attachment G**) provides an analysis of the proposal regarding zoning.

B. Newton Historical Commission Review

Should this petition be approved, the petitioner will be required to obtain review and approval from the Newton Historical Commission to demolish the existing structures at 38 Crafts Street, 19 Court Street, and 21 Court Street, as they are over 50 years old.

The building at 36 Crafts Street was constructed in 1988, thus is not subject to Historic review.

C. Engineering Review

The projects site plans and stormwater/drainage reports are currently under review with Engineering.

The Engineering issued the Infiltration and Inflow (I&I) (**Attachment H**) memo which calculates the I&I fee. The petitioner's I&I fee is estimated to be \$1,338,995.

D. Fire Department Review

The plans will be reviewed prior to the issuance of any building permits, should this project be approved.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Request to Rezone Map
- Attachment D:** Urban Design Commission Memorandum
- Attachment E:** Housing Memorandum
- Attachment F:** Climate and Sustainability Team Memorandum
- Attachment G:** Zoning Review Memorandum
- Attachment H:** I&I Memorandum

Zoning

**34-50 Crafts Street
19, 21 Court Street***

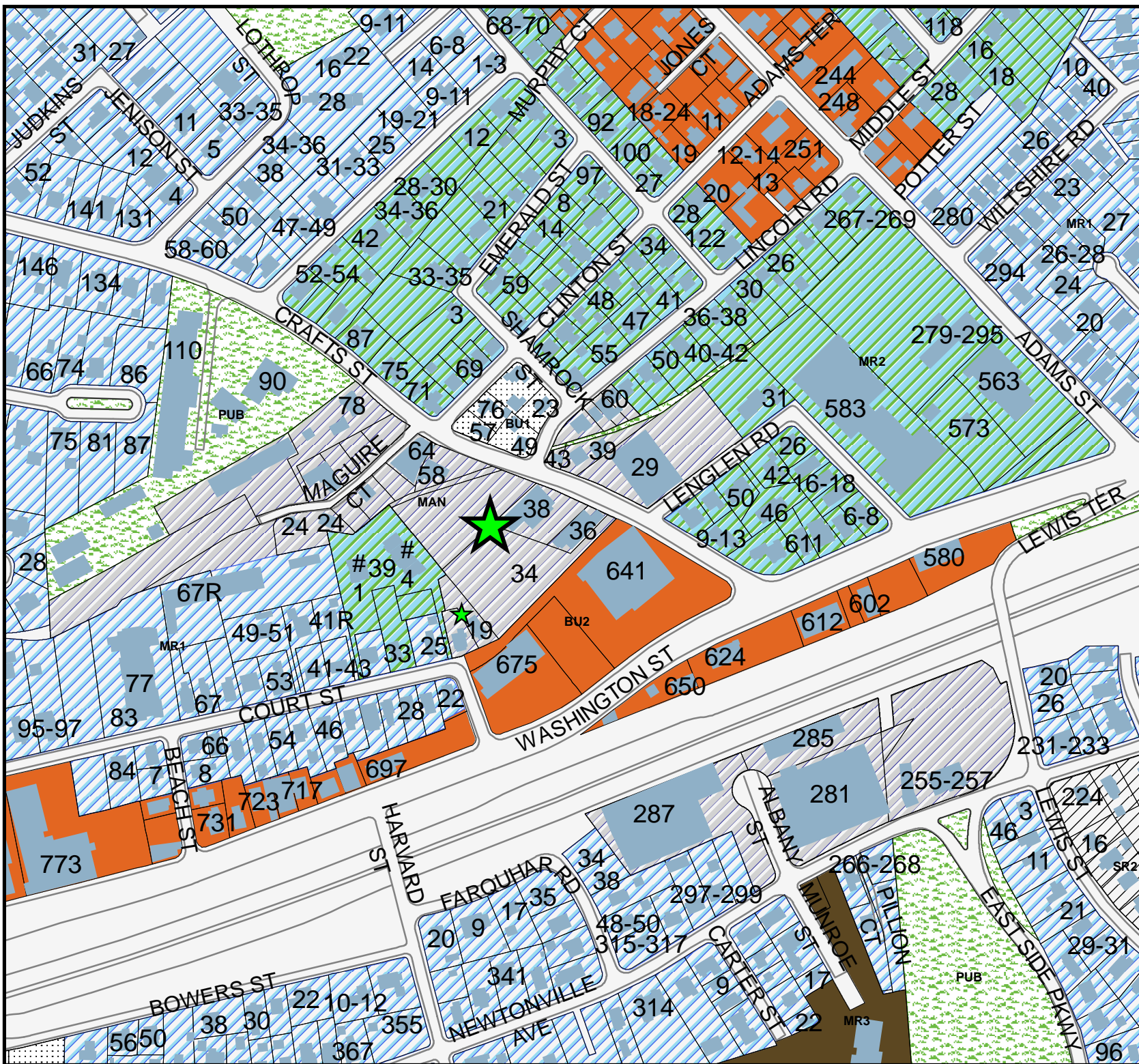
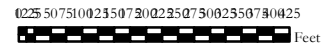
*City of Newton,
Massachusetts*

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Business 2
-  Manufacturing
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



*19 and 21 Court Street are MR 1 zone, error in older version of GIS










ATTACHMENT B

Land Use

**34-50 Crafts Street
19, 21 Court Street**
*City of Newton,
Massachusetts*

Land Use

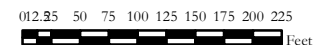
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land

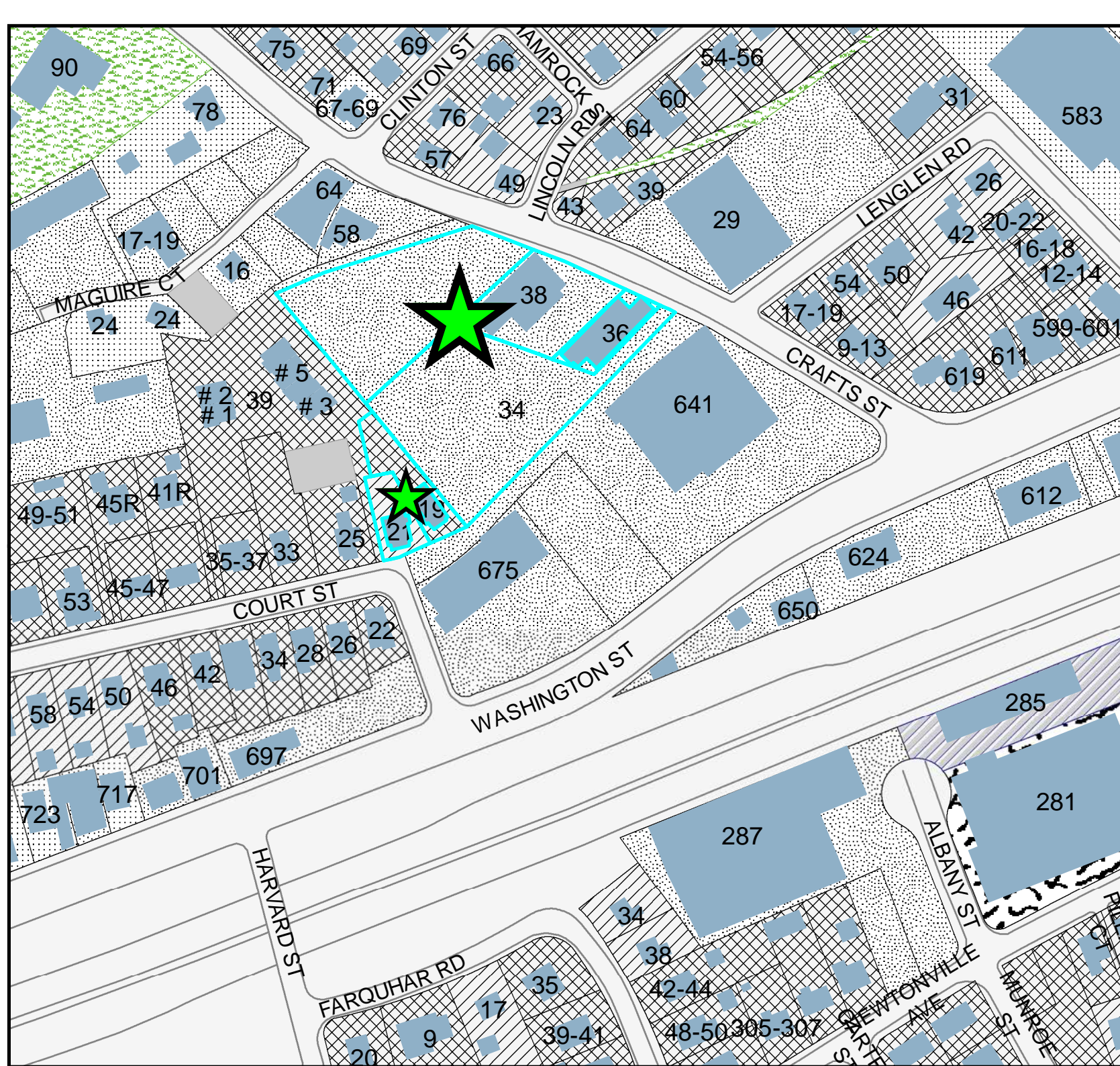


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: May 06, 2022





SURVEYOR'S METES & BOUNDS DESCRIPTION
 MBL'S 23016 0008, 23016 0009 & 23016 0011
 CITY OF NEWTON
 MIDDLESEX COUNTY
 COMMONWEALTH OF MASSACHUSETTS

BEGINNING AT A POINT ON THE NORTHERLY LINE OF CRAFTS STREET (PUBLIC-50' WIDE R.O.W.) THENCE RUNNING:

1. SOUTH 47 DEGREES 53 MINUTES 45 SECONDS WEST, A DISTANCE OF 393.37 FEET TO A POINT, THENCE;
2. SOUTH 65 DEGREES 25 MINUTES 22 SECONDS WEST, A DISTANCE OF 85.60 FEET TO A POINT, THENCE;
3. SOUTH 80 DEGREES 43 MINUTES 46 SECONDS WEST, A DISTANCE OF 30.00 FEET TO A POINT, THENCE;
4. NORTH 09 DEGREES 16 MINUTES 14 SECONDS WEST, A DISTANCE OF 110.00 FEET TO A POINT, THENCE;
5. NORTH 80 DEGREES 43 MINUTES 46 SECONDS EAST, A DISTANCE OF 12.50 FEET TO A POINT, THENCE;
6. NORTH 09 DEGREES 16 MINUTES 14 SECONDS WEST, A DISTANCE OF 72.50 FEET TO A POINT, THENCE;
7. NORTH 57 DEGREES 02 MINUTES 15 SECONDS EAST, A DISTANCE OF 19.49 FEET TO A POINT, THENCE;
8. NORTH 35 DEGREES 22 MINUTES 55 SECONDS WEST, A DISTANCE OF 205.97 FEET TO A POINT, THENCE;
9. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 383.71 FEET, A CENTRAL ANGLE OF 11 DEGREES 52 MINUTES 06 SECONDS, AN ARC LENGTH OF 79.48 FEET, A CHORD BEARING OF NORTH 70 DEGREES 32 MINUTES 09 SECONDS EAST, AND A CHORD DISTANCE OF 79.34 FEET TO A POINT OF TANGENCY, THENCE;
10. NORTH 76 DEGREES 28 MINUTES 12 SECONDS EAST, A DISTANCE OF 165.40 FEET TO A POINT, THENCE;
11. NORTH 73 DEGREES 12 MINUTES 12 SECONDS EAST, A DISTANCE OF 10.85 FEET TO A POINT, THENCE;
12. SOUTH 67 DEGREES 46 MINUTES 37 SECONDS EAST, A DISTANCE OF 114.80 FEET TO A POINT, THENCE;
13. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1421.90 FEET, A CENTRAL ANGLE OF 06 DEGREES 52 MINUTES 25 SECONDS, AN ARC LENGTH OF 170.58 FEET, A CHORD BEARING OF NORTH 64 DEGREES 20 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 170.48 FEET TO A POINT OF TANGENCY, THENCE;
14. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1425.29 FEET, A CENTRAL ANGLE OF 00 DEGREES 36 MINUTES 54 SECONDS, AN ARC LENGTH OF 15.30 FEET, A CHORD BEARING OF NORTH 60 DEGREES 35 MINUTES 44 SECONDS WEST, AND A CHORD DISTANCE OF 15.30 FEET TO A POINT OF TANGENCY AT THE POINT AND PLACE OF BEGINNING.

CONTAINING 115,744 SQUARE FEET OR 2.657 ACRES

THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

METES & BOUNDS DESCRIPTION PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED MARCH 30, 2022.

Legend

	PARCEL BOUNDARY
	ZONING DISTRICT BOUNDARY
	DEVELOPMENT PARCEL BOUNDARY
	PUB ZONE BOUNDARY
	MAN ZONE BOUNDARY
	MR1 ZONE BOUNDARY
	MR2 ZONE BOUNDARY
	BU1 ZONE BOUNDARY
	BU2 ZONE BOUNDARY

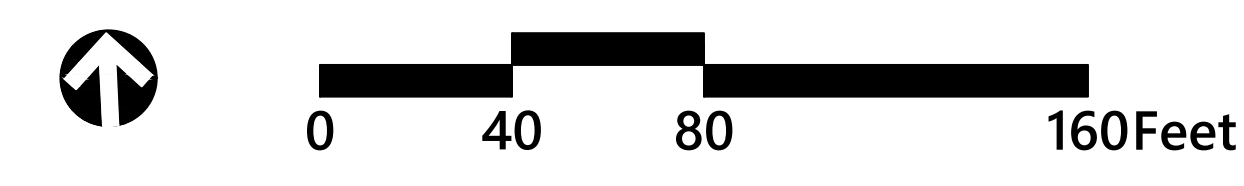
NOTES:
 DEVELOPMENT PARCEL BOUNDARY BEARINGS AND DISTANCES SHOWN ON THIS PLAN ARE BASED ON THE ALTA/NSPS LAND TITLE SURVEY FOR MARK DEVELOPMENT, LLC FOR 34, 36, 38, 48 & 50 CRAFTS STREET, 19 & 21 COURT STREET, PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED OCTOBER 13, 2016 AND REVISED THROUGH JANUARY 31, 2022.



Jeffrey W. Koetteritz

Zone Change Plan
 Elderly Housing with Services
 Crafts Street & Court Street, Newton, MA

Source: VHB
 Prepared for: Zone Change Petition
 Date: March 31, 2022





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
Urban Design Commission

Telephone
(617) 796-1120
Telefax
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Barney Heath
Director

DATE: May 11, 2022
TO: Katie Whewell, Senior Planner
FROM: Urban Design Commission
RE: 34, 36, 38, and 48 Crafts Street and 19 and 21 Court Street
CC: Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Land Use Committee of the City Council
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on March 9, 2022, the Newton Urban Design Commission (UDC) reviewed the proposed project at 34, 36, 38, and 48 Crafts Street and 19 and 21 Court Street for design. The Urban Design Commission had the following comments and recommendations:

The UDC commented it is a very skillful, interesting project, the kinds of facilities that are much needed. It looks like a very thorough study of the plans with all the groups that have been accommodated. The architecture and massing are very good for the site. The landscape looks well thought out, a little more detail (as the project moves along) along Crafts Street would be of interest. One thing of concern is height at seven stories.

Building Massing, Height and Architecture

- UDC commented that there are parts of this design: balconies, base, middle, and top that are working well but the height is an issue. The applicant responded what drives the height is the programmatic requirement of about 200 units for the different use types, the memory care, the assisted living and the senior living, independent living. They all have kind of minimum mass to support the staff, in order to make them cost effective for the services provided and so getting to 200 units, the way BU-4 zoning works, when you abut a residential neighborhood as this project abuts on Court Street, the taller you go the further you have to setback the building. The applicant felt that having a variety of different heights and setting them back further from residential abutters to the west and pushing all the mass to the north created a minimum impact to the community. The Craft Street corridor is particularly wide, the street is wide, the

house in the neighborhood on Lincoln Street are setback and this building is setback from Crafts Street. The applicant also mentioned that they have done shadow studies and were amazed at how little shadow even a seven-story building creates in the neighborhood on Lincoln Street even in winter. It's essentially trading a seven-story building to create more green space on the ground. To take the 16-17 units that are on the seventh story to decrease the massing and decrease the setback which also decrease the setback and push the building closer to the neighbors, so we are coming forward with seven stories now because it makes better architecture, more variety along the street with no negative impact, either to the community or the abutters.

- The UDC commented that the applicant has done a good job of stepping back the building from 7 to 5 stories, but 7 stories seem too tall. What is the alternative to have a feasible project? There is a way to remass it and lose green space and lose the ability to have variation in the façade. It might be instructive to see what the alternative is. To be convincing, it might be helpful to compare and contrast. On Washington Street, there was another housing project, that originally came in with 4 stories and then went back to the drawing board and came back with 2-3 story building. There was a process that was followed which worked well. Since this is one of the main issues that the applicant is dealing with, it will be helpful to do it. The applicant also responded that UDC's suggestion is to have a comparison and see what the building will look like if it was 6 stories tall instead of 7. UDC commented that it will be helpful to see rearranging of the program, does it get better or worse?
- UDC commented that the setback approach is very well done, the way the building is positioned on the site is extremely well done. Don't have another idea to rearrange but it is worth exploring.
- As the project moves along, UDC would also like to see the roof plans, will there be solar panels? Is it flat roof, solar ready? The applicant responded that they are very committed to the sustainability of this project, air quality for the residents, also building metrics, everything from its embodied carbon to its operational carbon. It will be an all-electric building (at least for all the residents), there will be gas for commercial cooking but other than that heating will be electric, water heating will be electric and by the stretch code, the roof must be solar ready and will be. The applicant commented that they anticipate using a heating pump and a VRF system. Looking at the feasibility of an array of solar panels at the top, right now given the cost and rates of electricity, the preliminary calculations show that the solar rate doesn't make sense. Although the roof will be flat but there isn't a lot of roof area in terms of returning energy to the grid. There are more effective ways to be sustainable other than having solar array.

Landscape, Streetscape and Open Space

- UDC asked about the paving material in the courtyard. Applicant responded the paving material could be brick or unit paver, they are still exploring the options. Once a person leaves the car, all the walking surfaces will be cast in concrete, so it will be all very accessible, it will also reduce bumpiness and ease of mobility is the focus.
- The UDC also asked why are there two outdoor seating spaces, next to each other? The applicant responded that the idea was to create some separation but not feel isolating. There will be secondary, tertiary spaces so everyone can find their places to mingle.



Ruthanne Fuller
Mayor

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

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

Barney Heath
Director

MEMORANDUM

To: Katie Whewell, Senior Planner

From: Amanda Berman, Director of Housing & Community Development
Eamon Bencivengo, Housing Development Planner

Date: May 11, 2022

Subject: Inclusionary Housing Review for 34 – 50 Crafts Street

cc: City Council Land Use Committee
Barney Heath, Planning Director

As a designated *Elder Housing with Services* housing development defined in *Section 5.11.11* of the City's Inclusionary Zoning Ordinance, Mark Development's Craft Street project is eligible to meet its Inclusionary Zoning obligation through the alternative method of a cash payment. *Section 5.11.11. I* permits projects requesting this form of alternate compliance to provide a payment to the City in lieu of providing inclusionary units on site.

The following table illustrated in this section of the Ordinance outlines the calculation for this payment:

Elder Housing with Services: Inclusionary Zoning Cash Payment Calculation	
A = average total development costs (TDC) per unit in Newton	FORMULA
B = average cost of providing long-term care for an elderly individual at 3-hours per day over a 10-year period	STEP 1: A + B = Total cost per bed
	STEP 2: C x 0.05 = # of inclusionary beds required (rounded to nearest 10th)
C = # of beds in proposed project	STEP 3: (A+B) x (C x 0.05 rounded) = Total Cash Payment

Based on current amounts of \$578,239.20¹ and \$358,612.50² for A and B as defined in the table respectively, Housing Division staff calculates the total cash payment from Mark Development for this 257 bed project to be \$12,085,386.93.

¹ Section 5.11.5.B: The cash payment standard (average TDC/unit in Newton) must be increased annually by the amount of the Consumer Price Index (CPI-U) and take effect on the anniversary date of the effective date of August 1, 2019.

² Section 5.11.11.I: The average long-term care cost is based on the Boston area average hourly rate of a home health aide providing three hours per day of care per year for ten years as determined by the annual Genworth Cost of Care Survey. The current hourly rate is \$32.75. See [Cost of Long Term Care by State | Cost of Care Report | Genworth](#)

With this payment being split equally between the City and the Newton Housing Authority, the Housing Division supports the infusion and timing of this payment as it aligns with the formation of the City's new Affordable Housing Trust (AHT). The allocation of this payment to the AHT will greatly serve to spur and support the development of affordable housing projects and units in the City.



City of Newton, Massachusetts Climate and Sustainability Team



Date: May 11, 2022

To: Councilor Richard Lipof, Land Use Committee Chair

CC: Stephen Buchbinder, Attorney; Crafts Development, LLC; SRG HoldCo Investments, LLC; Katie Whewell, Senior Planner

From: Ann Berwick, Co-Director of Climate and Sustainability; Bill Ferguson, Co-Director of Climate and Sustainability; Liora Silkes, Energy Coach

RE: 34-50 Crafts St, 19-21 Court St Special Permit Sustainability Review

The Climate and Sustainability Team has reviewed the materials submitted by the project team and found the plans for 34-50 Crafts St, 19-21 Court St to be in compliance with the Sustainability Requirements as set forth by Zoning Ordinance Chapter 5 Section 13.

By planning to build 34-50 Crafts St, 19-21 Court St to LEED Gold certifiable standards, this project is on track to meet the requirements of Section 5.13.4.A of the Newton Zoning Ordinance. By planning to designate 10% of the parking for electric vehicle charging stations and 10% EV charging ready, the project is on track to meet the requirements of Section 5.13.4.B of the Zoning Ordinance. We would encourage increasing the amount of charger-ready parking spots, as it is much easier to make the parking lot charger ready during construction than to add in charging later.

The City Climate and Sustainability Team is pleased to see this project is working to reduce energy demand and electrify, by conducting a Passive House feasibility study, using PH design principles in the project, as well as study all-electric options for the building including a commitment to ASHPs or VRFs for the residential spaces and all-electric ENERGY STAR appliances. We encourage the project team to consider the likely adoption of a BERDO (Building Emissions Reporting and Disclosure Ordinance) by Newton in 2023 that is modeled after the Boston BERDO when determining how to move forward once completing the feasibility studies. BERDO would require the large buildings such as this one to decrease their emissions to established standards at certain intervals between the passage of the ordinance and reaching net-zero at 2050. We urge the project team to consider the financial implications of creating a building closer to net-zero from initial construction as opposed to retrofitting at a later date.

We are also very glad the project is committing to making the building solar-ready. We encourage the site operator to install solar as early in the process as possible, to begin receiving the environmental and financial benefits of the installation as early as possible as well.

Finally, it is great to see mention of embodied carbon in the sustainability narrative. We encourage the project team to conduct a Life Cycle Analysis of the building materials, and to use low-carbon cement mixes for the concrete that must be used.



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

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 2, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Stephen J. Buchbinder, attorney
Crafts Development LLC
36 Crafts LLC
Crafts Street
Properties LLC Crafts
Development LLC
Paul and Tina Stevens
Salomeh Sadri
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request for a zone change from MAN and MR1 to BU4, and a special permit to construct elderly housing with services and for associated parking waivers

Applicant: Stephen Buchbinder	
Site: 34, 36, 38, 48, 50 Crafts Street, 19, 21 Court Street	SBL: 23016 0011, 23016 0010, 23016 0009, 23016 0008, 23016 0007, 23016 0012, 23016 0013
Zoning: MAN and MR1 (to be rezoned to BU4)	Lot Area: 115,818 square feet
Current use: Residential, office and parking	Proposed use: Elderly housing with services facility

BACKGROUND:

The subject site is comprised of seven lots with a total area of 115,818 square feet. Five of the lots are located in the Manufacturing district and the two Court Street lots are located in the Multi-Residence 1 district.

The applicant proposes to combine the seven lots and rezone the single parcel to Business 4. The intent is to raze the existing structures and construct a new elderly housing with services facility

containing 209 units in a seven-story building of approximately 224,000 square feet with underground garage parking and surface parking. The proposed project will provide a total of 144 parking stalls on site.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 2/7/2022
- Project Information, submitted 2/7/2022
- Existing Conditions Plan of Land, signed and stamped by George Holbright, surveyor, dated 1/31/2022
- Zoning Assessment Plan, signed and stamped Jeffery W. Koetteritz, engineer, dated 2/1/2022
- Floor Plans and Elevations, signed and stamped by John M. Martin, architect, dated 2/1/2022, revised 4/1/2022

ADMINISTRATIVE DETERMINATIONS:

1. The site is comprised of seven properties. The two Court Street properties are zoned MR1, while the remaining parcels are zoned Manufacturing. The applicant intends to combine all seven lots into one and requests to rezone the new parcel to BU4.

The administrative determinations and relief requested by this application assume that the entire site is zoned BU4.

2. The applicant proposes to construct an elderly housing with services facility. Per section 6.2.10, an elderly housing with services facility is defined as “elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.” Section 4.4.1 requires a special permit for elderly housing with services in the BU4 zoning district.
3. The applicant proposes to raze all the existing buildings and construct a seven-story building of approximately 224,000 square feet (excluding the underground parking facility). Section 4.1.2.B.1 requires a special permit for any development in a Business district of 20,000 square feet or more of new gross floor area.
4. Section 4.1.2.B.3 requires a special permit for four stories or more in the Business 4 zoning district. The applicant proposes to construct a seven-story structure, requiring a special permit.
5. Section 4.1.3 requires a special permit for a building greater than 36 feet in height up to a maximum of 96 feet. The applicant proposes a maximum height of 84 feet, requiring a special permit.
6. The facility will contain 209 living units; 129 Independent living units, 56 assisted living beds, and 28 memory care beds. Per Section 5.1.4.A, an elderly housing with services facility requires one parking stall per every two dwelling units, one per every four nursing beds, plus one stall per three employees.

Use	Requirement	Stalls Required
129 Independent Living units	1 stall/ 2 dwelling units	65 stalls
56 Assisted Living units	1 stall/ 4 beds	14 stalls
28 Memory Care units	1 stall/ 4 beds	7 stalls
48 employees	1 stall/ 3 employees	16 stalls
TOTAL REQUIRED		102 stalls

Per section 5.1.4.A a total of 102 parking stalls are required. The applicant proposes to construct 144 parking stalls on site, with 137 stalls located in the proposed underground garage and seven surface stalls, exceeding the requirement.

7. The petitioner proposes to construct seven parallel surface parking stalls along the drive at the entrance from Crafts Street. Section 5.1.8.A.1 requires that no parking be located within a front or side setback. The parking stalls are located within the 27.5-foot required side setback, requiring a special permit per section 5.1.13.
8. Per section 5.1.8.B.1 parking stall widths shall be at least 9 feet. The petitioners propose garage parking stalls measuring 8.5 feet wide, requiring a special permit per section 5.1.13.
9. Per section 5.1.8.B.2 parking stall depths shall be at least 19 feet for angle parking. The petitioners propose garage parking stalls measuring 18 feet in depth, requiring a special permit per section 5.1.13.
10. Per section 5.1.8.B.4 the minimum depth for angled accessible parking stalls is 19 feet and 24 feet for parallel stalls. The petitioner proposes 18-foot deep accessible stalls in the parking garage, requiring a special permit per section 5.1.13.
11. Section 5.1.8.C requires a 24-foot-wide drive aisle for two-way traffic. A section of the parking garage at the northern end of the building has a 22-foot-wide drive aisle, requiring a special permit per section 5.1.13. The remaining sections of the garage meet the aisle width of 24 feet.
12. Section 5.1.10 requires that outdoor parking facilities used at night be designed to maintain a minimum intensity of 1-foot candle on the entire surface of the parking facility. The petitioner seeks a special permit to waive this requirement per section 5.1.13.

BU4 Zone	Required	Proposed
Lot Size	35,000 square feet	115,818 square feet
Setbacks		
• Front (average)	5.2 feet	12 feet
• Side north	15 feet	32 feet
• Side south	27.5 feet	30 feet
• Rear	42 feet	42 feet
Lot Area Per Unit	400 square feet	898 square feet
Building Height	96 feet (by SP)	84 feet*
Max Number of Stories	8 (by SP)	7*
FAR	2.75	1.94

*Requires a special permit

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to rezone parcel to BU4	
§4.4.1 §6.2.10	To allow an Elder Housing with Services facility	S.P. per §7.3.3
§4.1.2.B.1	Development of 20,000+ square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3	To allow a building with seven stories	S.P. per §7.3.3
§4.1.3	To allow a building 84 feet in height	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the side setback	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	To reduce the required parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	To reduce the required parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	To reduce the required parking stall depth for accessible stalls	S.P. per §7.3.3
§5.1.8.C §5.1.13	To allow a reduced drive aisle width for two-way traffic	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3

City of Newton

Ruthanne Fuller
Mayor

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
 OFFICE OF THE CITY ENGINEER
 1000 Commonwealth Avenue
 Newton Centre, MA 02459-1449

DATE: May 9, 2022
TO: Land Use Committee
FROM: Louis M. Taverna, P.E., City Engineer
RE: **Crafts Street Elder Housing (34-50 Crafts St)**
Sewer Infiltration/Inflow Mitigation
Ordinance No. B-45

The City Engineer has calculated the sewer infiltration/inflow mitigation fee for this project. See calculations attached. The total mitigation fee, based on the proposed usage of low flow fixtures throughout the project, is \$1,338,955. This calculation includes the reduction of the proposed total flow of the proposed development by the estimated existing flow.

Calculation of sewer infiltration/inflow mitigation:

Proposed Sewer Flow:

Assisted Living, 84 beds x 90 gal/bed = 7560 gpd
 Elderly Housing, 44 2-bed units x 90 gal/2 bed = 3960 gpd
 Elderly Housing, 85 1-bed units x 65 gal/1 bed = 5525 gpd
 Total = 17,050 gpd gal/day

Existing Sewer Flow:

36 Crafts St Office, 5134 sf x 0.05 gpd/sf = 257 gpd
 38 Crafts St Office, 13,074 sf x 0.05 gpd/sf = 654 gpd
 19 Court St Residence, 4 bedrooms x 65 gpd/bedroom = 260 gpd
 21 Court St Residence, 2 bedrooms x 65 gpd/bedroom = 130 gpd
 Total existing flow = 1,300 gpd

Net flow = 15,745 gal/day x 4 x \$21.26 (updated 1/1/22) = \$1,338,955



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

#38-22
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: May 27, 2022

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: **#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers**
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

MEETING: June 1, 2022

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

Village Center Zoning Proposals

Over the past few months, Planning staff, Utile, and Landwise have analyzed potential zoning frameworks for village centers (focusing primarily on the commercial cores). The attached zoning framework represents a series of 12 main zoning proposals. These proposals are based upon the existing zoning, with adjustments to address desired building form, economic feasibility, and housing and climate goals. The attached packet identifies each proposal and includes a brief description, comparison to existing zoning, explanation of why it is being proposed and/or what undesirable outcomes it is intended to address, special permit threshold if applicable, and how the proposal aligns with the engagement takeaways from 2021 and City plans and policies.

Planning staff believe this proposal represents an improvement upon existing zoning without deviating radically from the existing zoning. These proposals align with what we heard during 2021's engagement effort and are well supported by over a decade of City plans and policies. Additionally, the provision of some level of by-right zoning in our village center districts is aligned with the thrust of the MBTA Communities law.

Planning staff look forward to discussing these proposals with the Committee and identifying any remaining questions or areas of concerns. Following the June ZAP meetings Planning staff will work with Utile and the Law department to develop detailed design standards, draft an ordinance, and start working on mapping the districts, while simultaneously engaging the community around these proposals.

Attachment A: Village Center Zoning Proposal Packet

1. Village Center Zoning Proposal: Reduce parking requirements in Village Centers

Comparison to existing zoning:

	Residential	Office	Ground floor commercial	Other Commercial
Existing	2 per unit	1 per 250 sf	Retail: 1 per 300 sf + 1 per 3 employees Restaurant: 1 per 3 seats + 1 per 3 employees	Retail: 1 per 300 sf + 1 per 3 employees Restaurant: 1 per 3 seats + 1 per 3 employees
Proposed	1 per unit	1 per 700 sf	Exempt	

What?

- Reduced parking requirements for residential and commercial uses in all village center zoning districts

Why?

- Utile/Landwise analysis found that parking minimums had significant negative impact on site design and overall financial feasibility
- City Council regularly waives existing zoning parking requirements for ground floor uses and residential units in Special Permits
- Lower parking minimums encourage less vehicle use
- Many existing buildings in village centers do not have parking and the need for a Special Permit to waive parking is a deterrent to small businesses with limited resources
- Limits restaurants’ ability to add seats or additional employees
- Village centers tend to be walkable, near transit, and have public parking
- Providing parking for each individual business in a village center contributes to congestion and detracts from vitality. Better to have visitors park once and visit multiple establishments on foot
- Aligns with MBTA multifamily zoning guidelines

Special Permit Thresholds

- Continue to allow parking waivers by Special Permit

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:

- o Overwhelmingly people want walkable, vibrant village centers
 - o Promote pollution and waste reduction through allowing residents to live low carbon lifestyles
 - o Encourage a mix of commercial uses in village centers
 - o Encourage development projects in villages and commercial corridors, especially those with transit
 - o Find ways to decrease, de-emphasize, combine, or repurpose parking
- Climate Action Plan (2019):
 - o Work with the City Council to explore reducing or eliminating the minimum parking requirement in the Zoning Ordinance and instead setting a maximum on parking allotments
 - o Work with the City Council to adopt Zoning Ordinances that encourage additional, appropriate low-carbon housing near public transportation
- Housing Strategy (2016):
 - o Green design includes both technological solutions for reducing energy and water usage and reducing the environmental impacts of a project as well as placing new development in locations that promote alternative forms of transportation and reduce the need to create housing on greenfield locations on the periphery of the region.
- Washington Street Vision Plan (2019):
 - o Newton should consider reducing or eliminating the parking minimum, while also considering a parking maximum
 - o New housing should be focused physically around transit stations, and programs should be put in place to ensure that new residents near transit service have every incentive not to drive.
- Economic Development Strategy (2019):
 - o Reduce or eliminate parking requirements for ground floor uses in village centers
 - o Encourage housing in villages and commercial corridors with mass transit to create “built in” customers for businesses who need less access to private automobiles.
- Newton Centre Task Force Report (2008):
 - o Clarify permit process and provide flexible options for property owners to meet building heights and tenant parking requirements
- Comprehensive Plan (2007):
 - o Clarify and ease by-right parking requirements to reflect special residential uses and access circumstances, for example location in transit-served village centers
 - o Move towards parking as a shared resource in village centers, allowing fees in lieu of on-site parking

2. Village Center Zoning Proposal: Increase floor-to-floor heights

Comparison to existing zoning:

	Residential	Office	Ground floor retail
Existing	12'	12'	12'
Proposed	11'	13'	18'

What?

- Set maximum by-right and special permit heights based on industry standards for residential and commercial uses
- Continue to regulate height by either maximum number of stories or overall height

Why?

- Current standards are too rigid
- Looking to appeal to commercial interests
- Aligns with industry standards
- Makes commercial development more viable

Special Permit Thresholds

- N/A

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement...
 - Encourage a mix of commercial uses (retail, office, etc.) in village centers
 - Encourage and support small, local, and independent business that contribute to the vibrancy of village centers
- Comprehensive Plan (2007):
 - We should revise zoning to actively support a mix of uses within a building
- Newton Centre Task Force Report (2008):
 - Clarify permit process and provide flexible options for property owners to meet building heights and tenant parking requirements
- Economic Development Strategy (2019):
 - Add office space by allowing appropriately scaled additional stories in the zoning redesign in targeted areas with demand for office space such as Riverside, Wells Avenue, Nonantum, and village centers
 - Redo zoning to make sure that market driven mixed-use developments are allowed in village centers and along commercial corridors.
- Washington Street Vision Plan (2019):
 - Tailor building design regulations to the expected range of uses in the building

3. Village Center Zoning Proposal: Set design requirements for half stories

Comparison to existing zoning:

	Residential	Commercial	Mixed Use
Existing	none	none	MU4: 1:1 stepback plane above 40'
Proposed	10' setback along perimeter of building or pitched roof with 14:12 max slope		

What?

- Require half stories to either be set back a minimum of 10 feet along the entire perimeter of the building or have a pitched roof with a maximum slope.

Why?

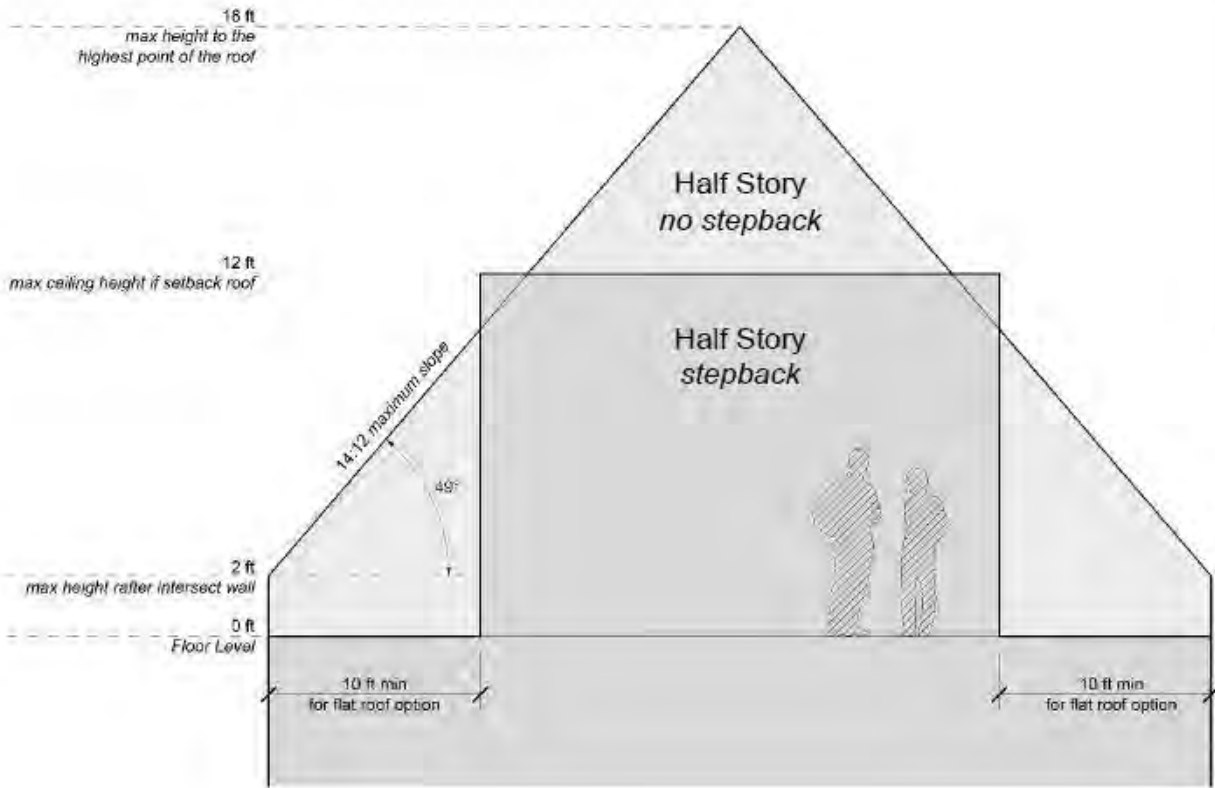
- Facilitates more varied, interesting rooflines
- Allows for useable space in the half story
- Reduces the bulk of the building and the appearance of height

Special Permit Threshold

- Allow Special Permit to deviate from half story requirements if design intent to mitigate bulk and vary roofline is met

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Seek high quality design that is responsive to context
- Washington Street Vision Plan (2019):
 - Ensure that building types are contextually appropriate
 - Encourage traditional New England roof diversity: allow the area under a roof to be habitable above and beyond the allowed number of stories
- Newton Centre Task Force Report (2008):
 - Encourage building designs that are compatible with each other and their surrounding environment



Above: Diagram to define half-story condition for a flat roof or pitched roof



Left: Example of a pitched roof half-story
Right: Example of a stepped back flat roof

4. Village Center Zoning Proposal: Eliminate lot area per unit minimums

Comparison to existing zoning:

	MU4*	BU Zones
Existing*	1,000 sf lot area/unit	1,200 sf lot area/unit
Proposed	none	none

*Existing MU4 lot area per unit may be waived by Special Permit.

What?

- Existing zoning sets a cap on the number of residential units that can be built on a site based on the total lot area. This proposal would remove that cap, allowing for more flexibility in unit size.

Why?

- Existing lot area per unit minimums lead to larger units and often acts as a cap long before other zoning rules come into effect
- Controlling building size through FAR, setbacks, building footprint, and height allows for flexibility when it comes to unit size and allows for smaller, less expensive units
- Allowing for more units to be built also increases the number of units in buildings accessible by elevators and the number of fully accessible units
- Allowing more units also increases the number of deed restricted affordable units

Special Permit Thresholds

- N/A

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Promote pollution and waste reduction through allowing residents to live low carbon lifestyles
 - Pursue diverse housing choices to meet changing housing needs of a diverse population
 - Create more affordable housing options overall, as well as specific projects for people with disabilities, seniors, and other vulnerable populations
 - Increasing accessibility across a broad spectrum is a key value, and we should work towards inclusivity through updates to current infrastructure and requirements in future development
- Washington Street Vision Plan:
 - Allow for smaller unit residences
- Climate Action Plan (2019):

- o Work with the City Council to adopt Zoning Ordinances that encourage additional, appropriate low-carbon housing near public transportation
- Housing Strategy (2016):
 - o Green design includes both technological solutions for reducing energy and water usage and reducing the environmental impacts of a project as well as placing new development in locations that promote alternative forms of transportation and reduce the need to create housing on greenfield locations on the periphery of the region.
- Economic Development Strategy (2019):
 - o Encourage housing in villages and commercial corridors with mass transit to create “built in” customers for businesses who need less access to private automobiles.
- Comprehensive Plan (2007):
 - o We should allow higher density for specific locations, such as village centers and commercial districts, and should explore allowing multifamily at some locations where otherwise not allowed.

5. Village Center Zoning Proposal: Remove minimum lot size

Comparison to existing zoning:

	MU4	BU1/BU2/BU3
Existing	10,000 sf	10,000 sf
Proposed	none	none

What?

- Existing zoning requires lots to be a minimum size in order to be developed. This proposal would remove that requirement for village centers, where lots tend to be smaller. The total size of buildings will still be tied to lot size through other dimensional controls.

Why?

- Current rules disincentivize smaller, infill development
- Minimum lot size requirements often lead to the consolidation of lots, resulting in larger buildings
- Many village center lots are less than 10,000 sf

Special Permit Thresholds

- N/A

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Pursue diverse housing choices to meet changing housing needs of a diverse population
 - Encourage development projects in villages and commercial corridors, especially those with transit
- Newton Centre Task Force Report (2008):
 - Encourage building designs that are compatible with each other and their surrounding environment
- Comprehensive Plan (2007):
 - We should allow higher density for specific locations, such as village centers and commercial districts, and should explore allowing multifamily at some locations where otherwise not allowed.

6. Village Center Zoning Proposal: Set a maximum building footprint

Comparison to existing zoning:

	MU4	BU3	BU2
Existing	none	none	none
Proposed	15,000 sf	10,000 sf	5,000 sf

What?

- Limiting the by-right footprint of buildings. If the other dimensional controls allow for a building with a larger footprint, it could be broken into multiple buildings on the lot.

Why?

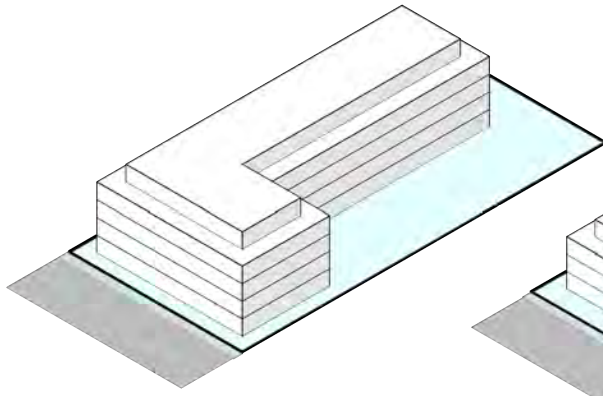
- Prohibits by-right larger buildings in village centers, a concern for many
- Promotes smaller, more contextual buildings

Special Permit Thresholds

- Allow for larger building footprints by Special Permit with a finding that the building has been designed to reduce the bulk of the building and to appear as multiple buildings

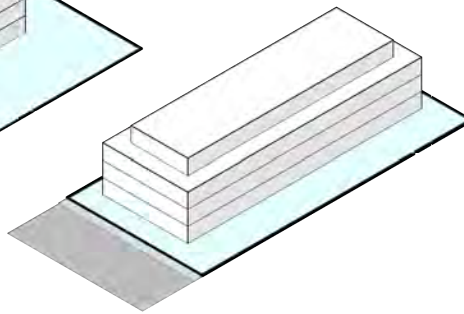
How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Pursue diverse housing choices to meet changing housing needs of a diverse population
 - Seek high-quality design that is responsive to context
 - Balance housing needs with the need for open/public space
- Washington Street Vision Plan (2019):
 - Ensure that building types are contextually appropriate
 - The Zoning Ordinance can play a role in ensuring developments that span a large area create opportunities for pedestrian and vehicular interconnections
- Newton Centre Task Force Report (2008):
 - Encourage building designs that are compatible with each other and their surrounding environment



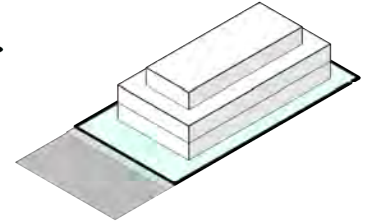
MU4 (Left):

Max footprint = 15,000 sf



BU3 (Center):

Max footprint = 10,000 sf



BU2 (Right):

Max footprint = 5,000 sf



1149 - 1151 Walnut Street

Building footprint = 11,000 sf



28 Austin Street

Building footprint = 26,380 sf (would require Special Permit)



432 Cherry Street

Building footprints = 1,700 sf and 1,932 sf

7. Village Center Zoning Proposal: Replace 20,000 sf of floor area Special Permit with Special Permit for development on parcels greater than 3/4 acre

Comparison to existing zoning:

	Special Permit Threshold
Existing	New construction or substantial renovation resulting in at least 20,000 sf of gross floor area
Proposed	New development on parcels greater than 3/4 of an acre (32,670 sq ft)

What?

- Existing zoning requires a special permit for any project creating more than 20,000 square feet of gross floor area. This proposal would remove that threshold and instead require a special permit for new development on parcels greater than ¾ of an acre.

Why?

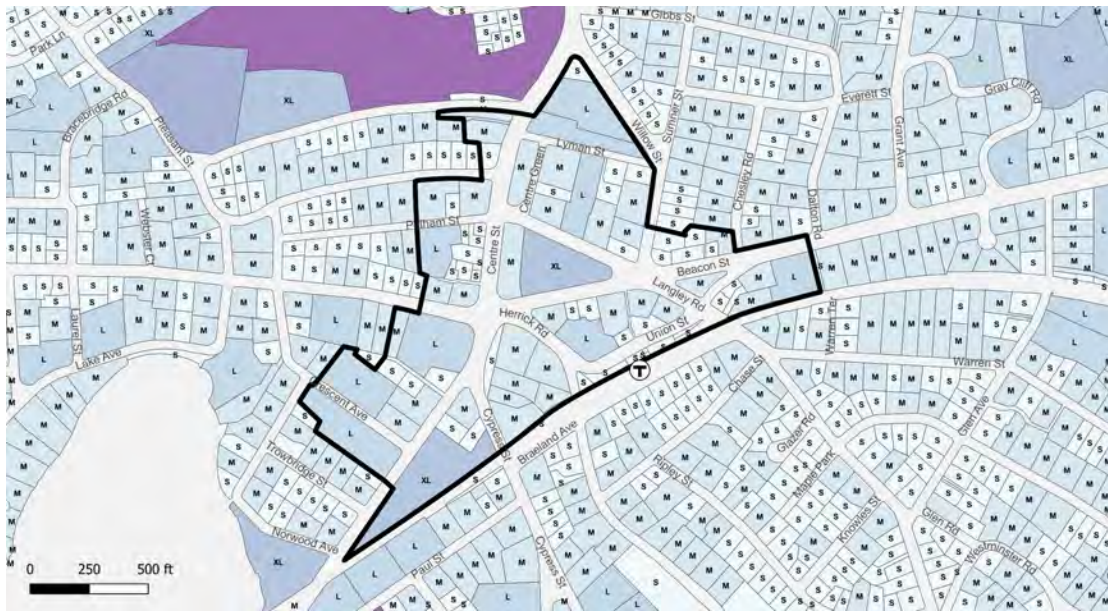
- Land area threshold is a better standard for encouraging more compact development
- Encourages contextual infill development
- Increases the number of potential by-right developments
- Aligns with MBTA Communities guidelines

Special Permit Thresholds

- 3/4 of an acre

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Tier the Special Permit process based on the project size
 - Multifamily buildings should be easy to build near transit
 - We need multi-unit housing in and near the village centers. Preferably by-right.
- Comprehensive Plan (2007):
 - Increase the proportion of residential development applications that can be approved by right rather than through special permit, variance, or comprehensive permit, utilizing clear objective standards and administrative review processes that can obviate the necessity of case-by-case review by the Aldermen (City Council).
- Economic Development Strategy (2019):
 - Zoning redesign focus on reducing the need for special use permits to make development more predictable and easier in places where it is appropriate
- Transportation Strategy (2017):
 - Improve development review process



Map of parcels coded by size in Newton Centre



Map of parcels coded by size in Newton Highlands

Parcel Size Key (in square feet):

- S 0 - 10000
- M 10000 - 30000
- L 30000 - 70000
- XL 70000 - 130000
- 130000 - 220000
- 560000 - 870000

8. Village Center Zoning Proposal: Require Site Plan Review with Design Review for certain by-right projects

Comparison to existing zoning:

	Site Plan Review
Existing	Site Plan Approval is required by the City Council for projects between 10,000 sf and 19,999 sf. Design review is encouraged but not required
Proposed	Require projects above a certain threshold undergo Site Plan Review by the Planning Board with Design Review by the Urban Design Commission

What?

- This proposal would create a new Site Plan Review process that would go to the Planning Board for review and would incorporate design review by the Urban Design Commission for certain projects. The proposed design standards would be incorporated into the review. Site Plan Review can be used to review design and to impose conditions related to site layout, pedestrian safety, internal circulation, and other public safety considerations.

Why?

- Provides more predictability for smaller projects
- Larger projects would still require a Special Permit from the City Council
- Allows City Council to focus on the larger, more complex projects
- Aligns with MBTA Communities requirements

Special Permit Thresholds

- N/A

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Tier the Special Permit process based on the project size
 - People want more communal spaces, both indoors and outdoors
 - Keep and expand outdoor dining
 - Use zoning to encourage or require public art and creative uses in public and private new development
 - Balance housing needs with the need for open space

- o Seek high-quality design that is responsive to context
 - o Develop village center design guidelines
- Washington Street Vision Plan:
 - o Expand advisory design review and what comes under Urban Design Commission
- Comprehensive Plan (2007):
 - o Increase the proportion of residential development applications that can be approved by right rather than through special permit, variance, or comprehensive permit, utilizing clear objective standards and administrative review processes that can obviate the necessity of case-by-case review by the Aldermen (City Council).
- Transportation Strategy (2017):
 - o Improve development review process
- Housing Strategy (2016):
 - o Maintain a process that is predictable and efficient: position the City to be more predictable in reviewing projects that meet local need and vision
- Economic Development Strategy (2019):
 - o Zoning redesign focus on reducing the need for special use permits to make development more predictable and easier in places where it is appropriate

9. Zoning Proposal: Incorporate design standards

Comparison to existing zoning:

	Design Standards
Existing	Limited examples of design standards in existing zoning. MU4 has zoning requirements for transparency and entrances for commercial uses and for open space on parcels greater than one acre
Proposed	Create design standards that would apply at various development thresholds

What?

- Staff and Utile will create a set of design standards to complement the village center zoning. Design standards must be quantifiable and are enforced through zoning. For example, design standards could include the following:
 - Require minimum frontage buildout
 - Locate parking behind or below buildings
 - Require minimum transparency for ground floor commercial uses
 - Provide options for ‘frontage zone’ within front setback, such as patios, landscaping, seating areas, outdoor dining
 - Require public open space
 - Require front entries along primary street for residential and commercial uses
 - Require public art on projects over a certain threshold
 - Require a minimum sustainability standard that considers a property’s entire environmental impact
 - Require Universal Design in new construction

Why?

- Ensures quality design for by-right projects and a better baseline design for Special Permit projects

Special Permit Thresholds

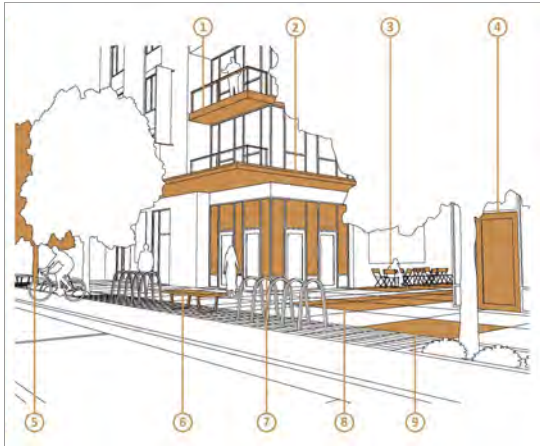
- Consider ability to seek alternative compliance by Special Permit

How does this align with engagement takeaways and City plans and policies?

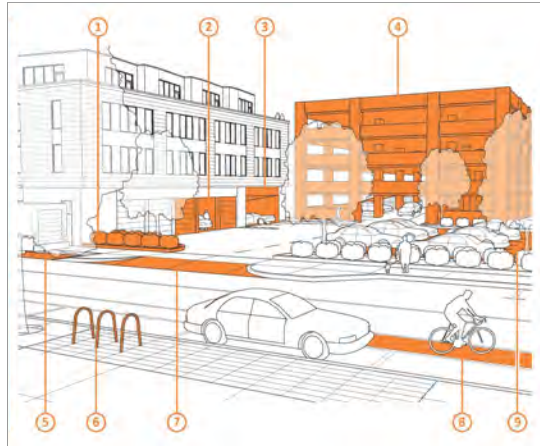
- Takeaways from 2021 engagement:
 - People want more communal spaces, both indoors and outdoors

- Keep and expand outdoor dining
- Use zoning to encourage or require public art and creative uses in public and private new development
- Balance housing needs with the need for open space
- Seek high-quality design that is responsive to context
- Develop village center design guidelines
- Incorporate Universal Design into spaces and amenities through updates to current infrastructure and requirements of new development
- Washington Street Vision Plan (2019):
 - Ensure that building types are contextually appropriate
 - Zoning rules can be used to mandate that new development in these village centers extend the traditional pattern of narrow storefronts with large windows while providing flexibility for larger tenants to use space toward the back of a property or to use multiple storefronts.
 - The zoning ordinance should require mid-large-scale projects to include new neighborhood plazas and seating
- Comprehensive Plan (2007):
 - Increase the proportion of residential development applications that can be approved by right rather than through special permit, variance, or comprehensive permit, utilizing clear objective standards and administrative review processes that can obviate the necessity of case-by-case review by the Aldermen (City Council).
- Washington Street Vision Plan (2019):
 - Parking should be behind buildings, screened from the sidewalk, or ideally below ground
- Arts and Culture Plan (2019):
 - Incorporate art into new projects such as space for artists to live or walk, commissioning of pieces, and more community art experiences
- Newton Centre Task Force Report (2008):
 - Encourage building designs that are compatible with each other and their surrounding environment

Examples from Watertown Design Guidelines by Gamble Associates, 2015:



Left: *Public Realm Interface*



Right: *Parking and Access*



Left: *Sustainable Design*



Right: *Building Massing*



Left: *Building Setbacks*



Right: *Facade Treatment*

10. Zoning Proposal: Revise MU4 dimensional standards

Comparison to existing zoning:

	FAR	Height	Building Footprint
Existing (by-right)	1.5	3 stories	N/A
Proposed (by-right)	2.5	4.5 stories	15,000 sf

What?

- This proposal creates a modified version of the existing MU4 zoning district. This district would be the most intense of the village center districts and would be used predominantly in the larger village centers and in conjunction with the other proposed village center districts. Draft mapping of districts will occur over the next several months.

Why?

- Provides a viable by-right path to achieve village center housing and economic development goals, consistent with multiple City adopted plans and MBTA Communities requirements.
- Built in site plan review and design standards ensure quality outcomes
- Allowing for more units to be built also increases the number of units in buildings accessible by elevators and the number of fully accessible units
- Allowing more units also increases the number of deed-restricted affordable units

Special Permit Thresholds

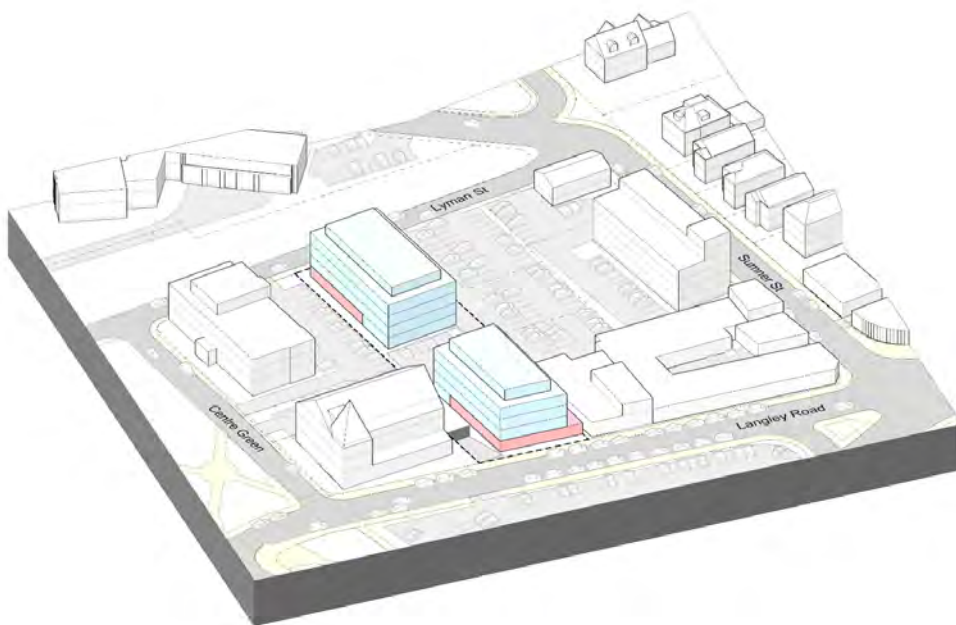
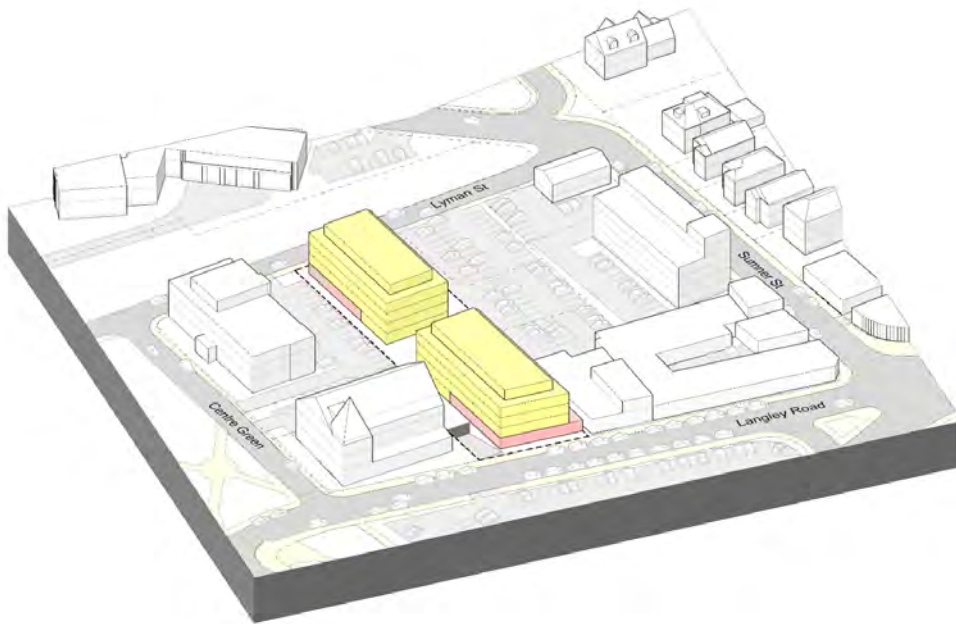
- Allow up to 5.5 stories by Special Permit. Additional analysis needed to determine an upper limit of FAR.

How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Encourage development projects in villages and commercial corridors, especially those with transit
 - Pursue diverse housing choices to meet changing housing needs of a diverse population
 - Encourage a mix of commercial uses (retail, office, etc.) in village centers
- Climate Action Plan (2019):
 - Work with the City Council to adopt Zoning Ordinances that encourage additional, appropriate low-carbon housing near public transportation

- Housing Strategy (2016):
 - Green design includes both technological solutions for reducing energy and water usage and reducing the environmental impacts of a project as well as placing new development in locations that promote alternative forms of transportation and reduce the need to create housing on greenfield locations on the periphery of the region.
- Economic Development Strategy (2019):
 - Encourage housing in villages and commercial corridors with mass transit to create “built in” customers for businesses who need less access to private automobiles.
 - Redo zoning to make sure that market driven mixed-use developments are allowed in village centers and along commercial corridors.
- Newton Centre Task Force Report (2008):
 - Establish zoning overlay for village center: provide a plan tailored specifically to the needs of the village center, allowing for mixed-use development and the use of district improvement financing, and removes some of the barriers posed by special permits
- Comprehensive Plan (2007):
 - Assure that lot area per unit, FAR, yards, maximum height, and building coverage rules work together reasonably, which again is clearly not the case in the Mixed Use districts
 - Encourage mixed use in the village centers by promoting housing above retail. Increasing density allowing mixed-use development in the village centers would increase the population within walking distance and as a result would likely expand the available range of goods and services offered there. It would also increase the stock of affordable housing located close to employment centers and public transportation.

Examples of potential massing under the revised MU4 zoning:



Top: Residential building with ground floor retail and subgrade parking

Bottom: Commercial building with ground floor retail and subgrade parking

11. Village Center Zoning Proposal: Revise BU3 dimensional standards

Comparison to existing zoning:

	FAR	Height	Building Footprint
Existing (by-right)	1.5	3 stories	N/A
Proposed (by-right)	2.0	3.5 stories	10,000 sf

What?

- This proposal creates a modified version of the existing BU3 zoning district. This district would be in the middle in terms of the intensity of the three proposed village center zones. Draft mapping of districts will occur over the next several months.

Why?

- Minor changes to BU3 to encourage increased by-right housing and economic development opportunity, consistent with City plans and MBTA communities requirements.
- Allowing for more units to be built also increases the number of units in buildings accessible by elevators and the number of fully accessible units
- Allowing more units also increases the number of deed-restricted affordable units

Special Permit Thresholds

- Allow up to 4.5 stories Special Permit. Additional analysis needed to determine an upper limit of FAR.

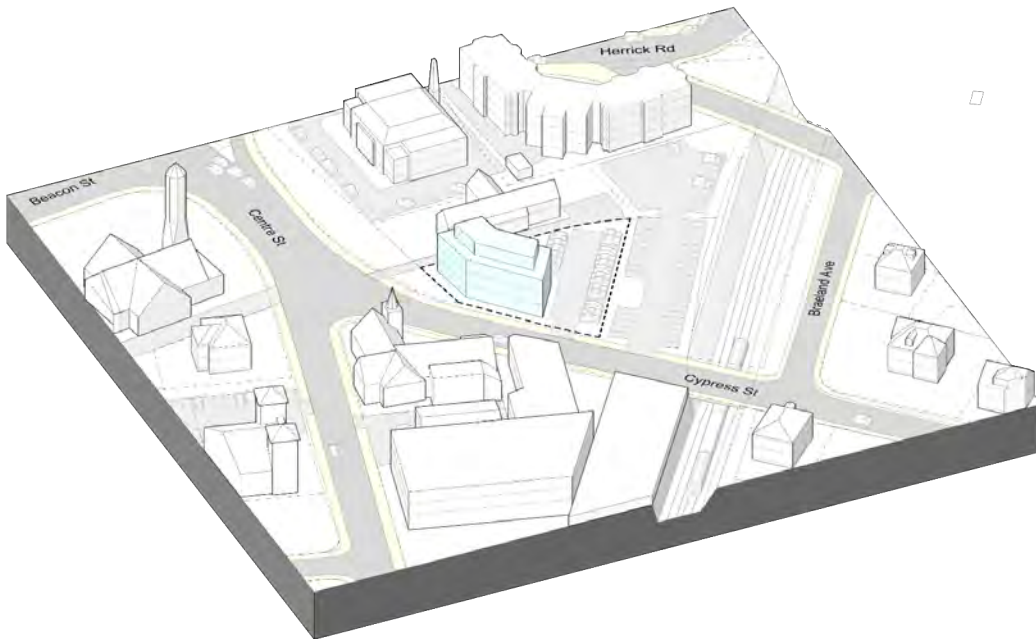
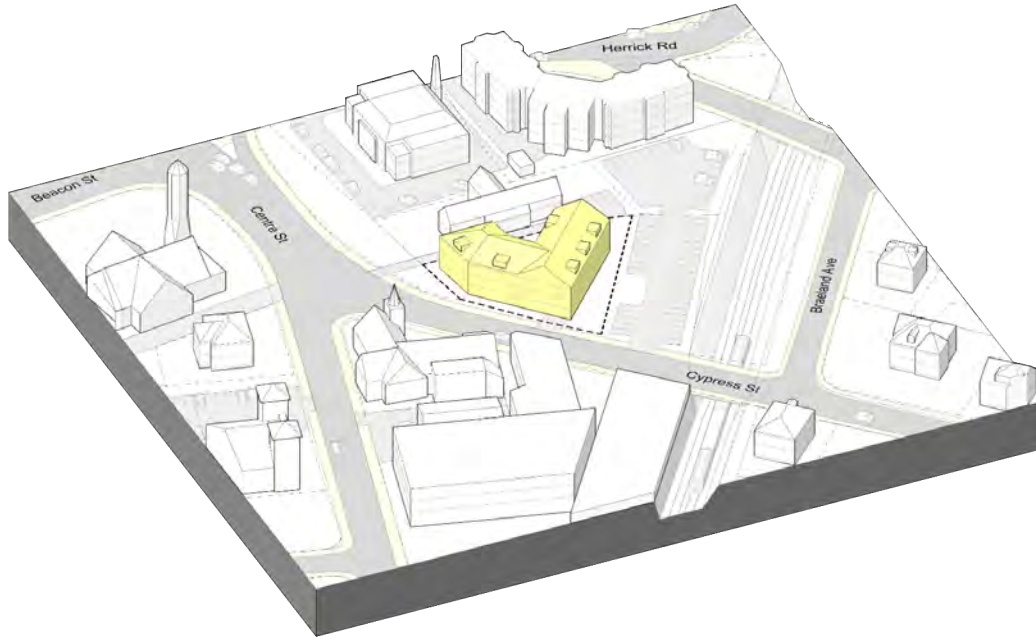
How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Encourage development projects in villages and commercial corridors, especially those with transit
 - Pursue diverse housing choices to meet changing housing needs of a diverse population
 - Encourage a mix of commercial uses (retail, office, etc.) in village centers
- Climate Action Plan (2019):
 - Work with the City Council to adopt Zoning Ordinances that encourage additional, appropriate low-carbon housing near public transportation
- Housing Strategy (2016):
 - Green design includes both technological solutions for reducing energy and water usage and reducing the environmental impacts of a project as well as placing new development in locations that promote alternative forms of

transportation and reduce the need to create housing on greenfield locations on the periphery of the region.

- Economic Development Strategy (2019):
 - Encourage housing in villages and commercial corridors with mass transit to create “built in” customers for businesses who need less access to private automobiles.
 - Redo zoning to make sure that market driven mixed-use developments are allowed in village centers and along commercial corridors.
- Newton Centre Task Force Report (2008):
 - Establish zoning overlay for village center: provide a plan tailored specifically to the needs of the village center, allowing for mixed-use development and the use of district improvement financing, and removes some of the barriers posed by special permits
- Comprehensive Plan (2007):
 - Assure that lot area per unit, FAR, yards, maximum height, and building coverage rules work together reasonably, which again is clearly not the case in the Mixed Use districts

Examples of potential massing under the revised BU3 zoning:



Top: Residential building with subgrade parking
Bottom: Commercial building with surface parking

12. Village Center Zoning Proposal: Revise BU2 dimensional standards

Comparison to existing zoning:

	FAR	Height	Building Footprint
Existing (by-right)	1.0	2 stories	N/A
Proposed (by-right)	1.75	2.5 stories	5,000 sf

What?

- This proposal creates a modified version of the existing BU2 zoning district. This district would be the least intense of the village center districts and would be used predominantly in the smaller village centers and where a gentle transition to adjacent neighborhoods is desired in conjunction with the other proposed village center districts. Draft mapping of districts will occur over the next several months.

Why?

- Minor changes to BU2 to encourage housing and economic development, consistent with City plans and MBTA communities requirements
- Allowing for more units to be built also increases the number of units in buildings accessible by elevators and the number of fully accessible units
- Allowing more units also increases the number of deed restricted affordable units

Special Permit Thresholds

- Allow up to 3.5 stories by Special Permit. Additional analysis needed to determine an upper limit of FAR.

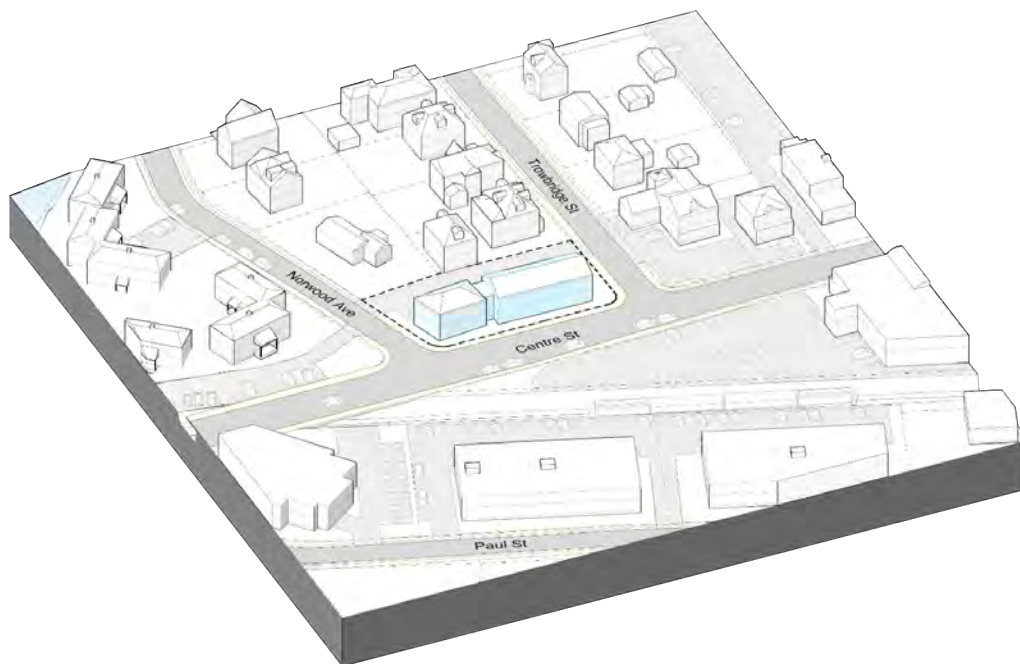
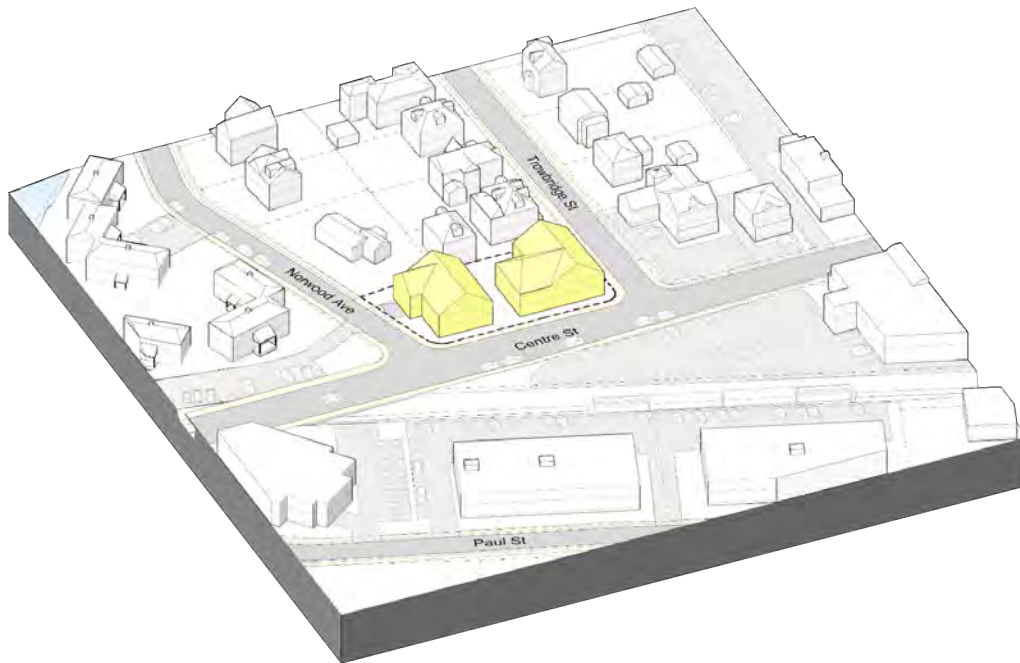
How does this align with engagement takeaways and City plans and policies?

- Takeaways from 2021 engagement:
 - Encourage development projects in villages and commercial corridors, especially those with transit
 - Pursue diverse housing choices to meet changing housing needs of a diverse population
 - Encourage a mix of commercial uses (retail, office, etc.) in village centers
- Climate Action Plan (2019):
 - Work with the City Council to adopt Zoning Ordinances that encourage additional, appropriate low-carbon housing near public transportation
- Housing Strategy (2016):
 - Green design includes both technological solutions for reducing energy and water usage and reducing the environmental impacts of a project as well as

placing new development in locations that promote alternative forms of transportation and reduce the need to create housing on greenfield locations on the periphery of the region.

- Economic Development Strategy (2019):
 - Encourage housing in villages and commercial corridors with mass transit to create “built in” customers for businesses who need less access to private automobiles.
 - Redo zoning to make sure that market driven mixed-use developments are allowed in village centers and along commercial corridors.
- Newton Centre Task Force Report (2008):
 - Establish zoning overlay for village center: provide a plan tailored specifically to the needs of the village center, allowing for mixed-use development and the use of district improvement financing, and removes some of the barriers posed by special permits
- Comprehensive Plan (2007):
 - Assure that lot area per unit, FAR, yards, maximum height, and building coverage rules work together reasonably, which again is clearly not the case in the Mixed Use districts

Examples of potential massing under the revised BU2 zoning:



Top: Residential building with subgrade parking
Bottom: Commercial building with surface parking



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

Peter Doeringer, Chair
Kelley Brown, Member
Jennifer Molinsky, Member
Kevin McCormick, Member
Sudha Maheshwari, Member
Chris Steele, Member
Barney Heath, Planning
Director *ex officio*
Lee Breckenridge, Alternate

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

PLANNING & DEVELOPMENT BOARD JOINT MEETING WITH CITY COUNCIL ZONING AND PLANNING COMMITTEE MINUTES

April 25, 2022

Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Jennifer Molinsky, Member
Kevin McCormick, Member
Lee Breckenridge, Alternate
Barney Heath, *ex officio*

ZAP Members Present: Present: Councilors Crossley (Chair), Danberg, Ryan, Krintzman, Leary Albright, Wright, and Baker

Also Present: Councilors Lipof, Greenberg, Bowman, Laredo, Downs, and Malakie

City Staff: Jen Caira, Deputy Director of Planning & Development; Barney Heath, Director of Planning & Development; Andrew Lee, Assistant City Solicitor; Nevena Pilipovic-Wengler, Community Planning/Engagement Specialist; Cat Kemmett, Planning Associate; Nathan Giacalone, Committee Clerk

Meeting held virtually by Zoom Meeting

1. Joint public hearing on docket item #127-22, Request for amendment to the Zoning Code to regulate "last mile" delivery services

The Planning and Development Board joined the City Council Zoning and Planning Committee for this item. For detailed notes on the proceedings and discussion at this meeting, please see the attached Zoning and Planning Committee Report.

Following a presentation by Deputy Director of Planning Jen Caira, the public hearing was opened. For further detail on the testimony and discussion that followed, see the attached Zoning and Planning Committee Report.

Leaving the public hearing open, the ZAP committee voted to table item #127-22 at approximately 8:15pm to take up time sensitive items.

Councilor Albright made a motion to approve the proposed new ordinance, except to exclude microfulfillment centers from operating in BU1 and BU2 zones, and to require a special permit for locations in BU4 zones. The motion carried 5-0-2 with Councilors Crossley and Krintzman abstaining and Councilor Leary not voting.

City of Newton Planning and Development Board

Mr. McCormick made a motion for the P&D Board to close its public hearing which carried 4-0 With Mr. Brown and Ms. Molinsky not voting. Ms. Breckenridge made a motion for the P&D Board to postpone its vote on the item to another date before the start of its May 2nd meeting to allow for further discussion which carried 4-0 with Mr. Brown and Ms. Molinsky not voting.

The meeting was then adjourned.



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Monday, April 25, 2022

Present: Councilors Crossley (Chair), Danberg, Ryan, Krintzman, Leary Albright, Wright, and Baker

Also Present: Councilors Lipof, Greenberg, Bowman, Laredo, Downs, and Malakie

Planning & Development Board: Peter Doeringer (Chair), Kevin McCormick, Jennifer Molinsky, Kelley Brown, Lee Breckenridge (Alternate)

City Staff: Jen Caira, Deputy Director of Planning & Development; Barney Heath, Director of Planning & Development; Andrew Lee, Assistant City Solicitor; Nevena Pilipovic-Wengler, Community Planning/Engagement Specialist; Cat Kemmett, Planning Associate; Nathan Giacalone, Committee Clerk

#127-22 Request for amendment “last mile” delivery services

COUNCILORS LAREDO, DOWNS, CROSSLEY, RYAN, KALIS, DANBERG, KRINTZMAN ALBRIGHT, MARKIEWICZ AND WRIGHT requesting amendments to the Newton Zoning Ordinance, Chapter 30, including, but not limited to, the addition of a definition for Microfulfillment Center, and amendments to Section 4.1.1 Allowed Uses, Section 5.1.4 Number of Stalls, Section 5.1.12 Off-Street Loading Requirements, and Section 6.4 Commercial Uses to regulate the use of land, structures and buildings for the siting and operation of a facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers, by allowing such uses in the Business Use 4, Mixed Use 1, Mixed Use 2, Manufacturing, and Limited Manufacturing Districts by right and subject to listed standards, and to prohibit such uses in the Business Use 1 and Business Use 2 Districts, or allow the uses in the Business Use 1 and Business Use 2 Districts either by right and subject to listed standards, or only upon the granting of a special permit.

Action: **Zoning & Planning Approved 5-0-2 (Councilors Crossley & Krintzman abstaining; Councilor Leary not voting); Public Hearing Closed 04/25/22**

Note: The Committee was joined for discussion on this item by Deputy Director of Planning Jen Caira, and members of the Economic Development Commission (EDC) Chuck Tanowitz and Sarah Rahman.

The Chair opened the meeting saying there will be a brief presentation in the item ahead of the scheduled public hearing.

Ms. Caira presented (attached), defining microfulfillment centers (also referred to as “last mile delivery) as storefronts not usually open to the public that deliver products within a relatively short radius. At its last meeting, the Committee did not come to a decision about how to regulate microfulfillment centers in village centers, or whether allowing them at all, but agreed to send multiple options forward to public hearing. Ms. Caira then described how the staff proposal is the result of working with the Advisory Group comprising members of the EDC and Chamber of Commerce, other City departments, and interviewing GoPuff, the only microfulfillment center currently operating in Newton. The draft zoning proposal proposes to allow microfulfillment centers by-right in BU1 and BU2 (village centers), BU4, MU1, MU2, M, and LM districts, subject to specific dimensional, loading and delivery vehicle parking standards. Alternatively, the Committee may decide that to locate in BU1 and BU2 (village centers) should also require a special permit, or, not that microfulfillment centers not be allowed in village center districts at all. Controlling standards include providing a minimum of two off-street parking spaces for delivery vehicles for the first 2,500 square feet of space and additional parking space for every 2,500 square feet after that. To be allowed at street level, microfulfillment centers must be at least 16 feet set back from the street-facing building façade or any point of the building must be located at least 30 feet back from a street.

Ms. Caira stated that the Planning Department’s recommendation is to approve the proposed zoning including allowing microfulfillment centers in village centers BU1 and BU2 districts, subject to those standards. She explained that this is because Planning believes that it will be difficult to find many opportunities for this use in village centers where the proposed criteria can be met, and that village center zoning is planned to be revisited.

Committee Discussion, Questions, and Comments:

Many councilors thanked the Planning Department for its thorough and careful work on this proposed zoning.

A councilor commented that he is comfortable with allowing these centers in the M, MU1, MU2, BU3, and BU4 subject to the listed standards. For village centers, he stated that if allowed at all it should be by a special permit as it is easier to lessen this restriction in the future.

The chair opened the public hearing and asked how many folks wished to speak. Only one hand went up.

EDC member Chuck Tanowitz, a member of the Advisory Group, stated that the EDC was split on whether to allow these centers in village centers, but could not vote at its recent meeting not having a quorum. Mr. Tanowitz felt that microfulfillment centers are an evolving use that will require continued observation. He said there was EDC consensus to not require a special permit, because there should be predictability and clear criteria if these are to be allowed. That said, he expressed concern on potential traffic impacts in village centers, and escalation of rents. Later, Mr. Tanowitz added that the truck and delivery issues go far beyond the question of

microfulfillment centers. He noted that some locations, such as Whole Foods, already serve as *de facto* microfulfillment centers through the similar services Amazon provides.

Overall councilors were cautious about allowing microfulfillment centers to locate within village centers, despite the controlling standards. However, some felt that as a temporary measure, allowing them by special permit would be acceptable, but meeting the same criteria as a threshold. A few felt that locating in village centers by-right according to the proposed criteria would be a good idea, citing that villages have numerous vacancies and the proposed criteria would not allow this use to interfere with the streetscape. Some also felt that based on the limited real estate opportunity in village centers which could possibly meet the dimensional criteria, not very many of these businesses could locate there. Councilors who oppose village center locations under any circumstances, cited concerns of increased traffic, increased rents, conflicts with pedestrian activity, and a general uncertainty about long-term impact. Since microfulfillment centers could presumably deliver across Newton, some worried they will likely not solely rely on bicycles or scooters. On the other hand, some councilors noted that if these are not allowed in village centers (BU1, BU2), there may be more pressure on manufacturing districts, many of which are located in close proximity to neighborhoods. Councilors agreed that loading should be kept off public streets.

Mr. Doeringer, Chair of the Planning & Development (P&D) Board, stated that while P&D members initially thought controlled village center locations would be beneficial, with continued deliberation P&D members have increasing concerns and are now leaning towards not allowing them in BU1 or BU2 zones.

Mr. Kelley Brown of the P&D Board felt that microfulfillment centers are not an appropriate use for village centers and that Newton does not have sufficient density to realize the benefits that these businesses can bring. He noted that this can all be revisited in the future (as we proceed with village center zoning amendments). Mr. Brown asked if a special permit must rely on the general criteria only or would the ordinance criteria still apply as well?

Ms. Cairra answered that there is no mechanism proposed that would allow Council to waive the design standards by special permit.

Q: Can you explain again the setback requirements of 16 and 30 feet?

A: Ms. Cairra: If located in an existing building, the microfulfillment center must be set back at least 16 feet from the front street-facing façade of the building, but that a stand-alone building must be at least 30 feet set back from the street. As long as a different use is allowed in front on the street the microfulfillment center can be 16 feet back. This ensures that these businesses are properly set back from the street so as not to impede an active streetscape. She added that many small retailers look for the shallow spaces and do not keep much stock on site.

Q: Why would we not have a loading/unloading zone for any sized fulfillment center rather than required parking stalls for any sized fulfillment center?

A: Ms. Cairra: the parking stalls are required for delivery vehicles which come and go more frequently. A loading bay is required for spaces 5,000 feet or more, is intended for large deliveries to the microfulfillment site, not deliveries to customers. While there could be a loading

zone on the street, this is subject to a Traffic Council decision and Planning does not want to encourage this.

Q: Will below and above grade locations still be allowed as is in the previous draft?

A: Ms. Caira: Yes, such locations would be permitted in the proposed text and not subject to the setbacks or design requirements.

Q: Would marijuana delivery fall under these regulations?

A: Ms. Caira: No, marijuana dispensaries and deliveries are defined and regulated under separate ordinance.

Q: Are commercial vehicles allowed to use city lots and parking spaces?

A: Ms. Caira answered that she would have to look into this further, but that delivery parking must be handled on site in the requirements proposed for a microfulfillment center, and public parking may not be counted toward meeting this requirement. Most businesses will likely seek the onsite parking for convenience.

Q: How much parking is required for employees?

A: Ms. Caira responded that the general requirements are one stall per every 1000 square feet and per every four employees. These stores tend to have a fairly low number of employees.

It was stated that BU4 may be included in the special permit category as it includes The Street, the only property that might be affected. Since there are multiple street-fronts, it needs to be clarified what a microfulfillment center would be 30 feet back from. It also needs to be clarified whether a microfulfillment center would be able to go in by-right (as was recently approved with a veterinary facility) or if the existing special permit would need to be amended.

Councilor Albright made a motion to approve the ordinance as drafted, with two exceptions: to remove zones BU1, and BU2 from the use table, which will not allow microfulfillment centers in village centers, and to require a special permit for microfulfillment centers to locate in a BU4 zone.

Leaving the public hearing open, the committee voted to table item #127-22 at approximately 8:15pm to take up time sensitive items:

Two new appointments to Boards and Commissions, and the further analyses of village center districts with Planning consultant Utile. (items #196-22, #232-22, and #38-22). (See reports following)

At about 10:30pm, the Committee voted to take this item off the table and resume discussion on #127-22.

President Albright's motion to approve the proposed ordinance but exclude microfulfillment centers from operating in BU1 and BU2 zones and require a special permit for locations in BU4 zones was on the table.

No members of the public chose to comment on this item. Councilor Krintzman made a motion to close the public hearing which carried 7-0 (Councilor Leary not voting)

The Committee discussed the motion; all agreed that action should be taken swiftly in order to regulate this new use while village center rezoning is under consideration.

Councilors asked to list existing BU4 zones and whether they are all created by special permit, so it would require an amendment to the special permit in any case. Ms. Caira answered that most BU4 sites operate under one or more special permits and individual council orders would have to be reviewed to determine whether this use would be allowed without amending the special permit. She added that in any case the setback standards for microfulfillment centers must be met as well.

Councilor Albright's motion to approve the proposed new ordinance, except to exclude microfulfillment centers from operating in BU1 and BU2 zones, and to require a special permit for locations in BU4 zones, carried 5-0-2 (Councilors Crossley and Krintzman abstaining; Councilor Leary not voting).

Mr. McCormick made a motion for the P&D Board to close its public hearing which carried 4-0 (Mr. Brown and Ms. Molinsky not voting). Ms. Breckenridge made a motion for the P&D Board to postpone its vote on the item to another date before the start of its May 2nd meeting to allow for further discussion which carried 4-0 (Mr. Brown and Ms. Molinsky not voting).

#196-22 Appointment of Laxmi Rao to the Planning and Development Board

HER HONOR THE MAYOR appointing Laxmi Rao, 124 Walnut Hill Road, Newton as an Alternate member of the Planning and Development Board for a term to expire on April 19, 2026. (60 days: 05/20/22)

Action: **Zoning & Planning Approved 8-0**

Note: Ms. Rao introduced herself and described her interest in joining the P&D Board. Ms. Rao stated that she and her family have lived in Newton for 40 years. Now that she is recently retired, she is ready to give her time and contribute her expertise. She also stated that she believes proactive planning is vital in order to bring together the many aspects that shape the built environment. Ms. Rao stated that she has attended multiple Committee meetings and has been greatly impressed with the work.

Councilors thanked Ms. Rao for her willingness to serve.

Councilor Danberg made a motion to approve which carried 8-0.

#232-22 Appointment of Zach Knowlton to the Economic Development Commission
HER HONOR THE MAYOR appointing Zach Knowlton, 61 Walker Street #1, Newtonville as a member of the Economic Development Commission for a term of office to expire on October 30, 2023. (60 days: 06/03/22)

Action: **Zoning & Planning Approved 8-0**

Note: Mr. Knowlton introduced himself and described his interest in joining the EDC. Mr. Knowlton stated that he moved to Newtonville about two months ago and that he wants to learn about and get involve in the community, particularly by way of his area of expertise. Having served on the EDC in the town of Medway, Mr. Knowlton stated that he would be grateful to serve on the EDC in Newton.

It was stated that the Council should have a larger conversation about general economic development in Newton and Mr. Knowlton was asked for his input on this. He answered that he will need to learn more about Newton, but based on his time in Medway, he sees opportunities for grassroots development. The growth of remote and service-oriented work will likely trigger a rescaling and that more engagement with the community may improve this transition.

Councilor Albright made a motion to approve which carried 8-0.

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Action: **Zoning & Planning Held 7-0 (Councilor Leary not voting)**

Note: This section of the report will be completed at a later date.

Councilor Krintzman made a motion Hold which carried 7-0 (Councilor Leary not voting).

#234-22 Reappointment of Jack Leader to the Economic Development Commission
HER HONOR THE MAYOR reappointing Jack Leader, 613 California Street, Newtonville as a member of the Economic Development Commission for a term of office to expire on May 1, 2025. (60 days: 06/03/22)

Zoning & Planning Approved 7-0 (Councilor Leary not voting)

Note: Councilor Albright made a motion to approve which carried 7-0 (Councilor Leary not voting).

The Committee briefly discussed its scheduling options for the month of May and determined that it would plan to hold its next meeting after the Budget on June 1st.

The meeting adjourned at 10:59pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

Microfulfillment Centers

Last Mile Delivery - Proposed Regulation Requirements

Docket #127-22

ZAP April 25, 2022
Public Hearing

Agenda

- Introduction
- Background
- Zoning Proposal
- Options
- Recommendation
- Next Steps



Image source: The Boston Globe

Introduction

- Microfulfillment centers (or last mile delivery services/dark stores/mini warehouses) are storefronts, not open to the public, stocked with groceries and other home goods that are markets as deliverable within 15-30 minutes.
- Would be considered retail under existing zoning and allowed by-right in all business zones

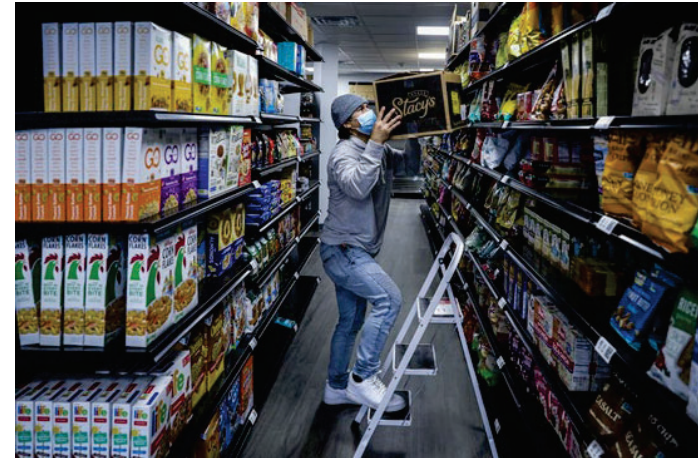


Image source: The Boston Globe

Background

First presented at January 24, 2022 ZAP Meeting

Draft zoning options were presented at the March 14 and March 28, 2022 ZAP Meetings

Consensus on allowing in Mixed Use and Manufacturing districts

Discussion primarily focused on how and if to regulate in village centers

Revisions to date include eliminating an option to locate in village centers with an in-store retail component and a reduction in the parking requirements



Advisory Group

Members

- Jodie Zussman - Charles River Regional Chamber
- Peter Doeringer - Planning & Development Board (Chair)
- Chuck Tanowitz - Economic Development Commission (Commissioner)

Meetings

- 7 Advisory Group meetings between Feb. 3 - Mar. 23
- Presented at the Real Estate/Restaurant Chamber Sub-committee, Planning Board, and EDC
- Staff input from Law, ISD, Transportation, and Economic Development Director
- Engaged other municipalities (Boston, Cambridge, Brookline, and Watertown)
- Data gathered from Gopuff, operator in Newton

Zoning Proposal - Use Definition

6.4.XX Microfulfillment Center

- A. Defined. A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers.

Zoning Proposal - Allowed Districts

Use Table (Sec. 4.4.1) -

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	MU1	MU2	MU3	MU4	M	LM	Definition / Listed Standards
Microfulfillment Center	– or L or SP	– or L or SP	–	L	L	L	–	–	L	L	6.4.XX

L = allowed subject to listed standards

SP = Special Permit Required

– = not allowed

Zoning Proposal - Parking Requirements

Number of Parking Stalls (Sec. 5.1.4) -

Use	Parking Stalls Required	Allowed by Special Permit
Microfulfillment Center	1 per 1,000 sf plus and 1 per 4 employees	Can be waived

Off-Street Loading Requirements (Sec. 5.1.12)

Table of Off-street Loading Requirements		
Number of bays required for new or expanded uses by gross floor area of structure of land use (in sf)		
Uses	Under 5,000 sf	5,000 - 50,999 sf*
Microfulfillment Center	0	1

* Note - Microfulfillment Centers have a maximum size of 10,000 sf

Zoning Proposal - Standards for Allowed Uses

Size

Zoning District	Maximum Gross Floor Area
Business 1* and 2*	5,000 square feet
Business 4, Mixed Use 1 and 2, Manufacturing and Limited Manufacturing	10,000 square feet

Zoning Proposal - Standards for Allowed Uses

Parking

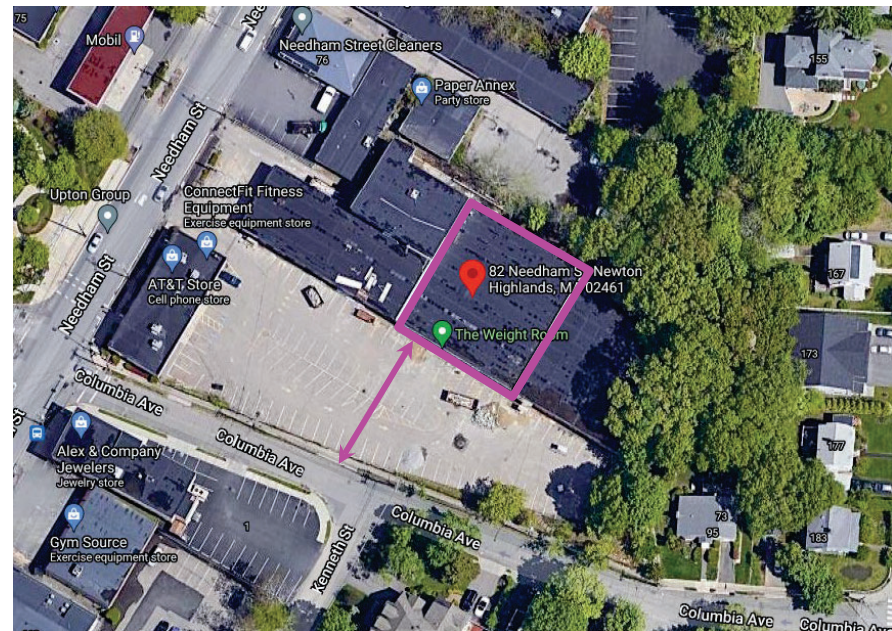
- Microfulfillment centers shall provide a minimum of two off-street parking stalls dedicated for deliveries for the first 2,500 square feet of gross floor area and an additional one stall for every additional 2,500 square feet of gross floor area.
- 5,000 sf microfulfillment center = 3 delivery stalls
- 10,000 sf microfulfillment center = 5 delivery stalls

Zoning Proposal - Standards for Allowed Uses

Design

In the Business 1*, 2*, and 4 and Mixed Use 1 and 2 Districts, if the microfulfillment center is located at street level, the use shall be:

- Located more than 16 feet from the street-facing building facade; or
- Any point of the building containing the use is located at least 30 feet from a street



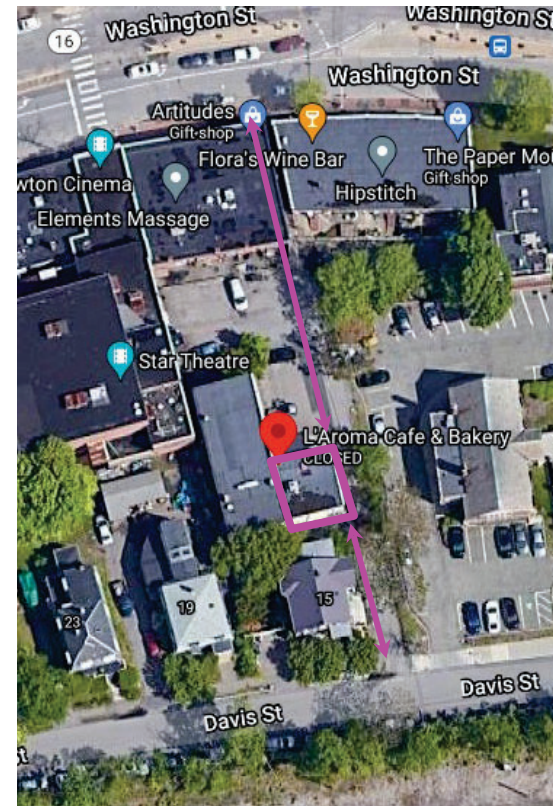
*Current GoPuff location on Needham Street

Zoning Options

Prohibit in Business 1 and Business 2 districts or allow subject to design standards?



Use located at least 16 feet from the street-facing facade



Building is at least 30 feet from street

Planning Recommendation

Adopt proposed zoning amendment, allowing microfulfillment centers in BU1 and BU2 subject to listed design standards

- Mitigates impacts on the vitality at the street in village centers
- Locations which can meet all design standards are limited
- Could provide an option for spaces that are otherwise difficult to lease
- Provides a service in a central location, reducing vehicular trips and potentially allowing for e-bike/scooter deliveries
- Will be revisited as use tables are updated for village center zoning

Next Steps

- Working with the advisory group, Planning has spoken to property owners, business owners and real estate brokers and it has become clear that in addition to regulating microfulfillment centers, larger zoning reforms are needed to support desirable businesses such as:
 - Eliminate parking for ground floor non-residential uses under a certain size
 - Revise the use table for commercial and industrial uses to create categories, introduce 21st century economy uses (ex. co-working), and remove or modify specific rules relating to certain uses

Draft Zoning Definition
Microfulfillment Centers (#127-22)

ZAP Amendment – 4/25/2022

Use Table (Sec. 4.4.1) -

Business, Mixed Use & Manufacturing Districts	BU1	BU2	B U 3	BU 4	M U 1	M U 2	M U 3	M U 4	M	L M	Definition / Listed Standards
Microfulfillment Center	--	--	-	SP	L	L	-	-	L	L	6.4.47

P = Allowed By-Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed

Number of Parking Stalls (Sec. 5.1.4)

Use	Parking Stalls Required	Allowed by Special Permit
Microfulfillment Center	1 per 1000 sf plus 1 per 4 employees	

Off-Street Loading Requirements (Sec. 5.1.12) -

Table of Off-street Loading Requirements

Number of bays required for new or expanded uses by gross floor area of structure of land use (in sf)

Uses	Under 5,000 sf	5,000 – 50,999 sf	51,000 – 100,999 sf	101,000 – 150,999 sf	151,000 – 300,000 sf	Over 300,000 sf
Retail Trade, Wholesale and Storage, Transportation Terminal, Manufacturing, and Public Utility	0	1	2	3	4	1 for each additional 150,000 sf
Business Services, Office Building, Hotel, Motel & Dormitory, Microfulfillment Center , and Research Laboratory	0	1	1	2	3	1 for each additional 150,000 sf
Recreation, and Institution	0	0	1	1	2	1 for each additional 150,000 sf

Use Definition -

6.4.47. Microfulfillment Center

- A. Defined.** A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers.

B. Standards for Allowed Uses

1. **Size.** In the Business 4 district, a microfulfillment center is allowed by special permit with a maximum gross floor area of 10,000 square feet. In the Mixed Use 1, Mixed Use 2, Manufacturing, and Limited Manufacturing districts, the maximum gross floor area allowed for a microfulfillment center is 10,000 square feet.
2. **Parking.** In addition to complying with the parking requirements of Sec. 5.1, the operator of a Microfulfillment Center shall provide onsite parking spaces dedicated for deliveries in accordance with the following:
 - a. Microfulfillment Centers shall provide a minimum of two off-street parking stalls for the first 2,500 square feet of gross floor area and an additional one off-street parking stall for every additional 2,500 square feet of gross floor area. Fractions ending in 0.5 or higher shall round up to the nearest whole number.
 - b. Sections 5.1.3.B and 5.1.3.D shall not be applicable to parking spaces required under this section 6.4.47.B.2.
3. **Design Standards.** In the Business 4 and Mixed Use 1 and 2 Districts, if the Microfulfillment Center use is located at street-level, the use shall be:
 - a. Located more than 16 feet from the street-facing building facade; or
 - b. Any point of the building containing the use is located at least 30 feet from a street.

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

April __, 2022

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

1. **INSERT** after the row “Kennel” in the “Commercial Uses” portion of the Table appearing in **Sec. 4.4.1** the following new row:

Business, Mixed Use & Manufacturing Districts	BU1		BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Microfulfillment Center	--		--	--	SP	--	L	L	--	--	L	L	Sec. 6.4.47

2. **INSERT** after the row “Medical office, not on or abutting hospital property” in the “Commercial” portion of the Table appearing in **Sec. 5.1.4.A** the following new row:

Use	Parking Stalls Required	Allowed by Special Permit
Microfulfillment Center	1 per 1000 sf plus 1 per 4 employees	

3. **INSERT** after the word “Dormitory,” where it appears in the second row of the Table appearing in **Sec. 5.1.12.C** the words “Microfulfillment Center,”.
4. **INSERT** after **Sec. 6.4.36. Veterinary Hospital** a new **Sec. 6.4.37. Microfulfillment Center** as follows:

6.4.47. Microfulfillment Center

A. Defined. A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers.

B. Standards for Allowed Uses.

1. **Size.** In the Business 4 district, a microfulfillment center is allowed by special permit with a maximum gross floor area of 10,000 square feet. In the Mixed Use 1, Mixed Use 2, Manufacturing, and Limited Manufacturing districts, the maximum gross floor area allowed for a microfulfillment center is 10,000 square feet.
2. **Parking.** In addition to complying with the parking requirements of Sec. 5.1, the operator of a Microfulfillment Center shall provide onsite parking spaces dedicated for deliveries in accordance with the following:
 - a. Microfulfillment Centers shall provide a minimum of two off-street parking stalls for the first 2,500 square feet of gross floor area and an additional one off-street parking stall for every additional 2,500 square feet of gross floor area. Fractions ending in 0.5 or higher shall round up to the nearest whole number.
 - b. Sections 5.1.3.B and 5.1.3.D shall not be applicable to parking spaces required under this section 6.4.47.B.2.
3. **Design Standards.** In the Business 4 and Mixed Use 1 and 2 Districts, if the Microfulfillment Center use is located at street-level, the use shall be:
 - a. Located more than 16 feet from the street-facing building facade; or
 - b. Any point of the building containing the use is located at least 30 feet from a street.

Alissa O. Giuliani
City Solicitor

Under Suspension of Rules
Readings Waived and Approved

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

4/25/2022

City of Newton Zoning & Planning Committee

Village Center Rezoning Phase 2, Scenarios



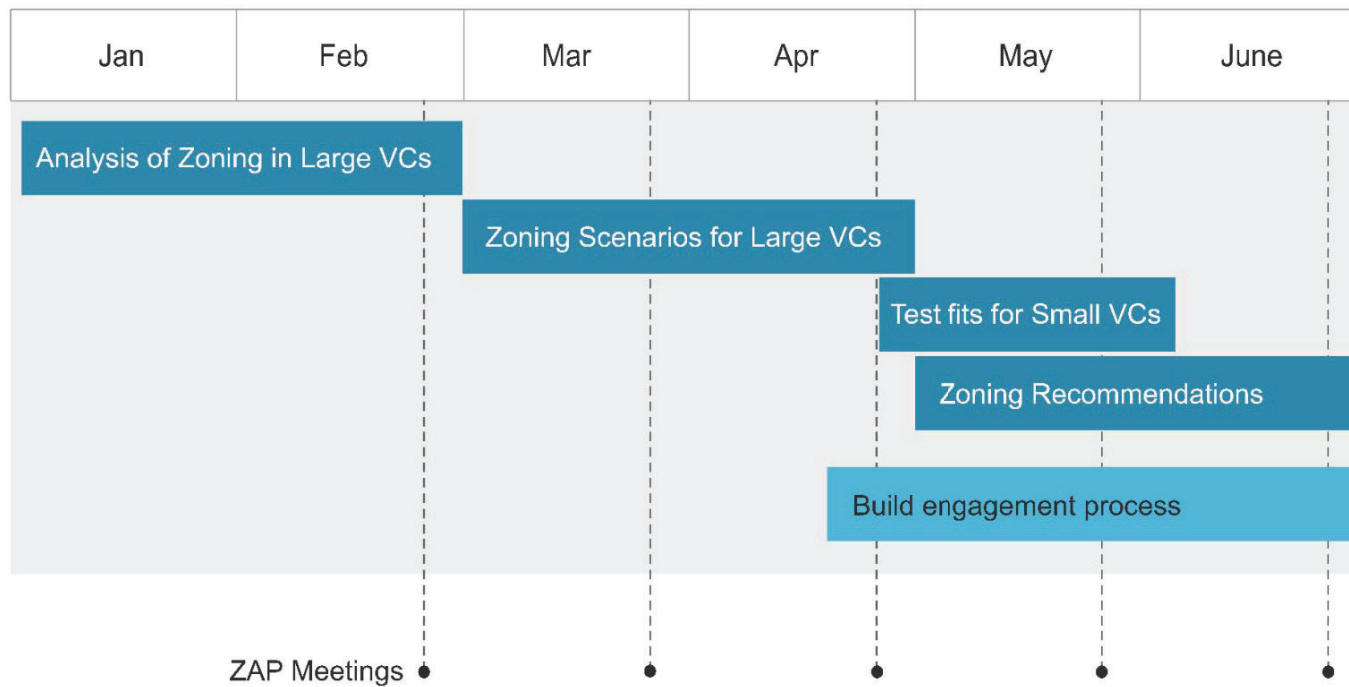
Agenda

1. Where we are
2. Zoning Approach
3. Example revised zoning with test-fits
 - a. Revised Mixed Use District 4 (MU4)
 - b. Revised Business District 3 (BU3)
 - c. Revised Business District 2 (BU2)
4. Comparing revised zoning to buildings in Newton
5. Next Steps and Discussion

Where we are

Phase 2: Village Center Scenarios

We are here



Last Meeting: Ensuring viability and desirability in Village Centers

Viable Development

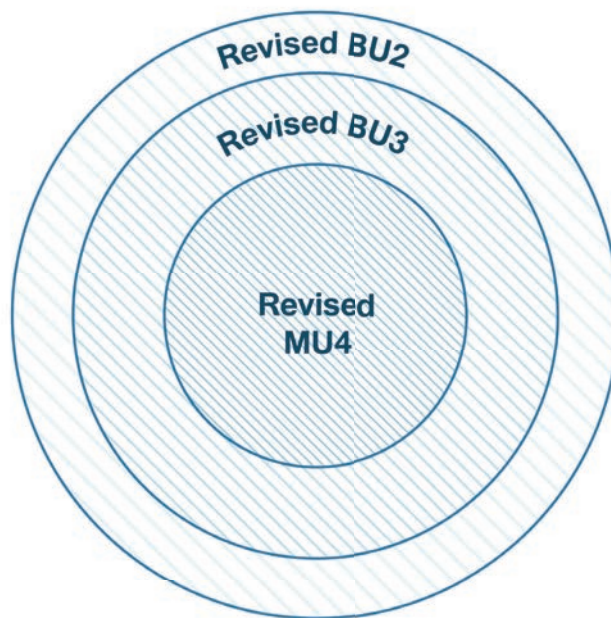
1. Lower parking requirements
2. Heights increase to allow for minimum standard floor-to-floor heights.
3. Remove maximum building area by-right. Instead, lot size is the threshold, with lots over a certain size requiring a special permit.
4. Remove minimum lot size

Desirable Urban Form

1. Introduce maximum building footprint size
2. Establish a minimum threshold for site plan review.
3. Introduce design standards.

Zoning Approach

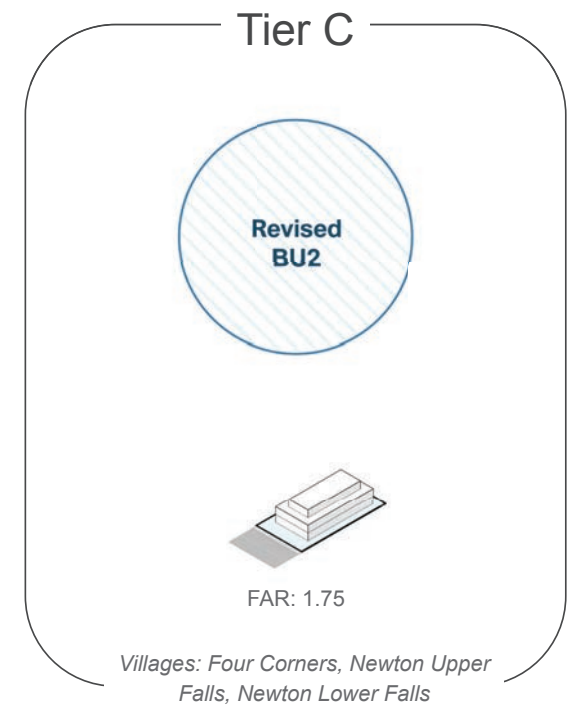
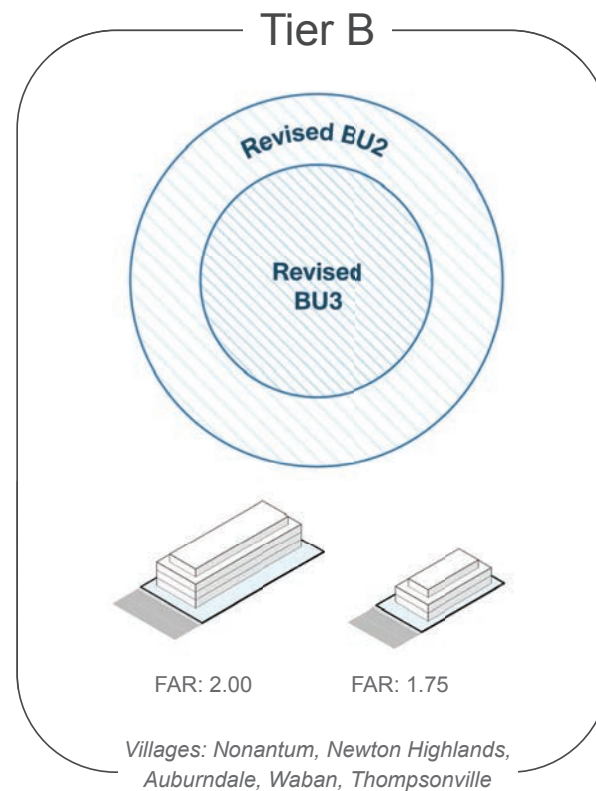
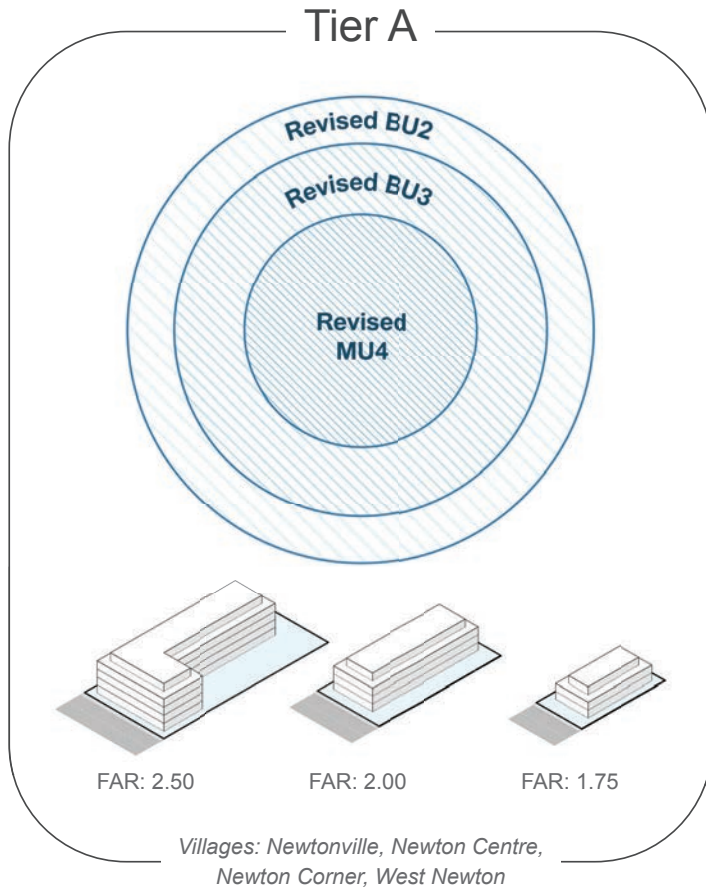
Last Meeting: Tiered Framework*



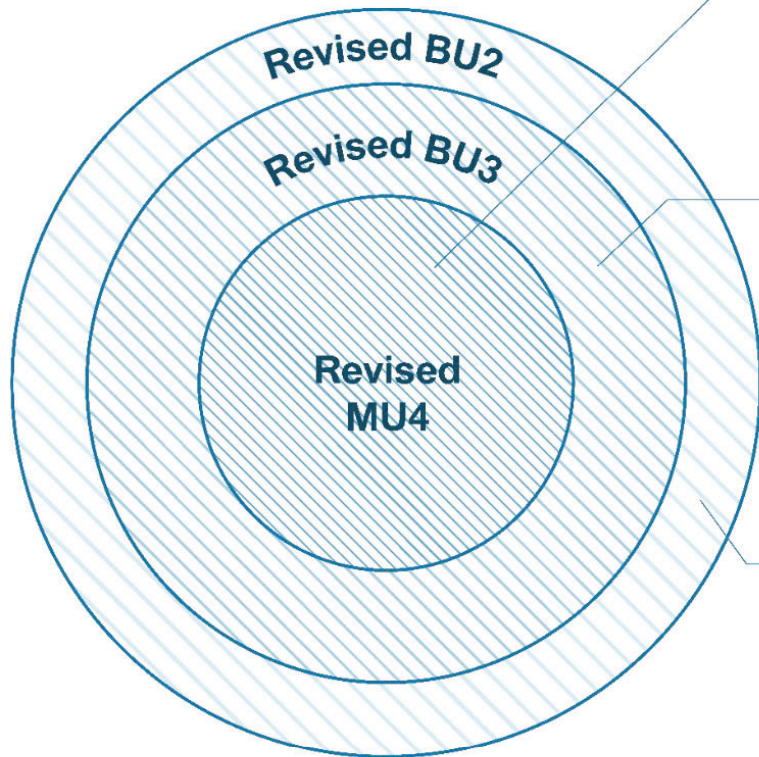
*This would require remapping the districts accordingly

Zoning Approach

Tiered Framework applied based on village center



Zoning Approach



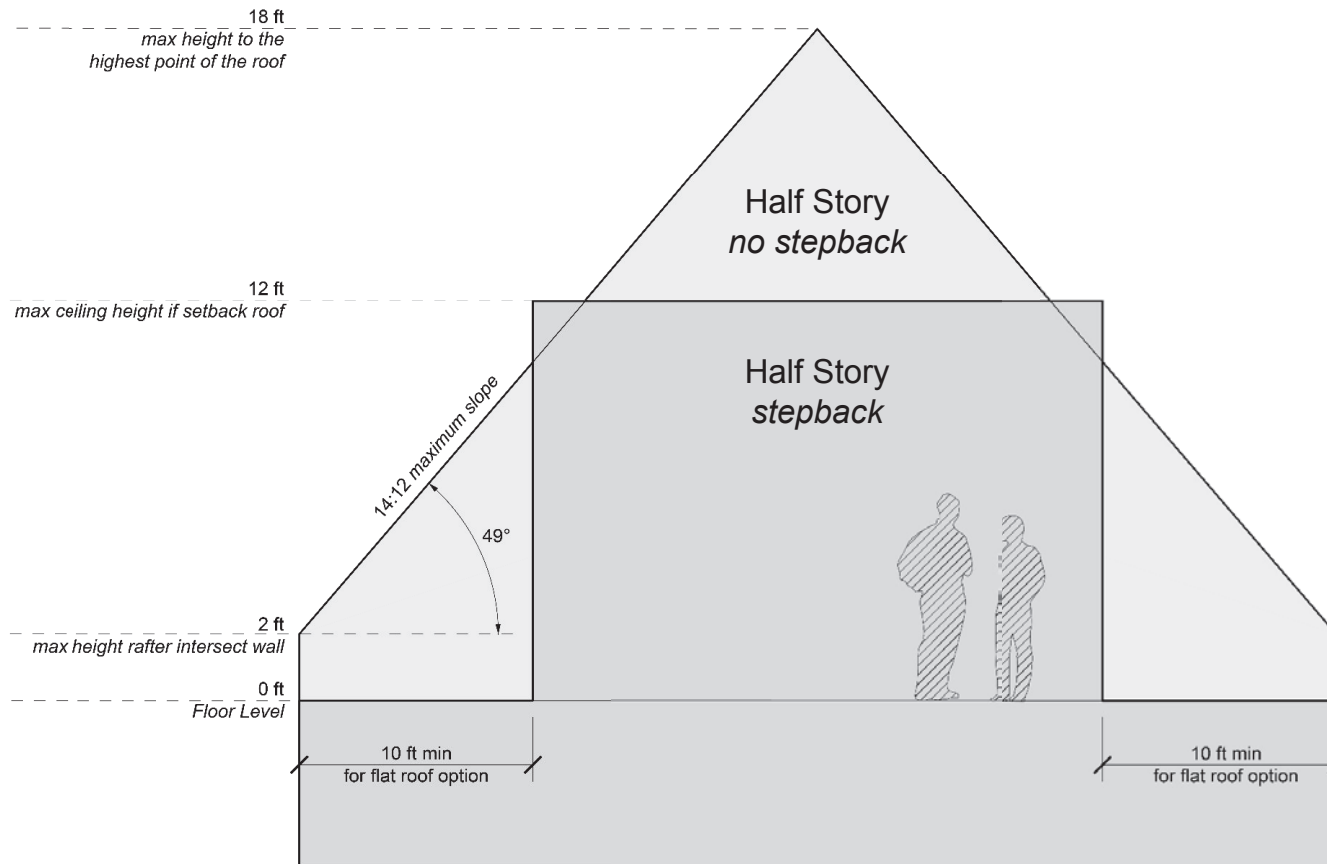
Center	MU4 (Special Permit)	Revised MU4
FAR	2.50	2.50
Height	5 stories; 60'	4.5 stories; 75' commercial, 69' residential
Lot area per unit	--	--
Bldg Footprint	--	15,000 sf max
Parking Ratio		
Retail	1 per 300 sf	Exempt for ground floor commercial
Office	1 per 250 sf	1 per 700 sf
Multi-family	1.25 per unit	1 per unit
Allowed Uses	Retail, Office, Multi-family	Retail, Office, Multi-family

Periphery	BU3 (Special Permit)	Revised BU3
FAR	2.00	2.00
Height	4 stories; 48'	3.5 stories; 62' commercial, 58' residential
Lot area per unit	1,200 sf	--
Bldg Footprint	--	10,000 sf max
Parking Ratio		
Retail	1 per 300 sf	Exempt for ground floor commercial
Office	1 per 250 sf	1 per 700 sf
Multi-family	1.25 per unit	1 per unit
Allowed Uses	Retail, Office	Retail, Office, Multi-family

Edge	BU2 (Special Permit)	Revised BU2
FAR	2.00	1.75
Height	4 stories; 48'	2.5 stories; 49' commercial, 47' residential
Lot area per unit	1,200 sf	--
Bldg Footprint	--	5,000 sf max
Parking Ratio		
Retail	1 per 300 sf	Exempt for ground floor commercial
Office	1 per 250 sf	1 per 700 sf
Multi-family	1.25 per unit	1 per unit
Allowed Uses	Retail, Office	Retail, Office, Multi-family

Zoning Approach

Heights and number of stories



Revised Zone	Maximum Height	# of stories
MU4	75' commercial 69' residential	4.5
BU3	62' commercial 58' residential	3.5
BU2	49' commercial 47' residential	2.5

A Note on Maximum Heights

“Commercial” heights account for ground floor retail, and office or other commercial uses on upper floors.

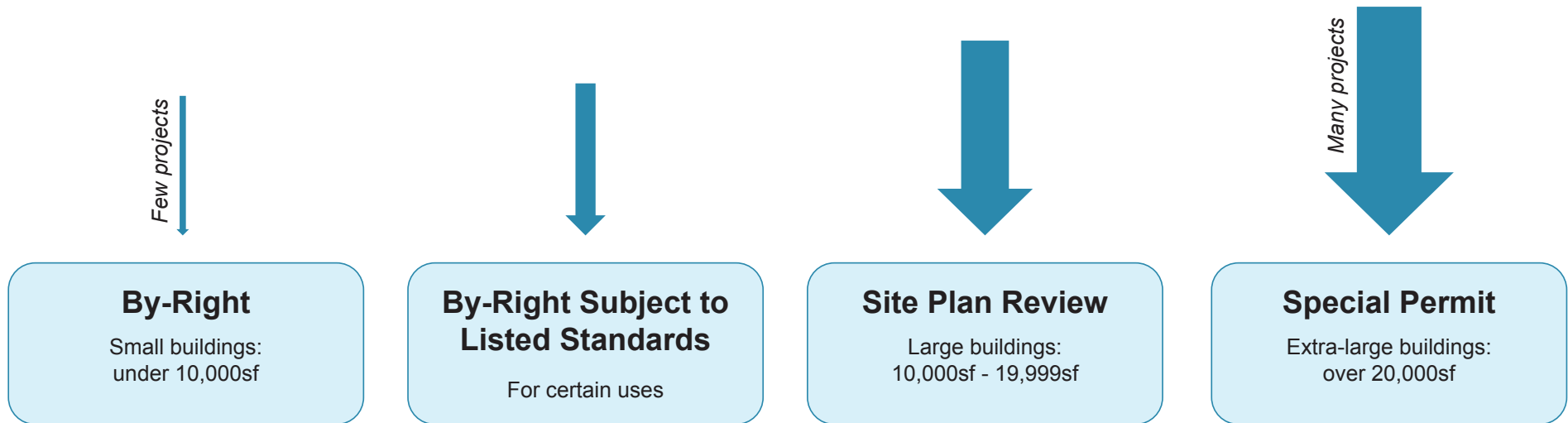
“Residential” heights account for ground floor retail, and residential uses on upper floors.

The assumptions that go into the overall floor heights are calibrated to allow for maximum standard market floor-to-floor heights:

- 18' for retail
- 13' for office
- 11' for residential
- 18' for half story (to allow for a pitched roof)

Zoning Approach

Project Approval Process: Existing



Zoning Approach

Project Approval Process: **Proposed**



By-Right
+ Design Standards
+ Site Plan Review

Smaller lots:
less than ¼ acre



Special Permit

Larger lots:
more than ¼ acre

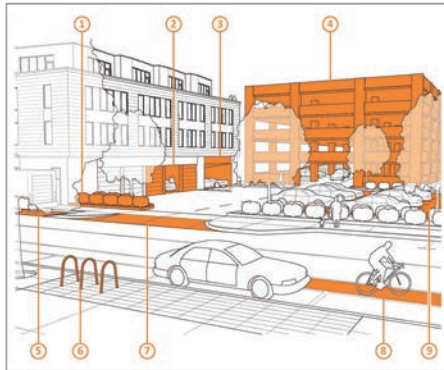
Zoning Approach

Design Standards

Public Realm Interface



Parking and Access



Sustainable Design



Facade Treatment



Building Massing



Building Height



Building Setbacks



Material Selection



Source: Watertown Design Guidelines, Gamble Associates, 2015

Details of the example revised zoning

1. Where we are
2. Zoning Approach
3. Example revised zoning with test-fits
 - a. Revised Mixed Use District 4 (MU4)
 - b. Revised Business District 3 (BU3)
 - c. Revised Business District 2 (BU2)
4. Comparing revised zoning to buildings in Newton
5. Next Steps and Discussion

The following pages present the revised zoning in relation to the existing zoning. The new rules are tested on parcels in Newton Centre to illustrate their impact. Select test-fits of the existing zoning from previous meetings are offered as a point of comparison.

Zoning Scenarios: Tier A

Revised Mixed Use District 4 (MU4)*



28 Austin St, Newtonville



Trio, Newtonville

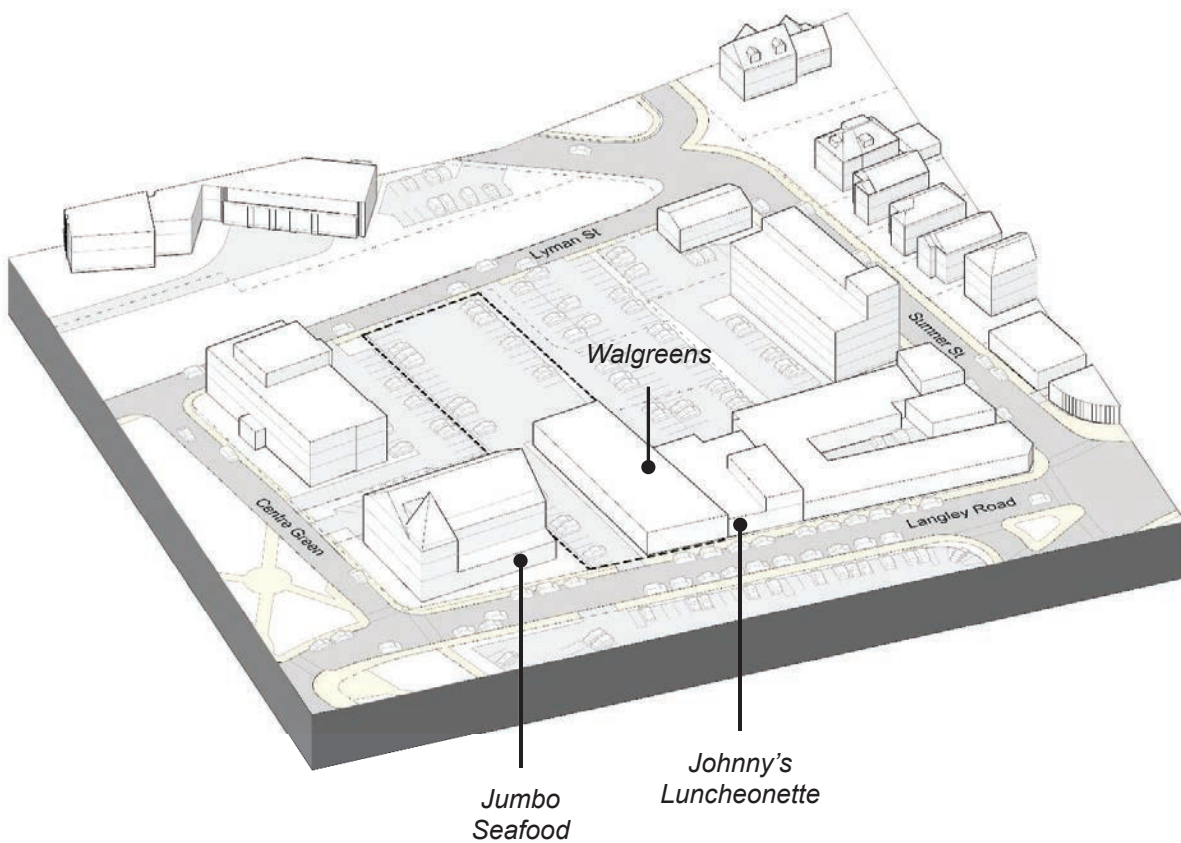
Zoning Regulations		Existing		Proposed
		MU4 By-Right	MU4 Special Permit	Revised MU4
Building Size	FAR (max)	1.5	2.5	2.5
	Height (max)	3 stories, 36'	5 stories, 60'	4.5 stories. 75' commercial 69' residential
	Lot area per unit (min)	1,000 sf	--	--
	Building footprint (max)	--	--	15,000 sf
Special Permit Threshold	Building area (max)	19,999 sf	--	--
	Lot area (max)			¾ acre
Lot Dimensions	Lot area (min)	10,000 sf	10,000 sf	--
	Open space (min)	5% of lot area for parcels over 1 acre	5% of lot area for parcels over 1 acre	--
Setbacks	Lot Frontage (min)	75% of lot facing a public way shall contain building(s)	75% of lot facing a public way shall contain building(s)	75% of lot facing a public way shall contain building(s)
	Setback: Front	0' -10' 40'+ ht stepback 1:1	0' -10' 40'+ ht stepback 1:1	0' -10'
	Setback: Side (min)	None unless: • Abutting a residential district, then 20' • 40'+ ht stepback 1:1	None unless: • Abutting a residential district, then 20' • 40'+ ht stepback 1:1	0' if abutting bldg w party wall. 15' if abutting residential. Otherwise 10'.
	Setback: Rear (min)	same as side setback	same as side setback	15' if abutting residential. Otherwise 10'.
Parking Ratio	Retail	1 per 300 sf	1 per 300 sf	Exempt for ground floor commercial
	Office	1 per 250 sf	1 per 250 sf	1 per 700 sf
	Multi-family	2 per unit	1.25 per unit	1 per unit
Allowed Uses		Retail Office Multi-family	Retail Office Multi-family	Retail Office Multi-family

*Projects above approved by Special Permit

Zoning Scenarios: Tier A

Existing: Site 35,900 sf

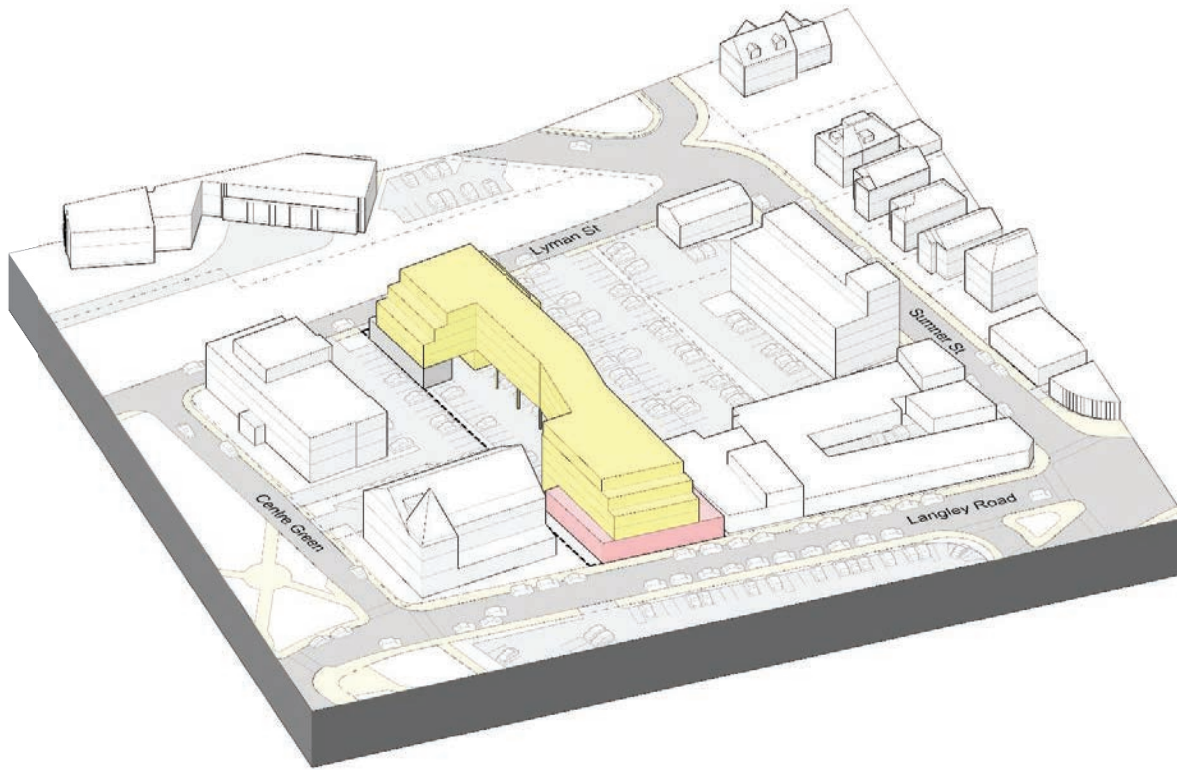
Current zoning: BU1
Zoning to test: Revised MU4



Zoning Scenarios: Tier A

Existing MU4: Special Permit

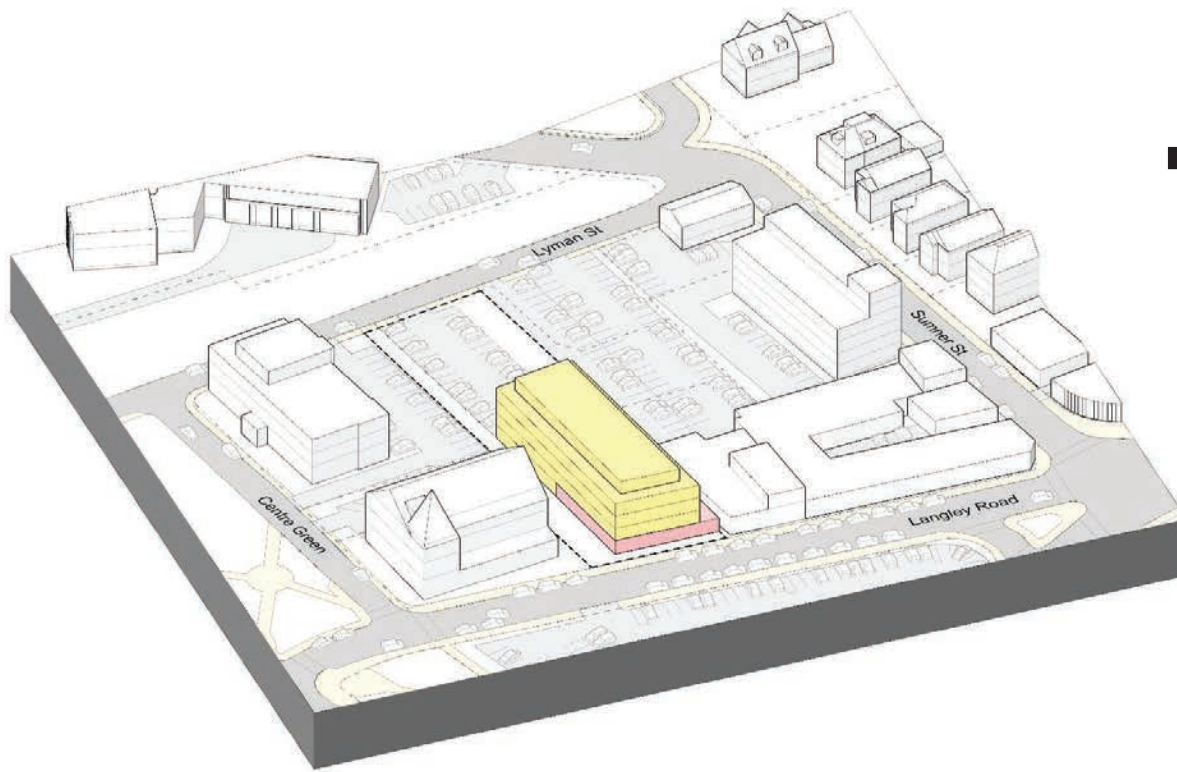
1 level of below-grade parking



Retail Residential

Zoning Scenarios: Tier A

Revised MU4 Test-fit



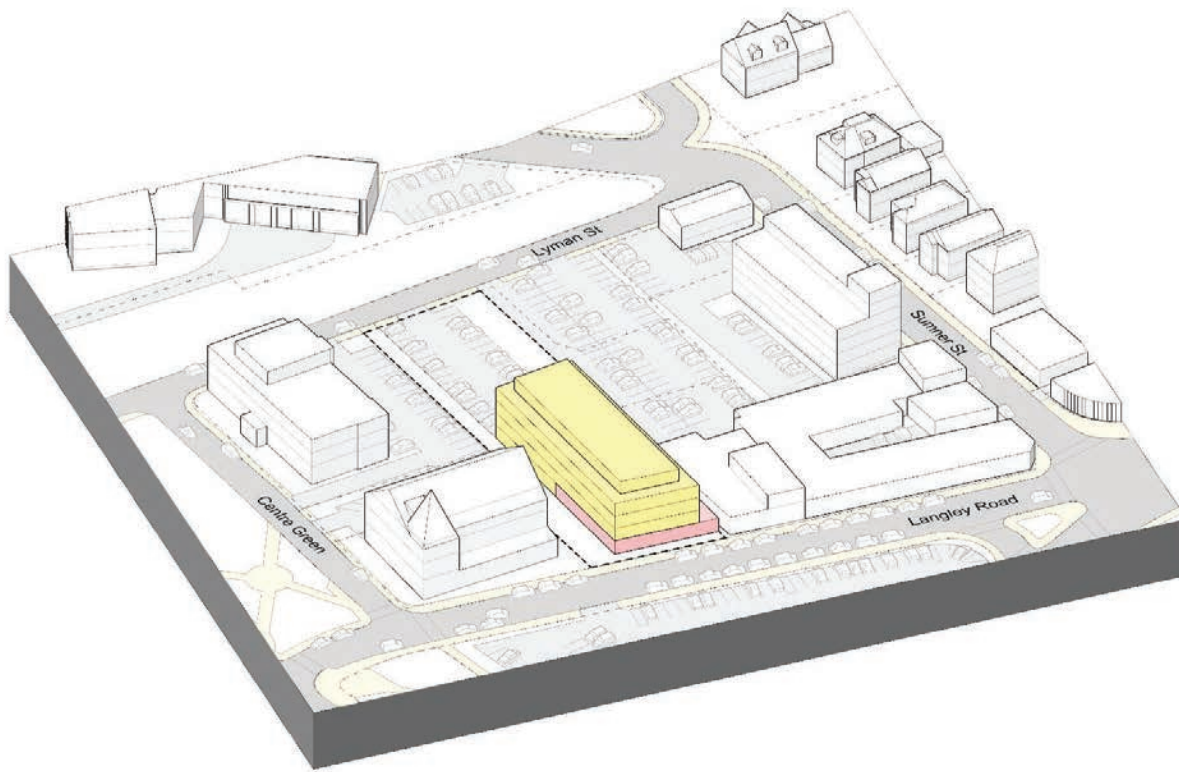
■ Retail ■ Residential

Regulations	Revised MU4	Test Fit Count
FAR (max)	2.5	1.36
Height (max)	4.5 stories; 69'	4.5 stories; 56'
Building footprint (max)	15,000 sf	12,950 sf
Lot area (max)	¼ acre (32,670 sf)	35,000 sf
Number of units		34
Area Retail		7,370 sf
Lot Frontage (min)	75%	77%
Setback: Front	0' -10'	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	0' - 24'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	163'
Parking: Retail	Exempt for ground floor commercial	none
Parking: Multi-family	1 per unit	34

Zoning Scenarios: Tier A

Conceptual Pro Forma

Revised MU4



■ Retail
 ■ Residential

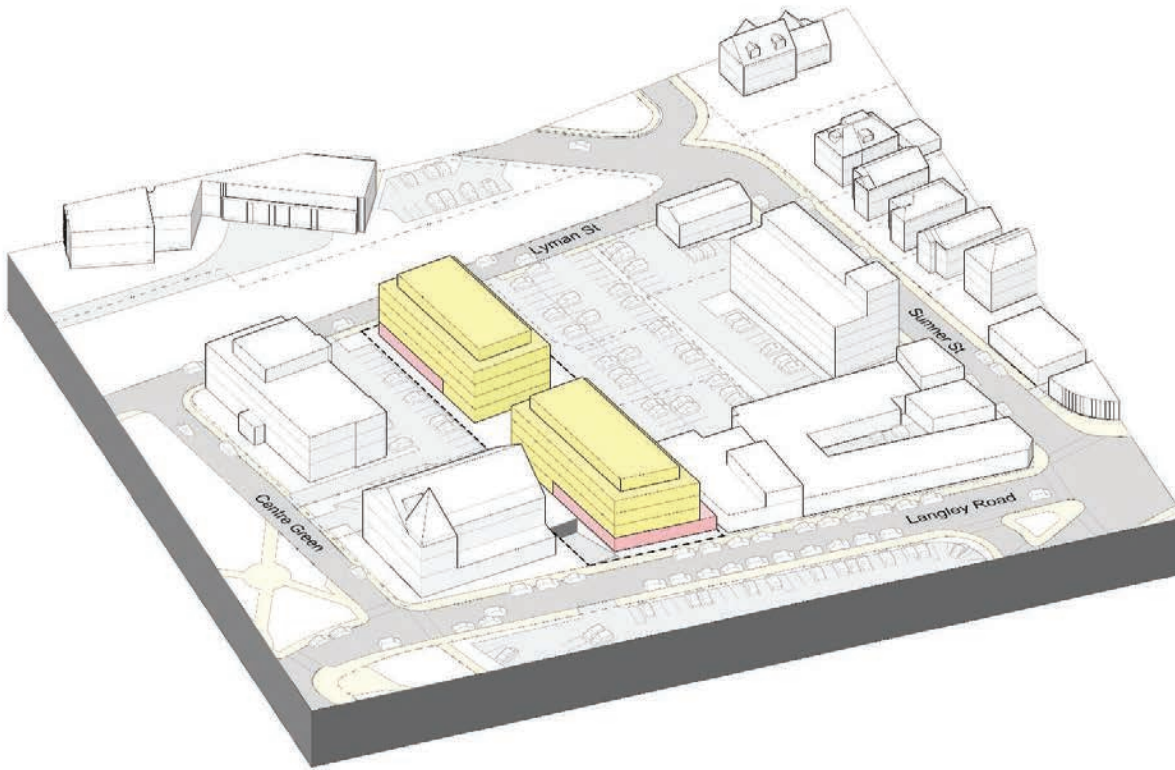
FEASIBLE:
TARGET 5.5% NOI/COST

	Mid Rise / 4.5 stories Surface Parking Rental
Site (Acres)	0.82
FAR	1.36
Total Units	34
Affordability %	17.5%
Affordable Units	6
Average Unit Size	960
Residential Efficiency	80%
Total GSF	48,815
Parking Ratio	1.00
Parking Cost (per space)	\$ 5,000
Residential Rent/SF	4.60
AMI %	65%
Affordable Rent/SF	\$ 1.42
Commercial Rent	40.00
Hard Cost (Includes Fit out)	315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Open Space	\$ -
Road Costs	\$ -
Total Cost/GSF	\$ 456
Parking fee (per space per month)	50.00
Cap Rate	4.50%
NOI/Cost	6.31%

Zoning Scenarios: Tier A

Revised MU4 Test-fit

1 level of below-grade parking



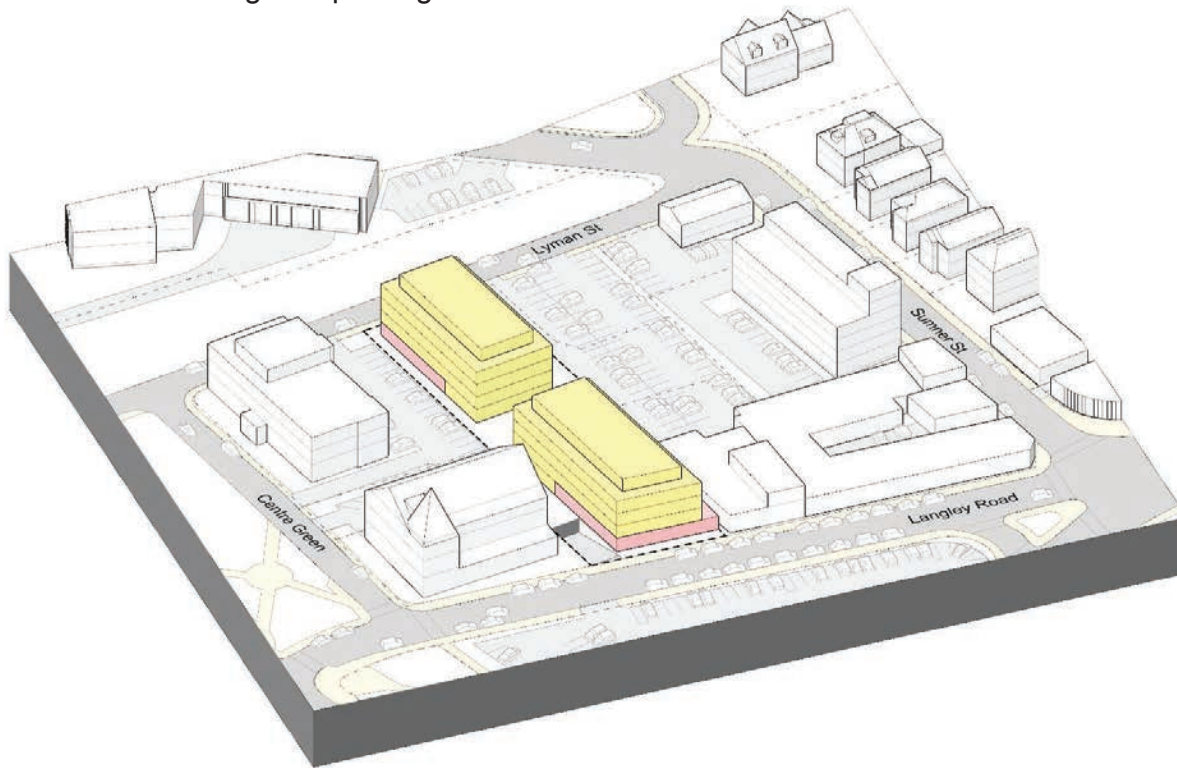
Retail Residential

Regulations	Revised MU4	Test Fit Count
FAR (max)	2.5	2.19
Height (max)	4.5 stories; 69'	4.5 stories; 56'
Building footprint (max)	15,000 sf	11,700 sf + 10,040 sf
Lot area (max)	¼ acre (32,670 sf)	35,000 sf
Number of Units		54
Area Retail		13,070 sf
Lot Frontage (min)	75%	75%; 82% (2nd bldg)
Setback: Front	0' -10'	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	0' - 25'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	10'
Parking: Retail	Exempt for ground floor commercial	none
Parking: Multi-family	1 per unit	54

Zoning Scenarios: Tier A

Conceptual Pro Forma

Revised MU4
1 level of below-grade parking



■ Retail ■ Residential

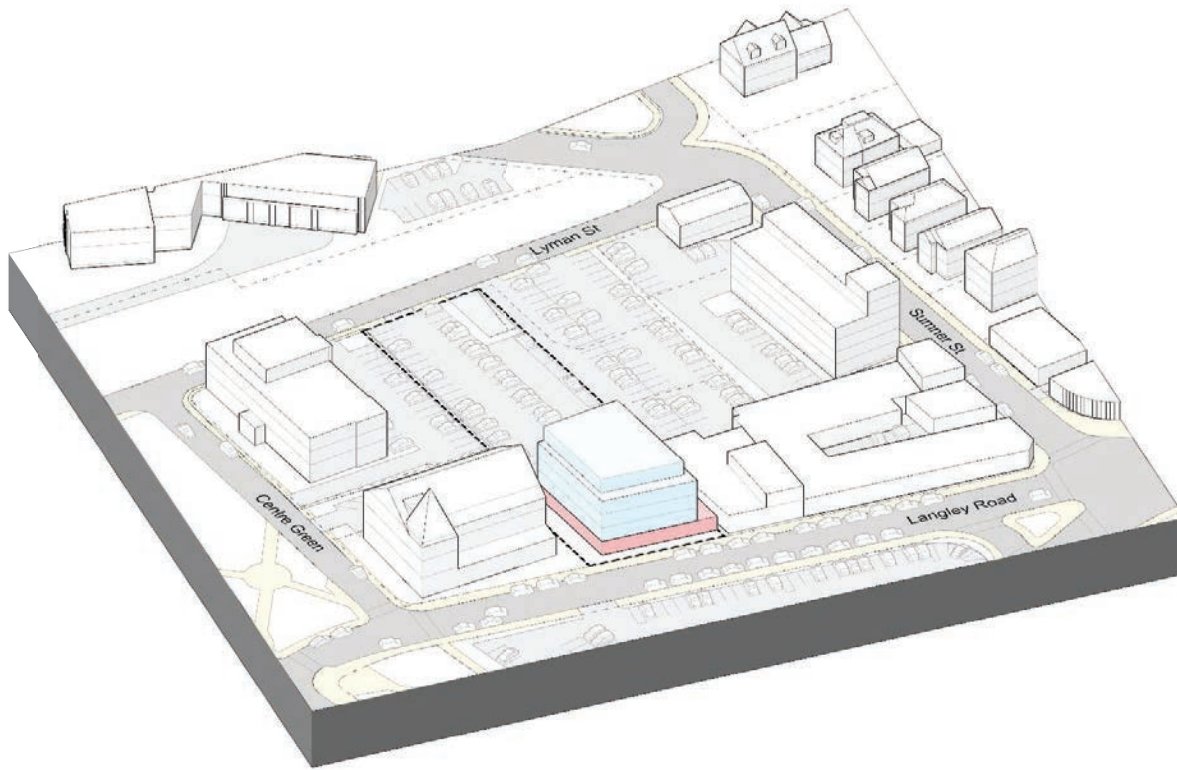
FEASIBLE:
TARGET 5.5% NOI/COST

	Mid Rise / 4.5 stories Underground Parking Rental
Site (Acres)	0.82
FAR	2.19
Total Units	54
Affordability %	17.5%
Affordable Units	9
Average Unit Size	960
Residential Efficiency	80%
Total GSF	78,607
Parking Ratio	1.00
Parking Cost (per space)	\$ 70,000
Residential Rent/SF	4.60
AMI %	65%
Affordable Rent/SF	\$ 1.42
Commercial Rent	40.00
Hard Cost (Includes Fit out)	315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Open Space	\$ -
Road Costs	\$ -
Total Cost/GSF	\$ 432
Parking fee (per space per month)	50.00
Cap Rate	4.50%
NOI/Cost	6.08%

Zoning Scenarios: Tier A

Existing MU4: Special Permit

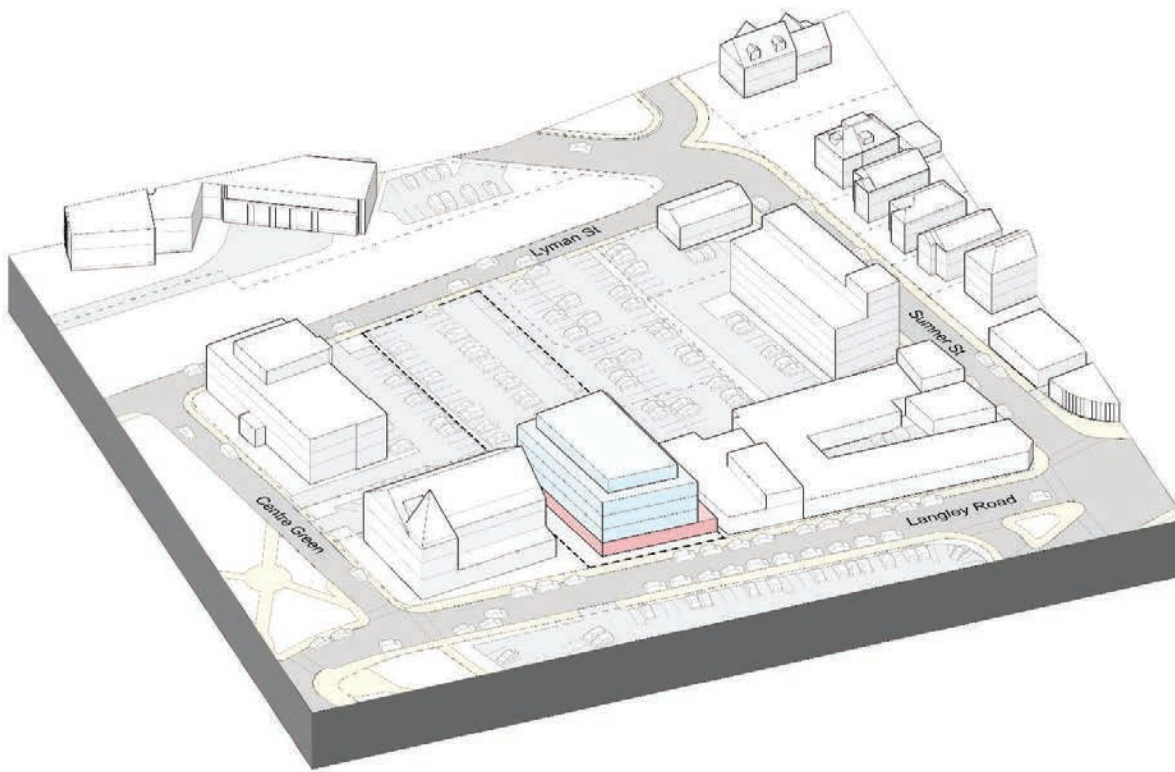
1 level of below-grade parking



Retail Office

Zoning Scenarios: Tier A

Revised MU4 Test-fit



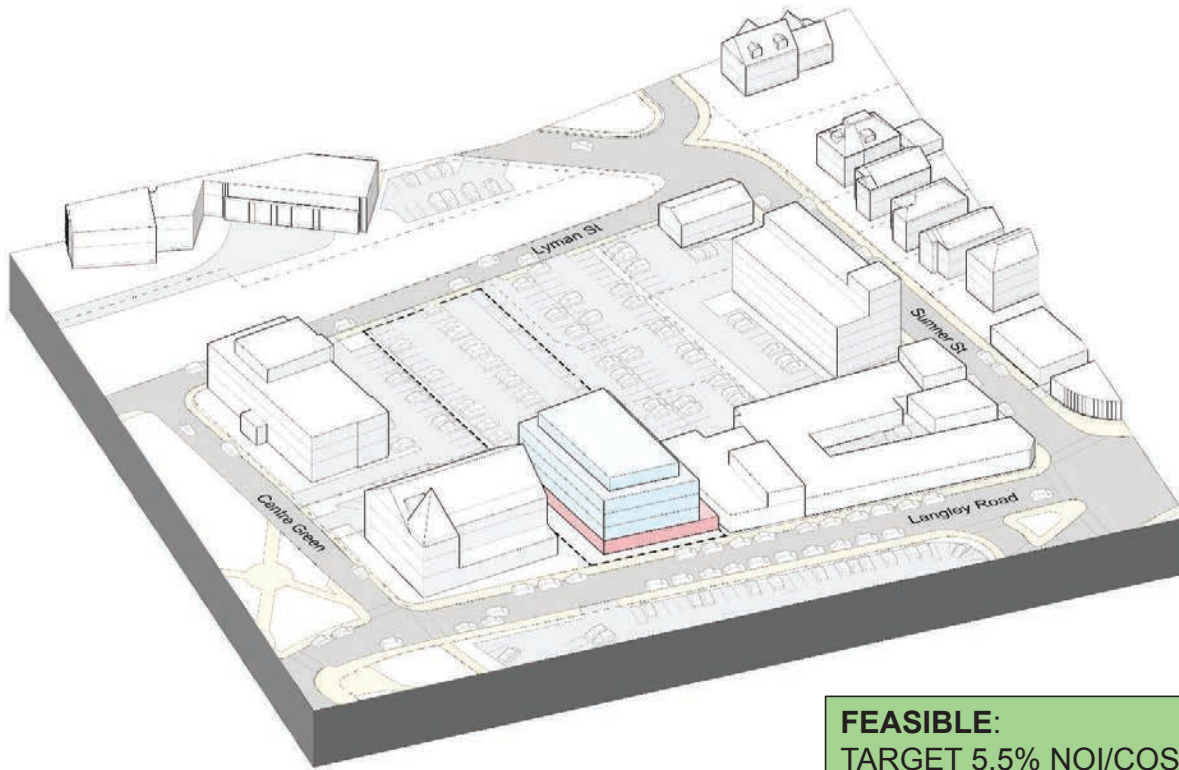
■ Retail ■ Office

Regulations	Revised MU4	Test Fit Count
FAR (max)	2.5	1.24
Height (max)	4.5 stories; 75'	4.5 stories; 60'
Building footprint (max)	15,000 sf	11,230 sf
Lot area (max)	¼ acre (32,670 sf)	35,000 sf
Area Office		36,490 sf
Area Retail		8,160 sf
Lot Frontage (min)	75%	85%
Setback: Front	0' -10'	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	0' - 15'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	215'
Parking: Retail	Exempt for ground floor commercial	none
Parking: Office	1 per 700 sf	52

Zoning Scenarios: Tier A

Conceptual Pro Forma

Revised MU4



Retail
 Office

	<i>Mid Rise / 4.5 stories</i>
	<i>Surface Parking</i>
	<i>Office/Retail</i>
Site (Acres)	0.82
FAR	1.24
Office GSF	36,490
Retail GSF	8,160
Total GSF	44,650
Parking Ratio	1.50
Parking Cost	\$ 5,000
Parking Spaces	67
Rent/SF	\$ 40.00
Hard Cost (Includes Fit out)	\$ 315
Soft Cost/Site	25%
Land Cost (per land foot)	\$ 83.00
Total Cost/GSF	\$ 577
Cap Rate	5.0%
NOI/Cost	6.17%

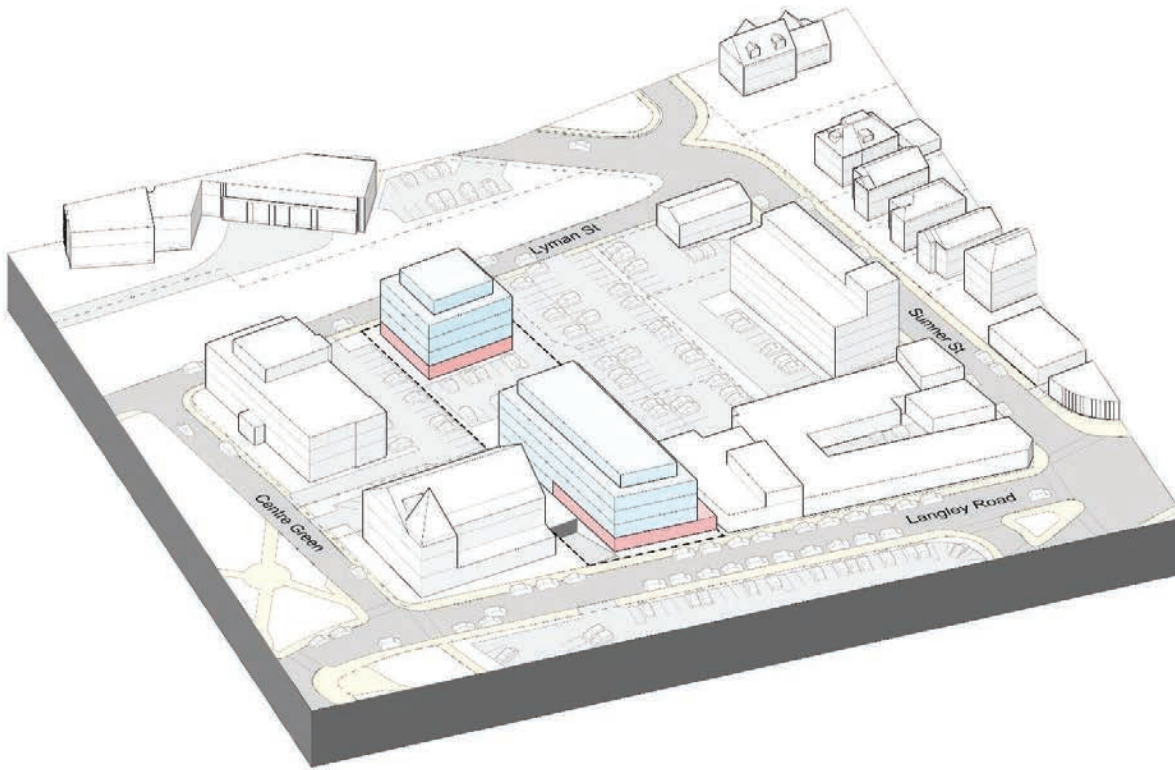
FEASIBLE:
TARGET 5.5% NOI/COST



Zoning Scenarios: Tier A

Revised MU4 Test-fit

1 level of below-grade parking: Option 1



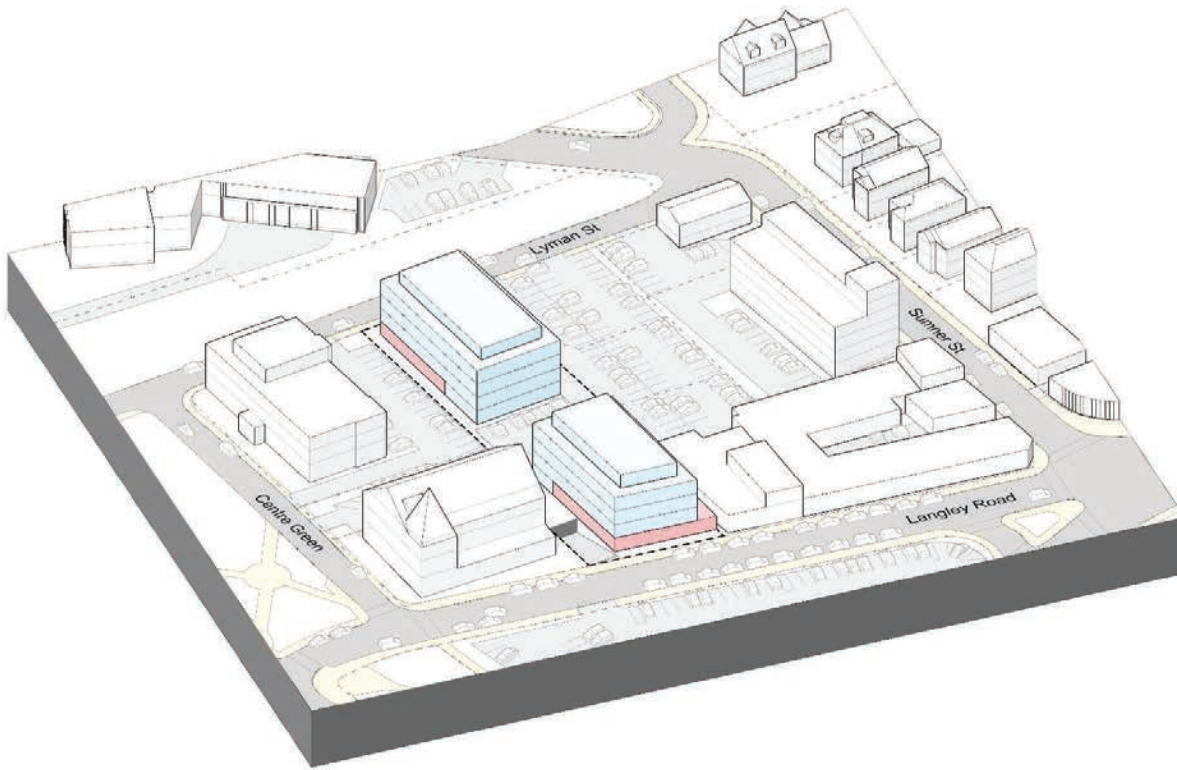
■ Retail ■ Office

Regulations	Revised MU4	Test Fit Count
FAR (max)	2.5	2.3
Height (max)	4.5 stories; 75'	4.5 stories; 60'
Building footprint (max)	15,000 sf	14,970 sf + 4,650 sf
Lot area (max)	¼ acre (32,670 sf)	35,000 sf
Area Office		68,190 sf
Area Retail		14,450 sf
Lot Frontage (min)	75%	75%; 70% (2nd bldg)
Setback: Front	0' -10'	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	0' - 25'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	10'
Parking: Retail	Exempt for ground floor commercial	none
Parking: Office	1 per 700 sf	97

Zoning Scenarios: Tier A

Revised MU4 Test-fit

1 level of below-grade parking: Option 2



■ Retail ■ Office

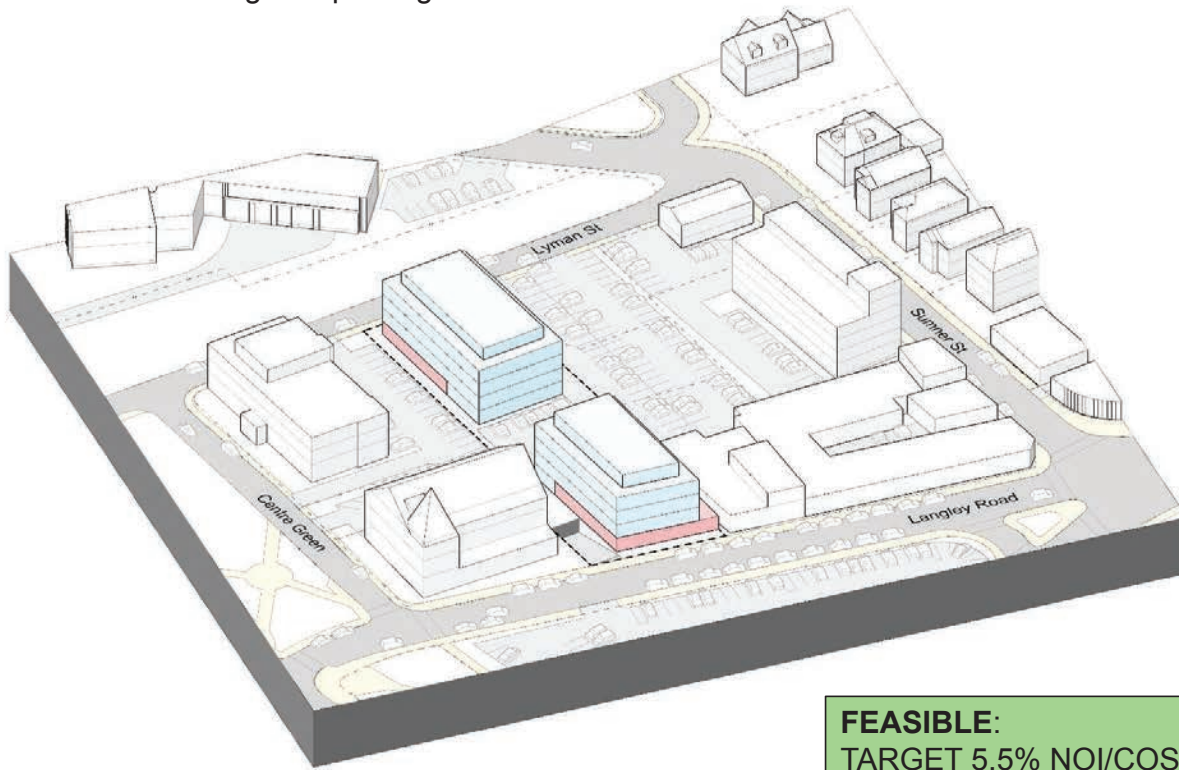
Regulations	Revised MU4	Test Fit Count
FAR (max)	2.5	2.25
Height (max)	4.5 stories; 75'	4.5 stories; 60'
Building footprint (max)	15,000 sf	9,480 sf + 9,560 sf
Lot area (max)	¼ acre (32,670 sf)	35,000 sf
Area Office		67,030 sf
Area Retail		13,730 sf
Lot Frontage (min)	75%	75%; 70% (2nd bldg)
Setback: Front	0' -10'	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	0' - 25'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	10'
Parking: Retail	Exempt for ground floor commercial	none
Parking: Office	1 per 700 sf	96

Zoning Scenarios: Tier A

Conceptual Pro Forma

Revised MU4

1 level of below-grade parking



FEASIBLE:
TARGET 5.5% NOI/COST

	<i>Mid Rise / 4.5 stories</i>	
	<i>Underground Parking</i>	
	<i>Office/Retail</i>	
Site (Acres)		0.82
FAR		2.25
Office GSF		67,030
Retail GSF		13,730
Total GSF		80,760
Parking Ratio		1.43
Parking Cost	\$	70,000
Parking Spaces		96
Rent/SF	\$	40.00
Hard Cost (Includes Fit out)	\$	315
Soft Cost/Site		25%
Land Cost (per land foot)	\$	83.00
Total Cost/GSF	\$	634
Cap Rate		5.0%
NOI/Cost		5.61%

■ Retail
 ■ Office

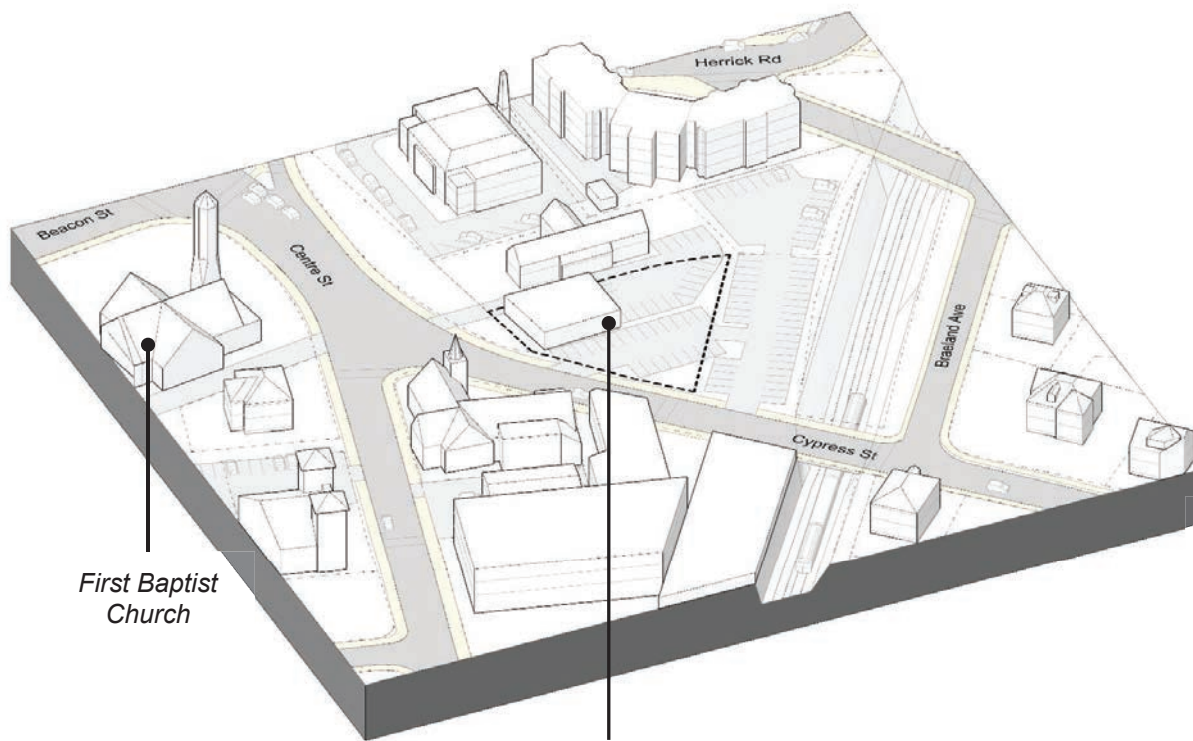
Zoning Scenarios: Tier B

Revised Business District 3 (BU3)

Zoning Regulations		Existing		Proposed
		BU3 By-Right	BU3 Special Permit	Revised BU3
Building Size	FAR (max)	1.5	2.0	2.0
	Height (max)	3 stories, 36'	4 stories, 48'	3.5 stories. 62' commercial 58' residential
	Lot area per unit (min)	1,000 sf	1,200 sf	--
	Building footprint (max)	--	--	10,000 sf
Special Permit Threshold	Building area (max)	19,999 sf	--	--
	Lot area (max)	--	--	¼ acre
Lot Dimensions	Lot area (min)	10,000 sf	10,000 sf	--
Setbacks	Lot Frontage (min)	--	--	60%
	Setback: Front	Lesser of ½ bldg ht or Average	Lesser of ½ bldg ht or Average	0' -15' or Average setback
	Setback: Side (min)	½ bldg ht or equal to abutting side yard	½ bldg ht or equal to abutting side yard	0' if abutting bldg w party wall. 15' if abutting residential. Otherwise 10'.
	Setback: Rear (min)	0'	0'	15' if abutting residential. Otherwise 10'.
Parking Ratio	Retail	1 per 300 sf	1 per 300 sf	Exempt for ground floor commercial
	Office	1 per 250 sf	1 per 250 sf	1 per 700 sf
	Multi-family	2 per unit	1.25 per unit	1 per unit
Allowed Uses		Retail Office	Retail Office Multi-family	Retail Office Multi-family

Zoning Scenarios: Tier B

Existing: Site 18,000 sf Current zoning: BU1
Zoning to test: Revised BU3



First Baptist Church

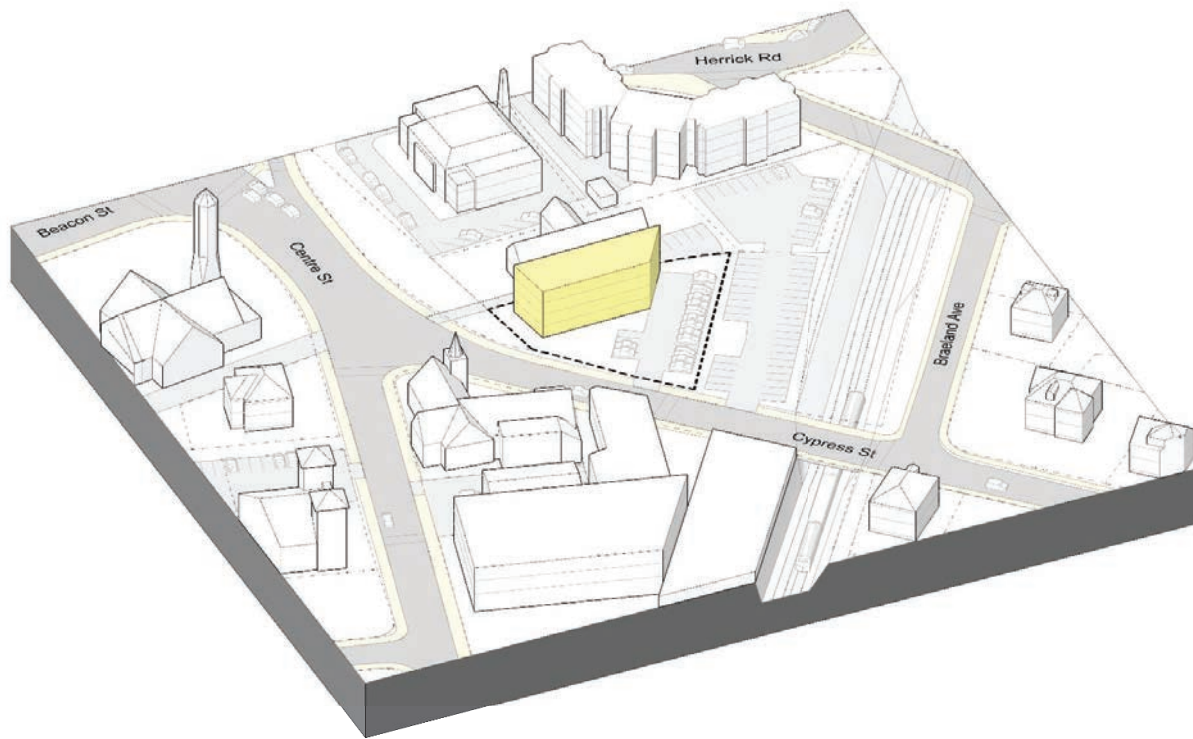
Learning Express and Pure Barre

Lutheran Church



Zoning Scenarios: Tier B

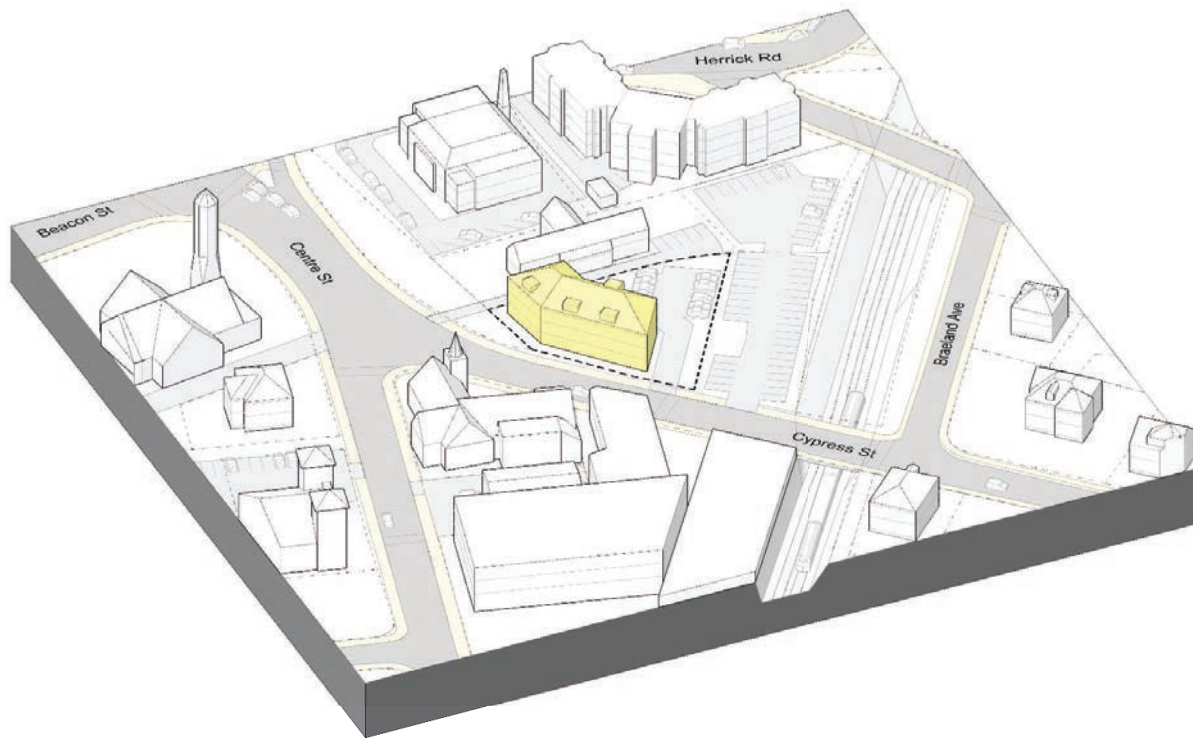
Existing BU3: Special permit



 Residential

Zoning Scenarios: Tier B

Revised BU3 Test-fit



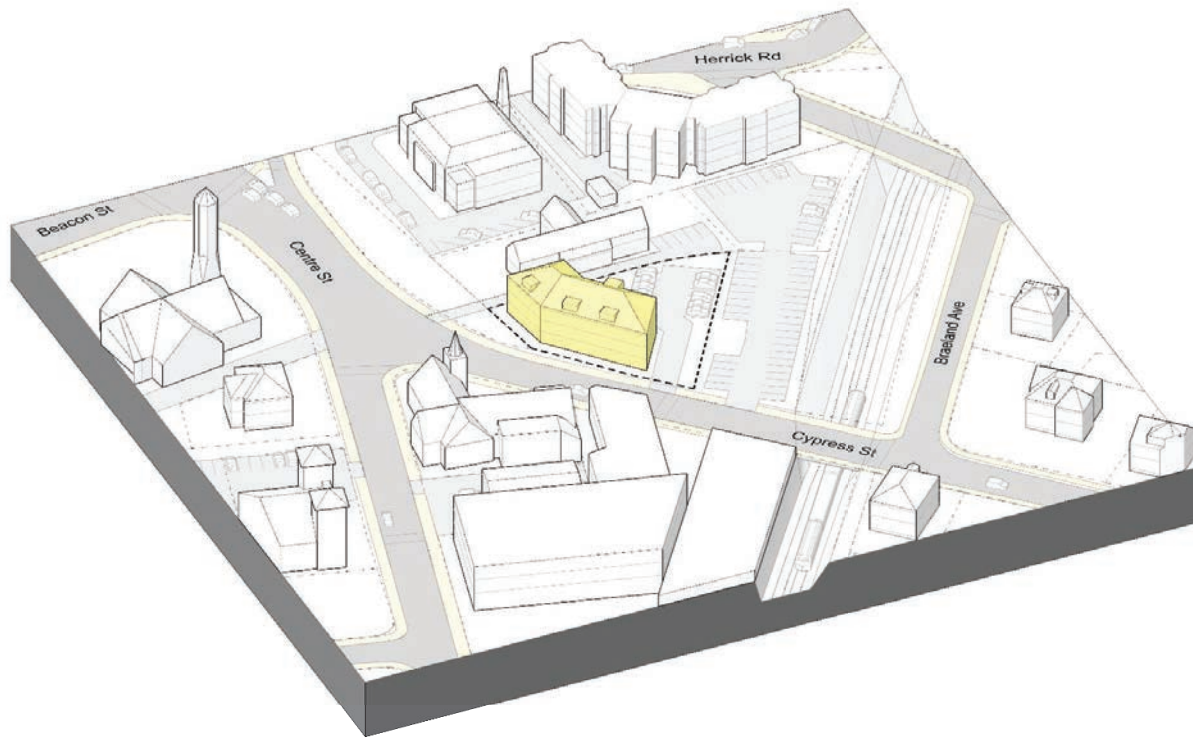
Residential

Regulations	Revised BU3	Test Fit Count
FAR (max)	2.0	0.96
Height (max)	3.5 stories; 58'	3.5 stories; 49'-6"
Building footprint (max)	10,000 sf	5,000 sf
Lot area (max)	¼ acre (32,670 sf)	18,000 sf
Number of Units		14
Lot Frontage (min)	60%	70%
Setback: Front	0' -15' or average	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	10'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	--
Parking: Multi-family	1 per unit	14 spots (surface)

Zoning Scenarios: Tier B

Conceptual Pro Forma

Revised BU3



Residential

FEASIBLE:
TARGET 5.5% NOI/COST

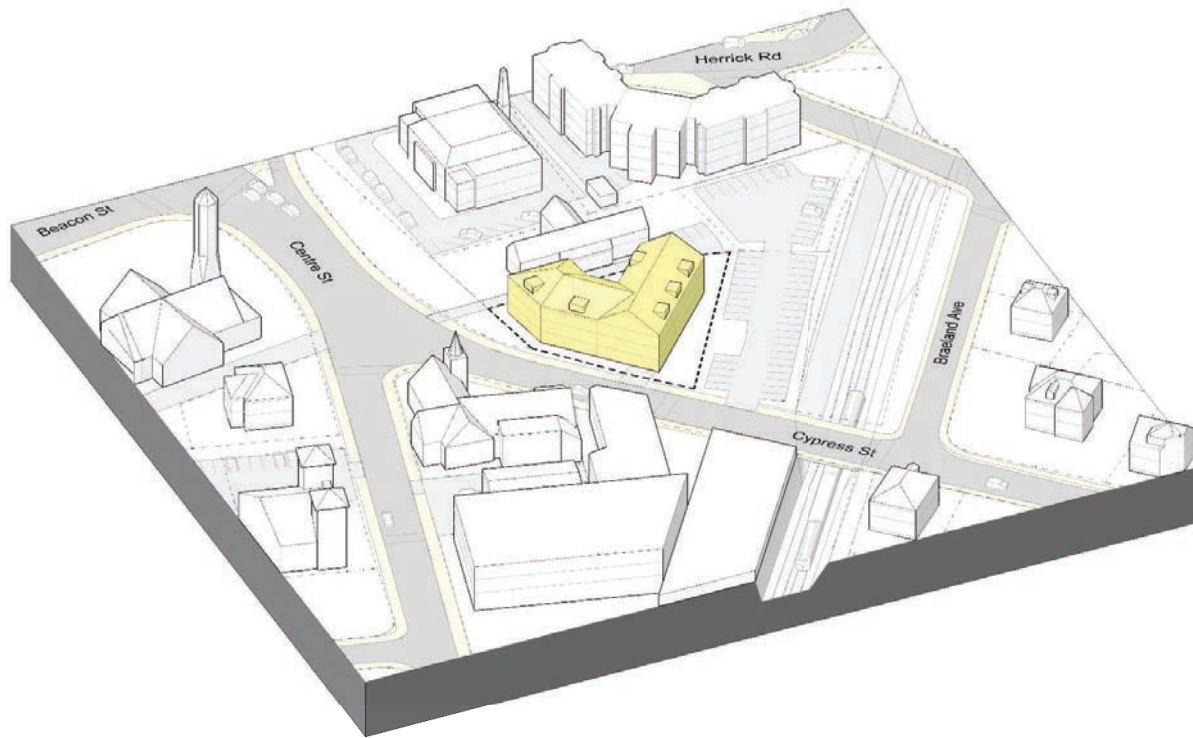


Scenario	<i>Mid Rise / 3.5 stories</i>
	<i>Surface Parking</i>
	<i>Rental</i>
Site (Acres)	0.41
FAR	0.96
Total Units	14
Affordability %	17.5%
Affordable Units	2.0
Average Unit Size	960
Residential Efficiency	80%
Total GSF	17,280
Parking Ratio	1.00
Parking Cost	\$ 5,000
Residential Rent/SF	4.60
AMI %	65%
Affordable Rent/SF	\$ 1.42
Commercial Rent	\$ -
Hard Cost (Includes Fit out)	315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Open Space	\$ -
Road Costs	\$ -
Total Cost/GSF	\$ 489
Parking fee (per space per month)	50.00
Cap Rate	4.50%
NOI/Cost	5.81%

Zoning Scenarios: Tier B

Revised BU3 Test-fit

1 level of below-grade parking



Residential

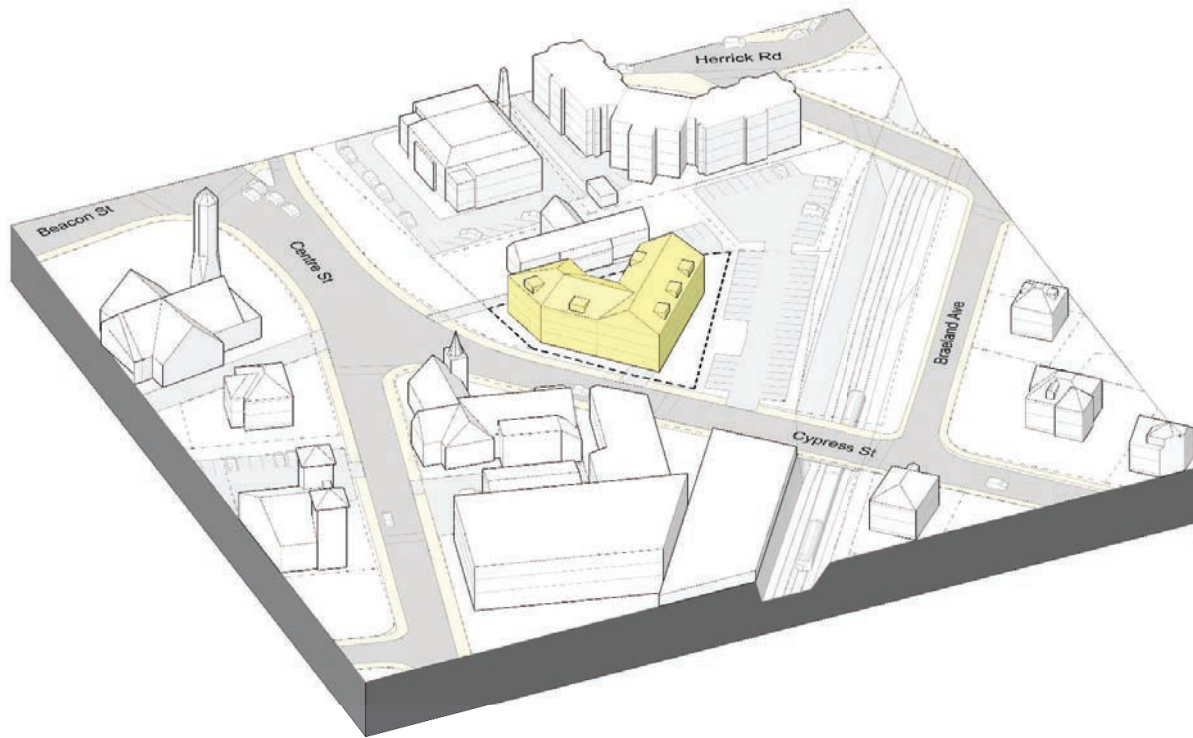
Regulations	Revised BU3	Test Fit Count
FAR (max)	2.0	1.73
Height (max)	3.5 stories; 58'	3.5 stories; 49'-6"
Building footprint (max)	10,000 sf	8,800 sf
Lot area (max)	¼ acre (32,670 sf)	18,000 sf
Number of Units		26
Lot Frontage (min)	60%	73%
Setback: Front	0' -15' or average	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	10'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	--
Parking: Multi-family	1 per unit	26 spots (underground)

Zoning Scenarios: Tier B

Conceptual Pro Forma

Revised BU3

1 level of below-grade parking



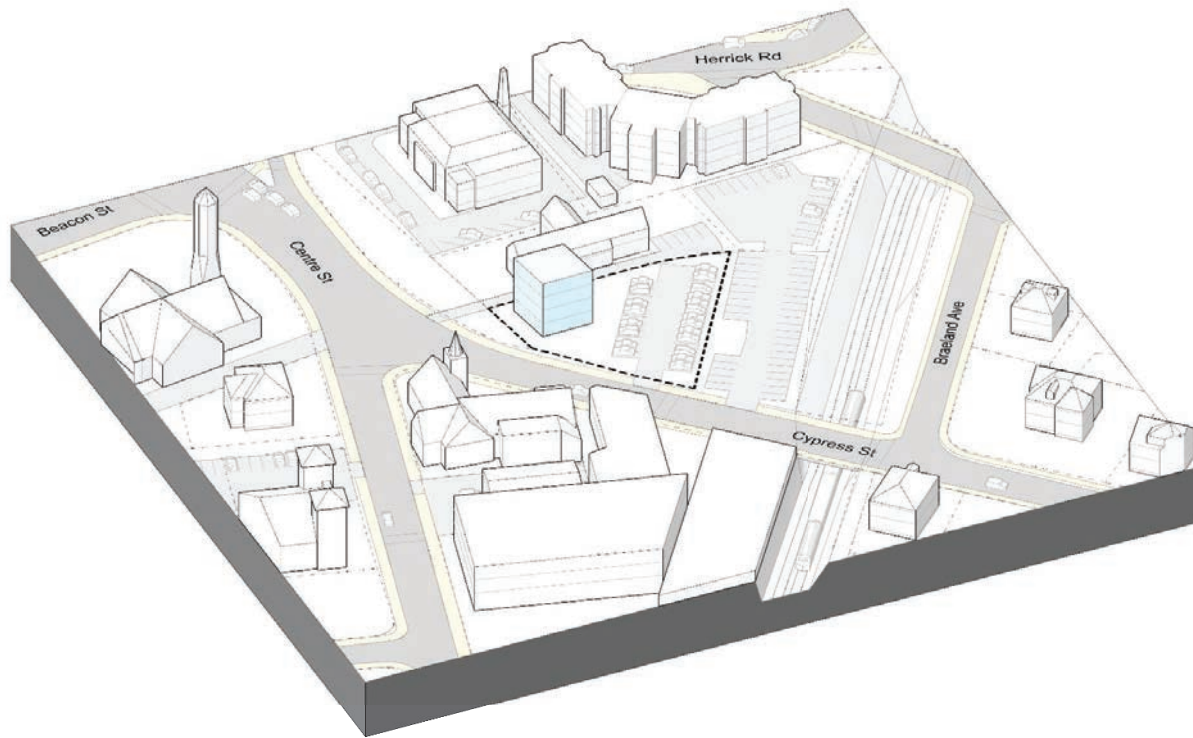
Residential

FEASIBLE:
TARGET 5.5% NOI/COST

Scenario	Mid Rise / 3.5 stories Underground Parking Rental
Site (Acres)	0.41
FAR	1.73
Total Units	26
Affordability %	17.5%
Affordable Units	5.0
Average Unit Size	960
Residential Efficiency	80%
Total GSF	31,140
Parking Ratio	1.00
Parking Cost	\$ 70,000
Residential Rent/SF	4.60
AMI %	65%
Affordable Rent/SF	\$ 1.42
Commercial Rent	\$ -
Hard Cost (Includes Fit out)	315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Open Space	\$ -
Road Costs	\$ -
Total Cost/GSF	\$ 501
Parking fee (per space per month)	125.00
Cap Rate	4.50%
NOI/Cost	5.64%

Zoning Scenarios: Tier B

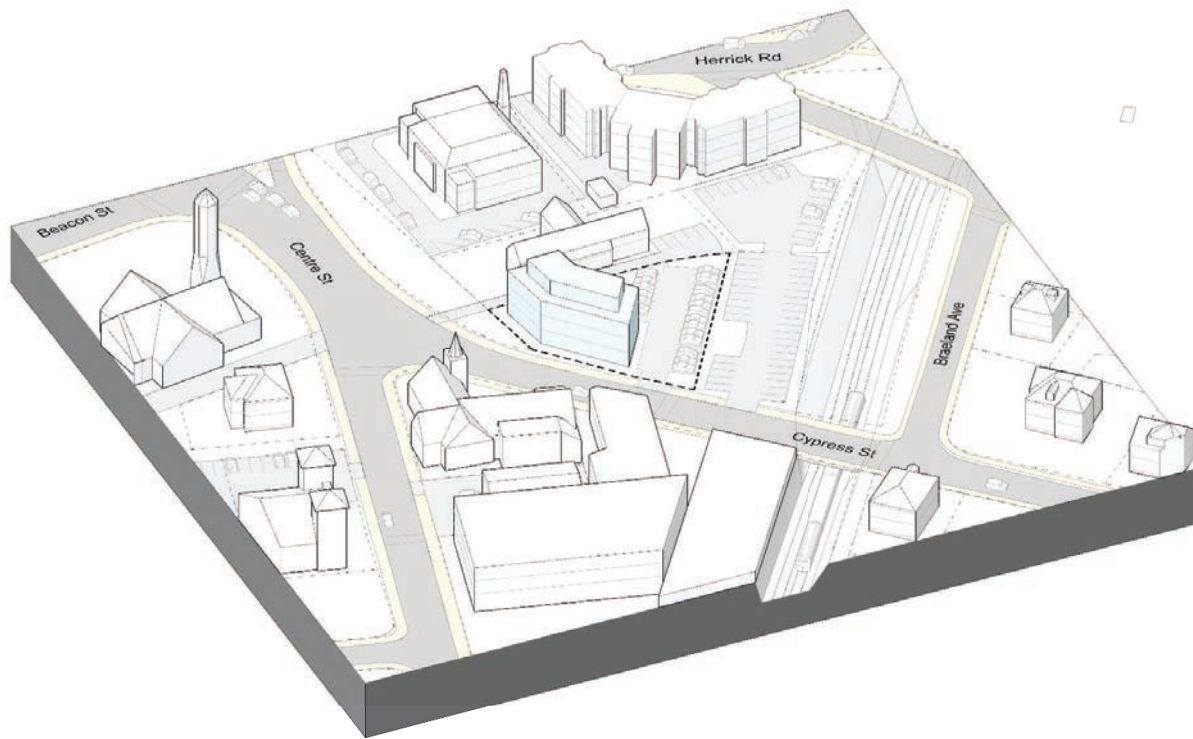
Existing BU3: Special permit



 Office

Zoning Scenarios: Tier B

Revised BU3 Test-fit



■ Office

Regulations	Revised BU3	Test Fit Count
FAR (max)	2.0	0.84
Height (max)	3.5 stories; 62'	3.5 stories; 52'
Building footprint (max)	10,000 sf	4,400 sf
Lot area (max)	¼ acre (32,670 sf)	18,000 sf
Area Office		15,100 sf
Lot Frontage (min)	60%	60%
Setback: Front	0' -15' or average	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	10'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	--
Parking: Office	1 per 700 sf	22 spots (surface)

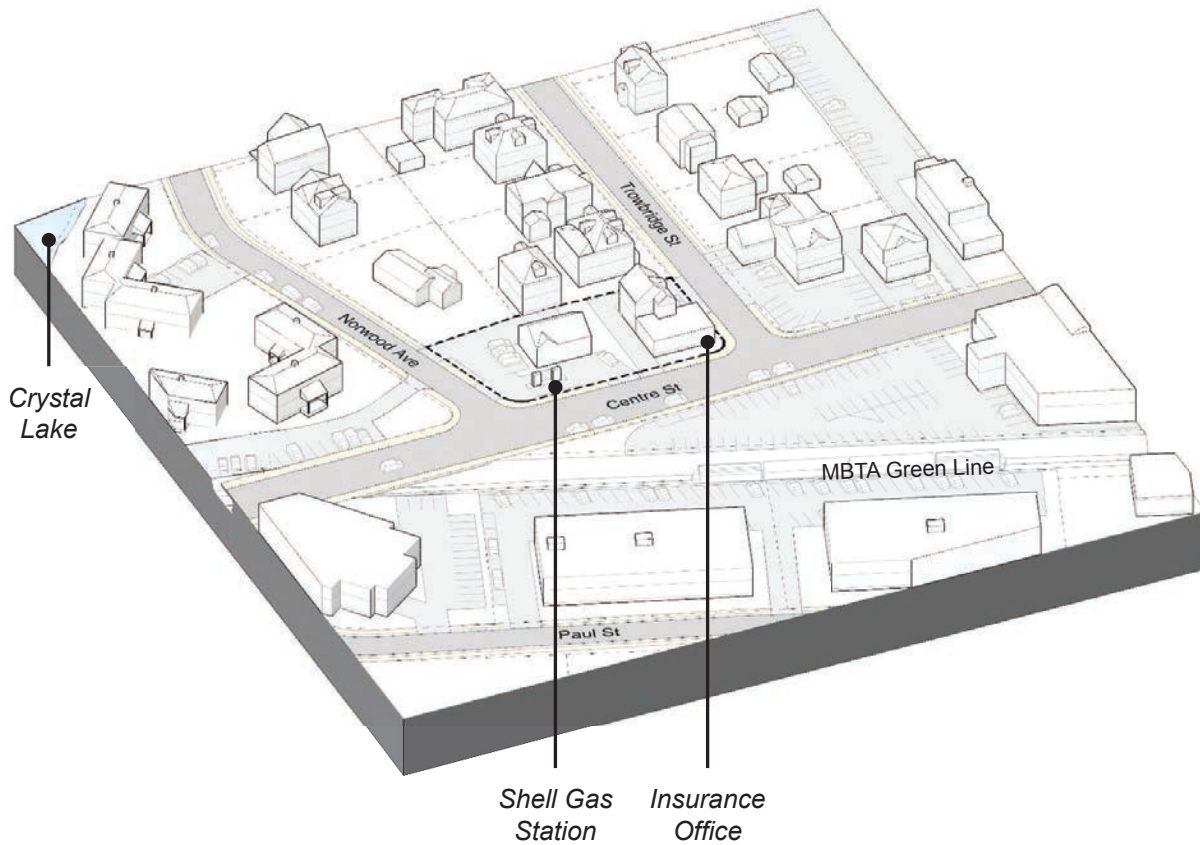
Zoning Scenarios: Tier C

Revised Business District 2 (BU2)

Zoning Regulations		Existing		Proposed
		BU2 By-Right	BU2 Special Permit	Revised BU2
Building Size	FAR (max)	1.0	2.0	1.75
	Height (max)	2 stories, 24'	4 stories, 48'	2.5 stories 49' commercial 47' residential
	Lot area per unit (min)	1,200 sf	1,200 sf	--
	Building footprint (max)	--	--	5,000 sf
Special Permit Threshold	Building area (max)	19,999 sf	--	--
	Lot area (max)	--	--	¼ acre
Lot Dimensions	Lot area (min)	10,000 sf	10,000 sf	--
Setbacks	Lot Frontage (min)	--	--	60%
	Setback: Front	Lesser of ½ bldg ht or Average	Lesser of ½ bldg ht or Average	10' - 20' or Average setback
	Setback: Side (min)	½ bldg ht or equal to abutting side yard	½ bldg ht or equal to abutting side yard	0' if abutting bldg w party wall. 15' if abutting residential. Otherwise 10'.
	Setback: Rear (min)	Greater of ½ bldg ht of 15' if abutting residential or public use. Otherwise 0'	Greater of ½ bldg ht of 15' if abutting residential or public use. Otherwise 0'	15' if abutting residential. Otherwise 10'.
Parking Ratio	Retail	1 per 300 sf	1 per 300 sf	Exempt for ground floor commercial
	Office	1 per 250 sf	1 per 250 sf	1 per 700 sf
	Multi-family	2 per unit	1.25 per unit	1 per unit
Allowed Uses		Retail Office	Retail Office Multi-family	Retail Office Multi-family

Zoning Scenarios: Tier C

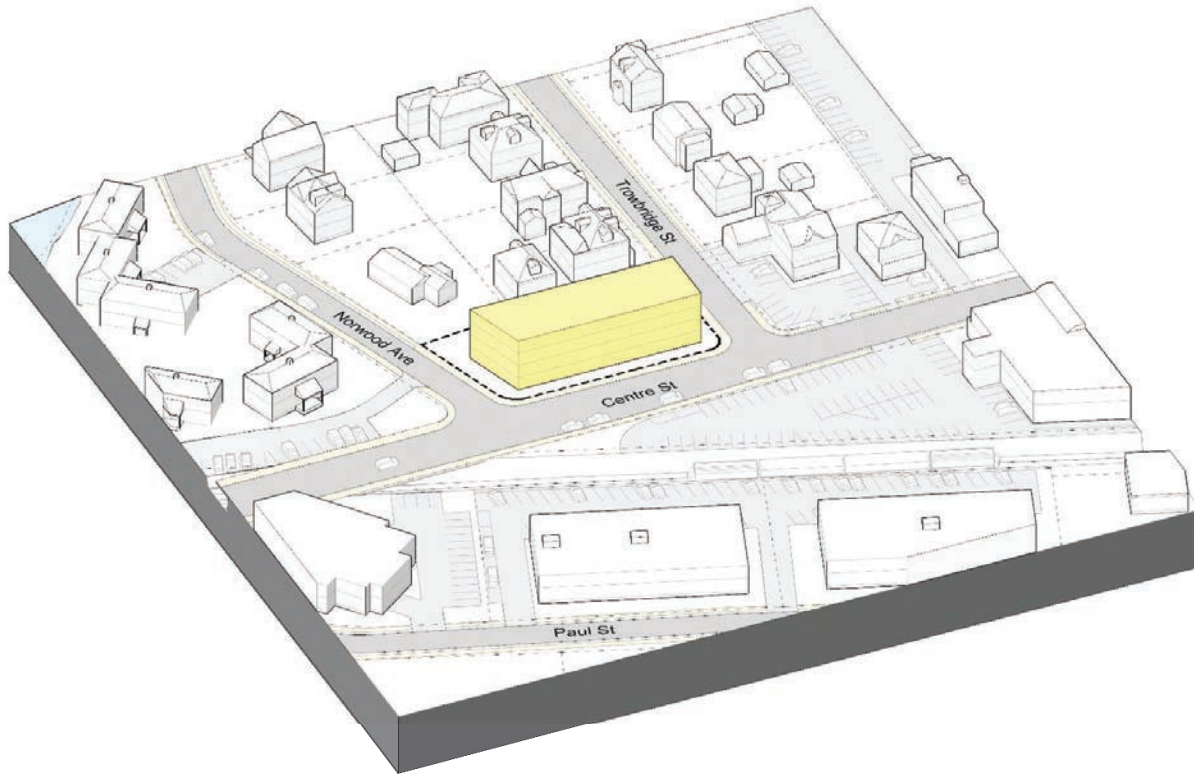
Existing: Site 17,700 sf Current zoning: BU2
Zoning to test: Revised BU2




Zoning Scenarios: Tier C

Existing BU2: Special permit residential

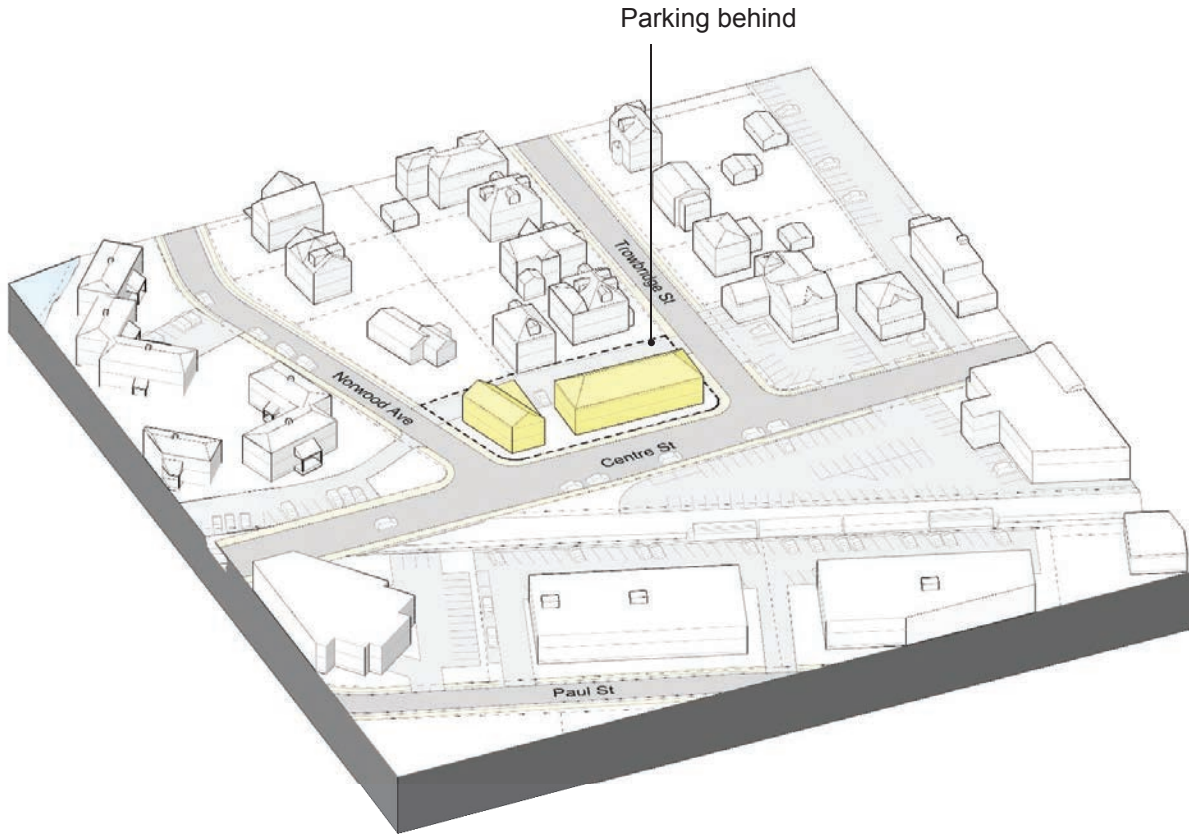
1 level of below-grade parking



 Residential (15 units, 2,000 gsf each)

Zoning Scenarios: Tier C

Revised BU2 Test-fit



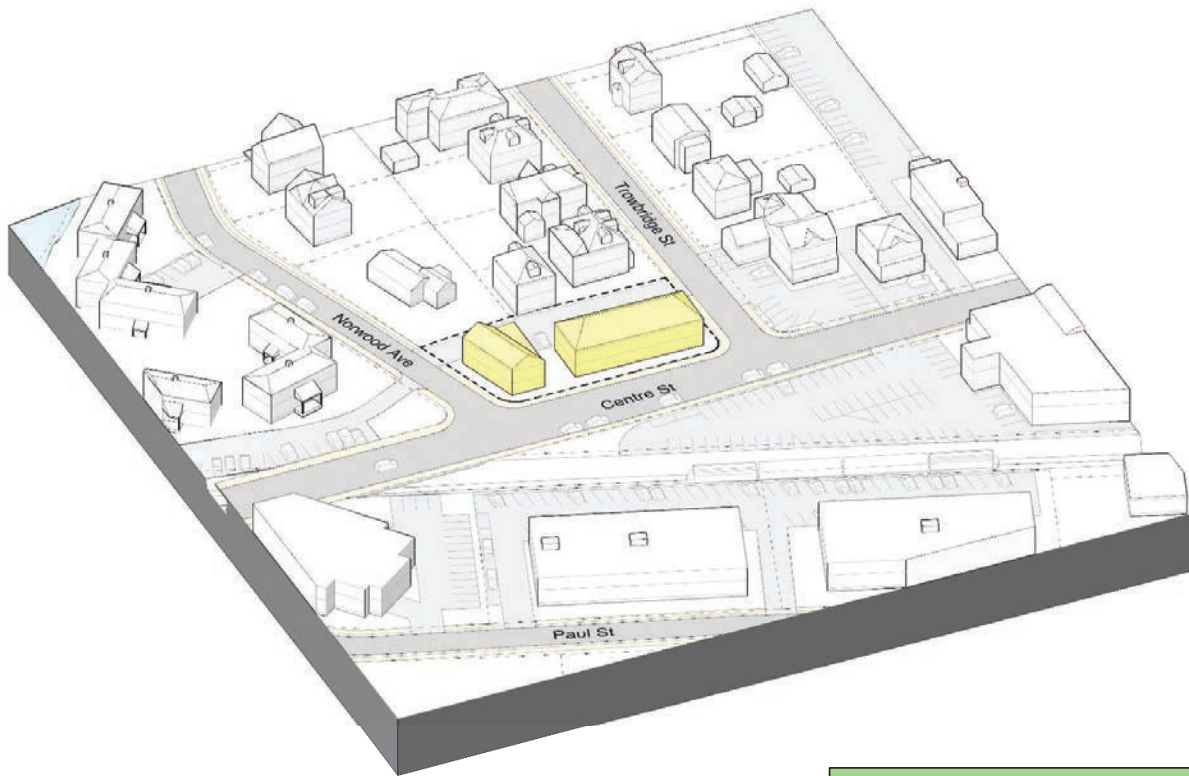
Residential

Regulations	Revised BU2	Test Fit Count
FAR (max)	1.75	0.85
Height (max)	2.5 stories; 47'	2.5 stories; 36'
Building footprint (max)	5,000 sf	3,800 sf; 1,830 sf
Lot area (max)	¼ acre (32,670 sf)	17,700 sf
Number of Units		13
Lot Frontage (min)	60%	72%
Setback: Front	10' - 20' or average	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	10'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	15'
Parking: Multi-family	1 per unit	13 spots (surface)

Zoning Scenarios: Tier C

Conceptual Pro Forma

Revised BU2



Residential

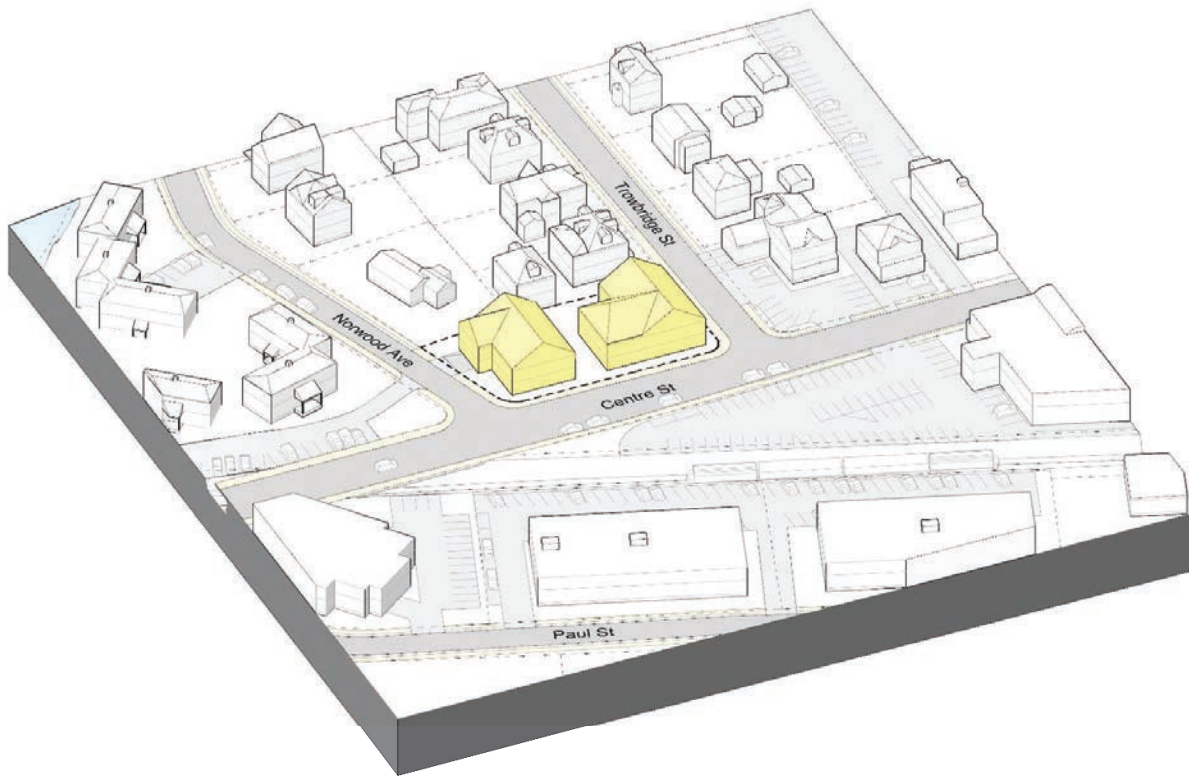
FEASIBLE:
TARGET 5.5% NOI/COST

Scenario	Low Rise / 2.5 stories
	Surface Parking
	Rental
Site (Acres)	0.41
FAR	0.85
Total Units	13
Affordability %	17.5%
Affordable Units	2.0
Average Unit Size	960
Residential Efficiency	80%
Total GSF	15,045
Parking Ratio	1.00
Parking Cost	\$ 5,000
Residential Rent/SF	4.60
AMI %	65%
Affordable Rent/SF	\$ 1.42
Commercial Rent	\$ -
Hard Cost (Includes Fit out)	315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Total Cost/GSF	\$ 494
Parking fee (per space per month)	50.00
Cap Rate	4.50%
NOI/Cost	5.72%

Zoning Scenarios: Tier C

Revised BU2 Test-fit

1 level of below-grade parking



Residential

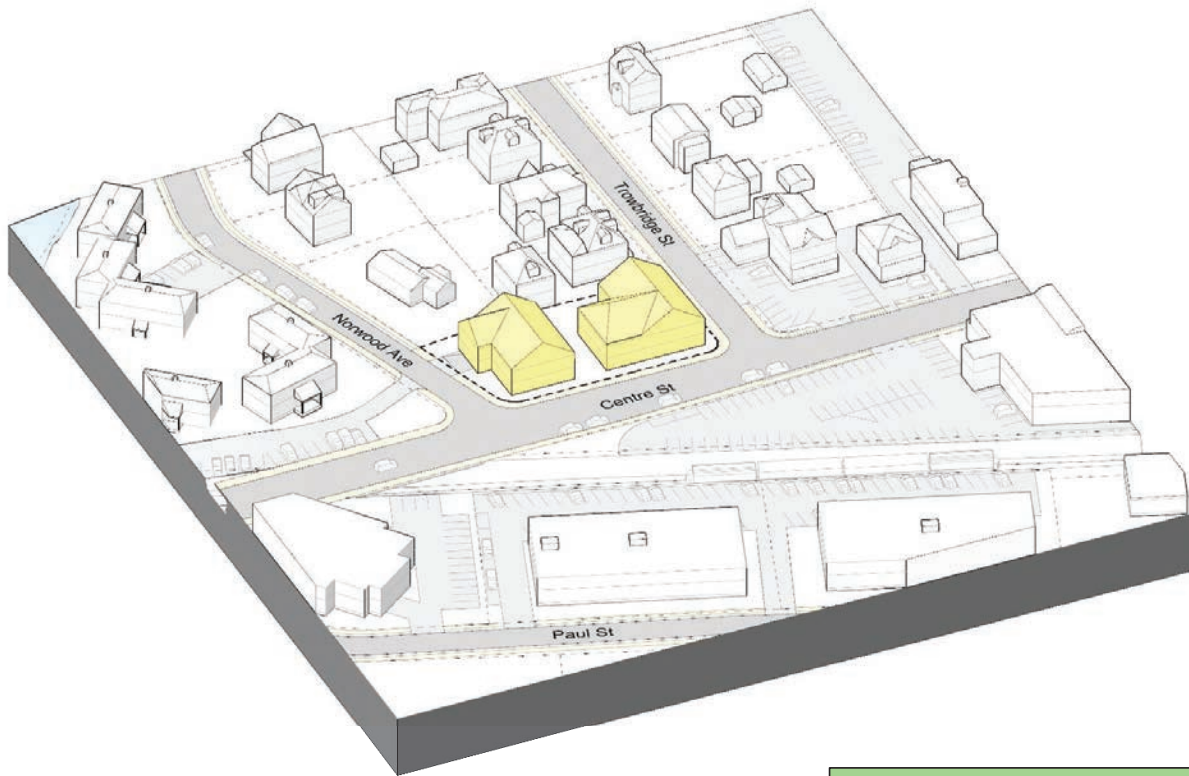
Regulations	Revised BU2	Test Fit Count
FAR (max)	1.75	1.31
Height (max)	2.5 stories; 47'	2.5 stories; 39'
Building footprint (max)	5,000 sf	4,930 sf; 3,800 sf
Lot area (max)	¼ acre (32,670 sf)	17,700 sf
Number of Units		19
Lot Frontage (min)	60%	73%
Setback: Front	10' - 20' or average	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	10'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	15'
Parking: Multi-family	1 per unit	19 spots (underground)

Zoning Scenarios: Tier C

Conceptual Pro Forma

Revised BU2

1 level of below-grade parking



Residential

FEASIBLE:
TARGET 5.5% NOI/COST

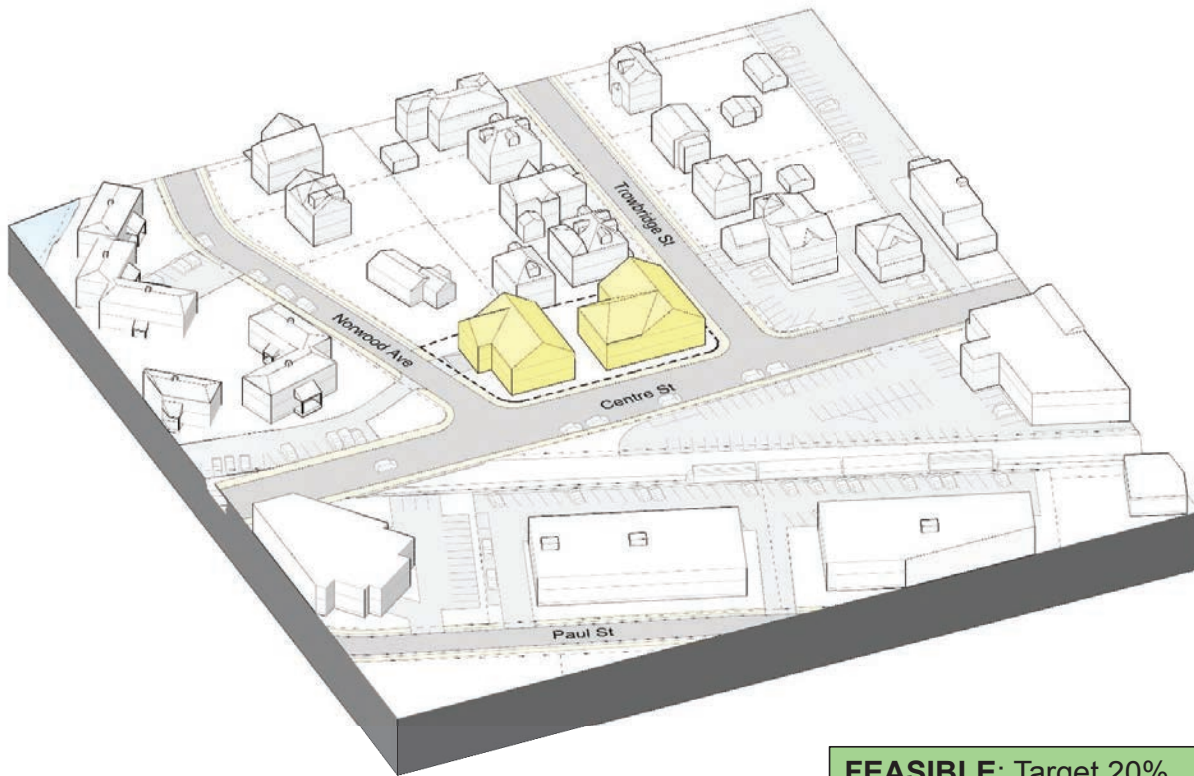
Scenario	Low Rise / 2.5 stories
	Surface Parking
	Rental
Site (Acres)	0.41
FAR	1.31
Total Units	19
Affordability %	17.5%
Affordable Units	3.0
Average Unit Size	960
Residential Efficiency	80%
Total GSF	23,187
Parking Ratio	1.00
Parking Cost	\$ 70,000
Residential Rent/SF	4.60
AMI %	65%
Affordable Rent/SF	\$ 1.42
Commercial Rent	\$ -
Hard Cost (Includes Fit out)	315.00
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Total Cost/GSF	\$ 518
Parking fee (per space per month)	50.00
Cap Rate	4.50%
NOI/Cost	5.59%

Zoning Scenarios: Tier C

Conceptual Pro Forma: For-Sale

Revised BU2

1 level of below-grade parking



Residential

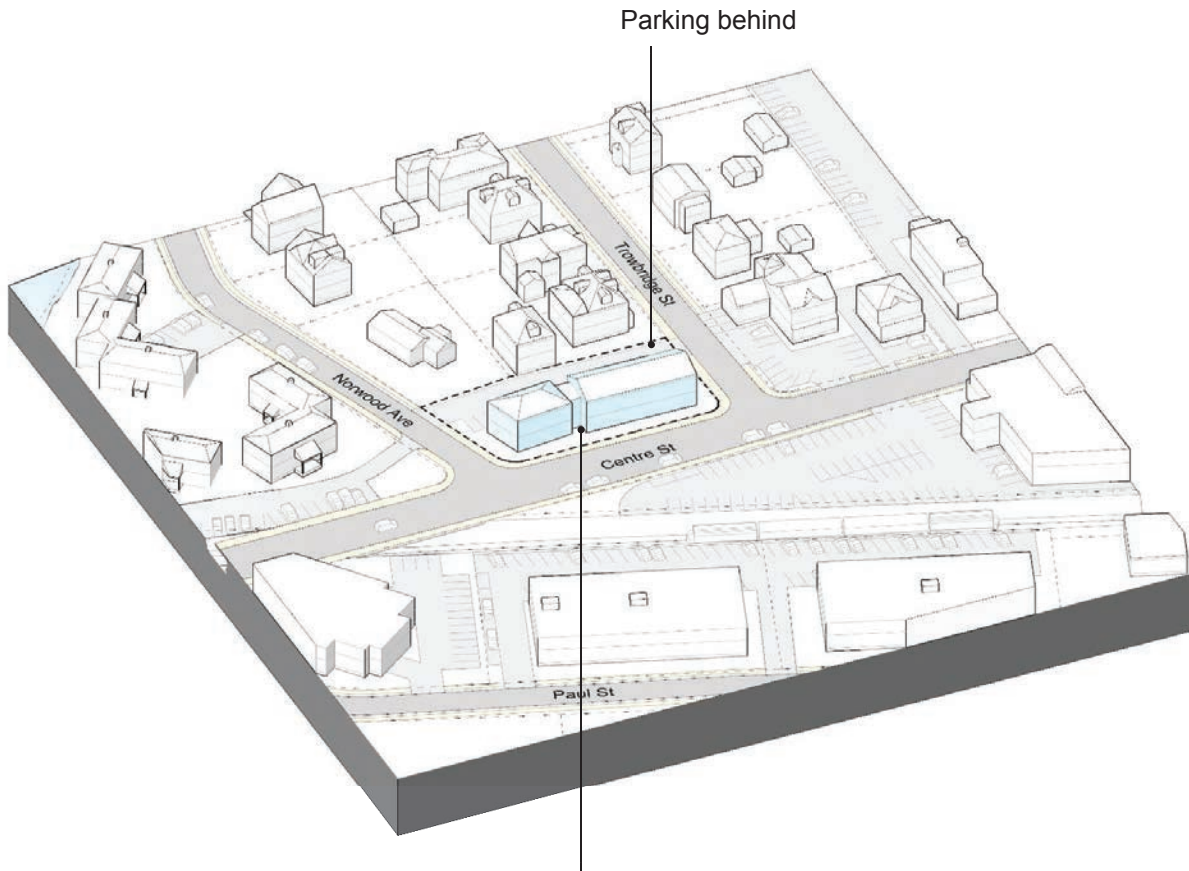
FEASIBLE: Target 20% IRR and 2.0 Equity Multiple
Assumes 90% of the units are pre-sold.



Scenario	Low Rise / 2.5 stories Underground Parking Condo
Site (Acres)	0.41
FAR	1.31
Total Units	19
Affordability %	17.5%
Affordable Units	3
Average Unit Size	960
Residential Efficiency	80%
Total GSF (building only)	23,187
Parking Ratio	1.00
Parking Cost (Below Grade)	\$ 70,000
Price per space	\$ 100,000
Price Per SF	\$ 900
AMI %	93%
Affordable price/SF	\$ 214
Hard Cost (Includes Fit out)	\$ 315
Soft Cost/Site	25%
Land Cost (per land foot)	85.00
Total Cost/GSF	\$ 460
IRR	20.08%
Equity Multiple	2.4

Zoning Scenarios: Tier C

Revised BU2 Test-fit



Office

Design guidelines: setback and reduced height required for every 100 feet of building facade

Regulations	Revised BU2	Test Fit Count
FAR (max)	1.75	0.72
Height (max)	2.5 stories; 49'	2.5 stories; 36'
Building footprint (max)	5,000 sf	4,800 sf
Lot area (max)	¼ acre (32,670 sf)	17,700 sf
Area Office		12,800 sf
Lot Frontage (min)	60%	80%
Setback: Front	10' - 20' or average	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	10'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	15'
Parking: Office	1 per 700 sf	18 spots (surface)

Urban form implications

1. Where we are
2. Zoning Approach
3. Example revised zoning with test-fits
 - a. Revised Mixed Use District 4 (MU4)
 - b. Revised Business District 3 (BU3)
 - c. Revised Business District 2 (BU2)
4. Comparing revised zoning to buildings in Newton
5. Next Steps and Discussion

The purpose of the examples is to illustrate the kinds of urban form the revised zoning might result in.

Revised MU4 versus Newton Precedent Project

	Proposed	Precedent
Regulations	Revised MU4	1149-1151 Walnut St
FAR (max)	2.50	2.00
Height (max)*	4.5 stories; 69'	4 stories, 44'
Building footprint	15,000 sf (max)	11,000 sf
Lot area (max)	¾ acre (32,670 sf)	13,200 sf
Number of Units		25 (5 are inclusionary)
Setback: Front	0' -10'	10'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	0'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	0.4'
Parking: Retail	Exempt for ground floor commercial	none
Parking: Multi-family	1 per unit	0.92 per unit



1149 - 1151 Walnut Street, Newton Highlands

Status: under review, special permit process

*The revised building height listed is the maximum height for **residential** uses. This maximum height includes the opportunity for ground floor retail and a pitched roof.

Red means that the precedent project does not meet the revised zoning

Revised MU4 versus Newton Precedent Project

	Proposed	Precedent
Regulations	Revised MU4	28 Austin St
FAR (max)	2.50	1.15
Height (max)	4.5 stories; 69'	4 stories, 48'
Building footprint	15,000 sf (max)	26,380 sf
Lot area (max)	¾ acre (32,670 sf)	74,530 sf
Number of Units		68 (23 are workforce housing units)
Setback: Front	0' -10'	8'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	7'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	43'
Parking: Retail	Exempt for ground floor commercial	
Parking: Multi-family	1 per unit	1.25 per unit

*The revised building height listed is the maximum height for **residential** uses. This maximum height includes the opportunity for ground floor retail and a pitched roof.

Red means that the precedent project does not meet the revised zoning



28 Austin Street, Newtonville

Construction completed in 2021

Revised BU3 versus Newton Precedent Project

	Proposed	Precedent
Regulations	Revised BU3	219 Comm. Ave
FAR (max)	2.00	1.81
Height (max)*	3.5 stories; 58'	3.5 stories, 44'
Building footprint	10,000 sf (max)	4,160 sf
Lot area (max)	¾ acre (32,670 sf)	10,347 sf
Number of Units		28 units
Setback: Front	0' -15' or Average	0 - 8'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	10'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	25'
Parking: Multi-family	1 per unit	0.32 per unit



219 Commonwealth Avenue

Construction completed in 1880

*The revised building height listed is the maximum height for **residential** uses. This maximum height includes the opportunity for ground floor retail and a pitched roof. The precedent building height is measured from google earth pro.

Red means that the precedent project does not meet the revised zoning

Revised BU2 versus Newton Precedent Project

	Proposed	Precedent
Regulations	Revised BU2	25-31 Highland Ave
FAR (max)	1.75	0.77
Height (max)*	2.5 stories; 47'	3 stories; 48'
Building footprint	5,000 sf (max)	3,740 sf
Lot area (max)	¾ acre (32,670 sf)	13,200 sf
Number of Units		16 units
Setback: Front	10' -20' or Average	38'
Setback: Side (min)	0' if abutting bldg with party wall. 15' if abutting residential. Otherwise 10'.	5'
Setback: Rear (min)	15' if abutting residential. Otherwise 10'.	25'
Parking: Multi-family	1 per unit	1 per unit



25-31 Highland Avenue, Newtonville

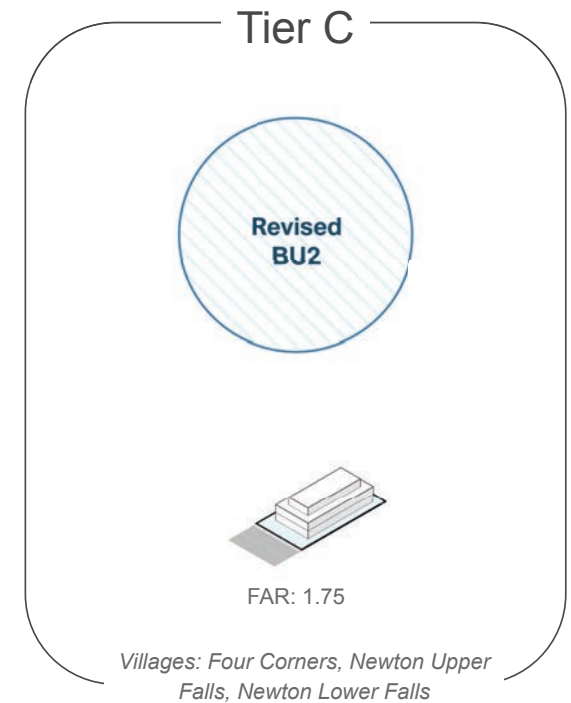
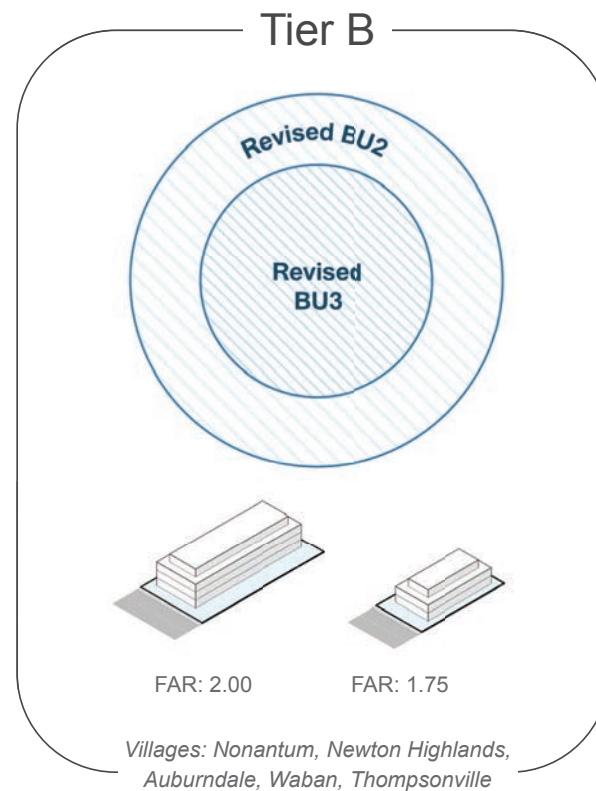
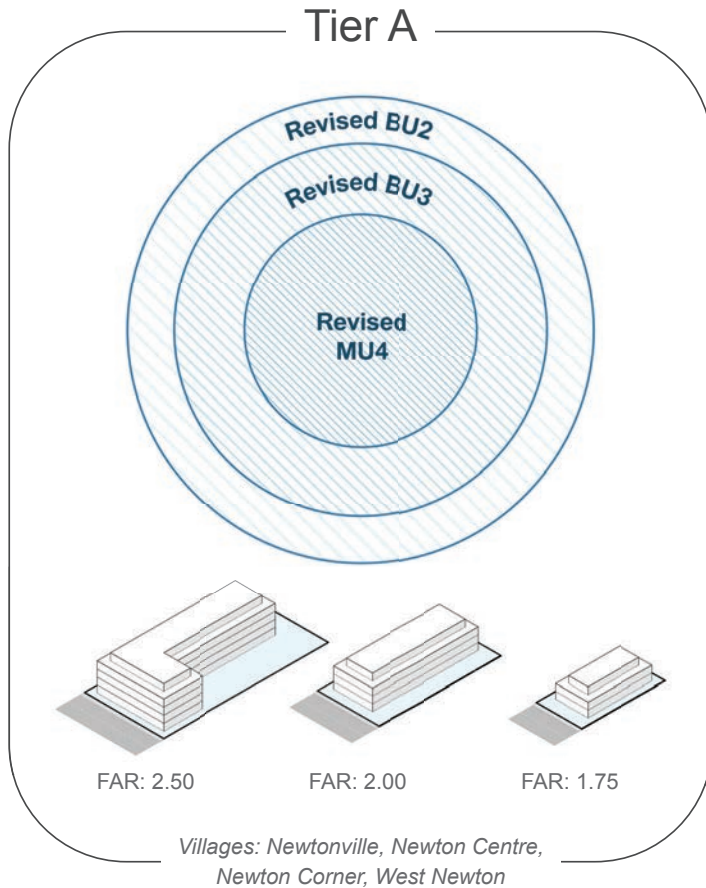
Construction completed in 1938

*The revised building height listed is the maximum height for **residential** uses. This maximum height includes the opportunity for ground floor retail and a pitched roof. The precedent building height is measured from google earth pro.

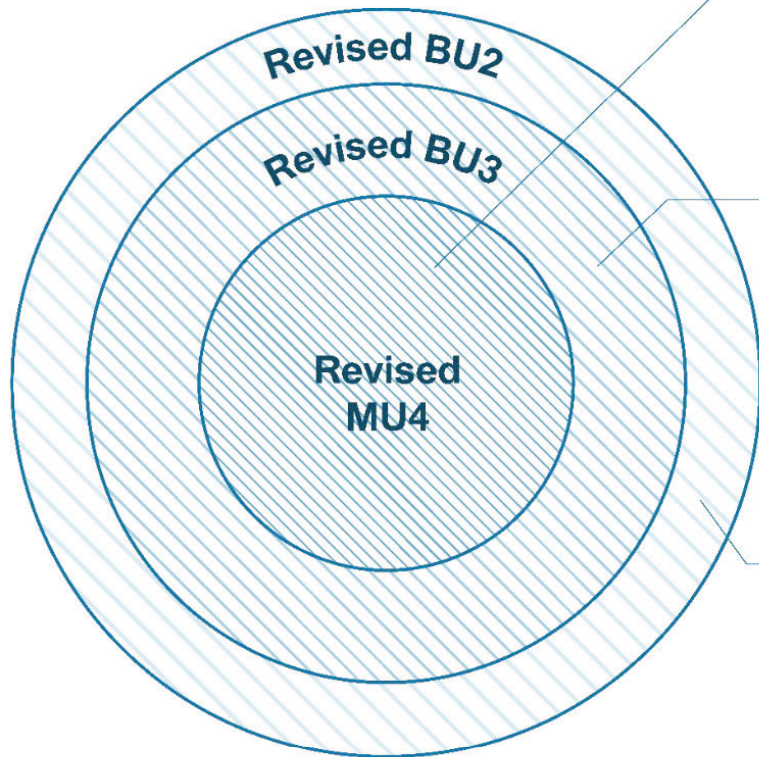
Red means that the precedent project does not meet the revised zoning

Zoning Approach

Tiered Framework applied based on village center



Zoning Approach



Center

	MU4 (Special Permit)	Revised MU4
FAR	2.50	2.50
Height	5 stories; 60'	4.5 stories; 75' commercial, 69' residential
Lot area per unit	--	--
Bldg Footprint	--	15,000 sf max
Parking Ratio		
Retail	1 per 300 sf	Exempt for ground floor commercial
Office	1 per 250 sf	1 per 700 sf
Multi-family	1.25 per unit	1 per unit
Allowed Uses	Retail, Office, Multi-family	Retail, Office, Multi-family

Periphery

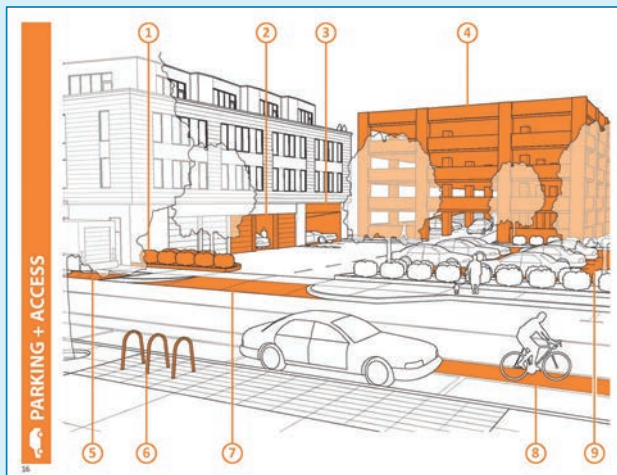
	BU3 (Special Permit)	Revised BU3
FAR	2.00	2.00
Height	4 stories; 48'	3.5 stories; 62' commercial, 58' residential
Lot area per unit	1,200 sf	--
Bldg Footprint	--	10,000 sf max
Parking Ratio		
Retail	1 per 300 sf	Exempt for ground floor commercial
Office	1 per 250 sf	1 per 700 sf
Multi-family	1.25 per unit	1 per unit
Allowed Uses	Retail, Office	Retail, Office, Multi-family

Edge

	BU2 (Special Permit)	Revised BU2
FAR	2.00	1.75
Height	4 stories; 48'	2.5 stories; 49' commercial, 47' residential
Lot area per unit	1,200 sf	--
Bldg Footprint	--	5,000 sf max
Parking Ratio		
Retail	1 per 300 sf	Exempt for ground floor commercial
Office	1 per 250 sf	1 per 700 sf
Multi-family	1.25 per unit	1 per unit
Allowed Uses	Retail, Office	Retail, Office, Multi-family

Next Steps

1. Test fits in smaller village centers
2. Village center zoning recommendations
3. Community engagement: First network meeting is Tuesday, May 17 or Wednesday, May 18, 6-7:30pm





Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

Peter Doeringer, Chair
Kelley Brown, Member
Jennifer Molinsky, Member
Kevin McCormick, Member
Sudha Maheshwari, Member
Chris Steele, Member
Barney Heath, Planning
Director *ex officio*
Lee Breckenridge, Alternate

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

**PLANNING & DEVELOPMENT BOARD JOINT MEETING WITH THE ZONING AND
PLANNING MINUTES**

April 29, 2022

Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Kevin McCormick
Lee Breckenridge, alternate

Staff present:

Cat Kemmett, Planning Associate

Meeting held virtually by Zoom Meeting

1. Continued public hearing and vote for #127-22, Last Mile Delivery Services

Chair Doeringer opened the meeting at 4:07 P.M.

Board members continued their discussion about the possible options for regulating Last Mile Delivery Services. Overall, the Board was in favor of allowing microfulfillment centers in MU1, MU2, MU3, L, and M Zones with listed standard, but had diverging thoughts on whether microfulfillment centers in the BU4 Zone should be subject to listed standards or to discretionary review through the special permit process.

Mr. McCormick was inclined to not allow this use in BU1 and BU2, expressing that he did not want to create unnecessary special permits. Ms. Breckenridge and Mr. Brown generally agreed with this. Ms. Breckenridge further added that coming to a definitive decision on what should be allowed by-right in BU4 would be preferable to allowing the use by special permit only.

Chair Doeringer expressed a desire to exercise quick and flexible discretion to assess the impacts of projects outside of the special permit process. He felt that the commercial corridors in BU4 zones were probably heterogeneous that some form of discretionary design review would be appropriate. There are still many unknown factors and potential impacts that could come with a new use like this, and therefore the Board is not in a position to anticipate all of the needed standards to have those in place now.

Board members discussed different potential avenues to pursue for this by right, by special permit, and in different zones, and whether the draft definition would or would not encompass facilities like ghost kitchens.

Several members noted the importance of ensuring that this definition would not negatively impact catering and convenience stores that also involve the delivery of food or other household goods.

Upon a motion by Mr. McCormick, the Board voted unanimously (4-0-0) in favor of the following recommendations for amending the Zoning Code to regulate “last mile” delivery services:

1. Not to allow last mile delivery services in BU1 and BU2 zones or in BU3, MU3, and MU4 Zones.
2. To allow last mile delivery services in BU4, MU1, MU2, MU3, M, and L Zones, subject to the listed standards for square footage, parking, off-street loading bays, and distances from streets and street-facing building façades proposed in the Planning Department’s April 22, 2022 memo on Docket Item 127-22.
3. To approve the following use definition of “last mile delivery services”:

6.4.XX Microfulfillment Center

A. Defined A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers

2. Adjournment

Upon a motion by Mr. Brown and approved unanimously, the meeting was adjourned at 4:55 PM.



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

Peter Doeringer, Chair
Kelley Brown, Member
Jennifer Molinsky, Member
Kevin McCormick, Member
Sudha Maheshwari, Member
Chris Steele, Member
Barney Heath, Planning
Director *ex officio*
Lee Breckenridge, Alternate

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

May 2, 2022

Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Kevin McCormick, Member
Lee Breckenridge, Alternate
Barney Heath, *ex officio*

City Staff: Amanda Berman, Director of Housing & Community Development; Shaylyn Davis, Senior Community Development Planner; Eamon Bencivengo, Housing Development Planner; Malcom Lucas, Nika Sandal, Community Development Planner

Meeting held virtually by Zoom Meeting

1. FY23 Annual Action Plan Public Hearing

Chair Doeringer opened the meeting at 7:02 P.M. Amanda Berman, Director of Housing & Community Development, and Senior Community Development Planner Shaylyn Davis gave a presentation for this item.

Ms. Berman explained that the presentation would detail the allocation of CDBG, HOME, and ESG funds for the period of July 1, 2022 through June 30, 2023. For FY23, the breakdown in funding is proposed as follows:

Community Development Block Grant (CDBG)	\$1,963,572.00
HOME Investment Partnerships Program (HOME)	\$1,491,865.00
Emergency Solutions Grant (ESG)	\$164,000.00
Total	\$3,619,437.00

Affordable Housing

Affordable Housing accounts for \$1,221,375 or 60% of CDBG funding, and would go towards housing program delivery, housing rehabilitation, and site acquisition and improvements related to the construction of new affordable units for low- and moderate-income households. This would support the team’s goals to create, preserve, and rehabilitate safe, decent, and affordable rental and ownership housing and provide financial support to income-eligible first-time homebuyers

In terms of production of affordable units, several projects are already underway Haywood House, a Newton Housing Authority project, will create 55 affordable

City of Newton Planning and Development Board

rental units for seniors earning between 30% - 99% AMI. Construction began in spring 2021 and is expected to be complete in spring of 2023. There is also the Golda Meir House Expansion Project with 2Life Communities, which has 68 affordable rental units for seniors ranging from 30%-99% AMI, including 9 units for chronically homeless adults with disabilities. Construction began in summer 2021 and expected to be complete in fall 2023. Coleman House Senior Housing Preservation Project with 2Life Communities will feature a comprehensive rehab and preservation of 146 existing very low and extremely low-income senior housing units. Construction began in summer of 2021 and is expected to wrap up in fall 2023. NHA also acquired CAN-DO's existing affordable housing portfolio of 33 units spread across 12 scattered site projects in Newton. Tenants include extremely low- and low- income individuals who require a variety of supportive services. Funding supported the debt reduction as part of acquisition and will support rehabilitation of units across the portfolio.

For potential FY23 and future housing projects, the city is working on NHA's housing management portfolio consisting of 57 units at 13 properties (not including the former CAN-DO portfolio). There has also been a pre-commitment of future years' funds for the West Newton Armory, the redevelopment will create 43 units of affordable housing, under development team Metro West / Civico. The pre-commitment of FY24 & FY25 CDBG is \$930,000 and Newton HOME funds of \$118,000, which was approved on 4/12/22.

The down payment assistance program provides financial support for low- to moderate income first-time home buyers purchasing deed restricted affordable units through the provision of a \$10,000 grant. Up to 3 income-eligible homebuyers are estimated to be assisted in FY23.

Rehab of existing units will also be supported, through the Newton Housing Authority and nonprofit housing units. Staff anticipate rehab of 3 homeowner units and 16 rental units (CAN-DO portfolio / NHA Acquisition

Continued education around fair housing laws, regulations and their enforcement will continue as well. Staff will collaborate with the Fair Housing Committee and WestMetro HOME Consortium to increase awareness of fair housing policies and practices.

Human Service

Human Service accounts for \$295,000 or 15% of CDBG funding, to provide grants for a total of fourteen human service projects through 14 sub-grantee agencies during FY23.

The city has three priority areas:

- Enrichment and Care for Vulnerable Youth, Ages 0-18
- Stability and Self-Sufficiency for Vulnerable Adults, Ages 19-61
- Promoting Economic Security and Vitality for Older Adults, Ages 62+

The budget for ESG in 2022 was \$164,708.00. The FY23 recommendation is \$164,000.00.

Architectural Access

Architectural Access accounts for \$95,000 or 5% of CDBG funding, to construct two accessible crossings at the three-way intersection of Langley Road, Warren Street and Chase Street. THIS will entail the removal of material and architectural barriers restricting mobility and accessibility of elderly or severely disabled persons, through public thoroughfares, public buildings, parks and recreational facilities, and nonprofit agencies.

City of Newton Planning and Development Board

5% (\$95,000) of FY23 CDBG funds will fund the creation of two accessible crossings at the three-way intersection of Langley Road, Warren Street and Chase Street.

Program Administration

Program Administration comprises \$403,689 or 20% of CDBG funding for the administration and implementation of the CDBG program, including citizen participation and program delivery. The WestMetro HOME Consortium will continue to work on rehab of existing units, production of new affordable units, and tenant based rental assistance.

The public comment period for this plan ends on Wednesday, June 1, 2022, and the submission deadline to HUD is June 30, 2022.

Chair Doeringer then opened the public hearing.

India Arnold, Program Coordinator & Community Coordinator at the Newton Community Development foundation spoke to the power of CDBG on the residence program. The funds help support impactful community events and improve the lives of residents.

Upon a motion by Mr. McCormick and approved unanimously, the public hearing was then closed.

Mr. Heath thanked the Housing team for assembling all of this data and acknowledged all of the hard work that each member put into making the plan possible.

Mr. Brown asked for clarification on whether CDBG funds can be used to acquire new housing units. Ms. Berman said that CDBG funds can indeed be used to acquire a site, but they cannot be used to construct new housing units. A site can be acquired for rehab or demolition and improvement, but they can't directly support the development of new housing. There are ways to support new construction projects, but how the funds can be used is nuanced, so not every project is a good fit for CDBG funding.

Mr. Brown asked if funds can be used for tenant relocation. Mr. Bencivengo explained that some CDBG funding was used for a relocation consultant on the Coleman House project. If tenants are displaced due to demolition of existing homes, the Uniform Relocation Assistance and Real Property Acquisition Policies Act kicks in if people are permanently displaced.

Mr. McCormick asked if there is a plan for the long-term maintenance of the unsubsidized units being supported. Ms. Berman responded that there is no funding request or formal plan before them now from the NHA, but there may be one of review in the future.

Chair Doeringer suggested that, as he has in the past, these programs could and should have a stronger emphasis on workforce development and supporting self-sufficiency and financial independence for vulnerable populations. This is a time when such support is especially appropriate because the EDC is interested in working on ways to support storefront businesses, which could help create more jobs and further business diversity and inclusion. These could be good projects for low-income folks to get involved in, and the housing team should consider working with Metrowest and the EDC on this.

Upon a motion by Mr. McCormick, the Board voted in favor of recommending the adoption of the FY23 Annual Action Plan for the City of Newton Housing and Community Development Program and the Westmetro Home Consortium 5-0-1 with Director Heath abstaining.

2. Village Center Zoning Discussion

Mr. Brown asked if staff could comment on where ZAP members stand on the current proposals for Village Center Zoning. Mr. Heath responded that this is one of the most important things to understand to get to the next stage of working on these zoning proposals, and that June 1 will be a meeting to really check in and better understand their thoughts on the substance of the proposal. Staff plan to check in individually with members to take a temperature check. Staff in partnership with Utile have tried to find an approach that works from an economic standpoint and facilitates the desired changes City Council and community members have shared. Some questions still remain but staff would like to better understand how this framework and approach is sitting with ZAP to make sure it is striking the right balance.

Chair Doeringer asked for information about the mapping process. Mr. Heath responded that we have good data from the Pattern Book to work from, but what exists on the ground today is important. The border areas where things transition from commercial to residential are where things could get tricky. Some elements of crowd sourcing from the public will probably be involved, but in terms of the mapping and zoning it's also possible that the actual boundaries might not change all that much, even if the zoning districts themselves do. Block to block discussions and analysis could vary a lot though.

Chair Doeringer also pointed out that what zoning allows for and what uses actually exist on the ground can be starkly different, which can be confusing for folks. Mr. Brown added that to that point, moving towards a more mixed-use focus can give the vitality many people are looking for and allow for change over time.

Mr. Brown asked for more information about the proposal to use the size of the floorplate of 15,000 square feet as a control as proposed in the zoning, because that can be limiting for some uses like lab spaces. Mr. Heath responded that Utile's understanding is that anything over that size floorplate might be too dominating for a village center, and they wanted to have a way to govern the scale of the size of the building per se, but not necessarily the square footage amount.

Mr. McCormick noted that the edge cases are likely to be where there will be a lot of conflict. Ms. Kemmett agreed and said that the community engagement approach will try to do some education work around this topic and will bring in people who actually live in these areas to incorporate their feedback and perspective.

3. Minutes

Upon a motion by Mr. McCormick and unanimously approved, the minutes for April 2 and April 12 were adopted.

4. Adjournment

Before adjourning, Chair Doeringer made the following motion:

"The Planning and Development Board applauds Chris Steele's major contributions to the work of the Board since he first arrived over four years ago. He brought a wealth of knowledge about a wide range of zoning and planning policies in Newton, having been a founder of the Waban Area Council and serving for almost six years on the Economic Development Commission (including two terms as Chair and three terms as Vice Chair). From day one, Chris asked penetrating questions about presentations to the Board,

City of Newton Planning and Development Board

he was an articulate and persuasive advocate for sound planning and development policies, and he was often able formulate recommendations on controversial issues that resulted in unanimous support among Board members.

Chris joined the Board because he felt it was a time when Newton was “working through zoning reform and trying to establish planning frameworks that answer to the needs both of today’s residents and of those who will come after us”. While meeting these goals is still a work-in-progress, the Board is grateful for the legacy of zoning and planning policies that Chris helped to shape.”

The motion was unanimously and enthusiastically approved.

Upon a motion by Mr. Brown and unanimously approved, the meeting was adjourned at 8:28 P.M.



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

Peter Doeringer, Chair
Kelley Brown, Member
Jennifer Molinsky, Member
Kevin McCormick, Member
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1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

PLANNING & DEVELOPMENT BOARD JOINT MEETING WITH CITY COUNCIL LAND USE COMMITTEE MINUTES

May 17, 2022

Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Jennifer Molinsky, Member
Barney Heath, *ex officio*

Land Use Members Present: Present: Councilors Crossley (Chair), Danberg, Ryan, Krintzman, Leary Albright, Wright, and Baker

Also Present: Councilors Crossley, Malakie, Norton and Albright

City Staff: Senior Planner Katie Whewell Assistant City Solicitor Jonah Temple, Director of Planning and Development Barney Heath, Chief Planner Jennifer Caira, Planning Associate Cat Kemmett, Director of Sustainability Ann Berwick.

Meeting held virtually by Zoom Meeting

1. Joint public hearing on the request to rezone parcels 34, 36, 38, 48, 50 Crafts Street and 19-21 Court Street

The Planning and Development Board joined the City Council Land Use Committee for this item. For detailed notes on the proceedings and testimony heard at this meeting, please see the attached Land Use Committee Report.

The Planning and Development Board voted unanimously in favor of holding the Public Hearing open for item #259-22. The item was moved to the next regularly scheduled Planning and Development Board Meeting on June 6, 2022.

The meeting was then adjourned.



Land Use Committee Report

City of Newton In City Council

Tuesday, May 17, 2022

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Markiewicz, Laredo and Lucas

Also Present: Councilors Crossley, Malakie, Norton and Albright

City Staff Present: Senior Planner Katie Whewell Assistant City Solicitor Jonah Temple, Director of Planning and Development Barney Heath, Chief Planner Jennifer Caira, Planning and Development Board Chair Peter Doeringer, Planning Associate Cat Kemmett, Director of Sustainability Ann Berwick.

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>. Planning Department presentations for each project can be found at the end of this report.

#277-22 Request to vertically extend nonconforming side setback at 9 Day Street

JAMES F. SMITH, JR. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct second-story rear addition over the existing footprint, vertically extending the nonconforming side setback at 9 Day Street, Ward 4, Newton, on land known as Section 43 Block 40 Lot 05, containing approximately 6671 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 5/17/22

Note: The petitioner, Mr. James F. Smith, presented the request construct an addition to the residence within the existing footprint of the house. Mr. Smith presented architectural plans and photos which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/85148/637885556944370000>.

Mr. Smith noted that neighbors have been consulted and have no objection to the petition.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. The Planning Department is unconcerned with the proposed addition.

The Public Hearing was Opened.

Michaela Tolman, 1720 Commonwealth Avenue, noted she was the closest abutter to the petitioners. Ms. Tolman expressed support for the project.

Councilors were supportive of the petition and expressed appreciation for improvements to the property which will enhance the petitioners' ability to age in place.

Councilor Markiewicz motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted in favor of approval 8-0.

Chair's Note: The Petitioner presented and discussed the results of a Feasibility Study as required by Condition 47(d) of Special Permit #33-21(3):

#33-21(3) Sustainability update for Special Permit #33-21(3) at 275 Grove Street

ALEXANDRIA REAL ESTATE EQUITIES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a lab and research facility use and to allow height up to 96' and 8 stories at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A, 4.1.3, 4.1.2.B.3 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use voted No Action Necessary 8-0

Note: Attorney Stephen Buchbinder, 1200 Walnut Street, represented the petitioner, Alexandria Real Estate Equities (ARE). Atty. Buchbinder was joined by Dante Angelucci, Senior Vice President of ARE in presenting the results of a study conducted to determine the feasibility of installing water source modular heat pumps in Building 3 at 275 Grove Street. The feasibility study can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/84853/637878814635000000>.

Atty. Buchbinder noted that per Condition #47 of Special Permit #33-21(3) and ARE's return on investment (ROI) analysis, installation of heat pumps in Building 3 is not feasible.

Summarizing the results of the study, Mr. Angelucci noted that after analyzing the space loss, which is critical for tenants in terms of lab space, it was determined that it was impractical to install the heat pumps. The property would lose both leasable rooftop space and space for building mechanical systems and operations.

Mr. Angelucci further noted that the study doesn't include escalation of construction costs, which factors into the ROI analysis. Construction pricing has gone up 25% since the special permit was approved.

Mr. Angelucci concluded by stating ARE is committed to supplying green energy and has secured that power, which will improve overall sustainability.

Ann Berwick, Director of Sustainability, summarized a memo dated 5/17/22, which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/85150/637885558711430000>. Ms.

Berwick noted some areas of concern that she would be happy to discuss further with the petitioner, including: the petitioner's intent with regard to purchasing renewable energy credits, the anticipated gas use and greenhouse gas emissions resulting from that use, the lack of evaluation of potential rental

income increases with climate-focused state of the art building to offset the cost of installing heat pumps, and the building's roof insulation deficits.

Ms. Berwick noted the petitioner is admittedly not obligated by the City code to do anything about those deficiencies, but this is the moment to make changes. Ms. Berwick believes these changes needed, if not from a legal perspective from a climate perspective.

Mr. Temple noted that the special permit condition did not require the petitioner to install the heat pumps; the only obligation was to perform a study and report back.

Because this project was an addition, the law did not require the petitioner to install heat pumps as it would with new-built construction. Mr. Temple further noted that the Council couldn't require the petitioner to follow the ordinance when they didn't fall under it to begin with.

Councilor Questions and Comments

Q: This seems like a cost trade off rather than a feasibility trade off.

A: It's both. We would lose space that is required to actually secure tenants, and also for mechanical space on the roof.

Q: What percentage of your electricity is green?

A: This building will be supplied with 100% green power. We have a signed contract that begins in 2024 and runs for 15 years; it will supply this and many other our buildings. So all the power that flows into this building will be from a renewable solar farm. ARE will be purchasing actual green power, and retaining and retiring the renewable energy credits (RECs)

Committee members expressed disappointment in the result.

This is why the Council/City is looking to improve regulations around these types of projects.

A Committee member reflected that the Committee would have been remiss not to attempt to craft a best efforts condition, even if the result wasn't what was hoped for. Although the Committee didn't get what it wanted, there is some benefit. The petitioner may be in front of the Committee on subsequent projects and now understands the City's expectations.

Appreciation was noted for the City's sustainability team taking the time to review this so carefully.

Councilor Markiewicz motioned for a vote of no action necessary which passed unanimously 8-0.

#259-22 Request to Rezone 7 parcels to BU4

CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.

Action: Land Use Held 8-0; Public Hearing Continued

#260-22 Petition to construct elderly housing with services at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street

CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 8-0; Public Hearing Continued**

Note: The Committee was joined by the Planning & Development Board for items #259-22 and #260-22. Attorney Stephen Buchbinder, 1200 Walnut Street, represented the petitioner. Atty. Buchbinder presented the request to develop an Elder housing services facility and community. Atty. Buchbinder was joined by Mr. Damian Chaviano of Mark Development in chambers and other members of the team via hybrid attendance. The team presented the project overview, architectural and design plans, shadow study and photos which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/85146/63788555613810000>.

The site consists of seven parcels. The petitioner seeks to rezone the seven parcels to Business 4.

The petitioner has engaged in community outreach with neighbors and stakeholder groups. Virtual community meetings were held on January 28 and April 25, 2022, and a site visit was held on May 14, 2022.

The petitioner has also met with representatives from the Council on Aging, Green Newton and Engine Six and has appeared before the Urban Design Commission and the Newton Housing Partnership.

The petitioner is deferring discussions of sustainability, stormwater, civil engineering, and transportation and parking to subsequent hearings after consultation with the Planning Department and Committee Chair.

Mr. Chaviano noted that after hearing feedback from the community, the petitioner is presenting an alternative height option to the submitted 7-story proposed height design.

Mr. Tim Foxx, Senior Resource Group (SRG) presented the overview of the proposed community model project as shown in the aforementioned presentation. SRG's model focuses on providing a continuum of care that allows the support of residents as they age in place, and their needs change. The proposed model includes independent living, assisted living, and memory care services in the same community.

Architect John Martin, of Elkus Manfredi Architects, presented the design plans and shadow study for the project, as shown in the aforementioned presentation.

As proposed, the design incorporates a “stepping down” model that progresses from 7 stories on the interior to 5 stories on the outside of the building and nearest to residential abutters. The 6 story alternative scheme reduces the independent living section by one story; the assisted living and memory care wing remains at 5 stories.

There is a primary entrance on Crafts Street that leads to an underground garage with 140 parking spaces.

Parking for employees will be on site.

There will be a service driveway and entrance for service vehicles. There will also be a separate gated emergency only access driveway as well.

Walking paths and landscaping/greenery will be incorporated.

With regard to inclusionary housing, the petitioner has the by right election to either provide affordable housing units on site, or make a payment in lieu. Mr. Chaviano noted that the petitioner was electing to make an in lieu of payment to the City in the amount of \$10.8 million for the 6 story alternative design. The IZ prescriptive formula is detailed in the aforementioned presentation. This payment would be equally split between the City and the Newton Housing Authority. Mr. Chaviano noted that the NHP supports the infusion and timing of this payment as it aligns with the formation of the City’s new affordable housing trust.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Ms. Whewell noted that Planning Department has only received the design plans for the 7 story option, which the Planning memo covers. The Planning Department would like additional follow-up information on parking, biking, EV, loading and trash and emergency vehicle questions detailed in the Planning memo. The Planning Department would also like to revisit the landscaping plan, Craft Street façade design, and Traffic Demand Management in subsequent meetings.

The Public Hearing was Opened.

Alfred Essa, 41 Court Street, expressed concern relative to mitigation of neighborhood impact during construction. Mr. Essa believes this project will have a substantial impact on the neighborhood and would like assurances that the neighborhood’s voice is heard.

Bob Kavanauagh, 69 Court Street, expressed concern relative to the destruction of 2 homes in the neighborhood, which are considered affordable homes by Newton standards. This seems to contravene Newton’s goal of affordable housing.

Other neighbors expressed opposition, noting among other concerns that the construction will negatively impact the neighborhood. The shadow study needs to be looked at more closely.

Fran Godine, 19 Crofton Road, expressed support for the project. This project checks all the boxes in terms of support for Newton’s aging population and housing goals.

Lyne Weissberg, 5 Alden Street, supports the project and the approach the petitioner is taking with regard to inclusionary zoning. With the payment in lieu of being split between the housing authority and the housing trust, this will help create more housing units.

Annie Raines, 50 Court Street, expressed concern relative to the shadow study and noted that it did not seem complete. What is the City's obligation to verify the shadow study?

Sean Roche, 42 Daniel Street, echoed earlier comments in support of the petition and the payment in lieu of. The City is in desperate need of senior and affordable housing and the payment in lieu of will help support that.

Ann Duvall, 33 Madison Avenue, expressed support for the petition and inquired whether the petitioner would put a group together to listen to neighbor feedback pre, post and during construction, as with other similar developments.

Seema Choudhary, 7 Beech Street, is unable to see the vision where this helps affordable housing or contributes substantially to the community. This seems like a substantial investment in an ROI that doesn't return very much to the community at large.

Adam Lunin, 24 Court Street, noted that he had heard a lot of assurances from the petitioner (e.g. preserving trees, no construction vehicles on Court Street, no employee parking on Court Street, taking out "loading" from the emergency access designated road). Mr. Lunin expressed desire to see these assurances documented in writing.

Frances Osten, 55 Jenkins Street, urged the Committee to look at parking carefully. Many of the independent level residents will be driving, and parking will be required for visitors and independent care-aids as well as employee parking.

Mary Lee Belleville, 136 Warren Street noted that many of the voices in support of the petition belong to individuals associated with organizations with agendas of affordable housing. This is luxury housing for those who can afford it.

Additional support was expressed for the petition. The integration of this plan with the Washington Street Vision Project and the financing arrangement proposed in lieu of the inclusionary zoning units gives the City more options and flexibility. The developer has been a good partner on other project, has listened to feedback, and changed buildings based on feedback in a much greener and better way.

Councilor Questions and Comments

Appreciation was expressed for the public commentary.

Committee members thanked the petitioner for their presentation, noting there is a lot of very positive attributes about this project. Committee members look forward to learning more as the project moves forward.

More clarity is needed as to the prices of the units. The developer's website indicates it sells luxury retirement communities. It is useful for the Committee to know what the City is getting with this developer and whether it fits into the vision plan.

The City's vision plan calls for the area to contain 3-6 story buildings, and the Urban Design Commission also indicated that they thought 7 stories was too high, so it seems there should be a compelling reason to accommodate a plan for 7 stories.

Is it possible to create some kind of easement with regard to the Court Street pathway to Crafts, or other ability to make it clear that in perpetuity, that would be open to the public? Otherwise it appears you are walking on private property.

The proposed project doesn't seem to accomplish a "gentle transition to adjacent neighborhoods" as the Washington Street Vision Plan states. We should be honoring the vision plan, not just with building heights, but with all of the key principles within it.

Committee members expressed interest in understanding better the calculations the petitioner made relative to the inclusionary housing contribution. It was noted that the petitioner had calculated inclusionary zoning at 5% of the total units. The City has inclusionary zoning that calls for 15-17.5%. The Council has talked a lot about making sure these projects deliberately integrate folks who are getting affordable units and folks who are not getting market rate units in order to create a more heterogeneous population. The independent units don't seem to qualify for the exception allowing for reduced IZ units for assisted living facilities. Planning should independently verify.

Q: Why are you not choosing to rezone to Business Use 2, which is what Washington Street is zoned from Central to Craft Street.

A: Business Use 2 only allows up to 4 stories with a special permit.

Q: What is the FAR for the 7 story and 6 story proposals?

A: For the 7 story version the FAR is 1.94; for the 6 story proposal it is 1.85.

Q: If the City were to provide affordable housing on site rather than the in lieu of payment, what would the estimated cost of those be at 80 AMI?

A: We will get back to you with those numbers.

It was noted for clarification purposes that the in lieu of payment is split between the housing authority and the planning department. The ½ payment to the planning department doesn't necessarily go directly to the housing trust.

Q: Will there be a connecting pathway to Whole Foods?

A: We do not own the land but will see if we can make that connection even more direct.

Q: Does the MBTA communities law preclude the zoning being valid?

A: The MBTA communities' guidelines as well as the legislation is entirely about zoning; it has nothing to do with what gets built. So having senior housing built does not preclude rezoning the site to come into compliance with the MBTA guidelines.

Councilors expressed appreciation for the site plan and proposed green space, noting that there are still some improvements and specifics they would like to see in subsequent sessions.

The Planning and Development Board voted unanimously in favor of holding the Public Hearing open for item #259-22. The item was moved to the next regularly scheduled Planning and Development Board Meeting on June 6, 2022.

Councilor Lucas motioned to hold items #259-22 and #260-22 and continue the Public Hearing. The motion carried 8-0.

The Committee adjourned at 9:50 p.m.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #277-22

9 DAY STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO VERTICALLY EXTEND
THE NONCONFORMING SIDE
SETBACK BY CONSTRUCTING A
SECOND STORY ADDITION WITHIN
THE FOOTPRINT OF THE
STRUCTURE

MAY 17, 2022



Requested Relief



Special Permit per §7.8.2.C.2 of the NZO to:

- To vertically extend a nonconforming side setback (§3.1.9, §3.1.3 and §7.8.2.C.2)

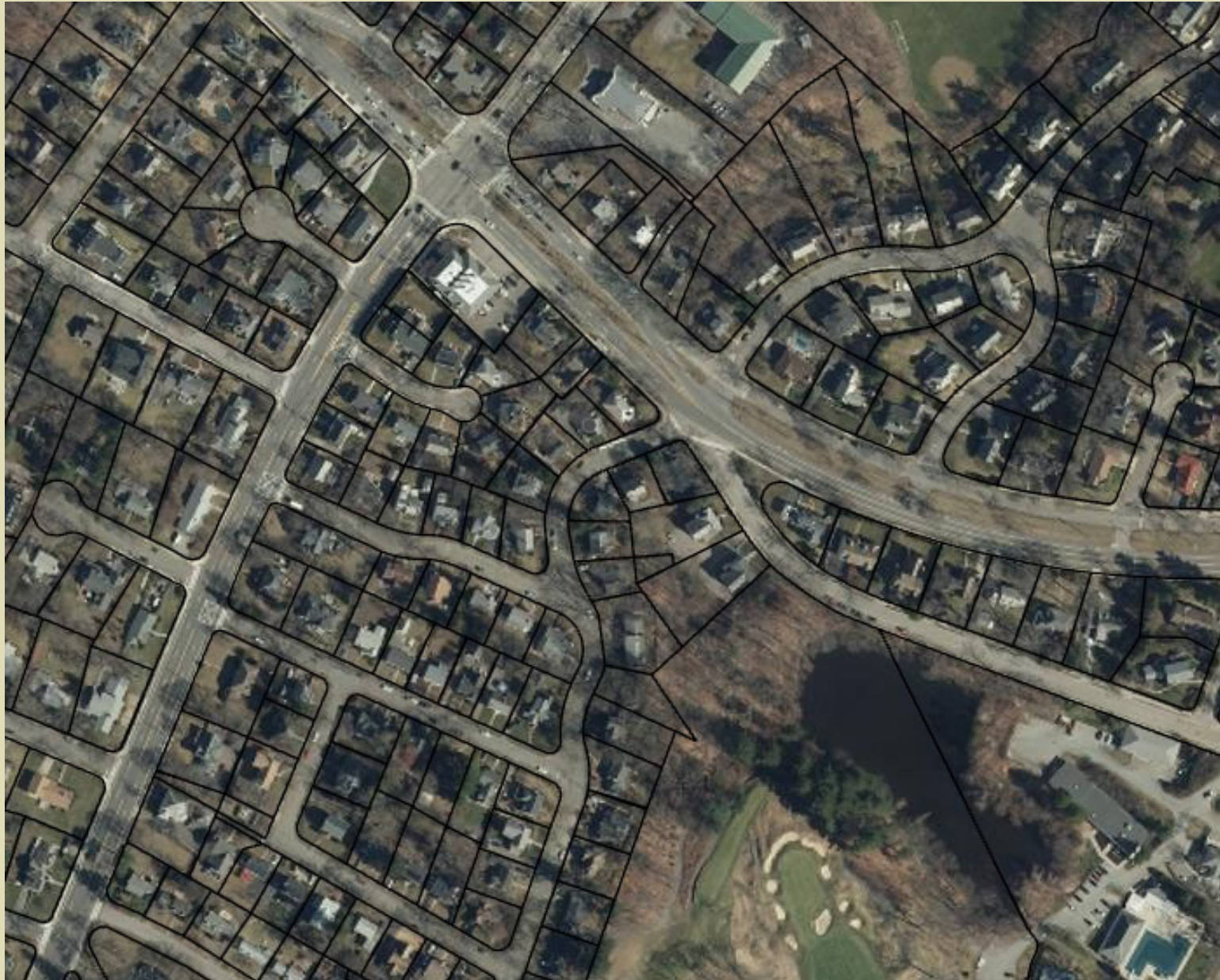
Criteria to Consider



When reviewing this request, the Council should consider whether:

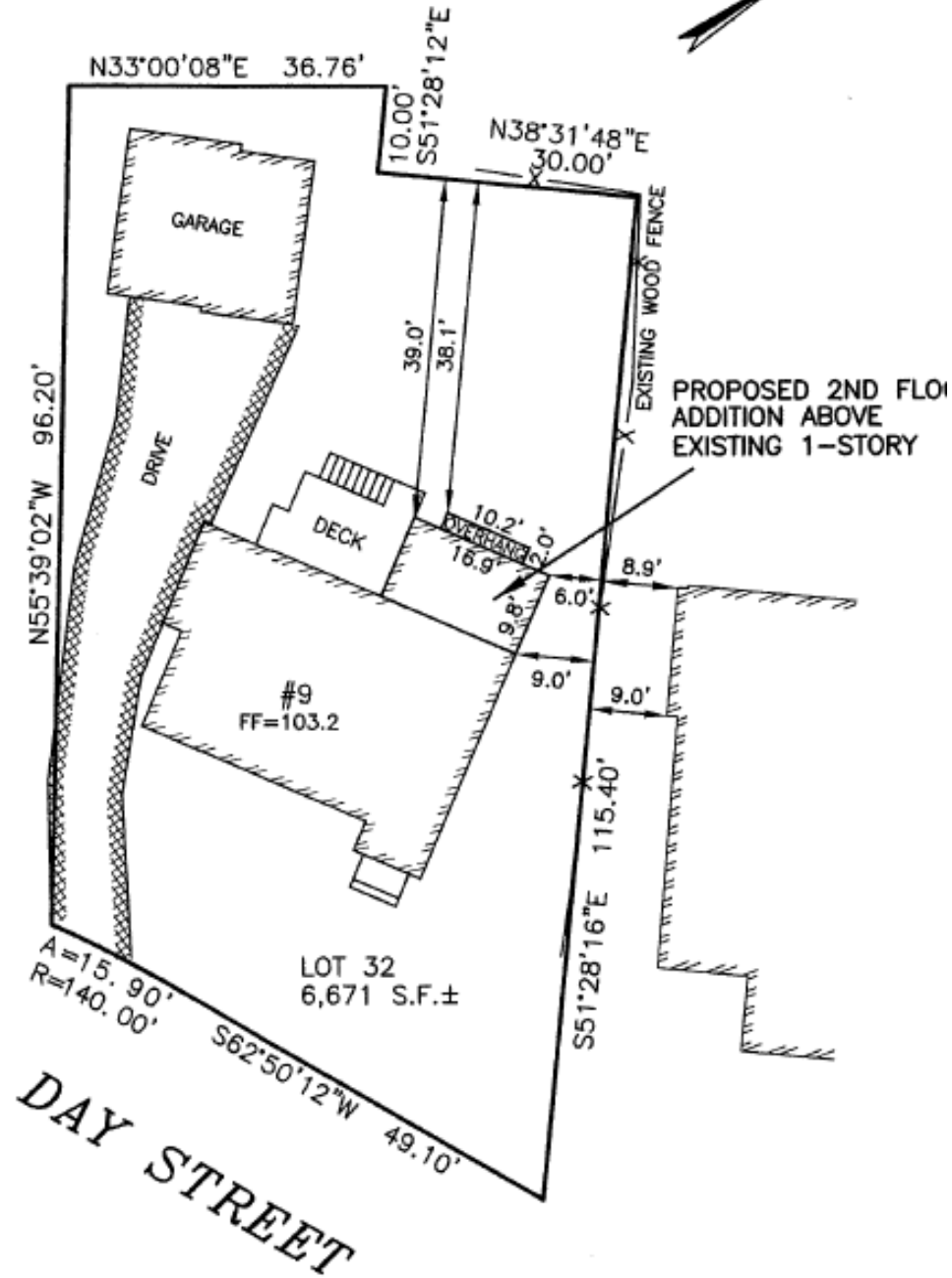
- The proposed extension of a nonconforming side setback is substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9, §3.1.3 and §7.8.2.C.2)

Aerial/GIS Map

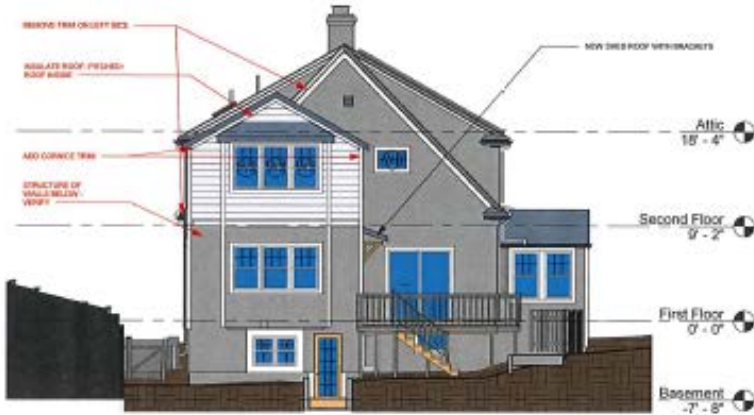


Site Plan

Lot size: 6,671 square feet



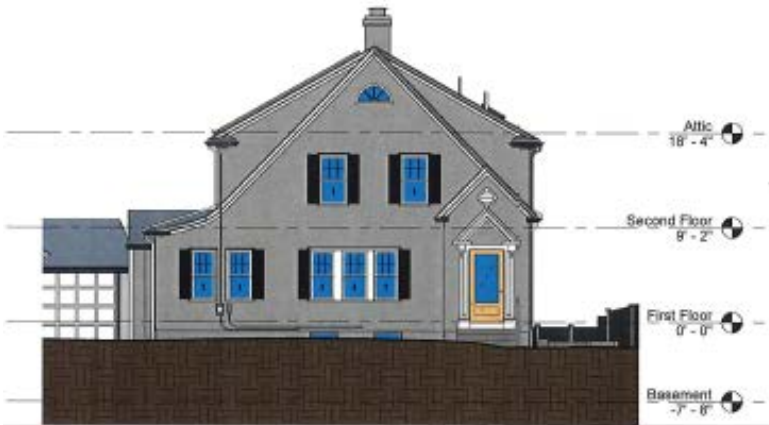
Proposed Elevations



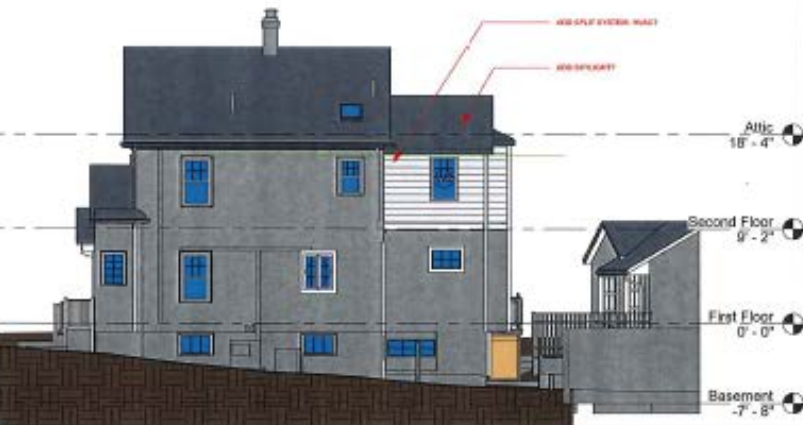
1 NORTH-BACK
1/8" = 1'-0"



2 WEST-DRIVEWAY SIDE
1/8" = 1'-0"



3 SOUTH-FRONT
1/8" = 1'-0"



4 EAST-SIDE
1/8" = 1'-0"

Proposed Findings



1. The proposed extension of a nonconforming side setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is within the footprint of the dwelling and will not be visible from the street. (§3.1.9, §3.1.3 and §7.8.2.C.2)

Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Occupancy Condition

Department of Planning and Development



PETITIONS #259-22 AND #260-22

REQUEST TO REZONE 7 PARCELS
19-21 COURT ST: FROM MR-1 TO
BU-4

34-50 CRAFTS ST: MAN TO BU-4

SPECIAL PERMIT TO ALLOW A
ALLOW ELDERLY HOUSING WITH
SERVICES AND TO CONSTRUCT A
SEVEN-STORY BUILDING



MAY 17, 2022

Requested Relief

Special Permit per §7.3.3 of the Newton Zoning Ordinance to:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to rezone parcel to BU4	
§4.4.1 §6.2.10	To allow an Elder Housing with Services facility	S.P. per §7.3.3
§4.1.2.B.1	Development of 20,000+ square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3	To allow a building with seven stories	S.P. per §7.3.3
§4.1.3	To allow a building 84 feet in height	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the side setback	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	To reduce the required parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	To reduce the required parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	To reduce the required parking stall depth for accessible stalls	S.P. per §7.3.3
§5.1.8.C §5.1.13	To allow a reduced drive aisle width for two-way traffic	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3

Criteria to Consider

Standard *Special Permit Criteria, Sustainability*

1 of 2

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed elderly housing with services facility as designed with more than 20,000 square feet in gross floor area, seven stories, and 84 feet in height (§7.3.3.1).
- The proposed elderly housing with services facility as designed with more than 20,000 square feet in gross floor area, seven stories, and 84 feet in height as developed will adversely affect the neighborhood (§7.3.3.2).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).
- The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. (§7.3.3.C.5)

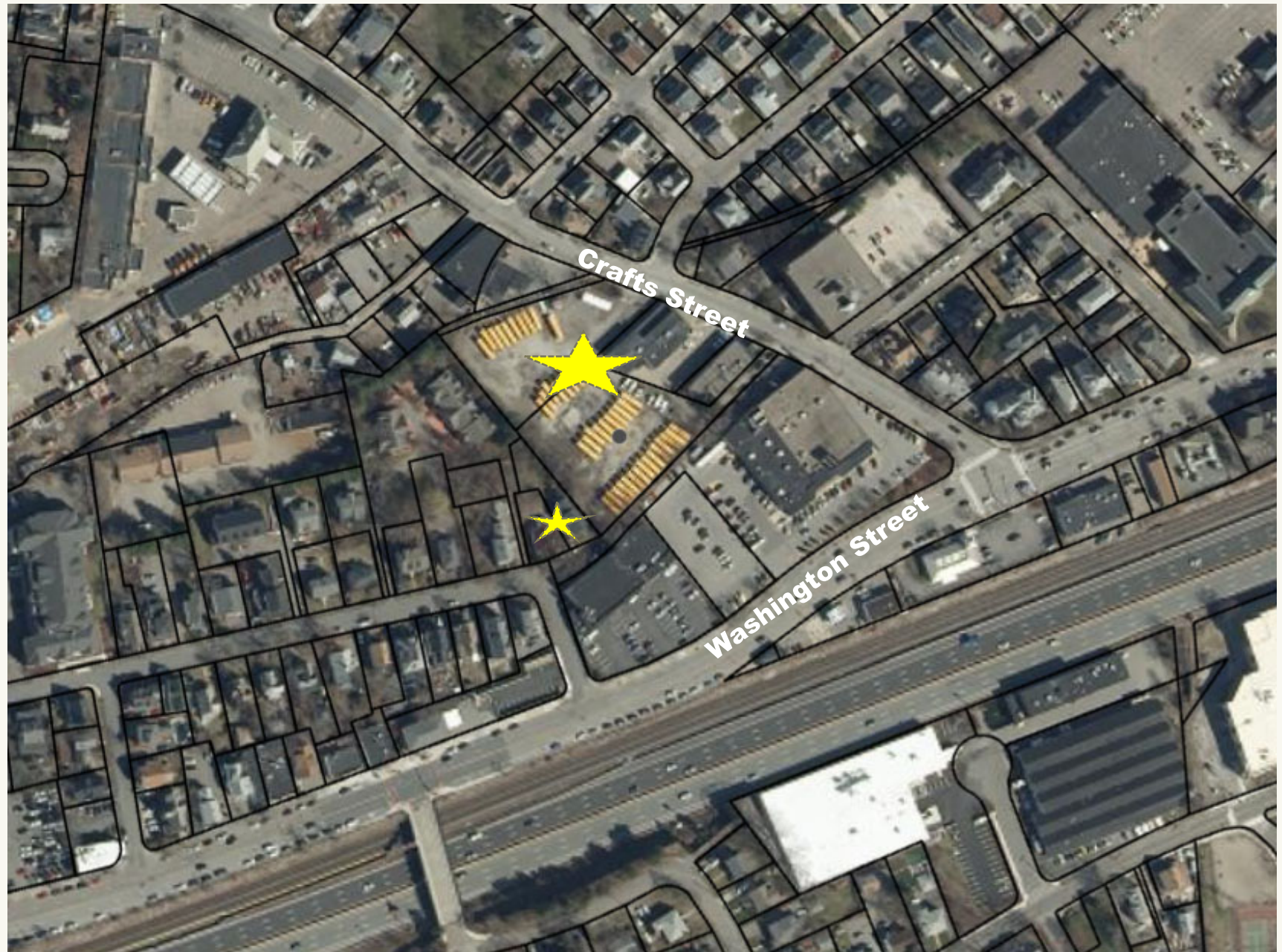
Criteria to Consider

Parking

2 of 2

- Literal compliance with the dimensional parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
- Literal compliance with the lighting requirements for parking facilities over five stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)

AERIAL/GIS



Zoning



Zoning

- Single Residence 1
- Single Residence 2
- Single Residence 3
- Multi Residence 1
- Multi Residence 2
- Multi Residence 3
- Multi Residence 4
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Mixed Use 1
- Mixed Use 2
- Mixed Use 3
- Mixed Use 4
- Open Space/Recreation
- Public Use

Land Use



- Brushland/Successional; Forest
- Cemetery
- Commercial
- Wetlands
- Agricultural
- Recreation
- Residential
- Industrial
- Junkyard; Waste Disposal
- Mining
- Open Land; Transitional
- Powerline/Utility
- Transportation
- Urban Public/Institutional
- Water

259-22: Petition to Rezone to BU-4



SURVEYOR'S METES & BOUNDS DESCRIPTION
 MAP 259-22-000-1 JUNE 2008 & 2/2011 REV1
 CITY OF NEWTON
 MIDDLESEX COUNTY
 COMMONWEALTH OF MASSACHUSETTS

BEGINNING AT A POINT ON THE NORTHERLY LINE OF CRAFTS STREET (PUBLIC 60' WIDE ROW) THENCE BEGINNING:

1. SOUTH 47 DEGREES 52 MINUTES 45 SECONDS WEST, A DISTANCE OF 89.47 FEET TO A POINT, THENCE;
2. SOUTH 85 DEGREES 25 MINUTES 22 SECONDS WEST, A DISTANCE OF 86.60 FEET TO A POINT, THENCE;
3. SOUTH 80 DEGREES 43 MINUTES 45 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT, THENCE;
4. NORTH 08 DEGREES 14 MINUTES 14 SECONDS WEST, A DISTANCE OF 170.00 FEET TO A POINT, THENCE;
5. NORTH 88 DEGREES 43 MINUTES 46 SECONDS EAST, A DISTANCE OF 15.00 FEET TO A POINT, THENCE;
6. NORTH 08 DEGREES 14 MINUTES 14 SECONDS WEST, A DISTANCE OF 20.57 FEET TO A POINT, THENCE;
7. NORTH 07 DEGREES 02 MINUTES 15 SECONDS EAST, A DISTANCE OF 74.99 FEET TO A POINT, THENCE;
8. NORTH 85 DEGREES 22 MINUTES 55 SECONDS WEST, A DISTANCE OF 205.37 FEET TO A POINT, THENCE;
9. JOINING A CURVE TO THE RIGHT HAVING A RADIUS OF 383.71 FEET, A CENTRAL ANGLE OF 71 DEGREES 52 MINUTES 28 SECONDS, AN ARC LENGTH OF 71.48 FEET, A CHORD BEARING OF NORTH 70 DEGREES 22 MINUTES 09 SECONDS EAST, AND A CHORD DISTANCE OF 79.38 FEET TO A POINT OF TANGENCY, THENCE;
10. NORTH 76 DEGREES 12 MINUTES 12 SECONDS EAST, A DISTANCE OF 13.83 FEET TO A POINT, THENCE;
11. NORTH 73 DEGREES 12 MINUTES 12 SECONDS EAST, A DISTANCE OF 13.83 FEET TO A POINT, THENCE;
12. SOUTH 07 DEGREES 46 MINUTES 37 SECONDS EAST, A DISTANCE OF 74.99 FEET TO A POINT, THENCE;
13. JOINING A CURVE TO THE RIGHT HAVING A RADIUS OF 141.40 FEET, A CENTRAL ANGLE OF 05 DEGREES 50 MINUTES 25 SECONDS, AN ARC LENGTH OF 17.03 FEET, A CHORD BEARING OF NORTH 80 DEGREES 20 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 17.04 FEET TO A POINT OF TANGENCY, THENCE;
14. JOINING A CURVE TO THE RIGHT HAVING A RADIUS OF 142.39 FEET, A CENTRAL ANGLE OF 05 DEGREES 36 MINUTES 56 SECONDS, AN ARC LENGTH OF 17.46 FEET, A CHORD BEARING OF NORTH 80 DEGREES 25 MINUTES 44 SECONDS WEST, AND A CHORD DISTANCE OF 17.40 FEET TO A POINT OF TANGENCY AT THE POINT AND PLACE OF BEGINNING.

CONTAINING 115,734 SQUARE FEET OR 2.67 ACRES
 THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS, COVENANTS AND/OR AGREEMENTS EITHER WRITTEN OR IMPLIED.

NOTES & BOUNDS DESCRIPTION PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED MARCH 22, 2022.

Legend

- PARCEL BOUNDARY
- ZONING DISTRICT BOUNDARY
- DEVELOPMENT PARCEL BOUNDARY
- PUB ZONE BOUNDARY
- MAN ZONE BOUNDARY
- MR1 ZONE BOUNDARY
- MR2 ZONE BOUNDARY
- BU1 ZONE BOUNDARY
- BU2 ZONE BOUNDARY

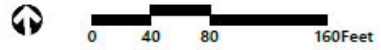
NOTES:
 DEVELOPMENT PARCEL BOUNDARY BEARINGS AND DISTANCES SHOWN ON THIS PLAN ARE BASED ON THE ALTAIRGPS LAND TITLE SURVEY FOR NAME DEVELOPMENT, LLC FOR 24, 26, 28, 48 & 50 CRAFTS STREET, 19 & 21 COURT STREET, PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED OCTOBER 13, 2016 AND REVISED THROUGH JANUARY 31, 2022.



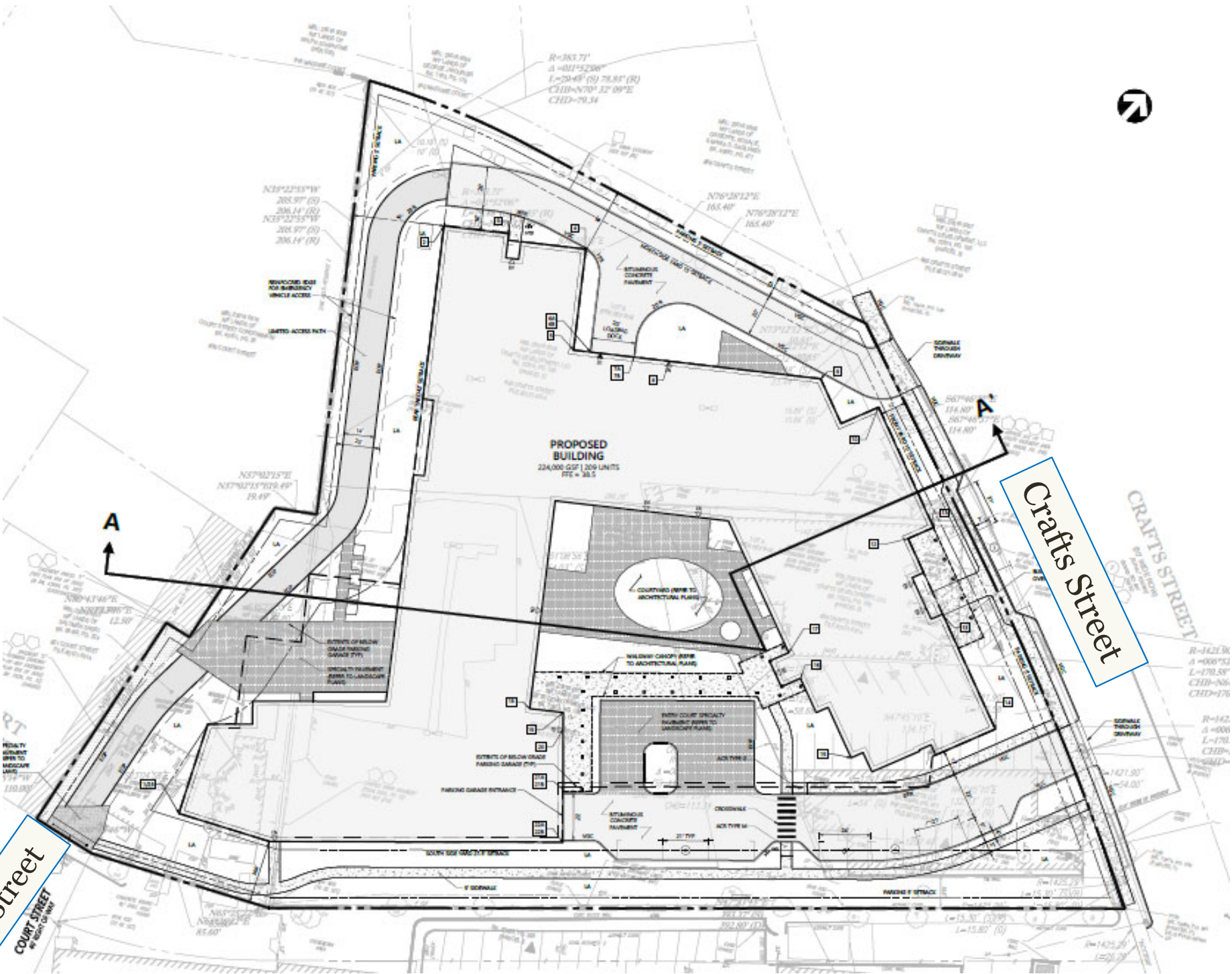
Jeffrey Hoffmeyer

Zone Change Plan
 Elderly Housing with Services
 Crafts Street & Court Street, Newton, MA

Source: VHB
 Prepared for: Zone Change Petition
 Date: March 21, 2022



Proposed Site Plan



Court Street

Crafts Street

PROPOSED BUILDING
234,000 GSF 1,200 UNITS
FTE = 3.5

COURTYARD (REF TO ARCHITECTURAL PLANS)

WALKWAY CANOPY (REF TO ARCHITECTURAL PLANS)

ENTRY COURT (SPECIFICALLY FOR BICYCLES) (REF TO LANDSCAPE PLANS)

PARKING GARAGE ENTRANCE

SOUTH SIDE BICYCLE STORAGE

RECYCLING KIOSK FOR SUBURBSIDE VEHICLE ACCESS

LIMITED ACCESS PATH

EXISTING TRAIL

EXISTING TRAIL

EXISTING TRAIL

STAIRWELL

CONDENSATE

ACCESS TYPE III

ACCESS TYPE IV

PARKING STRACK

SCORABLE THROUGH DRIVEWAY

SCORABLE THROUGH DRIVEWAY

SCORABLE THROUGH DRIVEWAY

SCORABLE THROUGH DRIVEWAY

SCORABLE THROUGH DRIVEWAY

SCORABLE THROUGH DRIVEWAY

$R=383.77'$
 $\Delta=401'42.200''$
 $L=20.48' (S) 78.81' (R)$
 $CHD=N70°32'09''E$
 $CHD=79.34$

$R=162'$
 $\Delta=400'52''$
 $L=170.58'$
 $CHD=N66'$
 $CHD=176$

$R=162'$
 $\Delta=400'$
 $L=170'$
 $CHD=$
 $CHD=$

$R=1421.38'$
 $\Delta=400'52''$
 $L=170.58'$
 $CHD=N66'$
 $CHD=176$

$R=1421.38'$
 $\Delta=400'52''$
 $L=170.58'$
 $CHD=N66'$
 $CHD=176$

$R=1421.38'$
 $\Delta=400'52''$
 $L=170.58'$
 $CHD=N66'$
 $CHD=176$

$R=1421.38'$
 $\Delta=400'52''$
 $L=170.58'$
 $CHD=N66'$
 $CHD=176$

Proposed Elevations



Crafts Street Elevation



McGuire Court Elevation

Proposed Elevations

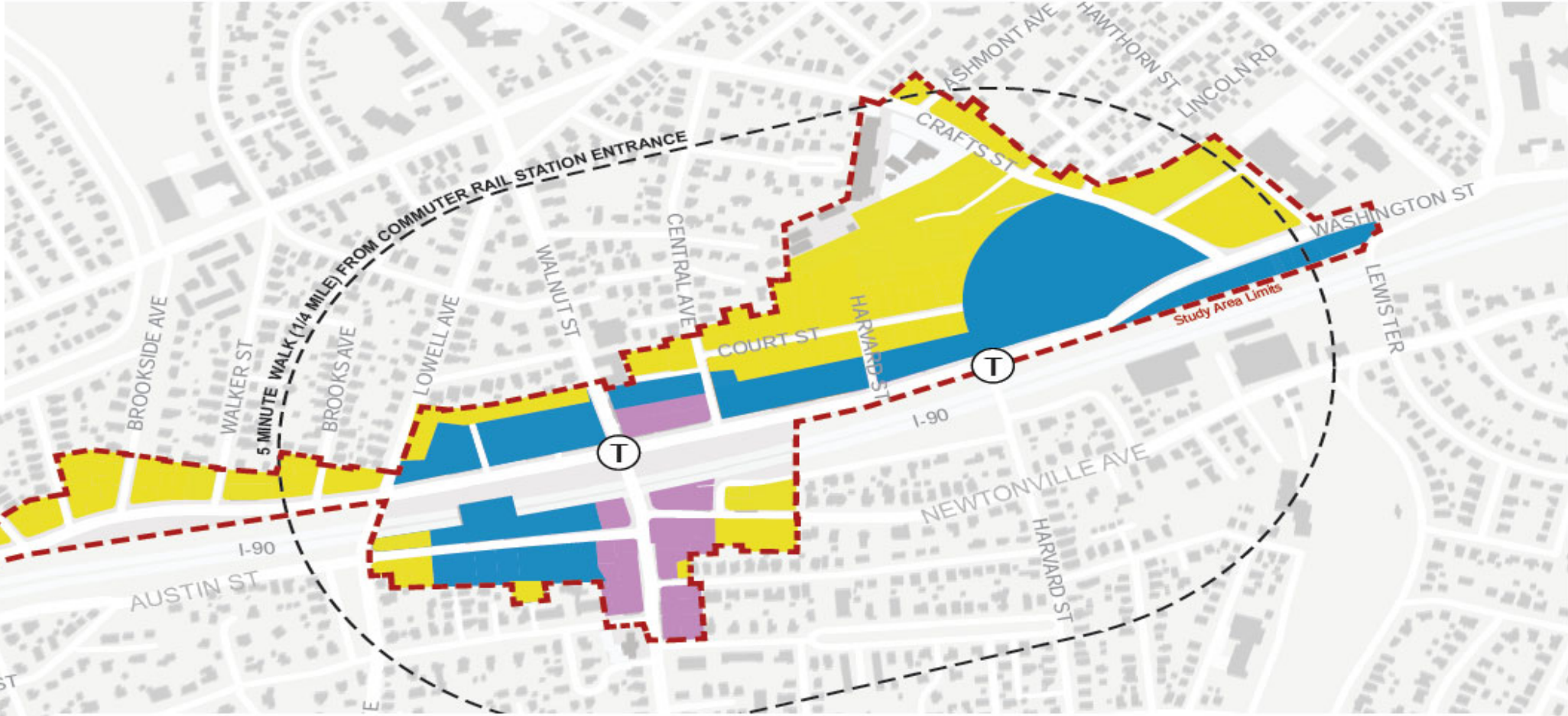


Washington Street Elevation
Behind commercial buildings fronting Washington Street



Rear Elevation
Opposite Crafts Street

Washington Street Vision Plan



- Low Heights - Neighborhood Character (1 to 3 stories)
- Low Heights - Village Character (1 to 4 stories)
- Medium Heights - Village Character (3 to 6 stories)

Footnotes:

- This is an illustration of principles only; this is not a regulatory or zoning map.
- Further nuance must be developed in Washington Street Zoning including specifying the limits of each zoning district and the rules for each district and building type.
- The scale of some buildings, including taller height buildings, will require additional review and community input as can be achieved through the Special Permit Process.

Washington Street Vision Plan – Guiding Principles



Offer housing for all ages, all people
Promote diverse building and unit sizes and allow communal living models, including age restricted senior housing.
Consider more complex forms of multi-family housing.



Make room for people powered transportation
Require Transportation Demand Management



Allow for smaller unit residences
Reduce heat island effect through building and site design standards



Limit visible parking
Promote energy efficient, human scaled and durable construction
Encourage variety through building size and shape

Additional Review

Department	Status	Details
Housing	Complete	Supportive of cash payment election. Housing Division staff calculates the total cash payment from the petitioner for this 257-bed project to be \$12,085,386.93.
Traffic	Awaiting Review and subsequent memorandum	-
Urban Design Commission	Complete	-Concerns with seven stories -Complimented building's configuration on site.
Stormwater	Awaiting Review and subsequent memorandum	-
I&I Analysis	Complete	The petitioner's I&I fee is estimated to be \$1,338,995.
Sustainability	Complete	Suggested greater number of EV charging stations

Requested Further Information

Traffic/Parking

- Parking stall dimensions within the garage
- Non-emergency vehicle access around the loop
- Bicycle parking
- EV charging
- Loading and Trash
- Potential TDM measures and information

Zoning

- Landscape Plan and parking buffer

Façade details

- Crafts Street façade – further detail
- Rear of the building rendering



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Planning
Associate

Members

Peter Doeringer, Chair
Kelley Brown, Vice Chair
Kevin McCormick, Member
Jennifer Molinsky, Member
Barney Heath, *ex officio*
Lee Breckenridge, Alternate
Laxmi Rao, Alternate

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

June 6, 2022

Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Kevin McCormick, Member
Jennifer Molinsky, Member
Lee Breckenridge, Alternate
Barney Heath, *ex officio*

City Staff: Cat Kemmett, Planning Associate

Meeting held virtually by Zoom Meeting

1. Continuation of Public Hearing on #259-22 Request to Rezone 7 parcels to BU4 (34, 36, 38, 48, & 50 Crafts Street and 19 and 21 Court Street)

At 7:01 Chair Doeringer started the meeting.

Attorney Buchbinder and several members of the development team made a presentation explaining some of the details of the proposed project.

The site comprises seven different parcels, and currently has commercial and two-family residential uses. Together, the parcels contain 115,818 square feet of area and four existing buildings, two commercial and two residential. The parcels are split between two zoning districts, MAN and MR1. The development team is asking for the whole site to be rezoned to BU4.

Architect John Martin, of Elkus Manfredi Architects, said that though the Washington Street Vision plan recommends a lower height than the proposed project, they believe the proposed height is appropriate given the proximity to the MBTA. There is a primary entrance on Crafts Street that leads to an underground garage with about 135 parking spaces on a single level. Mr. Martin explained the details of the parking and circulation plan, which ensures there will be no need for vehicle maneuvering for deliveries on Crafts Street.

In the BU4 zone, this use requires a setback when the property abuts a commercial use. He showed images of what the setbacks on each side would look like, and some of the plans for buffering and screening. Mr. Martin showed images of the building and site design, and how the proposed building looks in context with the neighboring buildings.

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Attorney Buchbinder noted that the proposed use is not allowed in the parcels as they are zoned now. The Vision Plan suggests a variety of heights in different zones, so this plan is well suited to the site. The proposed height of just under 72 feet and 6 floors are allowed only in the BU4 district. This project also proposes to provide senior housing, which is needed in the city according to the Comprehensive Plan. For inclusionary housing, they plan to make an in lieu of payment to the city in the amount of \$10.8 million.

Ms. Molinsky asked for details about the two existing residential properties included in the plan and whether they were in common ownership. Mr. Chaviano said it was one home and two condos, and they have not yet acquired those properties, but it is under contract. That area will become the emergency-specific gated area providing rear access from Court St.

Ms. Breckenridge asked about how this plan supports the Washington Street Vision Plan and about the drainage at the grade change and whether there are buried wetlands on the site. Atty Buchbinder said that there is desire to revitalize the Washington Street Corridor. This plan represents an improvement on what is on the site now. Mr. Martin said there is a grade change from Washington Street entry back to the site, and there is a small brook culverted under the property. The planned setbacks should help with stormwater control, but they cannot daylight the brook since part of it lies on abutting property.

Chair Doeringer then reopened the public hearing.

Kathy Laufer of 26 Mosman St. spoke in favor of the plan for payment in lieu of providing affordable housing units, because affordable units in this type of development are often not truly affordable for seniors.

MaryLee Belleville of 136 Warren Street appreciated the discussion of the rezoning request but said that producing luxury senior housing is not a goal the city has, and she does not see a public benefit from this project. She said there is a criteria for establishing what an affordable unit should be in terms of cost, and believes affordable units should be provided instead of a payment.

Upon a motion by Mr. Brown and approved unanimously, the public hearing was then closed.

Ms. Molinsky said that the backsides of buildings on Washington St. that abut neighbors are important. 5-6 story buildings are appropriate in some instances, but the details that can make these projects good neighbors are important. She noted that in the ordinance inclusionary beds and inclusionary units are not exactly the same- the housing and the care are two separate topics. There is a great need for both care and housing across income levels, and solutions for lower- and middle-income people who can't afford the amenities in projects like this. It would be good to know that similar housing with services is part of the plan for these payments in lieu of affordable units.

Director Heath said that the money goes to the city to be distributed equally to the city and to the NHA. The NHA determines how they choose to use those funds. The prevailing sentiment is that the money that comes to the city will go to the newly created housing trust to allocate for future projects. The portion of the IZ ordinance regarding elderly housing is complex, and though not without its flaws, there are benefits to the payment in lieu in terms of the money the city gets for payment in lieu.

Chair Doeringer noted that though the Washington St. Vision plan is not prescriptive regarding zoning, it does provide important guidance, and he is glad that the team is moving forward with the 6-story plan.

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Mr. Brown said that the Board and Planning staff might want to consider the fact that the city is losing many existing manufacturing uses, and if there should be a plan for the future of manufacturing. Director Heath agreed and said that a planned study of California Street could surface some thoughts and plans for that.

Upon a motion by Mr. Brown and approved 5-0-1 with Director Heath abstaining, the item was continued.

2. Village Center Zoning Discussion

Parking Requirements

Chair Doeringer acknowledged that parking is one of the more divisive and difficult topics of discussion. He would like to see more centralized parking options and flexible options for transportation management. There should be more proactive plans to handle parking centralization and undergrounding of parking. If we are going to make village centers denser, that is bound to put more cars on the street, so while there are compelling reasons to reduce parking requirements, the impact of more people coming through must be considered.

Mr. McCormick noted that Trio had their required parking reduced, and even at the reduced amount their parking is not at full capacity. He is in favor of lowering the minimums as a way to encourage car-free alternatives.

Ms. Molinsky agreed with Mr. McCormick and added that creating more flexibility for restaurant parking would make projects more realistic, and those parking requirements are regularly waived anyways. Mr. Brown agreed that lowering parking makes a lot of sense and could help support the vitality we are looking to see in village centers.

Ms. Kemmett said that Planning staff recently participated in an overnight parking count of residential developments in Newton which showed that many have significant amounts of underutilized parking that was required by the Zoning Ordinance.

Ms. Breckenridge said that the spillover effects of parking into neighboring areas can be significant, so careful consideration is needed if we are to lower parking minimums.

Board members discussed the need for further traffic studies that are more expansive than just the area right around an individual project. Additional centralized parking might be helpful at some point soon in some village centers, but there was not clarity on an exact location or funding source for such a project. There should be a way to proactively plan for parking management and other infrastructure concerns that may arise as village centers evolve.

Chair Doeringer asked for a straw vote to gauge support for this item. The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Increasing Allowable Floor to Floor Heights

This proposed change would allow higher floor-to-floor heights for office and retail but reduce allowable residential floor-to-floor heights from 12' to 11'. The proposal would allow a modest increase in commercial building height in order to accommodate the required floor-to-floor heights for certain types of business, eliminating a barrier to desirable uses.

Members discussed the benefits of allowing flexibility for commercial buildings.

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Ms. Breckenridge noted that there is an energy concern that comes with taller ceiling heights, but otherwise a difference of a foot seems inconsequential for residential uses.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Setting Design Requirements for Half-Stories

Our existing zoning sets the maximum number of stories at whole numbers. Generally there are no design requirements for upper stories, but creating more visually interesting and varied top stories comes up in special permit review as a way to reduce visual bulk. This proposal would allow a half story forcing the upper story to pull in a bit. This reduces height as seen at street level and provides some visual interest.

Board members overall were in support of this proposal, and Mr. Brown said that a smaller setback for smaller buildings seems appropriate and reducing the setback from 10 feet to a slightly smaller number for those buildings could work.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Eliminate lot area per unit minimums

Board members discussed this item, and several members observed that this step seems appropriate and that the other dimensional controls in place should ensure that eliminating the lot area per unit minimum will not have a negative impact.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Remove minimum lot size

Board members discussed this item, with Chair Doeringer noting that many existing lots are smaller than the minimums we have now. Mr. Brown asked if we are proposing a frontage requirement along with this change, and Ms. Kemmett responded that as drafted there is no frontage requirement, but that is something staff could consider for the design standards.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

Set maximum building footprint

Board members overall were in support of this proposal.

The Board voted in support of this item 5-0-1 with Director Heath abstaining.

3. Minutes

The minutes for April 25 were approved 5-0-1 with Director Heath abstaining.
The minutes for April 29 were approved 4-0-0.

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The minutes for May 2 were approved 4-0-2 with Ms. Breckenridge and Director Heath abstaining.
The minutes for May 17 were approved 4-0-0.

4. Adjournment

Upon a motion by Mr. Brown and approved unanimously, the meeting was adjourned at 9:42 p.m.