



## Memorandum

**To:** Barney S. Heath, Director of Planning and Development  
Jennifer Caira, Deputy Director  
Zachary LeMel, Chief of Long Range Planning

**From:** Councilor Pam Wright

**CC:** City Council

**Re:** Concerns and questions on the Village Center Rezoning

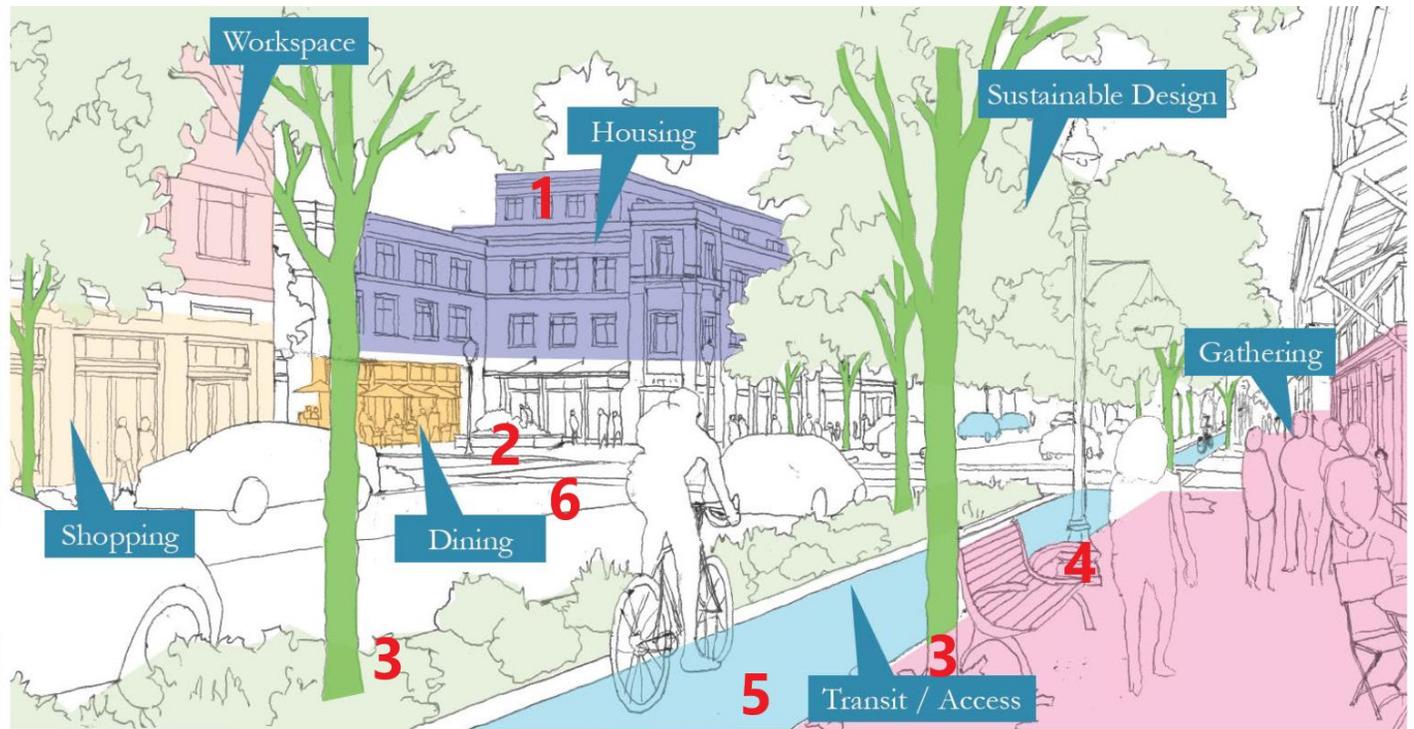
**Date:** December 9, 2022

I am writing to set forth the concerns that I have with the materials that the Planning Department has presented to the City Council and the public. Many comments are directed to Planning Department memo dated November 23, 2022 sent to the Zoning and Planning Committee. <https://www.newtonma.gov/home/showpublisheddocument/93495>

**1. The drawing that is used in multiple presentations is not an accurate depiction of the proposed zoning and should not be used.** The first page of every village presentation that the Planning Department has made contains a drawing entitled “Active and Vibrant Village Centers”. I have not identified a single Newton village that, even with full redevelopment, would look anything like this picture. It was stated at a ZAP meeting that this was a “stock” drawing. Unfortunately, residents will see this and think, “yes, this is what I want.” But the picture does not represent the proposed zoning. Please stop using it and, if you intend to use drawings in the future, use one that has a realistic depiction of what could be built under the proposed code.

Build Upon Existing Successes and Strengths

## Active and Vibrant Village Centers



Here are some examples of why this drawing is inaccurate:

1. There are no five story (or four and a half story to use your terminology) buildings in the drawing. Furthermore, the top story looks to be approximately 15 feet from the front of the building, not the proposed 7 feet.
2. The courtyard in front of the restaurant appears to be 4 bay windows deep from the sidewalk. My estimate is 4 x 10 feet, or 40 feet from the sidewalk. Per the proposed zoning, the maximum is 10 feet in VC1 or 15 feet in VC2.
3. There are 4 rows of trees along the street plus extra greenery. This could not physically fit in any of our village centers.
4. Undergrounding the overhead wires is extremely expensive. Nowhere in the proposed zoning is it required. Where are the funds to do this? With by right development there would be no extra contributions from the projects to the city for undergrounding.

5. Separate bike lanes would be great but the only village that has room to do it is West Newton and not the other 12 villages.
6. The width of this street with 4 rows of trees and two bike lanes could not fit in any of our village centers unless we bulldozed one whole side and move it back 20 feet or more.

**This picture should not be used since it does not depict a realistic village center in Newton.**

**Please provide a 3D drawing of Newtonville** in the presentations and show residents what the zoning will allow by right.

2. Under the proposed zoning code, “half stories” are either flat or pitched roofs. In the last six 40B projects/proposals, none of which were reviewed by the City Council, all the projects have flat roofs. Per Utile, flat roofs are easier and less expensive to build than pitched roofs. The city will rarely, if at all, have pitched roofs on new buildings in the village center. Look what has been built in the past 5 years. **Please change the zoning that only pitched roofs are allowed as a “half” story.**

528 Boylston, Dunstan East, Riverdale, West Newton Armory, Austin St, and Northland Charlton – all 40B with flat roofs.



3. Guidelines are not rules. Since these are by right builds, there is no teeth to enforce the guidelines. **Please make “guidelines” requirements** and if not, then remove the guidelines from the materials.
4. Page 1 states that **the proposed zoning “incentivizes smaller development on smaller lots, encourages diverse rooflines and varied heights and limits the overall bulk of buildings.” How will this be accomplished?** See number 2 above for roofline issues. The massing will double or more, and the open space will vastly be reduced going from MR1 or MR2 and the proposed zoning. **Open space will be sacrificed and lot coverage vastly increased. Please add back lot coverage and open space requirements.** See appendix 1 for calculations and example.
5. Page 7 states **incentivizing preservation of existing buildings.** I strongly support this, but calculations show that tear downs will be incentivized with doubling or tripling the housing mass on a lot. An example at 424 Newtonville Ave, 6,804 sf (square foot) 3 family on a 15,000 sf lot (100 feet x 150 feet). **In the proposed zoning, this lot could be redeveloped into 2 buildings at a combined 19,600 sf buildings vs. the existing 6800 sf building now.** See Appendix 2 for the math details.

If a developer could redevelop a 6800 sf home or construct 2 buildings for a total 19,600 sf, I believe the housing market will drive the latter outcome. Now a beautiful stately home will be replaced by two 3 story flat roof buildings. This is not incentivizing preservation of existing buildings. I have a few suggestions and would like to discuss them further.

6. Page 6: By right developments will only have site plan review on lots 20,000 to 30,000 sf and **"reasonable conditions can be applied"**. What does "reasonable conditions can be applied" mean? What is an example of one? What if the developer says no? How can it be enforced?

7. Have you discussed with **Inspectional Services** on the new standards they will enforce? Do they have suggestions on how to write the zoning so it can be enforced? Does ISD have the staffing to accomplish this?

8. **Please inform abutters at least 500 feet from the proposed new zoning and business owners of these proposed changes and upcoming meetings.** Along with others, I have tried to speak to almost every business owner in Newtonville and West Newton, and none have received any information from the city on rezoning the village centers.

9. It's stated there is a **maximum transition of 3.5 stories** within 50 feet of an abutting residential district in VC3. It should also be required in VC2 abutting a residential district. Shadow studies should be required. The shadow study should be performed between the VC building and the residential lot with a 3.5 story or 62 feet pitched roof or 56 feet flat roof and 15 feet minimum distance from the side or rear setback. A shadow study should be performed for a building greater than 50 feet from the property line with a 75 feet tall pitched roof and 69 feet tall flat roof building. It has been mentioned another story would be allowed for additional affordable housing. Please require a shadow study with an 87 foot pitched roof and 81 foot flat roof building 50 feet from the property line.

The following are minor questions or clarifications.

10. Page 2 refers to **economic feasibility analysis**. Could you please provide a link to the actual analysis along with any supporting data?

11. It has been repeatedly stated that builders won't build out to **maximum heights on first floor retail**. Do you have examples in Boston or Newton as to where this is true?

The following refer to page number in the attachment:

12. Please clarify **footprint** on page 2. Are third or fourth floor balconies extending over 8 feet from the building included in the footprint? If two buildings are connected by a 3<sup>rd</sup> floor walkway, would the walkway portion be included in the footprint? Riverdale has something similar.

13. Please clarify **transit area** on page 3. It states transit area is "within 1/4 mile of transit station". Is this distance measured by walkable sidewalks, driving on streets or how the crow flies?

14. Many items refer to "**Sec. #**". When will specific sections be available?

15. In the text it states **building separation** is 25 feet but page 5 states it's 15 feet in VC1. I assume 15 feet is correct and the previous memo needs to be corrected.

16. From pages 5 and 7, please provide a picture of **minimum and maximum façade** build out ratio. It states the width of any new building must be 75% lot width or within setbacks plus 15 feet. For a lot 100 feet wide in VC1 the building width is required to be between 65 feet and 80 feet wide. For 150 feet wide lot the building would be

required to be between 115 feet and 130 feet wide building. I don't think the minimum requirement should be used in VC1.

17. Please provide the definition of **public right of way**. In VC1, parking can be 4 feet from the property line.

18. Many questions on the math in the chart on page 6. I'm using by right numbers only in these examples, but this also pertains to special permit calculations. Per the chart using maximum heights and other math the requirements don't add up. Here are some examples.

- A. Ground story residential height in VC1 is a minimum of 12 feet and a maximum of 15 feet. According to Ufile, the industry standard is 11 feet. Why is 12 feet used? Why is there even a minimum? The state building code will provide a minimum and the chart should state only a maximum.
- B. Why is VC1 residential first floor maximum of 15 feet allowed? It was never discussed. Why is it needed?
- C. Why is VC2 and VC3 residential buildings have a maximum ground floor of 18 feet? Why is it needed?
- D. Floor height above ground story and below top level is not defined for any uses. To determine maximum roof heights, one needs to make assumptions. For example, VC3 5 story building with mixed use on the first floor, offices on the second floor and housing on the next three floors. Using a pitched roof the maximum height would be  $18 + 18 + 12 + 12 + 18 = 78'$  not  $75'$  in the chart. A flat roof would be  $72'$  not  $69'$ . VC2 has similar issues.

19. "Staff exploring SP allowance of **additional story with specific criteria tied to increase affordable housing**". When will there be an answer? And this is an additional story by right, correct?

20. **Front setbacks clarification**. Some neighborhoods in VC1 have larger setbacks than required in the proposed zoning. Can deeper front setbacks be required?

21. **100 feet façade maximum** seems very long in VC1 in residential neighborhoods.

22. Please define "**furnishing zone**" on page 7.

23. Please provide **minimum story height** as discussed on page 8.

24. Please confirm on page 9 that there are **no side or rear setbacks** on the **top floor for new VC1 lots less than 70 feet** wide or deep. How many VC1 lots in each village would not have a side or rear setback on the top floor? Will this apply to VC2 and VC3 lots abutting a residential lot? Presently there is a step down of 3.5 stories.
25. Please **make adaptive reuse a requirement** (page 10) for buildings older than 1940 except by special permit. Proposed zoning ordinance incentivizes teardowns.
26. On page 11 please clarify **maximum depth of awnings and canopies**.
27. Page 12 states "**adequate protection from the elements**" for principal entrances. How is this measured?
28. Page 14 has **rules for parking lots, loading area, trash**, etc abutting residential districts. Please clarify how this applies to all residential lots upzoned to VC1, VC2 or VC3. Does this apply to residential uses (house) on a BU or MAN lot that is upzoned or abutting?
29. When will the **design guidelines** be released?
30. How are **ADUs** treated on now residential lots that will be upzoned to VC1, VC2 or VC3? Do the same rules apply? Should it be added to page 15 chart?
31. Please clarify on page 16 **commercial** unit parking can include **on street parking** spaces in its requirement. Residential parking cannot count/use on street parking.
32. I thought all **Special Permits** are reviewed by the City Council. Page 17 states the planning board will hear parking special permits. How is this different? Which body will be the principal Special Permit Granting Authority (SPGA) for the city? Please explain.
33. On page 17 note 21 - "staff are exploring **reduced parking requirement** tied to access to the Green Line and Commuter rail". When will these details be released?
34. **Landscape and Stormwater Management should be requirements** and not guidelines, especially given the new stormwater requirements that will soon go into effect. The proposed zoning will greatly decrease green space and trees, especially in VC1 where there is no open space requirement on most lots and lot coverage can triple from what is on the present lots. See appendix 1 and 2 for examples.

35. I still don't agree in **exempting all ground floor** retail from all parking but requiring a certain number of **parking spaces** beyond a determined number. Many businesses in West Newton complain about the lack of parking is driving their customers away. One business is moving to Watertown because of the parking issues.

**Appendix 1**

**The proposed zoning will not “incentivizes smaller development on smaller lots, encourages diverse rooflines and varied heights and limits the overall bulk of buildings”**

Most lots are not at the maximum lot coverage except for new builds so the transition to the proposed zoning will more than triple the present massing. MR1 and MR2 are presently zoned for 50% usable open space but the proposed zoning has no requirements for lots under 20,000 square feet and only 30% usable open space on the biggest lots.

The table below shows house size, footprint and lot coverage for 3 different lots either abutting a residential district or a non-residential district.

| <b>Lot coverage and building size</b>   |                              |                     |                      |                             |                     |                      |                       |                     |
|---|------------------------------|---------------------|----------------------|-----------------------------|---------------------|----------------------|-----------------------|---------------------|
|   | <b>abutting Res district</b> |                     |                      | <b>abutting VC district</b> |                     |                      | <b>abutting VC</b>    |                     |
|   | <b>8250 sf lot</b>           |                     |                      | <b>7000 sf lot</b>          |                     |                      | <b>13500 sf lot *</b> |                     |
|   | <b>lot cov</b>               | <b>footprint sf</b> | <b>bldg size GFA</b> | <b>lot cov</b>              | <b>footprint sf</b> | <b>bldg size GFA</b> | <b>lot cov</b>        | <b>footprint sf</b> |
| <b>VC1</b>  | 48%                          | 4000                | 10376                | 57%                         | 4000                | 10376                | 59%                   | 8000                |
| <b>MR 2 fam</b>   | 30%                          | 2475                | 6188                 | 30%                         | 2100                | 5250                 | 30%                   | 4050                |
| <b>MR townhouse</b>   | 25%                          | 2063                | 5156                 | 25%                         | 1750                | 4375                 | 25%                   | 3375                |
| <b>MR apt</b>   | 30%                          | 2475                | 6188                 | 30%                         | 2100                | 5250                 | 30%                   | 4050                |
| <b>SR3</b>  | 30%                          | 2475                | 6188                 | 30%                         | 2100                | 5250                 | 30%                   | 4050                |
| <b>Notes for calculations:</b>  |                              |                     |                      |                             |                     |                      |                       |                     |
| * two 4000 sf footprint (10,376 buildings) would fit on 13,500 sf lot abutting VC |                              |                     |                      |                             |                     |                      |                       |                     |
| abutting VC district calculation: used 10' side and rear setbacks                 |                              |                     |                      |                             |                     |                      |                       |                     |
| abutting R district calculation: used 15' side and rear setbacks                  |                              |                     |                      |                             |                     |                      |                       |                     |
| front setback 10'   |                              |                     |                      |                             |                     |                      |                       |                     |
| 4000 sf footprint = 80' x 50'   |                              |                     |                      |                             |                     |                      |                       |                     |

## Appendix 2

### **The proposed zoning will not incentivize preservation of existing buildings.**

Newtonville has many stately Victorians. Only one, which has a new attached unit is 7200 sf building area or size (GFA). Most are 3000 to 4200 sf with a few, especially on Newtonville Ave, range from 5000 to 6800 sf.

The maximum sized 4000 sf footprint at 2.5 stories and 7 foot setback on all side on the 3<sup>rd</sup> floor, would result in a building with a GFA = 10,376 sf. (assumptions 80' x 50' footprint).

Let's use one of the largest homes, 424 Newtonville Ave, a 6804 sf 3 family on a 15,000 sf lot (100 feet x 150 feet). **In the proposed zoning, this lot could be redeveloped into 2 buildings at a combined 19,600 sf buildings vs. the existing 6800 sf building now.** One building could be 9996 sf and a second one 9604 sf. I'm using setbacks abutting residential which are larger setbacks than abutting VC lots (10' front, 15 feet side and back plus 15 feet separation of buildings).

I have more examples that I will provide later.

Please explain what tools would incentivize the adaptive reuse and preservation of existing buildings.