



## Zoning & Planning Committee Report

### City of Newton In City Council

**Monday, January 28, 2019**

Present: Councilors Albright (Chair), Danberg (Vice Chair), Brousal-Glaser, Krintzman, Kalis, Leary, Downs and Baker

Also Present: Councilors Schwartz, Crossley, Greenberg, Norton and Kelley

City Staff Present: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), Rachel Nadkarni (Long Range Planner), Lily Canan Reynolds (Community Engagement Manager), Kathryn Ellis (Economic Development Director), Jennifer Steel (Chief Environmental Planner), Karyn Dean (Committee Clerk)

**#631-18**      **Appointment of Warren Abramson to the Commission on Disability**  
HER HONOR THE MAYOR appointing WARREN ABRAMSON, 77 Court Street, Newton, as a member of the COMMISSION ON DISABILITY for a term to expire January 31, 2022. (60 days 02/15/19)

**Action:**      **Zoning & Planning Approved 7-0 (Councilor Kalis not voting)**

**Note:** Warren Abramson joined the Committee. His resume had been provided to the Committee for review prior to the meeting. Mr. Abramson explained that because of his own disability, he has dealt with mobility and other issues throughout various cities and towns in Massachusetts. He has recently moved back to Newton from Waltham and felt his perspective could be beneficial to the Commission on Disability.

Committee members asked Mr. Abramson to describe some related positive and negative elements in other municipalities as compared to Newton. He noted that Waltham is very diligent in enforcing handicapped parking requirements and constantly checks to be sure people are parking appropriately. He also noted that some other communities have extremely high curbs which makes mobility very difficult for the disabled community as well as for seniors. If a curb cut is not available, having to manage an 18-24-inch-high curb is extremely difficult. With all the new development in Newton, he would like that to be considered when curbing and sidewalks are being built or restored. There also needs to be an accelerated schedule of getting the sidewalks in better condition because they are currently problematic. A Committee member asked him to consider snow and ice on sidewalks and how the City can better address that. Mr. Abramson said that he has not had an issue with this in the past, and while the ice is dangerous, it is the most difficult to mitigate.

Councilor Danberg moved approval of Mr. Abramson's appointment to the Commission on Disability and the Committee voted in favor, unanimously, with thanks.

**#408-18 Discussion and adoption of Economic Development Strategy Plan**

DIRECTOR OF PLANNING requesting discussion and adoption of the Economic Development Strategy Plan as an amendment to the 2007 Newton Comprehensive Plan.

**Action:** Zoning & Planning Approved as amended 7-0 (Councilor Kalis not voting)

**Note:** The Chair explained that at the January 22 City Council meeting, amendments were offered on the floor. Instead of having a discussion at a full Council meeting, the item was recommitted to the Zoning & Planning Committee.

Councilor Baker offered the following two amendments:

Appendix E, second paragraph:

- Delete "However, there are often ways that process and procedural issues can unintentionally hinder development." He would rather not have the City Council make that judgment about its own process.

Appendix F, Actions

- Delete header "Actions". Replace with header "Possible Actions to Consider as Part of Ongoing Zoning Review Include:"
- Councilor Downs suggested removing "Possible"

The Committee voted to approve these amendments, unanimously.

Councilor Downs offered an amendment to page 27, Objective #4C, iii:

- Instead of "Review parking requirements for ground floor uses in village sentences" should would like to substitute "Review parking needs for ground floor uses in village centers and reduce or eliminate minimums as indicated by the data".

Councilor Baker offered an amendment to Councilor Downs amendment as follows:

- "Review parking needs for ground floor uses in village centers and evaluate whether to reduce or eliminate parking minimums as indicated by the data."

Councilor Baker explained that the outcome should not be proscribed and the amendment to Councilor Downs amendment accomplishes that. He did not want to imply that parking minimums should be eliminated yet because there is a spillover effect into the neighborhoods when parking is eliminated. He understands that the parking requirements may very well change in the zoning ordinance, but he does not know what data is going to generate that outcome. This language would allow an evaluation without requiring an action. Committee members offered an amendment to change "as indicated by the data" to "if indicated by the data"

The Committee voted to approve the amendment as follows, unanimously:

- “Review parking needs for ground floor uses in village centers and to reduce or eliminate parking minimums if indicated by the data.”

It was noted that there are parallel provisions in the Table that would need to be amended as well.

Councilor Baker moved approval of the Economic Development Strategy Plan, as amended with thanks to staff. The Committee voted in favor, 7-0.

**#13-19 Adoption of the Climate Action Plan**

DIRECTOR OF PLANNING requesting discussion and adoption of the Climate Action Plan as an amendment to the 2007 Comprehensive Plan.

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

**Note:** A Planning Memo was provided prior to this meeting on the Climate Action Plan. Jennifer Steel, Chief Conservation Planner joined the Committee. She explained that currently, City staff, along with a very dedicated group of people from the Energy Commission are working with the Metropolitan Area Planning Council (MAPC) to develop a 5-year rolling climate action plan to address the mitigation side of climate action. The plan is intended to be grounded in the broader understanding of a goal of getting to carbon neutrality, with the recognition that the focus will be on immediate actions which can be taken within the 5-year window. It is designed to be a rolling plan so that window will be consistently moving forward. The audience for this plan is the general public, as well as the City Council and City staff. The scope of the project is designed to be focused on points of municipal leverage.

The Plan will set the stage, identifying where Newton is as a City and in a broader context. It will delve into Newton’s greenhouse gas inventory with recommendations for how the City can more efficiently review the inventory on a regular basis to maintain a good monitoring record. Then, the Plan will describe where Newton is in terms of its own greenhouse gas reduction efforts and some of the most relevant lessons learned from peer communities in the state, country and around the world. The Plan will delve into 6 areas of focus that the working group has identified as being most pertinent for Newton:

1. Improvement of existing buildings
2. New construction or major redevelopment
3. Mobility/Transportation
4. Clean energy
5. Municipal leadership
6. Resource use, recovery and disposal

For each one of these focus areas, the Plan will provide relevant data as well as some recommended action items. Examples of programs in place in peer communities will augment this

as well. Staff is currently creating draft chapters and all but 2 have been drafted and those are due within 2 weeks. A share-file system is set up so that MAPC and Ms. Steel can share files for viewing by the working group. There will be a City staff internal review of the draft products next week and the full working group, which includes the Energy Commission, will convene soon after that. The second and final public workshop led by the MAPC will be held on March 21<sup>st</sup>. The initial workshop in October was very well attended. The final draft reflecting that public input is due to be presented by MAPC at the end of April.

Mr. Heath said that final Plan will be appended to the Comprehensive Plan, similar to the Economic Development Strategy Plan. The Chair asked Ms. Steel to provide drafts intermittently so that the Committee and Council can keep up to date on the progress. Several Councilors agreed and would like to determine a schedule for updates. It was also noted that much of the Comprehensive Plan is outdated in terms of energy and water issues. Would this Plan change that language? James Freas, Deputy Director of Planning said that this would be an appendix to the Comprehensive Plan and specific sections would not be updated with new language. It was noted that there might be some conflict between the current plan and the appendix, so it should be made clear which language is in force. Mr. Heath said the various Plans that are being appending to the Comprehensive Plan subsume the current language in the Comprehensive Plan. If language needs to be added to make that clear, that will happen.

A Committee member asked if the listed goals are quantitative, or qualitative as mentioned in the Planning Memo. Ms. Steel said most of the goals are more qualitative, but each individual action has identified performance standards. The goals themselves are broader and the performance standards may reflect three or four types of metrics. The overall goal is to identify bold pathways forward that are more immediately actionable and then allow the implementation to address the specifics. There will be quantitative reporting, for example, one of MAPCs first action was to review the greenhouse gas inventory, bring it up to date and make recommendations about how the City can most efficiently continue to update and monitor that.

A Committee member noted that there are overarching issues that perhaps not many may understand, such as carbon neutrality and the impacts of reaching that goal. Those will need to be made clearer.

A Councilor said that a specific list of actions and recommendations will be coming about what should be done with a city building, or what lobbying power Newton might have at the state level to effect helpful change. Newton was one of the first Green Communities and the City set the goal of reducing energy usage by 20%, but that goal was not met, and the time frame has long past. This Plan will put real numbers on the table to reach these types of goals. Coordinating with all the departments of the City will be important so that the efforts that are already underway are understood and incorporated.

A Councilor said that transportation and sustainable materials management areas are complicated. Transportation requires work at the regional and statewide level, and she would like to see the

action items on that and what kind of political capital can be used to influence those decisions. The MBTA is looking at increasing their fares without improved or more frequent service, yet the surcharges on Lyft and Uber or increasing the gas tax are not being considered. Mayors need to get the message to the Governor and other elected officials that some unpopular changes need to be made. Sustainable materials management need significant changes as well and Newton should employ pay-as-you-throw. The City spends \$350K a year for bulky item pick ups and the City's Director of Environmental Affairs wrote a report on that and no action has been taken. Also, there has been no organics report. The City must do more. The other issues are more local, but these two areas need more widespread work and support. The Chair asked Councilor Leary to draft a letter to the Governor about the MBTA fare raise and other options as she believes the City Council might very well support that.

A Councilor noted that a huge number of measures that can be implemented in the shorter term can be done through the zoning ordinance via development standards. Rainwater and stormwater management can be addressed, as well as what the city will allow with energy efficiency in buildings, along with other issues as well.

The Chair reminded Ms. Steel that updates need to come to the City Council before the final draft is complete in April.

Councilor Danberg moved to approve this item and the Committee voted in favor, 7-0 with thanks to Ms. Steel.

**#43-19 Discussion of Riverside Vision Plan**

DIRECTOR OF PLANNING requesting regular progress reports on the Riverside Vision Plan.

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

**Note:** Barney Heath, Director of Planning, explained that the Selection Committee met and interviewed four consultants for the Riverside Visioning project. Councilor Krintzman was a member of that Committee. The consensus choice was CivicMoxie, a planning firm based in Brookline. They have prepared a scope of work to undertake the visioning process, which has been provided to the developer. Staff are waiting to hear from the developer whether the scope of work and fee are acceptable.

A Committee member asked what would happen if the proposal was not accepted by the developer. Mr. Heath said they would take another look at the scope and if that did not work out, they would look at another consultant, but they are very optimistic that this proposal will be acceptable. Public meetings will be scheduled after the proposal is accepted. Updates will be provided to the Committee.

Councilor Krintzman moved to hold the item and the Committee voted in favor, 7-0.

- #632-18**      **Zoning Amendment to allow RMDs and marijuana retailers in MU districts**  
COUNCILOR SCHWARTZ, KELLEY, NORTON, AND COTE proposing to amend Chapter 30, **Section 4.4.1. Business, Mixed Use & Manufacturing Districts.** to allow Registered Marijuana Dispensaries and marijuana retailers by special permit in Limited Manufacturing and Manufacturing Districts.
- Action:**      **Zoning & Planning Held 7-0 (Councilor Krintzman not voting)**

**Note:** Councilor Schwartz joined the Committee. He explained that as the docketers looked at the ordinance and the associated map, they were concerned that there may not be ample opportunity to accommodate the required 8 marijuana establishments in the City. They felt that adding Manufacturing and Limited Manufacturing zones might be appropriate. When they looked at the reasons the Planning Department provided for eliminating these two zones from consideration, they felt those reasons might not be dispositive. While there are some legitimate concerns, they are addressable. Time is of the essence because significant interest is coming to the City by potential operators and locations are being chosen.

A zoning map was provided, attached, showing the areas that would be included if these two zones were added. A memo on this item was provided to the Committee prior to the meeting. Mr. Heath explained that staff went through a rigorous process to determine which zones would be appropriate for the medical and retail marijuana establishments. There were several concerns with manufacturing zones. Manufacturing zones tend to be somewhat isolated from commercial areas. One of the advantages of having retail marijuana in business zones is that there are people around to provide eyes on the street. Another concern is the impact of the manufacturing use itself. There are limited manufacturing zones and they are facing increasing pressure from other types of uses and this would be another use that would pull existing manufacturing industries out of those zones. The map shows that the manufacturing zones are clustered on the north side of the City and staff has endeavored to distribute the opportunities equally across the City. Some of the manufacturing zones tends to be located in residential enclaves unlike commercial zones which are on main streets. The Wells Avenue office park would be included in the proposed zone and there is a deed restriction on that property that does not permit retail uses. There are also a number of childcare and school related uses that would further complicate the issue. Introducing a retail use into the park changes the character of what is in the area.

#### Committee Comments/Questions

It was asked if it was possible to have some manufacturing zones included and exclude others. Mr. Freas said there would have to be a set of criteria in the ordinance to try to make that happen. Marie Lawlor, Assistant City Solicitor, explained that zoning has to be uniform and an overlay district might be a way to accomplish that. In the new zoning ordinance, the proposal is to have the marijuana district as an overlay district and not connected to a base commercial district.

A Councilor noted that many of the manufacturing districts are mostly in Ward 1. She noted that these zones do not have much access to transit and that is a concern. She felt an overlay district was a good idea.

A Councilor said she was a supporter of the retail marijuana establishments and felt this was a way to provide more opportunity. The federal government is having an increasingly hands-off approach and some banks are now working with establishments. More states are about to legalize marijuana and that will lead to even more banks coming on board. Therefore, the security risk is being minimized because less cash will be involved. Garden Remedies has a security detail, which others can do. The establishments can be well lit, hours can be controlled, and this decreases security risks as well. Committee and staff have been arguing to our residents that these establishments will not bring a security risk. The guidance from the Cannabis Control Commission was related to zoning that would try to limit the establishments. There is no evidence of manufacturing uses eager to get into these areas and being disadvantaged by the marijuana establishments being located there. The southside location, including Wells Ave, Echo Bridge and Needham Street would be good locations and the City Council has the ability to limit or say no to establishments through the special permit process. The deed restriction can be lifted on Wells Avenue. These locations are also better for traffic and parking. The neighbors around Court Street are concerned about the expanding marijuana establishment and how that will impact traffic and parking in their neighborhood.

A Councilor looked at the half mile radius all north of the Mass Pike and she would not want to see four locations in that area. Many of the manufacturing sites border the river and path and there are currently complaints about people smoking there. She is concerned that marijuana customers could purchase and then smoke the product along that path. The traffic from Watertown Square to Waltham is very tight and adding those retail establishments there would exacerbate that problem.

A Committee member said it was fair to distribute the sites around the City and it helps the establishments as well financially. She was also concerned that if retail marijuana was allowed in Wells Avenue, it would open up the opportunity for other retail there which would not be appropriate. There was concern that some of the manufacturing zones are in residential districts, which would also not be appropriate.

A Committee member felt that having one establishment in each ward would provide a fair and equal distribution throughout the City. Mr. Heath said that the more complicated the regulations, the greater the risk of a challenge that the City has not created meaningful opportunity, as required. In his view, the current zoning provides the right balance of opportunity and equal distribution. Ms. Lawlor noted that a ward is not a zoning district and may have several zoning districts within in. Zoning has to be uniform.

A Councilor said most of the manufacturing districts are in Upper Falls and one establishment is likely locating there. The area would probably not like another one there. Wells Avenue is not appropriate due to the lack of transportation options.

It was noted that based on the childcare and school uses at Wells Avenue, there would be very little space appropriate for a marijuana establishment. Traffic is an issue in that area as well.

Councilor Schwarz said that some manufacturing zones are on the edges of the City and close to other communities that have moratoria. This might reduce traffic through Newton by those coming from other communities. This is something to consider if an overlay district is created. Security issues are addressable through special permit conditions, as was mentioned. If these establishments are safe enough to put in the middle of our City, then they should be safe enough to put in other places. This would just add additional opportunities.

A Councilor said the Committee should be looking at the new zoning map to see where zones might be. Pushing establishments to the periphery of the City will not limit traffic. People may come from other communities, but people in Newton will be driving to get to these establishments as well. Having eyes on the street is beneficial, and while she is not concerned about the safety of these establishments, having any retail use in an isolated area is not a good idea.

A Councilor noted that if some facilities were located at the edges, they would capture the incoming traffic from out of town. Even though there might not be public transportation, people do drive. Everyone seems to be concerned about having too many establishments in their ward, but the City already has 8 applications that have come in and she does not want to make locating difficult. There is congestion all over the City, and the manufacturing areas have ample parking available. Tool and die uses are not looking to come into these areas. She supports this proposal.

A Committee member said he was persuaded that more areas could be a good idea. If some of the areas are ill-advised, they could be taken out by an overlay. He would not want an applicant to say they cannot find a site and challenge that the city is not providing meaningful opportunity for 8 sites. Holding these sites open for uses that are not interested does not make sense.

Councilor Schwartz noted in terms of Wells Avenue, the 500-foot buffer restriction around schools is waivable and it was waived for the medical establishment on Cypress Street because the Planning Department felt the daycare within that buffer would not be impacted.

Wells Avenue wants enterprises that support the office use that is already there such as restaurants. Other retail uses were not what they had in mind.

The Planning Department felt that the current zoning does provide meaningful opportunity for 8 establishments.

Councilor Baker moved asking the Planning Department to investigate manufacturing districts with an overlay limitation. Six Committee members were in favor with one abstention.

The same motion was made for the Wells Avenue site. Six members were opposed with one abstention.



The Committee, therefore, will ask the Planning Department to investigate manufacturing districts with an overlay limitation. A date to bring this back to Committee is to be decided.

The Committee voted to hold this item.

**#220-18 Discussion relative to the Washington Street Corridor Action Plan**

DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.

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

**Note:** This discussion will be focusing on the Zoning Toolkit for the Washington Street action plan. Lily Canan Reynolds, Project Manager for the Washington Street project, reminded the Committee that the second draft of the Vision Plan and second draft of the zoning proposal for Washington Street will be presented on February 11<sup>th</sup> in Committee.

**Zoning Tools**

Ms. Reynolds provided a PowerPoint presentation which is attached to this report. Please refer to it for further details.

**Parking**

Ms. Reynolds noted that staff is getting a lot of feedback from residents as well as the City Councilors relative to the type of buildings they would like to see on Washington Street. The current zoning ordinance requires 2 parking spaces per unit as a minimum, however, one of the biggest goals in the proposed zoning ordinance is to not have buildings that are organized around massive above-ground parking. Therefore, flexible parking standards is one of the tools being proposed by finding ways to have clear standards for where parking should be located, in many cases underground, and reducing the amount of parking that is required or removing entirely parking requirements.

Other cities have determined that zoning might not be the best tool to determine the parking need. The private market may know better what their clients require. Parking maximums could also be used. This would be coupled with transportation demand management tools as well as more active management of city street parking spaces to provide more turnover of spaces.

**Building Types**

Building types would control the length and width of buildings and would regulate the maximum number of stories and story heights. Unlike the current floor area ratio (FAR) model, this building type model would not tie the building shape to the size of the lot.

**Smaller Buildings**

The proposed zoning is also trying to encourage smaller buildings of three stories or fewer. Allowing these buildings to be approved by-right is a tool being considered. Along most of

Washington Street the maximum is two stories, but they are not being redeveloped. In cases where there is some redevelopment, the owners are asking for much higher heights.

#### Upper Story Setbacks

For buildings that do go higher than 3 stories, the 4<sup>th</sup> story and stories above would be required to have a step-back of 10 feet from the lower stories. This step-back provides a more comfortable feeling along the street for pedestrians.

Varied building heights is another goal for Washington Street. A tool called building groups is being considered. If a property owner has a lot on which they want to build multiple buildings, there would be different requirements such as varied roof types and heights.

#### Limit Shopfront Widths

Zoning standards are being considered to limit the width of shopfronts to 30 feet. For example, the shops in West Newton Square are very pleasant – their sizes are smaller. Staff received 2,500 comments from the public on the first draft of the zoning ordinance and one noted that some of those shops are only 18 feet. Ms. Reynolds noted that those buildings were constructed before some of the current requirements in the building code such as firewall separation and egress requirements. The 30 feet limit would accommodate those needs and still keep the scale on the smaller side.

#### Restrict Building Height

Some parts of Washington Street are commercial areas that are right next to single and two-family buildings. This would require that any building that is right next to a residential building in a business, commercial or mixed-used zone could only be one story higher than what is next to it. The current one- and two-story buildings are on average 1.5 stories.

#### Preserve Historical Facades

Preserving historic facades would be encouraged by allowing property owners to reinvest into those buildings. The West Newton Cinema is well-loved in the community and residents would like to see that and similar historic buildings preserved. A way to do that is to allow another story but require that it is setback and different in design to illustrate the difference between the historic façade and the new construction.

#### Greenspace

There are some lovely parks and green spaces along Washington Street and those should be preserved. The proposal is to ask developers of larger projects to contribute more of those public spaces. One of the tools is a sliding scale so that as projects get bigger the park's size requirement increases as well. There should be enough access to parks of various sizes within a comfortable walk on Washington Street. If there is already an existing park, developers may be exempt from creating another one that is not really necessary.

### Residential Unit Factor

To determine the number of units, the proposal is to tie the maximum number of units to the building type. For example, a townhouse will have a 3-unit maximum based on the size of the maximum size in the building type. For larger buildings, the residential unit factor will be employed. The residential unit factor is the number that will be used to calculate the maximum number of units in a building. The square feet of the building is used and divided by the residential unit factor to produce the maximum number of units allowed. The number of 1,000 as a residential unit factor is just an example. The right number is yet to be determined. The residential unit factor does not regulate the size of the units, just the number allowed. The market should be able to differentiate different types of housing and a diversity among them. A minimum building size would be regulated by the state Building Code.

### Sustainable Buildings

The ordinance should try to incentive developers to build sustainable LEED certified or net zero buildings. They would be allowed to have more units by waiving the residential unit factor, but not a larger building.

### Inclusionary Zoning

Newton's Inclusionary zoning ordinance will apply to Washington Street but there could be ways to incentivize even higher levels of affordable housing. If a developer is interested in doing 100% affordability then more units could be allowed.

### Connectivity

Washington Street should have a connected sidewalk and street network for people to walk around and access the businesses and plazas. There are certain places where there could be new thoroughfares that zoning could require to be built. It will help to break up the size of the buildings and provide a nice network for pedestrians.

### DIF

Staff is looking at District Improvement Financing (DIF). For example, the idea of connecting the two sides of Newtonville with a park over the Pike is a very expensive public benefit project. It is unlikely that one private development could offset that cost, but if the district was looked at as a whole, you could use some tools to anticipate the future revenue from taxes that come from projects and that money could be allocated into some of these investments, as a district.

### IQ

Another financing tool is IQ which is being considered.

### Transportation Demand Management

Transportation Demand Management is something that is important to incentivize that incremental and courtyard type building types on Washington Street. Parking, as well as other components to reduce congestion on Washington Street are needed. There are strategies that can be used to reduce the ability to speed through or weave through the neighborhoods to make cut-

throughs on side streets less comfortable. Other traffic changes can be tested so staff would work with residents on those side streets to try some strategies.

#### Committee Comments/Questions

A Councilor said the special assessment is not included on the list in terms of financing. The city uses special assessments to build sewers and sidewalks and the golf course was bought with it as well. There is a sharing of cost with the parties benefited by it. It is a different from using IQ, which was used with Chestnut Hill Square. Councilor Baker said he has a case study that Planning staff can look at.

He also noted that Washington Street is a test case for many tools that have been indicated and those may transfer over to the general zoning ordinance. Letting the market decide what will be built and what to provide for parking is a race to the bottom and it should not be allowed. Basic requirements for builders to do things are to make sure the externalities that a development causes inside the envelope of that development, and a parking requirement is one of those things. He is not persuaded that parking requirements are a bad idea. The Library is saying there are not enough spaces because people drive and will continue to do that.

There was also concern that density bonuses are being offered to developers and that is a mistake. Density bonuses have been given for affordable housing but offering bonuses for sustainability is another thing. How much would we be adding to density of City and can the infrastructure support that. This has to be thought about systemically. Relying on the building code for unit size is not the best idea and the City needs to make those decisions. Trade-offs have to be looked at carefully. If a developer is providing green space and LEED certified buildings, they are getting something in return, mostly more units.

The Chair asked Planning staff to provide some case studies where these tools have worked in other communities. In Real Property Reuse Committee there were some discussions about net zero buildings that did not cost more to construct. It is an added benefit, but more research needs to be presented.

A Committee member said he had similar concerns about parking and density. He would like to see the pros and cons of each of these tools at work so the Committee and Council can have a rich discussion to see if these can apply to Newton.

It was noted that Vancouver ties all new development to a public benefit. Staff was asked to look at that model. Also, there needs to be a way to prioritize the public benefits that those who live along the Washington Street corridor want to see.

It was asked how the public could access courtyard green spaces. Ms. Reynolds said there is a proposal to have unlimited 24-hour public access to these spaces that would be privately maintained. There is a similarity in the Austin Street project.

A Councilor asked why the proposal is to limit the maximum number of housing units by using the residential unit factor. Ms. Nadkarni said a typical form-based code would not use this tool and would just allow the market to drive the number of units, and the building code would control the size of the units. The residential unit factor is tied to the size of the building and staff did not feel that not addressing density would be appropriate. The Councilor said we are dealing with climate change and trying to get more people on transit, and other communities are looking at micro-units, so this seems like an odd choice.

It was asked if the passageways would be retained in West Newton Square. Ms. Reynolds said the thoroughfares would go through to separate buildings and would they would not be blocked by any additional construction behind those shops or the theatre.

The Chair asked how wide the storefronts are in Newton Centre because they are wider than those in West Newton Square. Ms. Reynolds said they would get that information. She also thanked staff for providing photographs in the presentation which better illustrate the types of buildings being considered.

The residential unit factor is something that needs more explanation. Ms. Reynolds explained that the number of 1,000 they are using is illustrative to demonstrate the mechanism and is not the final number. That number will be decided with some more discussion. The Chair asked to staff to provide different numbers so the Committee can see what different numbers do to the number of units.

A Councilor would like to better understand the implications of encouraging 3-story buildings by right. Ms. Reynolds said that if a private landowner looks in the zoning ordinance and can see that they can build a 3-story building by-right, it will encourage that. The zoning would provide requirements for those 3-story buildings to really ensure that whatever is built is consistent with all the objectives and goals. More information on this will be presented on February 11. This option could be available on all of Washington Street or just in certain areas. That is something to be decided. Another Councilor was concerned that people will want to apply these tools to other parts of the City, and it has to be shown that Washington Street is a special circumstance. The Chair noted that Newton's village centers used to be filled with 3-story buildings that have been torn down, so it would not be out of character to have some back.

A Committee member was also concerned that certain building types and heights are being proposed but then there is this density bonus issue. People have been sending her build-out examples of West Newton Square and it is very concerning, so she does not think any further bonuses are necessary. Transit oriented developments will have to be looked at in areas on the Green Line which runs much more often than the commuter rail that runs out of West Newton. Ms. Reynolds said this is a vision process where there has been a really focused in-depth amount of community discussion and planning analysis done that really is trying to fine-tune the tools for Washington Street. It is not test-case for City-wide development.

A Councilor said she has been trying to get a visioning process done for Newton Centre. In 2005 there was a huge visioning project that was delivered to the Mayor and it was not acted upon. It has been promised that after Washington Street, Newton Centre will be next so she is very interested in looking at these tools and how they might work. Newton Centre used to have 3-story buildings that are now 1-story buildings due to the tax burdens at that time. There is some sentiment that 1-story buildings are not appropriate for Newton Centre.

District Improvement Financing has been used in more blighted and distressed areas. It was asked when and how that might be used, along with the pros and cons. Ms. Reynolds said it would be identifying a district, looking at the anticipated tax revenue that would be generated by new development, and using that to bond for a bigger improvement such as the decking over the Mass Pike. Multiple projects within that district would be included. A Councilor noted that the money does not go into the general fund, so it is a loss of tax revenue for the City. It was noted that some communities have used this tool and it has worked reasonably well.

Ongoing maintenance expenses need to be considered as well. This is a tricky issue because if revenue is being generated, and it pays for other costs external to the site, there needs to be a process to determine what is appropriate to keep on site and what go to the taxpayers.

The Committee thanked Ms. Reynolds for her presentation and the voted to hold this item.

**#518-18      Discussion and review relative to the draft Zoning Ordinance**

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

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

**Note:** The Chair noted that the focus of this discussion will be on single purpose districts in the draft zoning ordinance. James Freas, Deputy Director of Planning, provided a PowerPoint presentation which is attached to this report. He explained that there are seven single purpose districts: Public Use; Recreation; Office; Fabrication; Regional Retail, Non-contextual Multi-unit Resident; and Campus/Institutional.

The Public Use district encompasses all of city and state-owned properties as well as streets (even though they do not show upon the zoning map as being in those districts). This district has not changed from the current ordinance. All projects in the Public Use district are, for the most part, exempt from the zoning and go through the 5-58 review process with the City Council for City properties. State properties are exempt with the exception that if it is no longer being used for public use, such as the Riverside site, it must be rezoned into a different City district to reflect the nature of the use.

The Recreation district is a new district to encompass the golf courses, tennis clubs and other recreational facilities, and also the cemetery. There is only one private cemetery in the City and it fits within this zone. Part of the intention is that golf courses are currently zoned as residential.

The Office district is primarily Wells Avenue and some individual office buildings that are currently in the BU4 and BU5 districts. The proposal is to increase the scale of allowed buildings in Wells Avenue which is currently 3-stories and allow up to 5-stories. BU4 is already up to 8-stories and BU5 is up to 4-stories. The building types in this district include office and lab types. Lab uses require higher story heights due to the required equipment.

The Fabrication district is the current Manufacturing district. This district is being reserved for more intense commercial uses. These areas are under intense pressure to convert to other uses, but they do represent some of the lower cost commercial space in the City. This is the only district that allows the full range of industrial and automobile related uses. Up to 3-stories are allowed in this district. Fabrication can include more innovation related uses and it is a new term to differentiate from the older term. There could be more art related uses as well.

The Regional Retail district represents the malls and Chestnut Hill Square. It allows a wide-range of commercial uses and it does encompass office and retail uses. Some of the building types allowed in this district can go up to 5-stories.

The Non-contextual Multi-unit Resident district are unique properties that tend to be a spread out townhouse type development or towers, such as Chestnut Hill towers.

The Campus/Institutional district would encompass the university campuses and the hospital. This district is intended to take into account the types of uses within these facilities. Staff considered doing some sort of campus master planning review process, but that has been put on hold for now. These will stay within the existing review process. The standards have not been totally flushed out and there are Dover related issues to consider as well. Dover allows reasonable regulations for open space and parking, but the use cannot be regulated.

Mr. Freas noted that all these districts are not intended to be used in other parts of the City for rezonings. These districts are being proposed to protect the existing facilities that will be within them as conforming uses.

Article 7 is where any overlay districts would be located. Overlay districts add specific requirements in addition to the base zoning or in some way specifically modify the requirements of the base zoning. Parallel districts present two options where a property may have two districts that would apply and the property owner can choose which one. Staff have no examples of that at this time. A Master Plan district is a plan applying to a specific geographic area related to a visioning or master planning process, such as Washington Street Vision Plan and zoning. That zoning would be incorporated into Article 7.

There is also a section for Restricted Uses which is the same concept as the existing ordinance, with updated formatting. Staff did change "keno" to "gambling" since Massachusetts is now allowing a wider range of options, but the restrictions remain the same.

Marijuana is in the current ordinance under Restricted Uses but the proposal is to put it into an Overlay district.

#### Committee Comments/Questions

It was asked what would happen to properties that are acquired by the hospital. Mr. Freas said the new properties would require a rezoning if their use changes.

It was asked if there were examples from other communities about more collaborative approaches to master planning with large entities, such as the hospital. Mr. Freas explained that the campus master planning approach used by Boston, Cambridge and potentially Somerville, requires that the institution establish a 10- or 20-year plan, or whatever time frame is determined. Once that plan is approved by the City, individual projects within that plan can go forward by-right. What is provided is a degree of anticipation, so everyone knows what is coming. It provides a big picture for the community. Boston College is required to do this for Boston. A Councilor said that Boston does not have a Dover protected status, so they can limit what educational institutions can do. They operate outside the general law. Cambridge has a home rule petition that gives them authority over educational institutions, except Harvard University. The tricky problem with master planning in Boston, is there is now a field house at Boston College and it was never in their master plan. They got an amendment to the plan and it was built. It is an important idea where it can be enforced but it is easily amendable. Newton does not have the legal leverage that Boston has. This is a useful idea, but enforceability must be behind the plan. A home rule petition would be necessary to pursue this option.

A Committee member noted that there are 3 private and 1 private golf courses. The zoning of golf courses is being changed from single-family to the new district of Recreation. Currently, the golf courses are able to get a 75% tax reduction and can be deferred for 5-years, which are then forgiven. They could carve out section of their property for residential construction. Mr. Freas said that under the new district, they would have to come to the City Council for a rezoning for residential use.

It was asked if the residential golf course properties would have an impact on the 40B formula for the city if it were rezoned to this new district. Ms. Nadkarni said that under the new district it would be counted as commercial use which is calculated into the 40B calculation. Naming conventions are not what the state uses to determine what is residential, commercial or industrial.

A Councilor said she would like parking minimums to be removed. Mr. Freas said there will be a discussion on transportation in the near future.

It was asked if the Non-contextual Multi-unit Resident district should be memorialized as only residential when the city is looking to reduce the number of car trips. Should supporting uses be there instead of keeping that as just residential. Mr. Freas said the premise here is that this is a contextual zoning ordinance based on what is currently on the ground. These kinds of decisions will be part of the process.



A Councilor noted that the language in Article 6, page 27, item D. does not seem correct. It reads: "In the single purpose district multi-building assemblage requires a special permit *except that* in the non-contextual multi-unit residence district, an assemblage of more than 8 townhouses requires a special permit. Ms. Nadkarni explained the district covers two types of development pattern: one is the towers and the other is large townhouse complexes like the Terraces. There are cases that the district has a lot of townhouse conglomerations, so staff was looking at ways to allow minor changes into the by-right category. The Councilor said the language is misleading. Staff will look at the language.

A Committee member felt that nursing homes, assisted living facilities, adult day care centers and community gardening might not be allowed on a campus, but perhaps they should be allowed at the hospital or at Lasell. Museum and brewery uses are prohibited in Regional Retail districts and that seems unwise. She had some other concerns that she will submit to Planning staff.

It was noted that many homeowners think of the berm on the sidewalk as part of their front yard and take care of it. It was asked if the Public Use district would interfere with that. Mr. Freas said the Public Use district has not changed from the current ordinance.

A Councilor felt that going up to 5-stores in Wells Avenue could be appropriate, but there can be terrible traffic backups in that area and it only accessible by car. He would like to see the traffic differences before and after the Add-A-Lane project. He would like to see a map of Newton to show where anything by-right can be built. Mr. Freas noted that 5-stories at Wells Avenue is not by-right. Right now, the uses there are pretty limited, so the rezoning could add more vitality to the Wells Avenue park. The deed restriction is something that would need to be discussed.

A Councilor noted that to bring the proposed ordinance to the City Council, they need to be persuaded that this new format is going to be an improvement to the current ordinance. Staff needs to be sure its not so confusing and loaded with changes that make it difficult to accept. If it looks like this is a vehicle to make the City taller, denser and more populated, even though it is not the planned design, then it will not pass.

Mr. Heath noted that the build-out analysis will be presented at the end of February to demonstrate that this ordinance provides a better outcome.

The Committee thanked staff for the presentation and voted to hold this item, unanimously.

Meeting adjourned.

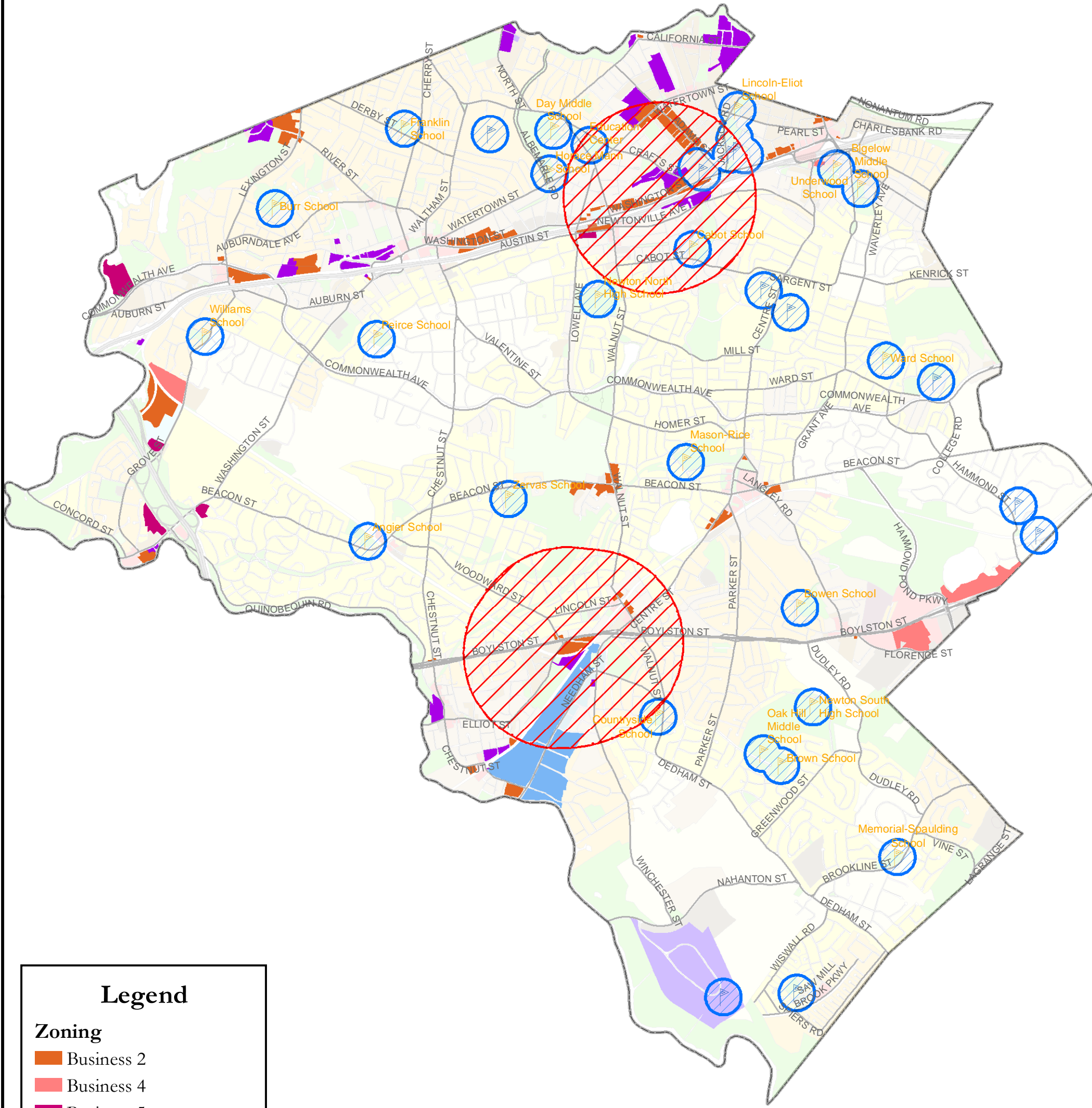
Respectfully Submitted,

Susan S. Albright, Chair

# Draft Retail Marijuana and RMD Zoning

#632-18

City of Newton, MA



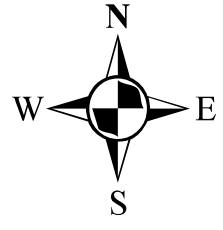
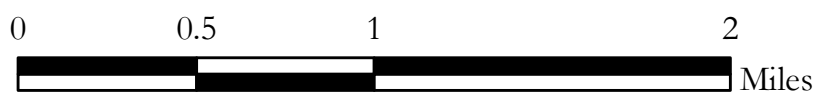
**Legend**

**Zoning**

- Business 2
- Business 4
- Business 5
- Mixed Use 1
- Limited Manufacturing
- Manufacturing

**Schools**

- Public
- Private
- Half Mile Buffer
- 500 Foot School Buffers



CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller

Map Date: January 25, 2019

# HELLO WASHINGTON STREET!

ZAP Presentation January 28, 2019

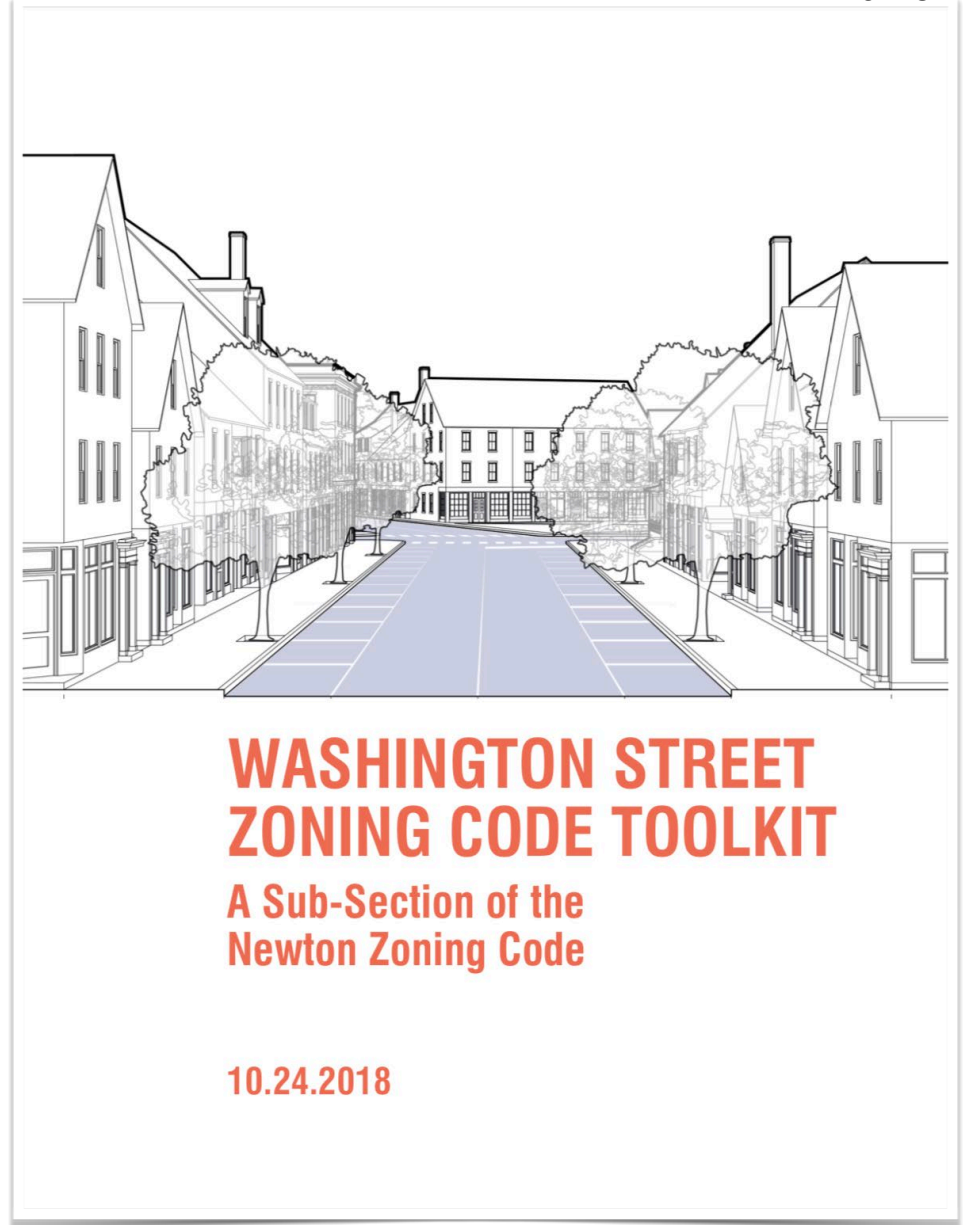


PRINCIPLE

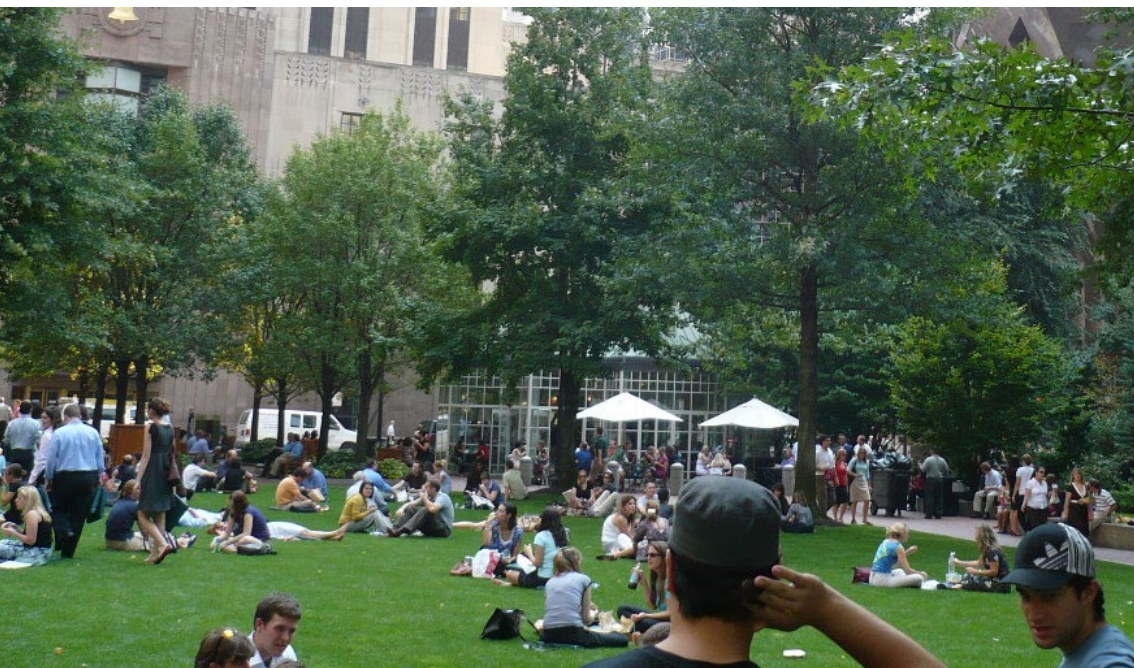


# Better Zoning, Better Villages

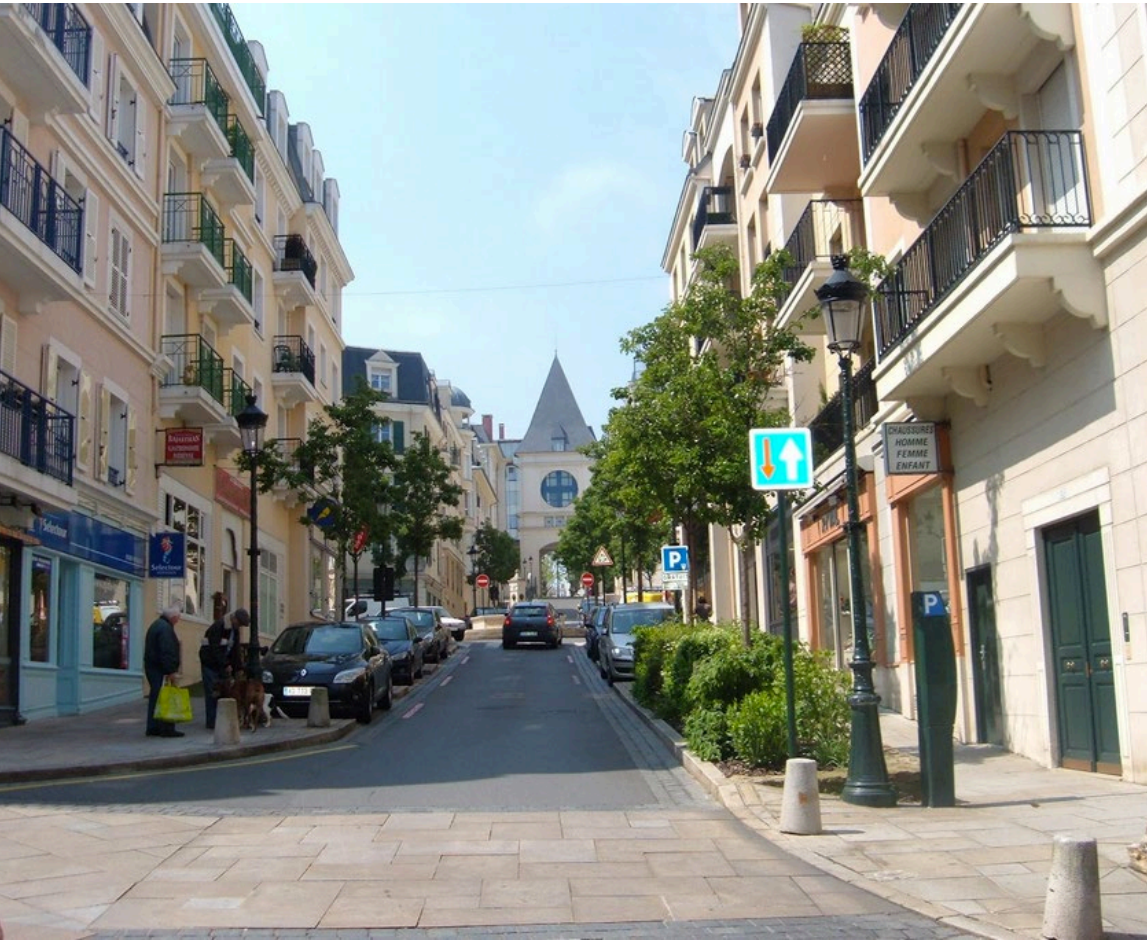
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#220-18



Have clear and specific standards for where parking can be located, but remove off-street parking requirements to enable small-scale development and let the market decide.

## + Transportation Demand Management























# Building Size

Control length and width of buildings using building types. This tool also regulates maximum stories and story heights.

TABLE 3.2 BUILDING TYPE SUMMARY

1. SMALL HOUSE 	2. HOUSE 	3. LARGE HOUSE 
4. DUPLEX 	5. APARTMENT HOUSE 	6. SMALL APARTMENT BUILDING 
7. TOWNHOUSE 	8. SHOPHOUSE 	9. LIVE/WORK FLEX 
10. COMMERCIAL PAVILION 	11. SHOP 	12. APARTMENT BUILDING 
13. FABRICATION BUILDING 	14. MAIN STREET BUILDING 	15. MIXED-USE BLOCK 
16. RESIDENTIAL MIDRISE 	17. COMMERCIAL MIDRISE 	18. LARGE FORMAT BUILDING 

Encourage more small-scale buildings by allowing small-scale buildings that meet the zoning standards to avoid the special permit process.

Longer process does not = better projects.



3 or fewer stories approved by-right

# Upper Story Setbacks

In areas where buildings are allowed to be taller than 3-stories, require buildings to step back after the third story by 10 feet.



# Varied Building Height

Using courtyard building group, buildings must vary in height a minimum of three times along the primary frontage and a minimum of two times along a secondary frontage.



Limit the width of shops and shopfronts to no more than 30 ft in width.



When abutting a residential neighborhood, require buildings to be no more than 1-story greater in height than allowed height in the residential neighborhood.



Provide a preservation bonus, that give developers an extra story of development when they save a historic facade.



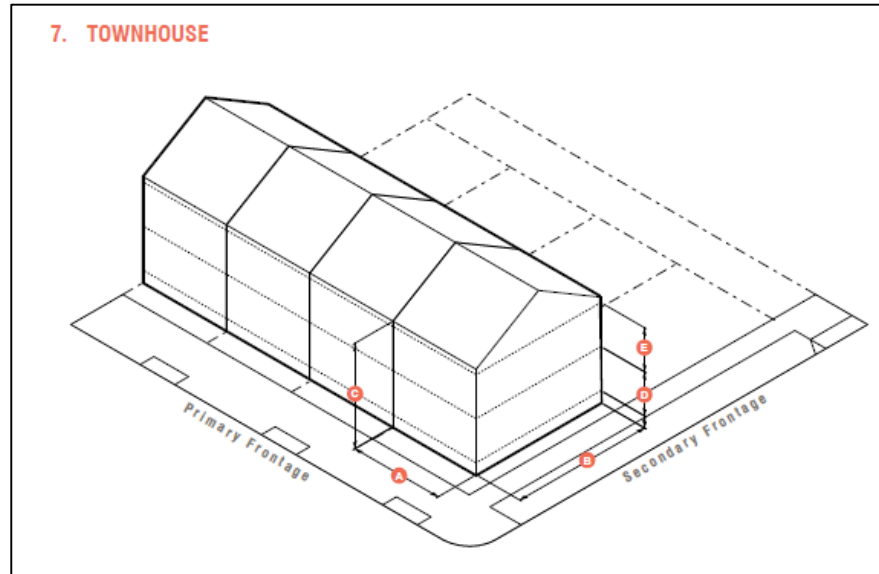
Provide standards that require a publicly-accessible civic space at the center of the block.





# Number of Units

Smaller buildings – maximum units tied to building type.



d. RESIDENTIAL UNITS
3 units max

Larger buildings – residential unit factor tool.

Residential unit factor:  $\frac{10,000 \text{ sf}}{1,000} = \text{maximum 10 units}$

Example Building A: 5 “two-bedroom” units x 2,000 sf

Example Building B: 2 “three-bedroom” units x 3,000 sf + 4 “one-bedroom” units x 1,000 sf

Example Building C: 8 “one-bedroom” units x 1,000 sf + 2,000 sf common space

**EXAMPLE**

Sustainable buildings such as LEED Certified or net zero incentivized with more units, but not bigger building.



Newton's Inclusionary Zoning Ordinance still applies. Additional incentive for more units with 100% affordable building, but not bigger building.



Creating a well-connected street network with zoning that requires thoroughfares and pathways. Tool results in broken up buildings instead of long monotonous facades.



Mode of municipal financing that helps municipalities implement infrastructure enhancements to unlock significant economic growth.



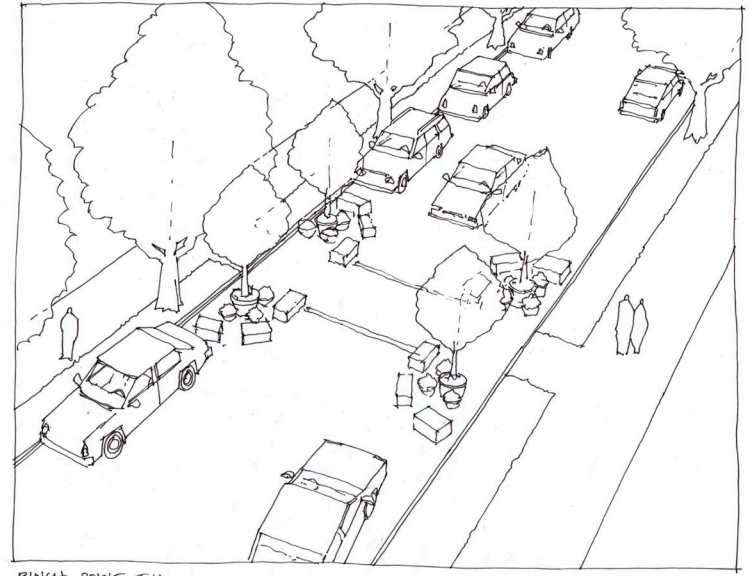
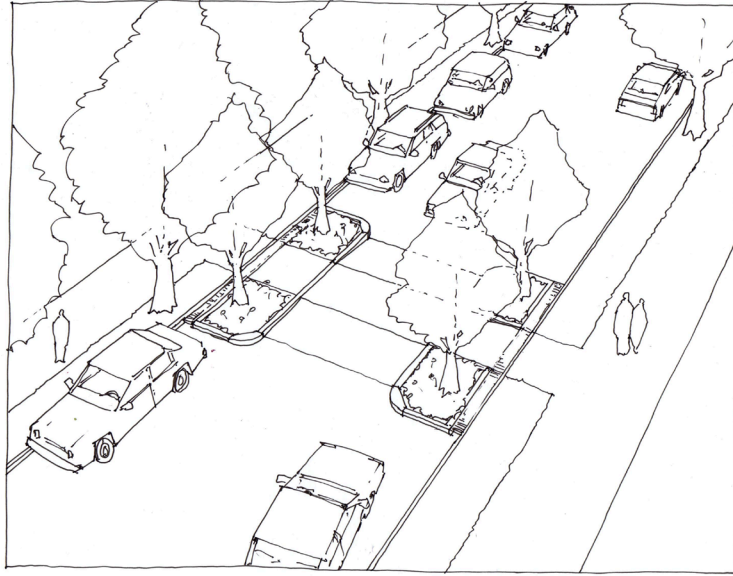
Innovative public-private-partnership created to spur economic development and job growth in Massachusetts.



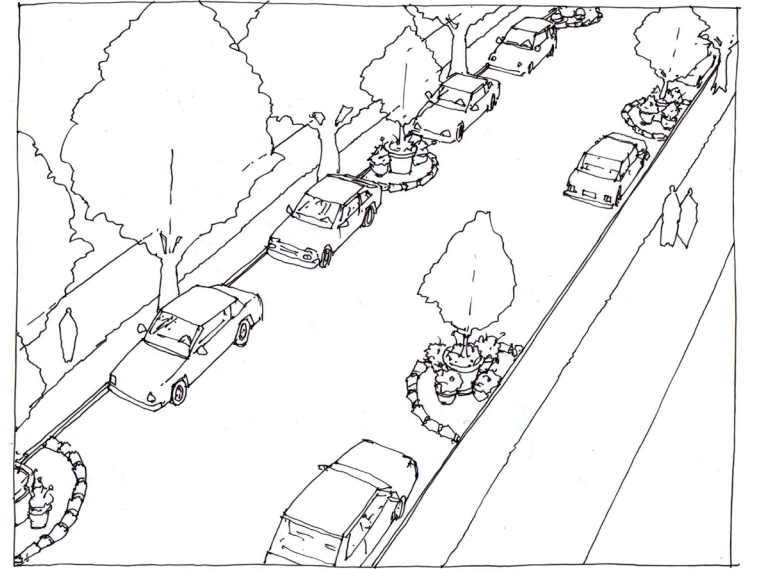
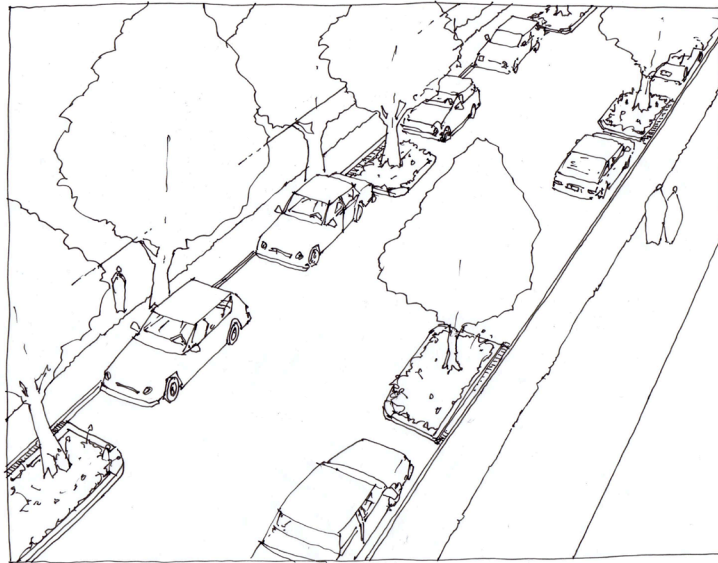
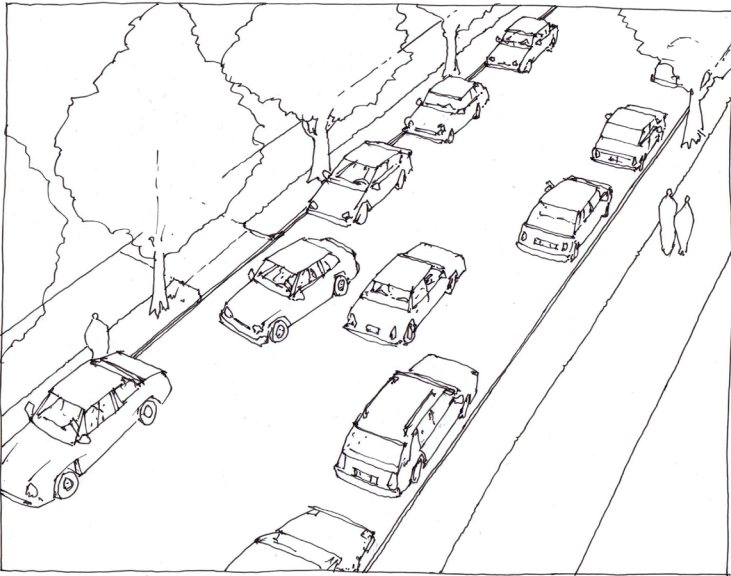
Strategies to reduce drive-alone trips will reduce congestion on Washington Street.



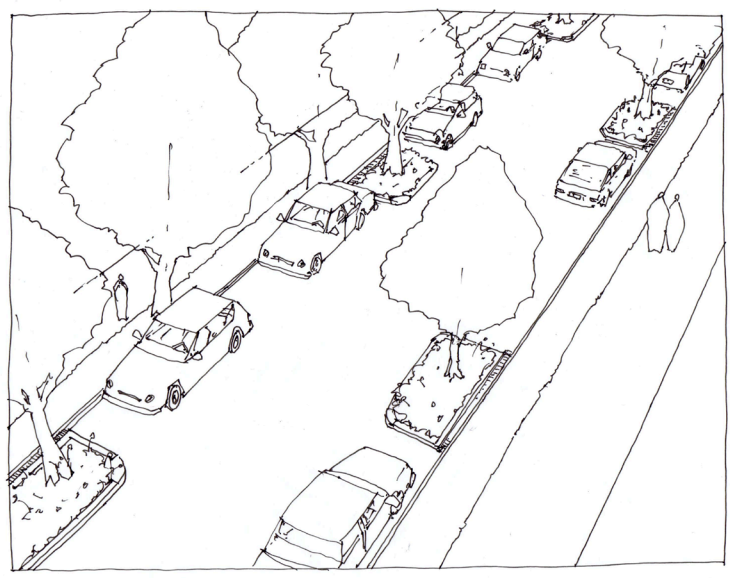
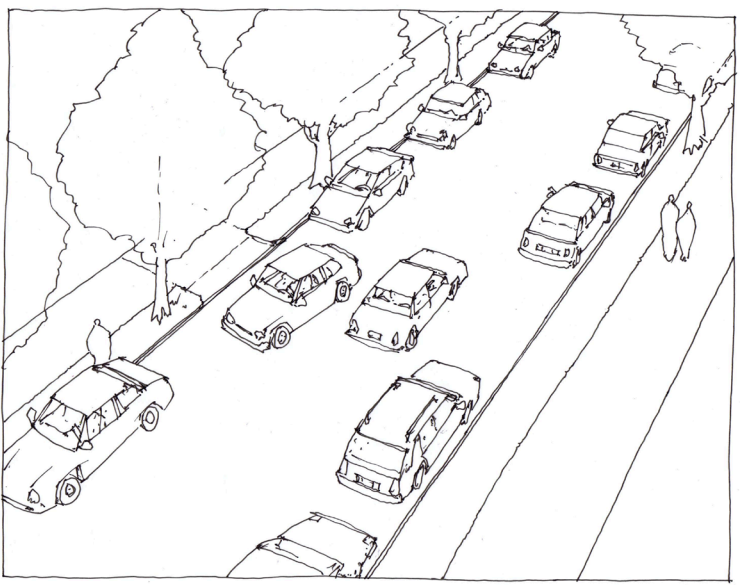
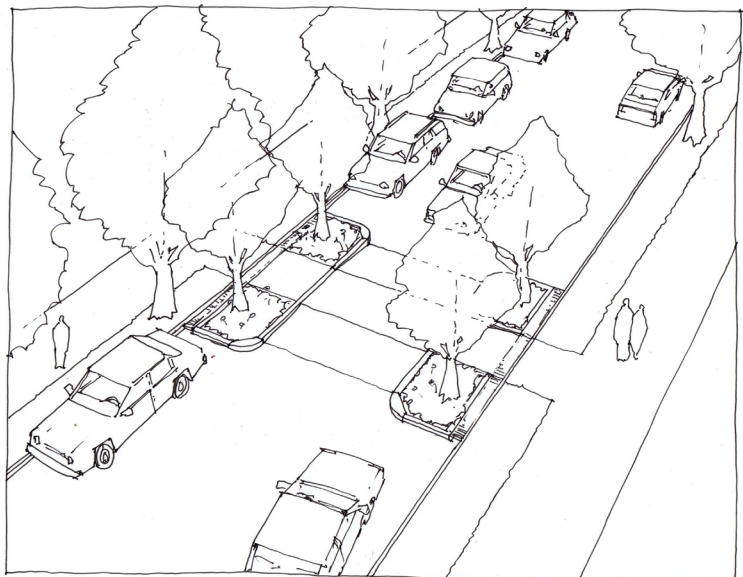
Image: austintexas.gov



PINCH POINT T.U.









# Newton 1<sup>st</sup> Draft Zoning Ordinance Single Purpose Districts

Zoning and Planning Committee  
01.28.19

# Agenda

Overview

Single Purpose Districts & Building Types

Article 7 Districts

Restricted Uses

# Overview



# Overview

**Single Purpose Districts provide the rules for development in the “non-contextual” areas of the City.**

Article 5: Public Use and Recreation Districts

Article 6: Single Purpose Districts

**Public Use**

**Office**

**Recreation**

**Fabrication**

**Regional Retail**

**Non-contextual Multi-unit Residence**

**Campus/Institutional**

# Public Use District

#518-18



# Recreation

#518-18



# Office

#518-18





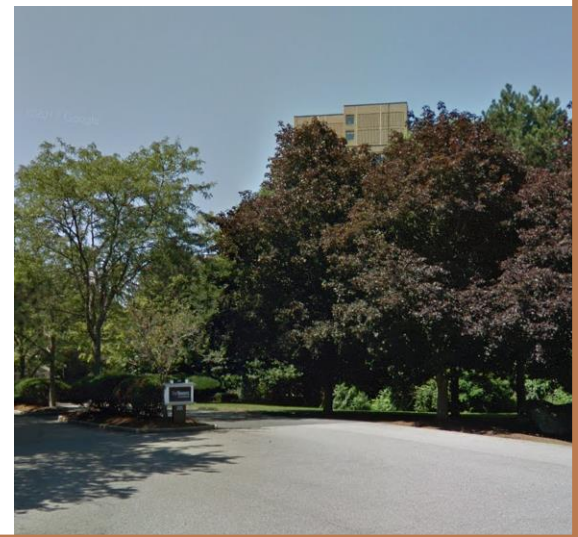
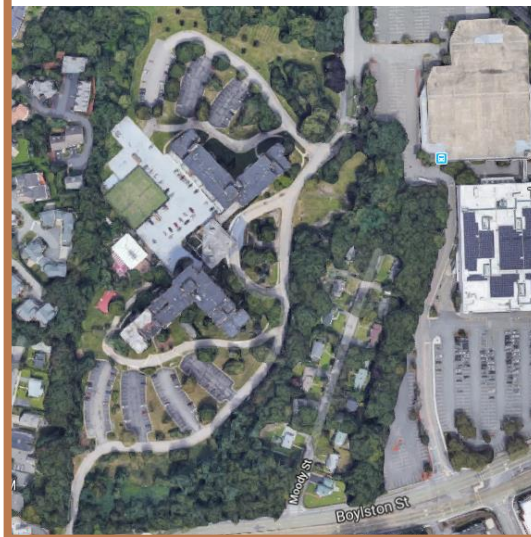
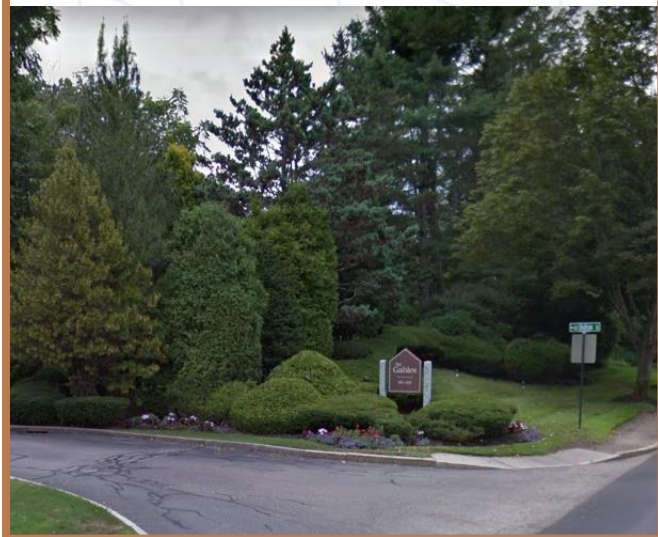
# Fabrication



# Regional Retail



# Non-Contextual Multi-Residence District



# Campus/Institutional District

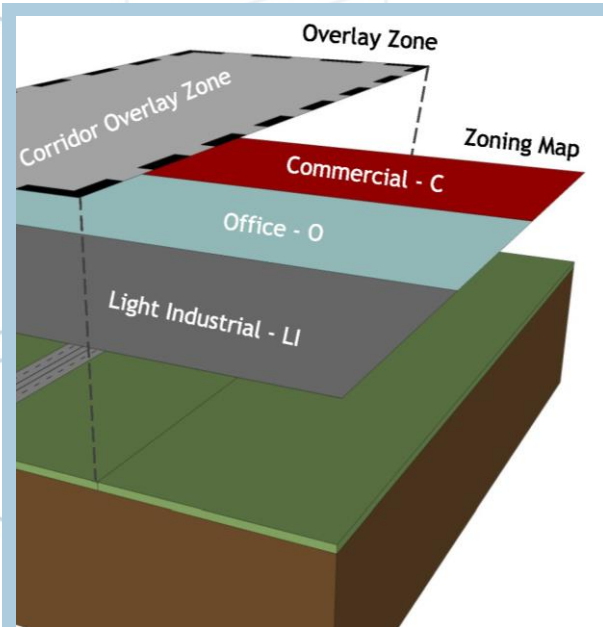
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# Article 7 Districts



# Article 7 Districts



## Overlays

- A district that adds specific requirements **IN ADDITION TO** the base district requirements



## Parallel Districts

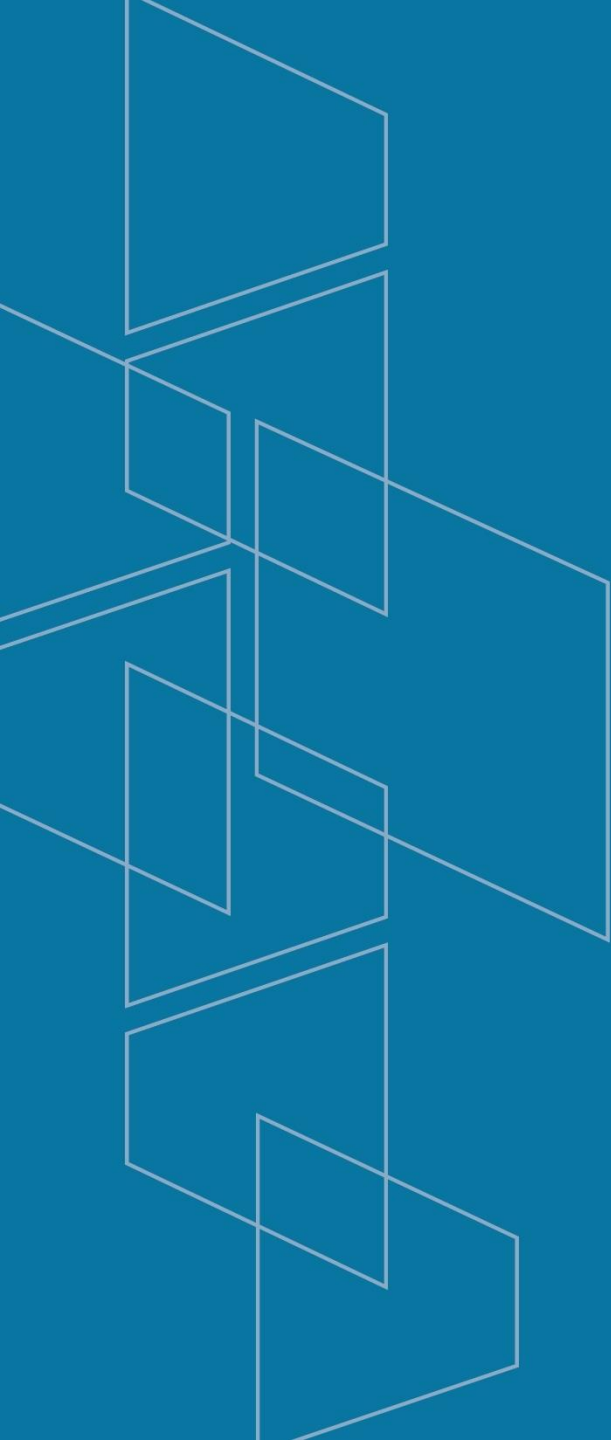
- Two options for standards apply to the site, the base district **OR** the parallel district



## Master Plan Districts

- Zoning specifically created to enact a master vision plan, like the Hello Washington Street project

# Restricted Land Uses



# Restricted Uses





# Thank You!

