



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Wednesday, June 1, 2022

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

Absent: Councilor Ryan

Also Present: Councilors Bowman, Markiewicz, Malakie, Laredo, Kalis, Lucas, Oliver, Downs, and Lipof

City Staff: Jonathan Yeo, Chief Operations Officer; Jen Caira, Deputy Director of Planning & Development; Barney Heath, Director of Planning & Development; Zachery LeMel, Chief of Long-Range Planning; Cat Kemmett, Planning Associate; Amanda Berman, Director of Housing & Community Development; Nevena Pilipovic-Wengler, Community Planner Engagement Specialist; Shaylyn Davis, Community Development Planner; Nathan Giacalone, Committee Clerk

#230-22 **Appointment of Peter Sargent to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Peter Sargent, 33 Avondale Road, Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)

Zoning & Planning Approved 6-0 (Councilor Baker Not Voting)

Note: Peter Sargent joined the Committee to discuss his appointment to the Newton Affordable Housing Trust. Mr. Sargent expressed his interest in serving on the Housing Trust team and the opportunity to help focus, direct and shape the goals of the Newton Affordable Housing Trust. Mr. Sargent spoke to his professional experience in affordable housing and economic development. Mr. Sargent was formerly the Chair of the Community Preservation Committee for two years and he is eager to be able to again serve the City on the Housing Trust.

The Committee emphasized their gratitude for Mr. Sargent volunteering to serve on the Affordable Housing Trust. The Committee expressed no concerns relative to Mr. Sargent's appointment and voted 6-0 in favor of approval of a motion to approve from Councilor Danberg.

#231-22 **Appointment of Ann Houston to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Ann Houston, 45 Wedgewood Avenue, West Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)

Action: **Zoning & Planning Approved 6-0 (Councilor Baker Not Voting)**

Note: Ms. Ann Houston joined the Committee to discuss her appointment to the Newton Affordable Housing Trust, noting that she is delighted to have the opportunity to serve on the Affordable Housing Trust. She has spent over 40 years working in the affordable housing field in various communities around the state. Committee members commended Ms. Houston's extensive experience and willingness to serve on the Trust. The Committee thanked Ms. Houston for volunteering to serve and voted 6-0 in favor of a motion to approve her appointment from Councilor Wright.

#307-22 **Appointment of Councilor Bowman to the Affordable Housing Trust Fund**
PRESIDENT ALBRIGHT appointing Councilor Alicia Bowman, 19 Chestnut Terrace, Newton, to the Newton Affordable Housing Trust Fund for a term of office to expire on December 31, 2023.

Action: **Zoning & Planning Approved 6-0 (Councilor Baker Not Voting)**

Note: Councilor Bowman expressed her enthusiasm and interest in serving on the newly created Affordable Housing Trust. She noted that she is passionate about affordable housing and stated that the issue is one that compelled her to public service. The Committee expressed their support for Ms. Bowman's appointment to the Housing Trust. With that, the Committee voted 6-0 in favor of a motion to approve from Councilor Danberg.

#274-22 **Request for authorization to submit FY2023 Annual Action Plan**
HER HONOR THE MAYOR requesting City Council authorization, pursuant to the 2020 Revised Citizen Participation Plan, to submit the FY23 Annual Action Plan to the US Department of Housing and Urban Development (HUD) for the City of Newton Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funds and the WestMetro HOME Consortium.

Action: **Zoning & Planning Approved 6-0-1 (Councilor Baker Abstaining)**

Note: The Committee was joined by Director of Planning & Development Barney Heath, Director of Housing and Community Development Amanda Berman and Community Development Planner Shaylyn Davis to discuss the Mayor's request for authorization to submit the FY23 Annual Action Plan to the Department of Housing and Urban Development (HUD) for the planned allocations of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and the WestMetro HOME Consortium funds. A copy of her presentation can be found attached to the end of this report.

Ms. Berman outlined the process for developing each year's Annual Action Plan. City Housing and Community Development staff meets with advisory committees to review the City's needs and proposed projects for the upcoming year each January and February. After the close of the application period (on February 2, 2022), the review team reviews proposals and provides formal recommendations for funding. The review process is followed by a public hearing before the Planning and Development Board as well as a 30-day public comment period, which ended on June 1, 2022. Based on the feedback submitted, staff will finalize a plan for submission to HUD.

The program year begins on July 1, 2022. Ms. Berman noted that for FY23, the City received grant funds as shown below:

CDBG funds - \$1,870,395 (representing a slight decrease)

HOME Investment Partnerships Program (HOME) - \$1,618,338 (representing a 5% increase)

Emergency Solutions Grant (ESG) - \$165,059 (no change)

It was noted that Newton typically receives approximately \$130 - \$140 thousand dollars from the HOME funds, which are shared by the thirteen WestMetro HOME Consortium communities. A detailed outline of the proposed use of the grant funds can be seen on the attached presentation. Ms. Berman noted that the CDBG allocations generally resemble prior year allocations with 20% to be used for Program Administration, 5% to be used for Architectural Access, 15% to be used for Human Services and the remaining 60% for affordable housing. Examples of the goals for FY2023 are outlined below.

Affordable Housing - produce new affordable housing units (Haywood House, Golda Meir, West Newton Armory), preserve existing affordable units (Coleman House Preservation project), the rehabilitation of existing units (CAN-DO project portfolio, Housing Authority properties and 7 homeowner units), and supporting affordable homeownership through first-time homebuyer grants (to buyers of deed restricted affordable units).

Fair Housing - continue education of Fair Housing laws through the Fair Housing Committee, HOME Consortium. re-release an RFP for a Fair Housing testing program throughout the Consortium.

Human Services - provide financial support to programs that provide direct support for low income residents in Newton. Recipients may provide scholarships for childcare programs, senior care, etc.

Supportive Services for Homeless and At-Risk of Homelessness - provide ESG grants to fund services for individuals at risk and/or currently experiencing homelessness.

Architectural Access - remove architectural barriers restricting mobility and accessibility along public thoroughfares, in public buildings, parks, recreational facilities and nonprofit agencies. In FY23, the plan proposes to use \$90,500 to fund the creation of two accessible crossings at the intersection of Langley/Warren/Chase.

Ms. Davis noted that the **HOME-ARP** grant is new, administered through the WestMetro HOME Consortium and part of the American Rescue Plan. These funds may be used for the production or preservation of affordable housing, tenant-based rental assistance, supportive services, homelessness prevention, housing counseling and/or the purchase and development of non-congregate shelter. Ms. Davis noted that in order to utilize the funds the City must engage in an

extensive Needs Assessment and Gap Analysis to develop the cost allocation plan. The selection process for the consultant to develop the plan is underway.

Ms. Berman confirmed that the CDBG grant has not declined significantly. She explained that although there was an approximate 4.7% decrease in funds, the City is still receiving \$1.8 to \$1.9 million dollars for use on affordable housing initiatives throughout the community. It was noted that because the City no longer has districts that meet certain maximum income thresholds, the funds are being dispersed throughout the community, rather than focused on specific neighborhoods.

The Committee expressed no concerns relative to the Mayor's request seeking Council authorization to submit the Annual Action plan for FY23 to HUD. Councilor Albright motioned to approve which carried 6-0-1 with Councilor Baking abstaining as he was not present for the presentation.

#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

Note: For discussion on item #38-22, the Committee was joined by Planning Department Director Barney Heath, Deputy Director of Planning and Development Jennifer Caira, Chief of Long-Range Planning Zachary LeMel, Associate Planner Cat Kemmet, Community Engagement Specialist Nevena Pilipovic-Wengler, members of the Utile team Tim Love and Lauren Rapport, members of the Economic Development Commission, Newton Housing Partnership and the Planning and Development Board. Deputy Director Ms. Caira and Tim Love presented an overview of the proposed amendments to the Zoning Ordinance as detailed in the Planning Memo dated May 27, 2022. The Planning memo can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/85435/637892559787436400>

It was noted that the discussion relative to item #38-22 will provide framework to provide the Planning Department with direction to continue drafting the zoning. The Chair explained that only after the zoning has been crafted and the new districts presented, will the mapping process begin. Once a formal proposal is before the Council, public hearings will be held and the zoning will be applied to a new zoning map. She said she intends to follow the order of topics described in the Planning memo, which dissects the recommended zoning framework into key elements. Although each element will be discussed in turn, but that the interrelationships of elements and integrity of the whole is important to keep in mind. The Committee provided feedback and took straw polls on individual topics as shown below.

Parking Requirements

Ms. Caira explained that residential/multi-family dwelling projects are consistently granted parking waivers by special permit, and the parking stalls that are ultimately built remain underutilized. She noted that for commercial properties (particularly smaller businesses), the lack of parking stalls can be a barrier to businesses turnover - even in locations where there may not have been parking spaces in the past. She stated that parking waivers are often granted for commercial entities, but the lengthy special permit process can be a deterrent for tenants. Ms. Caira noted that the consultants identified parking as a key component for determining the feasibility, design, and construction of a building. Given the close proximity to transit in most of Newton's village centers as well as new developments, it may be appropriate to reduce parking requirements. The recommendation is to reduce residential parking to one stall per unit and waive commercial/office parking for ground floor space. Ms. Caira noted that although the recommendation at this time is to reduce residential parking to 1:1, some preliminary data suggests parking is at a lower rate, which may warrant further reduction.

Committee Discussion

Summary: Committee members and councilors present for the meeting expressed overwhelming support for lowering parking minimums in village centers, as well as for looking further at the data to consider further reducing requirements for residential buildings.

Committee members noted that members of the business community have identified parking as a barrier for securing new tenants. Some Councilors agreed that the city should not regulate parking and should allow the market to inform developers' decisions on parking. A Councilor noted that developers would provide the appropriate amount of parking to ensure the development is sustainable. It was noted that some newer developments within the city, which lowered parking requirements to 1.5 and 1.25 spaces per unit, still have a surplus of parking. Ms. Caira noted that other communities are similarly re-evaluating their parking requirements.

Some Committee members expressed discomfort with waiving the commercial and office parking spaces without a (special permit) review process. A Councilor suggested that a tiered approach for different sized businesses might be effective. Some Committee members were concerned that by not requiring parking for office/commercial operations, parking may overflow into adjacent neighborhoods, a concern raised by many residents during various special permit public hearings. It was suggested that regulating parking may provide some comfort to residents in neighborhoods adjacent to village centers. A Councilor noted that housing developments must still provide some degree of overnight/visitor parking, particularly with the winter parking ban in place. A Committee member questioned whether eliminating a per-unit ratio (1:1) might be appropriate if decoupled parking for the total development (10 stalls for 10 units) was required. Some Councilors suggested that it may be appropriate to waive residential and office and revisit commercial at a later time, noting that commercial developers may continue to seek waivers through the special permit process.

A Councilor noted that the parking ratio for market rate units to rented stalls for new developments is 45 units: 40 stalls (.89/unit) at Trio and 119 units: 102 stalls (.86/unit) at Austin Place. It was noted that this data could indicate the need for a parking minimum for larger developments in village centers, but they should be able to be reduced without any issues. A Councilor noted that parking utilization is reduced when the cost of parking is unbundled from the rent, and the lack of available parking may encourage less reliance on car ownership. Some Councilors noted that through the special permit process, parking waivers are consistently granted to small businesses and restaurants increasing their seating capacity, for example, but that it can cost 4-5 months in processing time before the space can be used. We do not know how many businesses this discourages to the point where they walk away.

There was a sense of the meeting that the recommendations have majority support. However, planning staff wishes to acquire more current parking utilization data and consider lowering the ratio further if warranted. Therefore, no straw poll was taken.

Increasing Allowable Floor to Floor Heights

Ms. Cairra explained that commercial entities need higher ceilings to properly function. The proposed change is to allow floor-to-floor heights for office and retail to increase, but to 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, thereby eliminating a barrier to desirable uses.

Committee Discussion

Summary: There was general support for allowing story heights to be increased to accommodate the physical requirements of desirable commercial uses. There was also support for reducing the residential floor to floor maximum to 11', although several members advocated to keep it at 12'.

Some Committee members noted that 13' is reasonable for office buildings. Several Committee members were comfortable with maintaining the residential floor to floor height at 12'. Mr. Love explained that an 11' floor to floor height allows for a 10' ceiling height and noted that standard residential floor to floor height in multifamily buildings are 10'6"-10'8" resulting in a 9' or 9'-2" ceiling heights. He noted that the industry standard for office buildings is 13'. In response to questions from the Committee, Mr. Love confirmed that a small commercial pharmacy requires 18' to allow for mechanicals (HVAC equipment) whereas a restaurant requires 14-15'. He noted that although the recommendation provides the flexibility to add to the building height, if needed (rather than require a special permit), that developers are incentivized to build the lowest floor-to-floor heights that are effective for the use. as higher than needed ceilings can be cost prohibitive. Given the incentive to build the lowest floor-to-floor heights given the additional costs associated with higher floors, Mr. Love recommended setting a minimum height for ground floor retail in addition to a maximum.

Phil Plottel, Chair of the Economic Development Commission, noted that the Commission worked with Planning staff to amend allowable building height and stories to accommodate laboratory uses in 2021. He stated that labs tend to require 14-14.5' but can be taller by special permit. He supports increasing the allowable heights, and noted that through the special permit process, the Council could allow taller heights.

The Committee took a straw poll on the recommendations adding to maintain the residential floor to floor height to 12'. Two Councilors voted to keep the residential floor-to-floor maximum to 11' (Baker, Wright), five people had no clear preference, but would support going back to 12' floor to floor heights and one Councilor abstained (Leary). Ms. Caira and Mr. Love noted that the sense of the Committee will be helpful as this item is further analyzed and drafted.

Setting Design Requirements for Half-Stories

Ms. Caira explained that the city's current zoning sets the maximum number of stories in full story increments (except for one- and two- family homes). There are generally no design requirements for the upper story, but it is often the subject of discussion and review during the special permit process. Ms. Caira noted that the recommendation is that building to the maximum story height in each respective district requires a half-story at the top, which must conform to a new definition. The top story must either have a sloped roof (with a maximum pitch and maximum height to the uppermost ridge), or must be set back 10' along the perimeter of the story below. The modification creates some visual interest while making sure the sense of height is reduced at the street level. Mr. Love noted that 10' setback may be in excess of the space needed for usable balconies and stated that additional review is needed for the setback requirement at the top story.

Committee Discussion

Committee members were generally supportive of this modification. Councilors noted that the proposed regulation represents a more proactive approach, rather than reacting to a pending proposal. A Councilor questioned whether there might be incentive to adopt a similar model at lower levels of building as well.

Mr. Love noted that currently developers are not incentivized to have sloped roofs because they lose a lot of usable space. The additional half story in each zone is a half story less than could be done by special permit today, but creates an incentive to include a more interesting roofline that reduces the appearance of bulk. Mr. Love explained that specific requirements for building articulation can be specified in the design standards within the zoning ordinance. Ms. Caira confirmed that staff is proposing and developing quantifiable design standards rather than design guidelines, which are more flexible. She notes that it is critical to balance simplicity with things that can be easily reviewed for compliance.

A Committee member expressed concern that the sloped roof gives an opportunity for a higher building (the peak of a sloped roof may be higher than a story height). The Committee took a straw poll with six in favor of moving forward and further analysis, and one abstention (Wright).

Eliminate Lot Area per Unit Minimums

Ms. Caira explained that currently, zoning limits the total number of residential units allowed relative to the area of the parcel. The formula is square feet of lot area/1200 sq. ft. = number of residential units allowed), with the exception of the MU4 zone, where square feet of lot area/1000 sq. ft. determines the maximum number of units allowed (number of units may be increased by special permit). Ms. Caira noted that it was determined that developers are hitting the cap on residential units on a parcel before they are triggering other dimensional restraints. Therefore resulting in fewer, larger units. The recommendation is to eliminate lot area per unit minimums, to allow more flexibility in unit sizes such as more smaller (micro) units as well as more typically sized units. This model is less expensive and can allow more units in accessible buildings with elevators as well as additional affordable units, while still controlling the overall building size.

Committee Discussion

Committee members were supportive of this recommendation, as it would allow increasing the number of smaller units and units overall, and therefore require more deed restricted affordable units as well as lowering the cost of units relative to size. Committee members were supportive of focusing on the size of the building, rather than the size of the units and noted that the market will help inform what types of units are needed.

A Committee member suggested that this is a different model entirely than currently within the zoning ordinance. It was noted that rather than eliminate lot area per unit, it might be effective to require an average density, allowing micro units, standard sized units and units above average.

Ms. Caira explained that each district would have a maximum building footprint and a maximum number of stories. It was noted that in many cases, developers currently build to maximize the building envelope and build larger units to make a project feasible. Mr. Love noted that lot area per unit limitations factored importantly when evaluating project feasibility. In response to a question from a committee member concerned about a proliferation of micro units, Mr. Love explained that it is not cost effective for a developer to construct a development with solely micro units, as the cost of constructing bathrooms and kitchens is more expensive than bedroom/living space.

A Committee member noted that historically commercial and residential properties have been segregated. As proposed, retail operators must be on the first floor of village center buildings. It was noted that the Council should consider how the decisions made to amend zoning now will shape village centers (i.e. creating more residential vs. commercial/office space), and that the

impact of build out on city services be analyzed, as we do regularly for large development projects.

The Chair noted that the last time a major zoning overhaul was taken was in 1953 and that development in the city has still not reached the full build out potential of the zoning established at that time. New zoning will likewise take time to manifest, but the objective is to create zoning that can allow for the development and uses we want to support, to create the right balance of uses. City needs continually evolve over time, and it always the job of leadership to provide the services in response.

With that, the Committee took a straw poll in favor of the amendment (5-0-2) with two abstentions (Councilors Baker and Wright).

The Committee asked that Planning provide examples of what could be buildable as a matter of right using average unit sizes. The Committee voted 7-0 in favor of a motion to hold the item from Councilor Krintzman. The meeting adjourned at 10:22 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair