

MEMO

Date: June 16, 2022

From: Building Professionals Zoning Working Group  
Russel Feldman, Jonathan Kantar, Lisa Monahan, Kathy Pillsbury,  
Dan Powdermaker, Jay Walter, Chair

To: Councilor Crossley, Chair ZAP, Councilor Danberg, Vice-Chair ZAP,  
Council Pres. Albright, Councilor Baker, Councilor Krintzman,  
Councilor Leary, Councilor Ryan, Councilor Wright

Copy: City Council, Barney Heath, Jennifer Caira, Zachery Lemel,  
Nevena Pilipovic-Wengler, Cat Kemmett

Re: Comments on 12 Village Center Zoning Proposals

As architects, preservationists, researchers, and builders, we've been closely following the discussions of the Zoning and Planning Committee as it weighs various aspects of zoning reform. We want to share our views on the current discussion about village centers with the ZAP Committee and the entire City Council as it contemplates the proposals before you. We include a general statement below and attach specific comments on each of the proposals in the attached pdf. We would be happy to offer clarification on any items should you have any questions or comments. We appreciate the opportunity to weigh in on this important matter.

We are impressed and pleased by what we see in the zoning framework. The proposals are well-aligned with the feedback gathered during last year's community engagement. We like that these proposals acknowledge the diversity of village types while enabling a more straightforward pathway to achieve adopted housing, climate, and economic development goals and plans. The proposed changes support what we understand to be the spirit and the intent of the new MBTA Communities legislation and the Draft Design Guidelines. We know, of course, that the final MBTA Communities Design Guidelines will not be issued until the end of this summer.

The proposed framework will become a template for development with greater clarity both for the property owners and the city. It will ease the regulatory burden on local businesses, in particular smaller ones. It will define a better pathway towards mixed-use with residential in the village centers. It will provide additional housing for people who depend upon public transit and are inclined to walk or bike rather than use a car. It recognizes that because our villages are heterogeneous, varied zoning makes sense.

We realize that the revised zoning rules do not mean that all that is allowed to be built will appear quickly, or ever. Our current zoning dating back to 1953, allows for much more building than homeowners, businesses, and developers have done. Better zoning enables future growth to coincide with current needs, desires, economic realities, and climate understanding.

Following are our specific comments on the **12 Village Center Zoning Proposals**. These observations are based on the 5.27.22 Planning Dept. memo to the members of ZAP dated 5.27.22 and presented at the 6.6.22 ZAP meeting.

### **1. Reduce parking requirements in Village Centers.**

We support the proposed reductions for residential parking in village centers, particularly for those centers with access to mass transit. The evidence in Newton and elsewhere reveals that the current parking requirements result in excess parking being built, increasing project costs, and sub-optimal space allocation.

We do not offer an opinion about the proposed parking minimums. We encourage any specific proposal for parking requirements to be informed by a thorough and rigorous review of recent projects in Newton and, if possible, in nearby communities.

We also support strengthening ground floor retail and restaurant businesses. However, we recognize that commercial center parking is already limited in many villages. We, therefore, recommend that the city seek ways to make better use of existing parking lots, both public and private, which are often underutilized.

We also suggest that many village centers would benefit from centralized parking, potentially eliminating parcel-by-parcel parking requirements. Financing mechanisms exist that might support the construction of these facilities, capitalizing on some of the increased value of every parcel that would no longer have to accommodate on-site parking.

Centralized parking reduces the number of curb cuts, improves traffic flow, and reduces pedestrian/vehicle conflicts. It also increases the physical resiliency of our village centers should, over the years ahead, autonomous vehicles and other transportation innovations further reduce the need for individual car ownership.

### **2. Increase floor-to-floor heights.**

We support the proposed increases in ground floor commercial and office heights and keeping the existing 12-foot residential height. Largely driven by environmental and energy-efficiency concerns, there is a significant change taking place in building mechanical systems. We wish to encourage these innovations. Lower floor-to-floor heights can have a negative impact on these new systems, impacting unit layouts and otherwise making the buildings less efficient.

We are not concerned that the proposed increases in floor-to-floor heights will result in unnecessary increases in building height. Building additional floor-to-floor height costs money for materials, and the increased volumes created require additional expense to heat and cool. We are confident that developers and property owners will not build unnecessary height unless the market demands that they do so.

### **3. Set design requirements for half stories.**

We support the proposed design requirements. The proposed setbacks and roof requirements would enhance design and lead over time to improved streetscapes through varied roof and upper story configurations. The requirements support residential use and activity on the top floors of residential and commercial buildings. We also consider the proposed design requirements easily understandable, which is a plus for any proposed regulation.

#### **4. Eliminate lot area per unit minimum.**

We support the elimination of this metric, which we believe is supportive of a diversity of housing stock and will encourage more affordable and climate-forward construction. The ability to increase the number of units on a lot will allow for greater variety of unit size and unit type.

#### **5. Remove minimum lot size.**

We support this proposal. It is responsive to the existing conditions of our villages, which are comprised of a variety of lot sizes, including many that are quite small. The buildout of smaller lots will increase the variety of buildings and storefronts and make for more interesting villages for walking. Removal of minimum lot sizes will also reduce the incentives that currently drive lot consolidation. Other dimensional controls in the code will provide sufficient control of the overall building size.

#### **6. Set a maximum building footprint.**

We understand that setting a maximum building footprint is intended to assure a smaller and more pedestrian-friendly scale at the village center street level. We support this goal. However, we believe setting a maximum building footprint is, at best, an indirect way to accomplish this and can result in inefficient building and site utilization, particularly at smaller maximum sizes such as 5,000 square feet.

We believe that design standards would more directly address this concern by establishing the maximum length of storefronts, the distance between pedestrian entrances along the street, and other design factors.

#### **7. Replace 20,000 sf of floor area Special Permit with Special Permit for development on parcels greater than 3/4 acre.**

This proposal eases the burdens on the smaller property owner/developer while retaining special oversight of the larger projects. We support this concept but express no opinion on whether a 3/4-acre site is the “right” threshold. We encourage analyses of village center parcel sizes to identify the impact of the proposed threshold.

#### **8. Require Site Plan Review with Design Review for certain by-right projects.**

#### **9. Incorporate design standards.** (8+9 reviewed together)

We are supportive of the proposed Design Review process based on objective and carefully vetted design standards that are administered in a professional manner. It is important that the standards not be applied arbitrarily or applied in a way that introduces design criteria that are not explicitly enumerated in the standards. Additionally, the design standards and their application should be mindful of and reflect the City’s goals, plans, and strategies.

As the properties and projects that would be subject to Design Review are smaller, it seems likely that there will be instances where not all standards could be or should be applied. Therefore, some flexibility in the administration of standards seems desirable, although we are unsure how this would be accomplished in a process that can easily become subjective. Put another way, we advocate for any Design Review to recognize the diversity of sites and physical character within our diverse villages.

**10 - 12. Revise MU4, BU3, and BU2 dimensional standards.**

We like that these proposals acknowledge the diversity of village types while enabling a clearer pathway to achieve housing, climate, and economic development goals and plans and support modifying FAR and building area requirements. We express no opinion on the specific FAR and building area figures proposed, which should be determined through careful analysis that clearly identifies their impact on each village.

In addition to these revisions, we suggest that there be an FAR bonus established for the reuse of existing buildings in each central village district. Reuse of existing buildings has been identified as a goal by the City Council. Benefits include the maintenance of existing village character, preservation of our city's architectural history and character, and more varied building massing and streetscape. It has the environmental benefit of reducing the resources required for construction through use of already manufactured and installed building material. Building reuse results in less efficient space planning, however, and renovation projects often cost more to complete than building new. We believe an FAR bonus would help to offset these costs to the benefit of our community as well as our planet.