



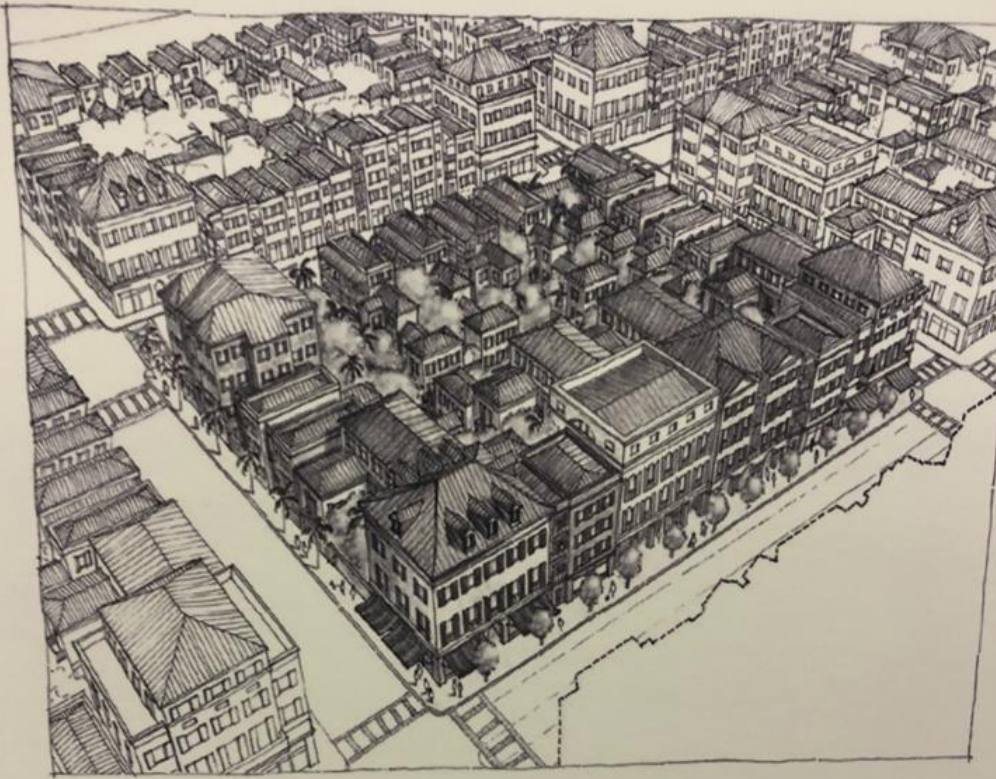
To: City Council and Planning Department Personal Jenn Caira, Zachery LeMel, Barney Heath, Catt Kemmett and Nevena Pilpovic-Wengler
From: Councilor Pam Wright
Re: Zoning community engagement presentation - questions, comments, and concerns
Date September 9, 2022

I appreciate the large amount of time and effort designing the zoning community engagement presentation at the library. This memo covers the panels directly tied to our ZAP meetings and not the history of zoning, the introductory panels nor the concluding panels. To be clear, this proposed village center zoning is a major shift from our present zoning. As we are proposing changes, we should ask ourselves “Will this produce a better village?” Below are my questions, comments, and concerns.

Panel 3.1 Development Standards

- **Open Space Requirements:** “Lot configuration location of building and garages... controls on site open space.” I don’t believe open space requirements were discussed in our meetings. Please reference the meeting when open space was discussed among the ZAP councilors? How would this be achieved in practice? I think indirectly with setbacks, FAR and footprint but this may not give useful open space.
- **Special permit heights not mentioned:** The panel states “no taller than 4.5 stories and significant space left for light air and gardens.” First, this is by right only and special permit allows up to 6 stories with the top story recessed. This is very different from 4.5 stories.
- **Missing “light, air and gardens” discussions:** I don’t remember the discussion “light, air and gardens” and I don’t see it in the zoning documentation and memos. I highly support this but I do not believe the proposed zoning really stipulates these standards.
- **How to mandate variable heights:** I appreciate the visual example of a building with pitched roofs with individually distinct building forms and high variability in rooflines and building heights under “good standards’: Can you we mandate variable heights without zoning each lot differently? When was the last time that something wasn’t built to the highest possible level? Also, I don’t believe the picture below, though, shows “significant space left for light, air, and gardens.”

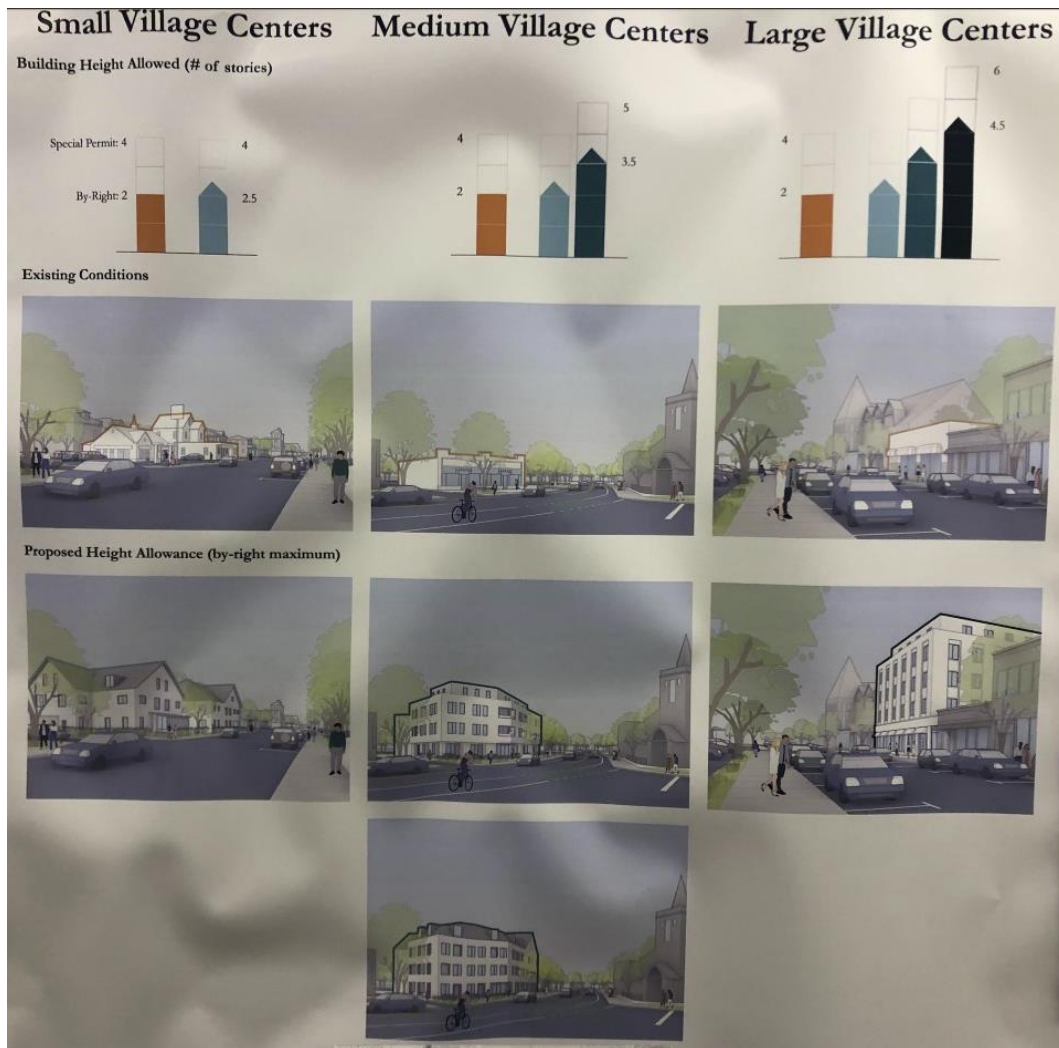
Good Standards: “Place-Based” Urbanism



The same city block developed with a variety of buildings and open space that draws inspiration from the surrounding forms and architecture. This development pattern has the same number of units as the “Texas Donut” but in buildings no taller than 4.5 stories and with significant space left for light, air, and gardens.

Panel 3.2 Increased Height Proportionate to the Village Center Size

- **Missing special permit heights in the pictures:** This panel only shows by right heights and not special permit heights. They show pitched roofs when Utile has said that flat roofs are cheaper and easier for the developer. Also, more special permit and max height buildings should be shown in the pictures, not one maximum height by right. This is not a likely outcome.



Panel 3.3 Set Maximum By-Right Building Height at a half Story

- **Height concerns were brought up in ZAP:** In the ZAP deliberations “specific concerns were not brought up by ZAP members.” I said that a “half story” is really a full story but set back 6’ or it can be a pitched roof. Utile did confirm that developers would build flat roofs since it’s cheaper and easier. I suggest half stories only for pitched roofs. I also brought up concerns that 6 stories does not match the Washington Street Vision Plan and are too tall for West Newton village centers. The Washington Vision Plan stated a maximum of 4 stories in Newtonville and West Newton village centers and more stories outside the villages. Also many residents do not support these heights shown.

Panel 3.4 Establish a Maximum Building Footprint

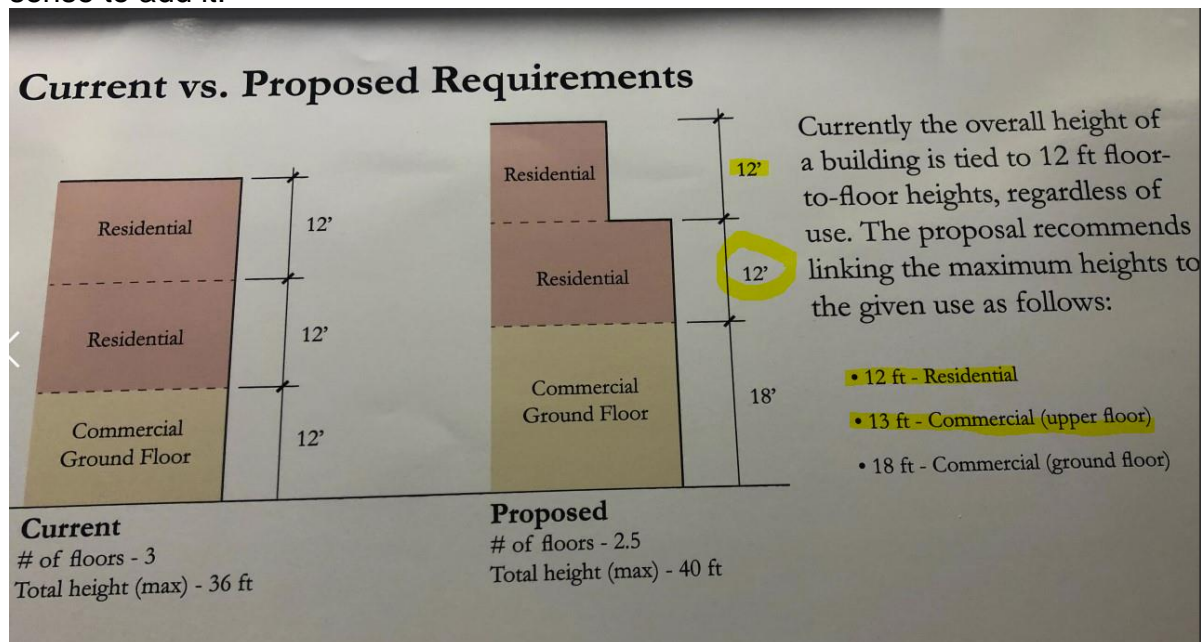
- **Definition of building footprint:** “Building footprint is defined as “the area measured as the total gross floor area of the ground floor of the building, including all enclosed space””. I requested this definition and the answer I received from the Planning Department and Councilor Crossley is very different. What is the correct answer? In an email to me from Mr. LeMel on 7/25/22 “ *Building Footprint is regulation being proposed under the zoning framework we have recommended to ZAP. FAR and Building Footprint are two separate zoning regulations that can have two unique definitions. In that regard, the enclosed parking spaces do not fall into what counts as FAR under the current zoning rules, but the enclosed parking*

would count towards the Building Footprint definition/standards we are currently developing.” The Austin Street project has open parking on 3 sides. With the first definition, these would not count towards the gross floor area of the ground floor. Also, someone from Planning or Councilor Crossley stated that overhangs from the 2nd floor would be counted in the total gross floor area. This is not captured here.

- **Better examples needed:** Examples should be both building footprint and massing, so that people can better understand the concept. Using Gath Pool I don't believe is that helpful. Please identify examples of each building with a footprint of 5K/10K/15K in the city for residents to visit and experience.
- **Need definition of facade length (in feet):** Panel talks about facade length but the term is not defined

Panel 3.5 Allow Standard Floor to Floor Heights

- **Incorrect heights on illustration:** The illustration has the incorrect numbers - it should be 11' residential and the words to the right are incorrect. It should be 11' residential. Also, did you mean to have the 2nd floor in the picture be labeled “commercial upper floor”. It would make sense to add it.

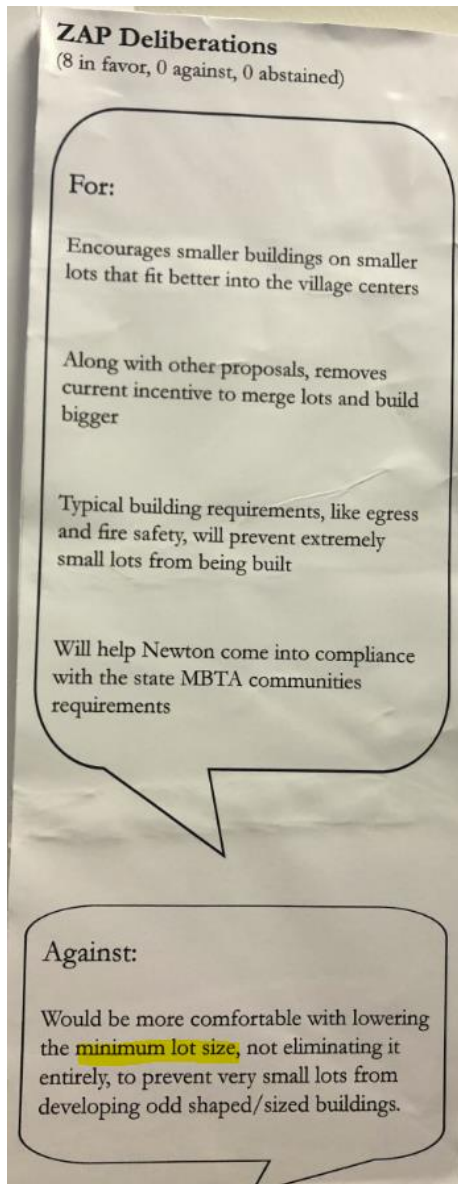


Panel 3.6 Sustainable design (Incorporate Strong Design Standards)

- **Very limited sustainable design allowed in by right developments:** I think this panel is misleading. It talks about all electric, solar on roof, etc but as of this date we cannot control these in by right designs. These can only be addressed through special permits.
- **Public realm and open space I believe wasn't discussed in ZAP.** The panel has examples from Watertown. I believe these were special permits and not by right builds and not good comparisons.

Panel 3.7 Eliminate Lot Area per Unit Minimums

- **The ZAP deliberation card was incorrectly placed..** This talks about lot size but the panel talks about lot area minimums.



Panel 3.8 Remove minimum lot size

- **Questions on height per lot.** There's a statement "visual interest and diversity from different lot sizes". Does this mean different heights will be allowed not only based on where the lot is located, but also based on the size of the lot? Can smaller lots only build lower heights? This will be an incentive to combine lots.
- **Incorrect ZAP straw vote.** ZAP straw vote was 8-0 and not 5-0-2 as stated on the panel
- **A building can be replaced on a small lot.** "For example, a minimum lot size of 10,000 square feet (the standard in Newton's village center zones today) means that a building can't legally be constructed on any lot smaller than 10K". I believe that's an incorrect statement. If a building exists on a lot <10K sf it is a buildable lot. The original structure can be demolished and a new replacement structure can be built.

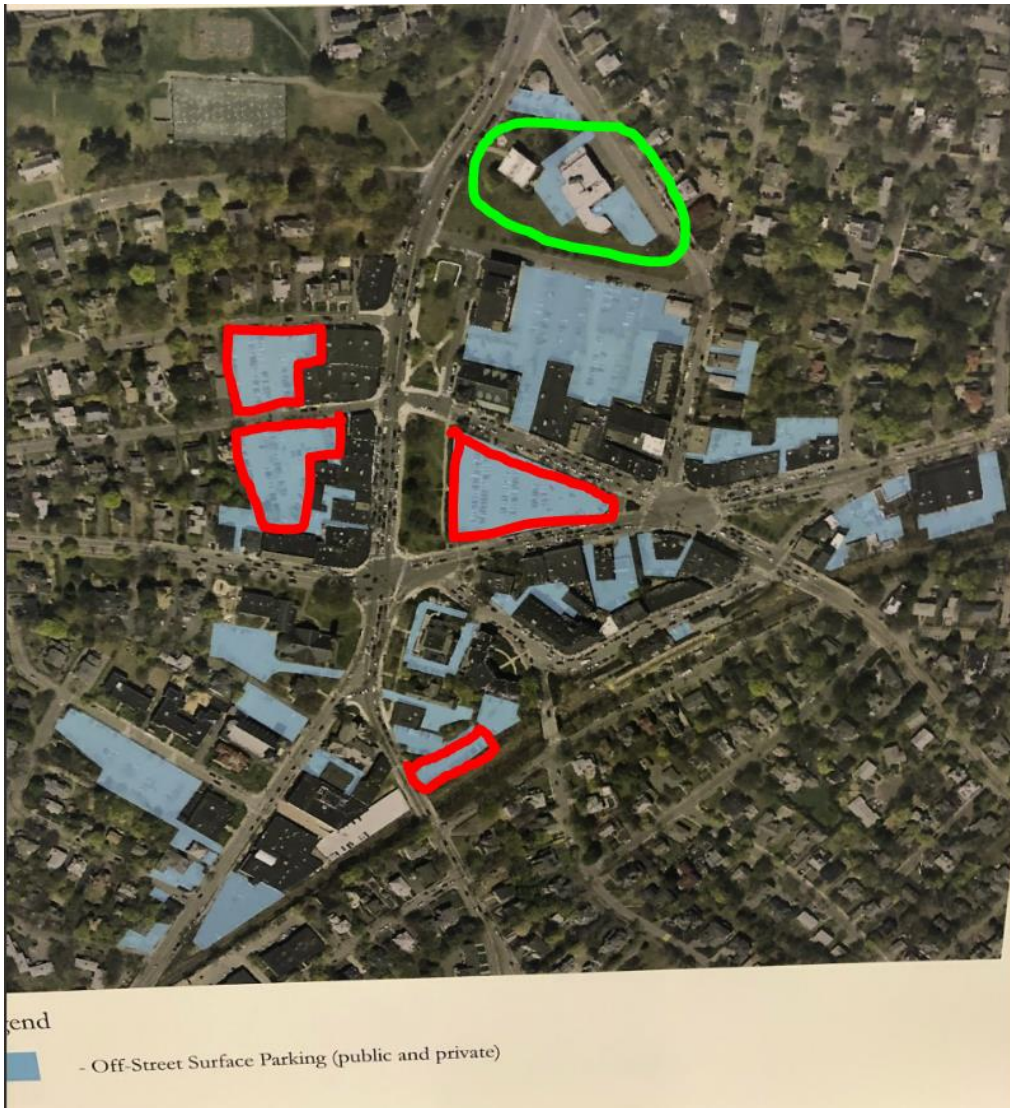
Panel 3.9 Lower Parking Requirements

- Additional data added to Parking Use table and not discussed in ZAP.** I'm glad the Use Types and more definitions of parking requirements were added because I did request it. This is the first time, though, that some of this information has been presented. It was not discussed in ZAP. We have not taken a straw vote on most of the information shown in the chart below. Also, health clubs on the first floor don't require parking but space on the second floor does. How does this make sense?

The table below highlights the current and proposed parking requirements for typical uses found in village centers. It is not a comprehensive list, which will include additional allowed uses.

| Use Type | Current | Proposed - Ground Floor | Proposed - Upper Floors |
|---------------------------|---------------------------------------------|-------------------------|-------------------------|
| Residential, multi-family | 2 per unit | 1 per unit | 1 per unit |
| Bank | 1 per 300 sf + 1 per every 3 employees | Exempt | 1.5 per 1,000 sf |
| Health Club | 1 per 150 sf + 1 per every 3 employees | Exempt | 1 per 750 sf |
| Medical Office | 1 per 400 sf + 1 per every 3 employees | Exempt | 1 per 500 sf |
| Office, professional | 1 per 250 sf up to 20,000 sf | Exempt | 1.5 per 1,000 sf |
| Restaurant | 1 per 3 patron seats plus 1 per 3 employees | Exempt | 4 per 1,000 sf |
| Retail Store | 1 per 300 sf + 1 per every 3 employees | Exempt | 1 per 1,500 sf |

- Private parking lots have very limited use:** Showing all the parking lots including mostly private lots in Newton Center is very misleading. Including the fire department parking lots (circled in green) as available for additional parking is not correct. I have received numerous complaints and I personally have seen people getting towed out of the West Newton CVS parking lot. People park there, drop off items at the post office and then walk over to CVS. A man in the corner in a truck calls in the car because the person walked across the street and didn't watch that they returned to CVS. When they come out of CVS, their car is gone. Another councilor has been towed from a Newton Corner commercial private lot for basically the same thing. One cannot park in these private lots unless they are doing business at those specific shops, otherwise, one may be towed. Showing private parking lots as available for public parking is erroneous and should be corrected immediately.



Red - city owned parking lots
 Green - fire department parking

Panel 4.2 Revise the Special Permit threshold for New Development

- This is a new paragraph - it talks about the planning board. Who is appointed to Newton's Planning and Development Board by the state Secretary of Housing and Economic Development?

What is the Planning Board?

The **Planning Board** consists of seven full time members and up to five alternates. Five of the full time members are appointed by the Mayor, **one is appointed by the state Secretary of Housing and Economic Development**, and the Director of Planning serves as an ex-officio (automatic) member of the board. The Planning Board includes professionals with experience in areas such as planning, housing, and economic development. The board is charged with reviewing new subdivision requests, making recommendations on the following: new zoning changes, landmark designations, and community development programs.

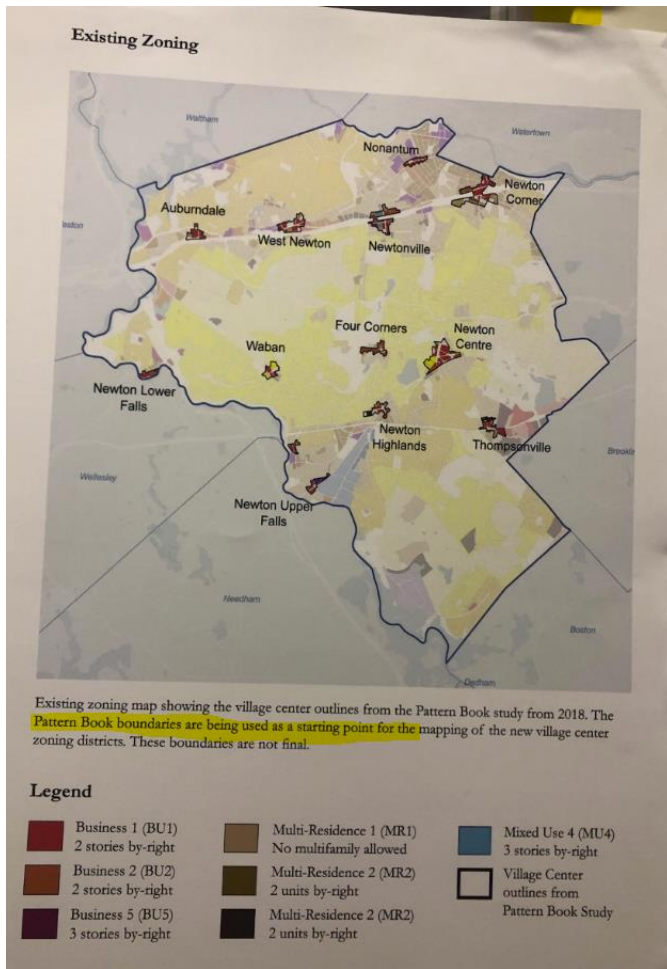
- **Proposed Review Process breakdown wasn't discussed in ZAP.** I'm glad there are numbers here, but the specifics were not discussed or a straw vote taken in ZAP.

Proposed Review Process

| Lot Size up to 1/2 acre (21,780 sq ft) | Lot Size between 1/2 (21,780 sq ft) and 3/4 acre (32,670 sq ft) | Lot Size over 3/4 acre (32,670 sq ft) |
|-------------------------------------------|--------------------------------------------------------------------|------------------------------------------|
| By-Right | By-Right with Site Plan Review by Planning Board | Special Permit by City Council |

Panel 5.1 Mapping the Village Center Zoning Districts

- **Question on village center maps.** The draft Village Center boundaries shown in the village map is beyond the historic boundaries. Is that a correct interpretation? When will the maps be available?



Panel 5.2 Incorporating State Requirements for Allowing Multi-Family Housing

- **This zoning won't fully comply with MBTA Housing Choice.** It's stated that the proposed village center zoning will not fully comply with the MBTA housing choice. Please provide the calculations to make this conclusion. Do you have a breakdown per village center? Also, what average size apartment is used for this calculation?
- **Condos vs. apartments:** Ownership is discussed but almost all recent projects are apartments. In the planning dept memo (Table shown below -dated 6/21/22), only 2% of the 2550 multi family units since 2020 are ownership.

| City of Newton Housing Snapshot | | | | | | | |
|---------------------------------------|---------------|-------------------|------------------|--------------------|-----------------|----------------|---------------------|
| Last updated: 06/21/22* | | | | | | | |
| *Approved and Pending numbers updated | | | | | | | |
| Housing Units | | | | | | | |
| Housing Units* | | | | | | | |
| | Single Family | Condominium Units | Two Family Units | Three Family Units | Apartment Units | Accessory Apts | Total Housing Units |
| 2010 | 17,210 | 4,391 | 5,890 | 888 | 3,535 | 3 | 31,917 |
| 2015 | 17,214 | 4,705 | 5,692 | 864 | 3,899 | 18 | 32,392 |
| 2020 | 17,184 | 5,235 | 5,386 | 819 | 4,328 | 102 | 33,054 |
| Approved** | | 58 | | | 2,286 | | |
| Pending** | | 0 | | | 206 | | |

Panel 6.1 Continue to Help Shape the Village Center Zoning

- **Unrealistic drawing.** The medium village picture below is very unrealistic with only one by right maximum height. A more realistic depiction would add the special permit projects/heights in these pictures.

