



# Zoning & Planning Committee Report

## City of Newton In City Council

**Monday, March 13, 2023**

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

Also Present: Councilors Laredo, Lucas, Lipof, Greenberg, Bowman, Downs, Norton, Malakie, Oliver

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee March 13, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-Planning-Committee-March-13-2023)

**#72-23**      **Appointment of Jyothsna Buddharaju to the Planning & Development Board**  
HER HONOR THE MAYOR appointing Jyothsna Buddharaju, 1175 Chestnut Street, Newton as an alternate member of the Planning & Development Board for a term of office to expire on July 31, 2026. (60 Days: 05/05/2023)

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

**Note:**      The Chair read the item into the record and introduced Jyothsna Buddharaju. Ms. Buddharaju detailed her interest in being active in her community along with a passion for public policy. Councilors citing no concerns with her appointment voted 8-0 on a motion to approve from Councilor Leary.

**Chair's note:** *Planning staff will continue to lead a discussion through the remaining items to be decided in advance of drafting version 2, with a goal of reaching consensus on these items. Topics include parking requirements, how to treat city-owned property, whether to have special permit options and for what, and new metrics for VC1. The Planning memo in the packet is expanded from last meeting to include proposed revisions to VC1. We will discuss the committee and Council calendar necessary to meet MBTA Communities requirements by December 2023 deadline.*

**#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 8-0

**Note:** The Chair introduced the item and noted that the discussion will focus on particular metrics according to the topics in the updated memo, and the sense of the committee will be used to inform staff and consultants from Utile in drafting version 2 of the zoning text and maps. Jennifer Caira, Deputy Director of Planning and Zachary LeMel, Chief of Long-Range Planning were introduced to present on the four items. Mr. LeMel presented an overview of what items were covered at the February 27<sup>th</sup> meeting and what items will be covered in future March meetings. (attached)

**Reducing Residential Parking Minimums in Village Center Overlay Districts**

Version 1 of the draft zoning text proposes a residential parking minimum of 1 parking space per unit. Based upon further research of parking utilization, the Planning Department is proposing 0.5 parking spaces per unit as a residential parking minimum. However, for new residential development within 0.25 miles of a transit station, it is proposed that no parking minimum be required, and that 1 parking space per unit be the maximum allowed. However, for adaptive reuse of existing residential structures, no parking minimum is proposed. Mr. LeMel reiterated the results from the MAPC Perfect Fit study presented at the February 27<sup>th</sup> ZAP Meeting. He also presented a table that describes utilized parking spaces per unit in multiple developments within Newton. (attached) It was also noted that municipalities across the country have been eliminating parking minimums.

Councilor questions:

**Q: How is the 0.25 mile measured?**

Mr. LeMel stated that the Planning Department is working on mapping .25 mile boundaries according to a path of travel formula which will be available in version 2.

**Q: When and how was data for the MAPC parking utilization study collected?**

Ms. Caira noted that counts were conducted overnight (11pm to 3am) in the fall of 2022 and data is consistent with that collected by the Planning Department at the same developments.

**Q: How does this impact compliance with MBTA Communities Guidelines?**

The MBTA Communities Guidelines encourage a reduction or elimination of parking minimums and will be evaluated as part of compliance. The Planning Department will focus on compliance with these guidelines at the March 29<sup>th</sup> Zoning & Planning Committee Meeting per Ms. Caira.

**Q: Is there data on communities with lower minimums impacting development?**

Mr. LeMel said yes, he can bring examples of other communities having lower parking mins. That has spurred development

Multiple Councilors (not on the committee) supported a reduction/removal of parking minimums, noting the negative impacts of parking on green space, the high cost of building parking and the need to encourage people taking public transit. Two Councilors expressed opposition to the proposal citing inadequacies with MBTA service. Amy Dain, Member of the Planning & Development Board, expressed support for the proposal, citing how high on-site parking requirements contribute to more expensive housing and inhibits development of affordable housing within Newton. She also noted how more parking will result in buildings being bulkier and increases traffic. Ms. Cairra explained that MAPC's statistical analysis found that the presence of parking was the largest factor in determining car ownership with transit and affordability having less of an impact.

Five Committee members expressed support for the reduction of parking minimums. Two Committee members suggested a parking minimum of 0.8 parking spaces per unit for residential development, and one Committee member was broadly opposed to the proposal. Regarding the proposal to have parking maximum of 1/unit for residential development within 0.25 miles of transit, two Committee members recommended raising the maximum with another Councilor recommending allowing more parking than the maximum (of one per unit) only by seeking a special permit.

**Eliminating Special Permits for Additional Building Height and Footprint**

In version 1 the Planning Department proposed the ability to apply for a special permit to increase the maximum building height by one story and increase the maximum building footprint by 2,000 sf in the VC1 district and 2,500 sf in both VC2 and VC3 districts. The Planning Department is now proposing eliminating all of these special permit options. Mr. LeMel stated that Planning thinks this change would help provide predictability to development within the village centers. He also noted that the Planning Department is working with the Newton Housing Partnership to consider allowing increases in building height and footprint only if the project increases the percentage of deed restricted affordable units above what is required in the Inclusionary ordinance.

The Chair described that on some larger lots, there could be benefits to allowing larger footprints, versus requiring two buildings, simply in order cap the footprint, which would make the building more expensive. Mr. LeMel further described that with this code the Planning department is intending to encourage the historic patterns of granularity within village centers and for those larger lots to do multiple buildings rather than one larger building.

**Q: What deters a developer asking for a rezone to MU4 on a lot within the overlay district?**

Ms. Caira noted this will be up to the Council to decide, and Director Heath stated that, by bringing clear expectations to what may be developed by-right, the VCOD code would be a disincentive.

**Q: Please clarify the intent regarding allowing increased height and footprint for more affordable units?**

Director Heath noted that the thinking is to increase the number of affordable units required across a project, rather than requiring that the extra height or footprint be all affordable units, and that a specific requirement could be approved via site plan review. All Committee members expressed support for eliminating special permits for additional height, and to consider allowing additional height and footprint in the case of the developer providing more affordable units.

**Q: Can design standards be used to condition a larger footprint on certain sized lots?**

The Planning Department noted that this can be done through allowing a developer of one of these lots seek a special permit as long as the current building is preserved.

**Applying Consistent Policy to Zoning of City-owned Parcels**

Version 1 identifies city owned parcels with municipal buildings as Public Use, and city owned surface parking lots sometimes zoned as part of the VCOD. In the existing zoning, some city owned parking lots are within Business zones.

To achieve consistency and signal intent, Planning Staff propose that all publicly owned parcels with municipal buildings be zoned Public Use only, and that city owned surface parking lots within a VCOD, be zoned to allow one of the proposed VCOD districts. This policy would apply to all city owned land within the village center boundaries.

Two Councilors not on the committee noted concern with the proposal and suggested that all publicly owned parcels, whether or not a municipal building exists upon it, be zoned for Public Use only. A committee member also proposed that publicly owned surface parking lots remain in control of the City and only be used to develop 100% affordable housing. Other committee members noted that the reuse process would determine the parameters of what would be allowed on a city lot, such as a requirement to preserve municipal parking in addition to developing housing.

Seven Councilors on the Committee expressed support for the proposed policy, understanding that the Property Reuse process would be triggered in any case, and that such a distinction flags intent, but potential units would not count toward MBTA Communities compliance. One Committee member however urged a more measured approach by applying the overlay district on a site-by-site basis to retain parking in some areas. Others said that nothing in this proposed change would indicate that municipal parking wouldn't be maintained or potentially expanded.

**VC1 Revisions**

With community and Council feedback concerning the scale proposed for the VC1 district, Planning staff and Utile worked to develop new metrics. For new construction in a VC1 district the following revisions are proposed: - a maximum building footprint of 1,500 sf, a maximum of 4 units and a minimum of 3 units per parcel, 2.5 stories for a pitched roof, 2.0 stories for a flat roof, and a side setback of 7.5 ft. In addition, it is proposed that multiple buildings on a lot only be allowed by special permit. For adaptive reuse of existing buildings, the staff are proposing the following: building footprint addition of 400 sf on rear/side elevations (to provide for vertical circulation and required egress), a maximum of 6 units with a minimum of 2, no minimum parking requirement, and multiple buildings on a lot would be through site-plan review. A table with all metrics is in the attached presentation. Mr. LeMel provided the Committee with examples of existing buildings that are similar to the proposed metrics.

The Chair suggested that such substantial changes in the metrics will need to be looked at closely with the draft maps to decide where the revised VC1 district now belongs. She also asked staff if they could explain the rationale for the 1,500 sf maximum building footprint. Ms. Caira stated that this was to aid in incentivizing the conversion of existing buildings. A Councilor sought clarification on if multiple curb cuts will be allowed and why 400 sf was chosen for the maximum additional building footprint in the case of adaptive reuse. Ms. Caira and Mr. LeMel noted that the 400 sf allows for additional egress and that only one curb cut per parcel would be allowed; the number of curb cuts in VC1 will be in the version 2 draft text.

### **Conclusion**

The Chair provided the Committee with a brief overview of items that will be before the committee at the next few meetings. At the March 27, 2023, meeting the committee will discuss the following: Sustainability co-Director Ann Berwick will present the requirements for Newton's participation in the Ten Communities program, Ms. Silkes and the embodied Carbon Working Group will present a draft ordinance requiring reporting of embodied carbon in new construction seeking special permits. The committee will discuss the calendar with respect to public hearings and deliberations on both items. Following that, the second half of the meeting will be devoted to continuing discussions with staff and consultants from Utile and Landwise regarding village centers. For the March 29, 2023, meeting, Utile will join the Committee for a discussion on compliance with MBTA Communities Guidelines.

Councilors voted 8-0 on a motion to hold from Councilor Krintzman.

The meeting adjourned at 10:10pm

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**