

Warrant Article 16 – Amend Article 4.07 – Table of Use Regulations of the Town’s Zoning By-Laws to provide a minimum depth to required ground floor non-residential space in multi-family buildings that are located in Local Business (L) and General Business (G) Zoning Districts. (Planning and Community Development Department)

Recommendation: Favorable Action by a vote of 6-0-0

Executive Summary:	WA 16 would amend Section 4.07 - Table of Use Regulations, use 6, to require a minimum depth of 15’ for any non-residential use on the ground floor of a multi-family building located in L and G business districts. Multi-family buildings located in business districts are required to dedicate 60% of the street frontage to non-residential uses.
Voting Yes will...	Impose a minimum 15’ depth requirement for the non-residential portion of a multi-family building located in L and G districts. The current Zoning By-law has no minimum depth requirement for the non-residential use in this case.
Voting No will...	Maintain the status quo Zoning By-law, which has no required depth for the non-residential portion of multi-family buildings in business districts.
Financial impact [if any]	Primarily N/A. It is potentially possible that the addition of a depth requirement will add slightly to development costs.
Legal implications [if any]	The new requirement would be imposed on future multi-family projects in L and G zoning districts.

Introduction

The purpose of this Warrant Article, sponsored by the Planning and Community Development Department, is to foster street vitality and business activity in our commercial areas. In the past, developers have sought Special Permits for multi-family buildings in our business districts with only very narrow spaces running the required 60% length of the street façade. A recent example, 14 Green St. proposed that a 9’ deep space, running for 60% of the width of the front façade would in fact fulfill the requirement in our current zoning. Over the years, several other such proposals for narrow depth spaces had come forward, with such spaces being described as “art galleries”. In fact, these spaces were not suitable for any viable or productive non-residential use and therefore did not fulfill the original intent of the by-law. This Warrant Article is seeking to close this loophole.

Evaluation Methodology/Research

The Director of Planning and Community Development, Kara Brewton described instances where developers proposed very narrow spaces running along the frontage of multi-family buildings in commercial areas. Ms. Brewton opined that there is no “magic number” for a depth requirement in order to sustain viable non-residential uses, but that the deeper the space the more variety of uses the space could accommodate.

Discussion

The Land Use, Zoning and Sustainability Sub-Committee held a public hearing on WA 16 at 6:00 pm on Monday, April 4th. Present for the Sub-Committee: Chair, Carlos Ridruejo, Anita

Johnson, Lee Selwyn, Scott Ananian, Linda Olson Pehlke, and David Pollak. Public: Carolyn Thall.

Members of the Sub-Committee raised questions around whether or not 15' was the right depth to require. It was noted that in a very large building or one with a long façade, the resulting non-residential space may or may not be suitable for a variety of different uses. There was some talk of raising the minimum required depth to 20', but that was deemed to likely be out of scope of the original Article. Ms. Brewton noted that 15' is the average depth of the business spaces along the interior at the ground floor of the Arcade building. Several sub-committee members also suggested that to be successful in fostering commercial district vitality it would have been advantageous to specify certain types of non-residential uses, such as retail, restaurant, services, etc. rather than leave it open ended to just non-residential which could include office uses, or other uses, as an example Catering by Andrew that has covered ground floor windows, that would not add to the vitality of the street. However, these changes would also likely be ruled out of scope. There was general desire among committee members for specifying active uses, or increasing the % requirement higher than the 60% for minimum width of non-residential uses currently in the by-law. It was also noted that a better approach would be to calibrate the minimum % based on the length of the façade or to specify an overall minimum % of the ground floor square feet that should be dedicated to non-residential use. Due to scope issues, the sub-committee concluded that while this article is useful in closing a loophole it is still limited. The sub-committee amended the Article to better clarify that any use related to the residential portion of the building is to be counted as part of the 40% of the façade frontage dedicated to residential uses.

Recommendation

The Sub-Committee voted 5-0-0 Favorable Action on the Amended version of WA 16.
WA 16 - As amended by AC Sub-Committee:

To see if the Town will amend the Zoning By-Law as follows:

1) Revise Table 4.07 - Table of Use Regulations, Principal Use 6, Principal Use Column, last sentence as follows (inserted text underlined; deleted text shown strikeout).

In L and G districts, the ground floor of a building must have at least 60% ~~no more than 40%~~ of its frontage along a street, to a depth of at least 15', devoted to ~~residential use, including associated parking or lobby use.~~ uses not to include, residential, residential related and parking.

...or act upon anything else thereto.

WA 16 - As submitted:

To see if the Town will amend the Zoning By-Law as follows:

1) Revise Table 4.07 - Table of Use Regulations, Principal Use 6, Principal Use Column, last sentence as follows (inserted text underlined; deleted text shown strikeout).

In L and G districts, the ground floor of a building must have at least 60% ~~no more than 40%~~ of its frontage along a street, to a depth of at least 15', devoted to uses other than residential use ~~or, including associated parking or lobby use~~

associated with residential use.

...or act upon anything else thereto.

Meeting Recording

<https://brooklinema.zoomgov.com/rec/share/kmMKGUtTuHHscRVgER4sT5VGgkyF7FJI5wb4drbeSKNgpn3Y8Cqbbn0uBaJaJYA0.WfkDY1BLhJT2hA98>

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