

Estelle M. Rand-Chair
Todd C. Rotondo
Brendan S. Sweeney

LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Wednesday, January 25, 2023, 6:30PM
 City Council Chambers, 3rd Floor, Beverly City Hall, 191 Cabot St.

Rand called the meeting to order at 6:30pm.

Members present: Todd Rotondo, Brendan Sweeney, Estelle Rand

Committee of the Whole members present: Hannah Bowen, Steven Crowley, Kathleen Feldman, Julie Flowers
 Scott Houseman, Matthew St. Hilaire

Order Number	Date to Committee	Description	Action Taken
#279	12/5/2022	Proposed Zoning Ordinance Amendment of various articles related to building heights and inclusionary zoning	Approve with amendments (3-0)
#279A	12/20/2022	Councilor Houseman-Regarding Order #279, Proposed Amendments to the Zoning Ordinance	Receive and place on file (3-0)
#279B	1/17/2023	Councilor Houseman-Order #279, Proposed Amendments to the Zoning Ordinance	Receive and place on file (3-0)
#297C	1/25/2023	Recommendations from the Beverly Planning Board regarding proposed zoning changes pertaining to creation of a CC2 subdistrict on Cabot Street; height restrictions in proposed CC2 subdistrict; proposed height restrictions in the RHD district on streets between Cabot and Rantoul Streets; removal of the tall building overlay district on Rantoul Street; and changes to Beverly's inclusionary zoning	Send back to full Council for discussion (3-0)

Order #279

(1) Motion to recommend that the City Council vote to approve the proposed amendments that would effectuate the elimination of the "Tall Building Overlay District" by deleting the reference in Sections 300-40D(2)(f), 300-40D(3)(f), and 300-40D(5)(f) which allows a building height of up to 75 feet by Special Permit in a defined area of the CC District; delete Section 300-40G(2) and hold as Reserved; and eliminate reference in Section 300-22A(2) and Section 300-40I to the associated Tall Building Design Guidelines.

Motion was seconded for discussion.

Rotondo asked if there was anything in this area that could be developed to 75 feet that hasn't already been approved or filed.

Planning Director Darlene Wynne stated there is an application now that would be above 55 feet. There are some opportunities for parcels to be combined for additional height.

Sweeney asked if there were concerns about this limiting new housing in this corridor.

Wynne stated there are some that potentially will not get developed but that it would be a relatively small number of units because it would be just that space between 55 and 75 feet.

The vote passed unanimously (3-0).

(2) Motion to recommend that the City Council vote to approve the proposed amendments that would reduce the maximum allowable height of buildings in the Cabot Street area by (1) adding in Section 300-6A Designation, "CC2" and "Central business Cabot", (2) adding a new Section 300-6C creating a new CC2 Subdistrict as shown on Map 22-056 Zoning Proposal Overview, and (3) updating the official City Zoning Map accordingly; changing "CC" to "CC/CC2" throughout the Ordinance when it refers to both districts together; and amending the maximum building heights in Section 300-40D Building and Area Requirements to read as follows:

- (1) Commercial uses, residential uses or combined commercial/residential uses on CC-zoned lots with side and/or rear yards abutting a residential zoning district:
 - (f) Maximum building height: In CC District, 55 feet when "RHD" is the abutting residential district. In CC2 subdistrict, 45 feet with no more than 4 stories. In both CC and CC2, 35 feet when "RMD" or "R6" is the abutting residential district.

- (2) Residential uses which do not abut a residential zoning district:
 - (f) Maximum height: In CC District, 55 feet. In CC2 subdistrict, 45 feet with no more than 4 stories.

- (3) Commercial uses which do not abut a residential district:
 - (f) Maximum height: In CC District, 55 feet. In CC2 subdistrict, 45 feet with no more than 4 stories.

- (4) Commercial or residential uses within structures existing at the time of the adoption of this chapter:
 - (f) Maximum height: In CC District, 55 feet. In CC2 subdistrict, 45 feet with no more than 4 stories.

- (5) Combined commercial/residential uses on lots with side and/or rear yards which do not abut a residential zoning district:
 - (f) Maximum building height: In CC District, 55 feet. In CC2 subdistrict, 45 feet with no more than 4 stories.

Motion was seconded for discussion.

Rotondo asked about the thought behind creating this subdistrict.

Wynne stated it seems like the simplest way to be able to differentiate Cabot Street from Rantoul Street's CC district.

Sweeney agreed and asked about the proposal to lower the height from 55 feet to 45 feet.

Wynne stated that 45 feet aligns with approximately four stories. That felt reasonable based on the existing buildings and would still allow for some potential redevelopment.

The vote passed unanimously (3-0).

(3) Motion to recommend that the City Council vote to approve the proposed amendment to Section 300-37D(9) reducing the maximum allowable height of buildings in the residential district (RHD) between Cabot Street and Rantoul Street from 55 feet to 40 feet

Motion was seconded for discussion.

Rand noted the Planning Board recommended a change from the original proposal. The original proposal had "40 feet" and the Planning Board recommended "45 feet and no more than 4 stories" instead.

Sweeney asked about the reasoning behind 40 feet.

Wynne stated it would allow for three stories with some room for gables or dormers. 40 feet is not used a lot. The Planning Board went up to 45 feet to allow for a four-unit/four story project.

Rand commented that what concerns her the most about the RHD district between Cabot Street and Rantoul Street is not so much the height difference but the potential for buildings of large mass. Rand stated she is looking forward to design standards than can address that and preserve the feel of that neighborhood.

The vote passed unanimously (3-0).

(4a) Motion to recommend that the City Council vote to not approve the proposed amendments to Amend Article XV, Affordable Housing (“Inclusionary Housing Ordinance”), as follows:
In Sections 300-103A, 300-103A(1), 300-103A(2), 300-103A(3) 300-103C, and 300-104(C), to change “six (6)” to “four (4)”.

Motion was seconded for discussion.

Sweeney stated developers have generally spoken in opposition to this change.

Wynne stated she has also heard those comments and they are valid points.

Rotondo stated that with the lowering heights around Cabot Street, a four or five unit development by a smaller developer or individual will be less affordable. We would really be starting to pull a lot of tools away. Rotondo stated he did not think dropping it by two will make a large difference in the affordable housing part of it, but it would make a smaller developer consider dropping a four-unit down to three.

The vote passed unanimously (3-0).

(4b) Motion to recommend that the City Council vote to approve the proposed amendments in Section 300-104A(1) and 300-104(C) change “80%” to “60%” and delete Section 300-104A(2) and 300-104A(3) holding both as Reserved.

Motion was seconded for discussion.

Rotondo expressed support for this.

Sweeney asked if there was a concern lowering the percentage would discourage the creation of housing.

Wynne stated it would not necessarily stop development. It might make it more challenging for developers to crunch the numbers. 60% is more useful for the City than 80% given the way AMI [Area Median Income (AMI)] is calculated.

The vote passed unanimously (3-0).

(4c) Motion to recommend that the City Council vote to approve the proposed amendments to Delete Section 300-108A(1) and hold as Reserved and in Section 300-114C, delete “or off-site”.

Motion was seconded for discussion.

Rotondo stated the off-site option worked out well for the Depot II project but that generally moving off-site seems to defeat the purpose of equity and inclusion work.

Sweeney and Rand agreed.

The vote passed unanimously (3-0).

(4d) Motion to recommend that the City Council vote to approve the proposed amendments in Sections 300-114C(1) and C(2) and Section 300-114E, replace “Essex County Registry of Deeds” with “Essex County Southern District Essex Registry of Deeds”

Motion was seconded for discussion.

Wynne stated she was going to confirm the final wording with the Solicitor’s Office.

The vote passed unanimously (3-0).

Order #279A

The motion to receive and place on file was made and seconded. The vote passed unanimously (3-0).

Order #279B

The motion to receive and place on file was made and seconded. The vote passed unanimously (3-0).

Order #279C

The motion to refer back to the full City Council for discussion was made and seconded. The vote passed unanimously (3-0).

The motion to adjourn Committee of the Whole was made and seconded. The vote passed unanimously.
The motion to adjourn Committee on Legal Affairs was made and seconded. The vote passed unanimously.
The meeting adjourned at 7:12pm.