



Zoning & Planning Committee Report

City of Newton In City Council

Monday, May 8, 2023

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

Also Present: Councilors Bowman, Kelley, Downs, Lipof, Laredo, Greenberg, and Lucas

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; Andrew Lee, Assistant City Solicitor; and Jaclyn Norton, Committee Clerk

Consultants Present: Tim Love, Principal Consultant at Utile; Loren Rapport, Senior Urban Designer at Utile

Planning & Development Board: Kelley Brown, Kevin McCormick, Peter Doeringer, and Amy Dain

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee May 8, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-Planning-Committee-May-8-2023)

Chair's Note: *Planning staff and Utile will present version 2 of the draft VCOD text along with a continued discussion on how the version 2 VCOD maps and metrics help Newton reach compliance with MBTA Communities requirements.*

#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; Public Hearing Set for 06/26/23

Note: This item was discussed concurrently with #39-22. A written report can be found with item #39-22.

#39-22 Requesting discussion on state guidance for implementing the Housing Choice Bill

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

Action: Zoning & Planning Held 8-0

Note: Jennifer Caira outlined that this meeting will focus on version 2 of the draft text that accompanies the draft maps presented at the [April 24, 2023 ZAP meeting](#). The Chair further added that in this meeting we seek to set the date to open the public hearing on item #38-22.

Ms. Caira began the presentation (attached) noting that this draft text reflects a multi-year effort involving the ZAP committee and multiple stakeholders through several means of community engagement. The Village Center Overlay District seeks to create vibrant and economically healthy village centers, by allowing more building by-right, while regulating building size and form through three principal mechanisms: building footprint, building height, and roof forms. The following four districts and respective metrics represent the proposed by-right zoning allowances for new construction.

- MRT: 2.5 stories only with a pitched roof, 45 ft maximum height to the peak, 2 stories and 27' max. height if a flat roof, 1,500 sf maximum footprint
- VC1: 2.5 stories, 45 ft maximum height to the peak if a pitched roof (40 ft. max. height for a flat roof), 4,000 sf maximum footprint (mapped only along Route 9)
- VC2: 3.5 stories, 62 ft maximum height to the peak if a pitched roof (56 ft max. height for a flat roof), 10,000 sf maximum footprint
- VC3: 4.5 stories, 75 ft maximum height to the peak if a pitched roof (69 ft max. height for a flat roof), 15,000 sf maximum footprint

Zachary LeMel stated that an overlay district is proposed, rather than changing the underlying zoning, to allow for solutions tailored to each village center, a greater level of required design standards, and to allow for gradual change over time. An overlay zone means the property owner may choose the underlying (existing) zoning, or the overlay (new) zoning. In this way, property owners only gain rights and opportunity through inclusion in the overlay zone. He also reviewed what level of development would still require a special permit, and what will require site plan review. For example, lots over 30,000 sf would require a special permit, while lots between 20,000 and 30,000 sf would require site plan review. (chart attached)

Managing building size and scale

Mr. LeMel presented examples of current development that is at a similar scale to what would be allowed by-right in each of the proposed zones. Parcels proposed as VC2 and VC3 overlay zones abutting an existing residential (SR, MR, and proposed MRT zones) district will have additional requirements to transition from village business centers more gently. In these cases, the side setback is increased to 15 ft for VC2 and VC3 zones, the rear setback is 15 ft in all zones. In addition, both VC2 and VC3 zones abutting residential districts are limited to a maximum height of 3.5 stories or 62 ft with a pitched roof (56 ft flat roof) for a minimum distance of 50' from the abutting property line.

Assuring active streetscapes

Mr. LeMel reminded that the draft maps label certain streets in the hearts of the village centers as mixed-use priority streets, where ground floor retail/ restaurant and other active uses would be required. Under the current MBTA rules, housing units above retail that are within the priority streets may not count towards MBTA Communities compliance.

Proposed bonus for more affordable units

A bonus is proposed to enable another story and additional footprint to incentivize a larger percentage of affordable units, deed-restricted to an average AMI (Average Median Income) of no more than 65% for rental units and no more than 80% AMI for ownership units. There are two options proposed: Option 1 would allow an additional story and 2,500 sf building footprint in exchange for 25% affordable units, only in VC2 and VC3 zones. Option 2 applies only to VC3 zone, where an additional 2 stories and a 2,500 sf building footprint would be allowed in exchange for 30% affordable units. Ms. Cairra noted that this option would be allowed only in the VC3 zone, and only for parcels that are not adjacent to VC1, MRT, or any other existing residential zones.

All options require a 50 ft setback from a lot line abutting an MRT or residential zone.

Parking requirements

The draft text allows on-site vehicle parking but does not require it. This allows for greater flexibility in the code to respond to market conditions. Parking standards must be met to ensure parking is properly located and screened. For example, no parking spaces may be built between the front elevation and the primary front lot line, curb cuts are prohibited along the primary front lot line when access along another lot line is available, and there are screening requirements specified relative to various site conditions. Bike Parking is required for projects over 10 units.

MRT: The fourth zone

The MRT zone is new in version 2. Described as the lowest density zone, it is scaled down to fit within existing residential neighborhoods, while providing opportunities for smaller multi-family residences close to village centers. To incentivize preserving existing structures, there are different building footprint requirements for adaptive reuse versus new construction. However, setback requirements, height and roof configurations remain the same for both. Loren Rappaport of Utile stated that the MRT metrics for adaptive reuse of existing structures are very recently revised to allow increasing the existing building footprint by up to 50%. This is in response to many councilors expressing concerns at previous meetings that, because renovations to convert a Victorian to multiple units are extremely expensive, and so to compete with the underlying zoning, more square footage must be allowed, especially on larger sites.

The maximum units in the conversion option are 6 units. On very large parcels, multiple buildings may be approved through site plan review when preserving the existing building. For new construction, the unit maximum is 4 units, within a 1500sf building footprint. Multiple buildings may be allowed if approved by special permit but must be separated by at least 15 feet.

Mr. Love explained that the goal of this zone is to prevent teardowns and help produce smaller units. This zone is mapped primarily where VC1 was mapped in version 1, and within ½ mile along the Green line stations from Newton Centre to Eliot street, to provide the required amount of contiguous land area in the VCOD to meet MBTA compliance, as discussed in previous meetings.

Both Ms. Caira and Mr. Love stated that they are working to both test fit what MRT allows on typical sites, and that Landwise is evaluating the metrics proposed for adaptive reuse for economic feasible. They also noted that the new construction metrics limiting the footprint to 1500 sf, require some further analysis.

The Chair described that the Committee would receive a brief update from the Planning Department, including impacts on MBTA compliance by varying parking requirements, at the May 22 budget meeting. Mr. LeMel provided a timeline of the next steps describing a pathway to a vote of the City Council on the VCOD by fall of this year.

Councilors asked the following questions:

Q: Where is the front setback measured for the addition for conversion of an existing property in the MRT zone?

A: Tim Love, Principal Consultant at Utile, stated that when an existing home in an MRT zone converts to 2 or more units, the added footprint must be set back from the front façade of the existing structure, by at least 20 feet. Staff will review the draft text to ensure clarity.

Q: Does the conversion of an existing structure option in the MRT zone count towards MBTA Communities compliance?

A: Ms. Caira stated that only new construction can count towards compliance with MBTA Communities. Therefore, by the compliance formula, in this district only 4 units per lot may be counted toward compliance.

Q: Why was the addition amount changed to 50% of the existing footprint for the conversion option in the MRT zone?

A: Mr. Love said this change was due to Councilors noting that the previously proposed 400 sf addition was too limiting during previous Committee discussions.

Q: How does parking placement work for lots in which only one lot line abuts a street?

A: For lots with no secondary frontage, the access may be from the street to parking in the rear, underneath the building, or within a development. Ms. Caira also noted that allowing but not requiring parking minimums will allow developers flexibility to better respond to market conditions.

Q: What is the impact on the unit capacity if parking is required?

A: The Planning Department and Utile are currently analyzing various parking requirements to see the effect on the unit capacity. This analysis will be reported to Councilors by the next meeting.

Q: What tools does the City have to alleviate parking concerns in the City?

A: Ms. Caira described that the City could explore options for consolidated public parking, businesses having mutual agreements to share parking, and implementing permit parking in specific areas of the City. She also stated that conditions are being negotiated with developers to prevent spillover if permit parking is implemented in an area. A Councilor later added that the Police Department may not being keen on implementing parking permits could be a barrier to effectiveness. But others noted that some property owners in Newton already are negotiating shared parking arrangements and that shared parking is common in neighboring communities, like Brookline.

Q: How do the proposed metrics promote open space?

A: Within each of the respective zones building footprint and setbacks will be the main constraint on development in this regard and will promote open space according to Ms. Caira. Ms. Rapport noted that parking requirements would reduce the amount of open space.

Q: Why is bike parking not required in development with less than 10 units?

A: Within these smaller developments Planning staff believe that the space for bike parking will already be available.

C: A councilor noted that standards for bike parking in the draft are well done, but as well we could refer to the Street Design Guide for additional bike parking standards.

Q: How is the height of the ground floor measured?

A: The height of the ground floor is measured from the average grade.

Q: Can the Planning Department provide a unit capacity that includes parcels excluded from MBTA Communities compliance?

A: Both Ms. Caira and Mr. LeMel stated that the Planning Department could calculate that number, but that unit capacity is in no way a build-out analysis. Mr. Love further outlined some of the steps to developing a build-out analysis and stated that it is highly unlikely that the total unit capacity would be built even over many decades.

Q: Would rear lot subdivisions be permitted in the VCOD?

A: It was noted by Ms. Caira that a rear lot subdivision can be done in the MRT and VC1 zones by a special permit, as it may today under existing zoning.

Committee members voted 8-0 on a motion from Councilor Danberg, to set the public hearing for 06/26/23, and 8-0 on a motion to hold from Councilor Baker.

The meeting adjourned at 10:11 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

City of Newton
Zoning & Planning Committee



Village Center Rezoning Phase 4: Version 2.0 Draft Zoning

May 08, 2023

Docket #38-22, #39-22

Agenda

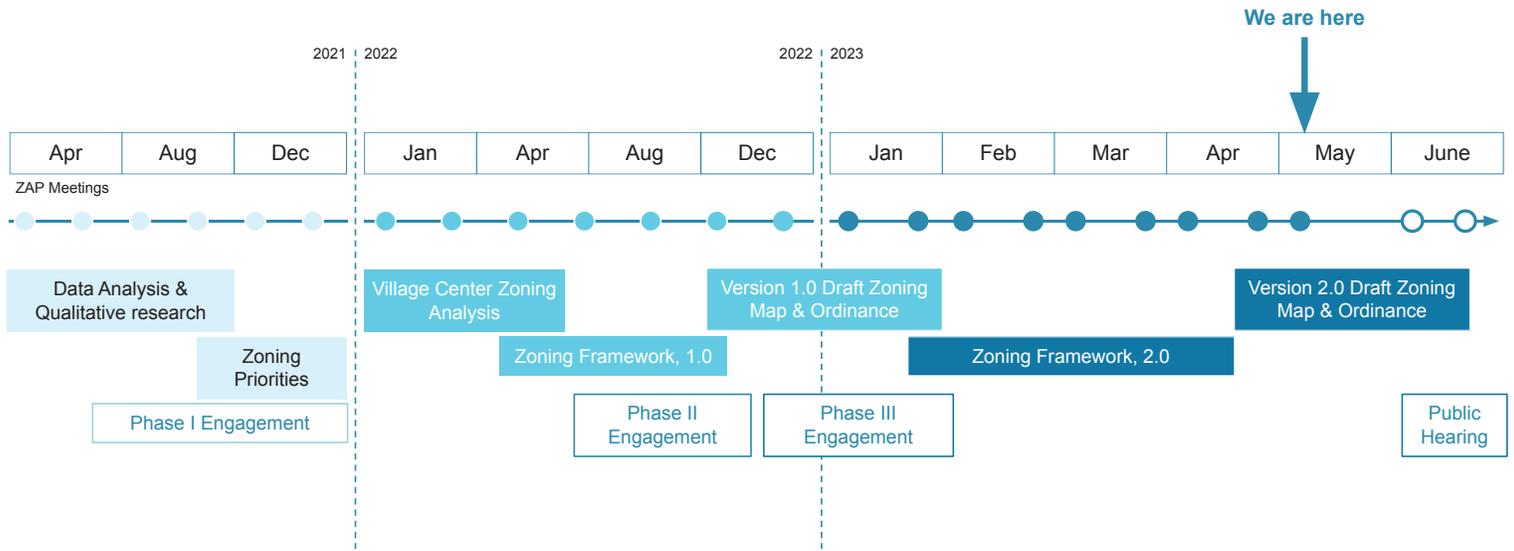
- 1. How We Got Here**
 - a. Timeline: Where We Are
 - b. Zoning Approach

- 2. Version 2.0 Zoning Updates**
 - a. Purpose of Zoning Overlay
 - b. Approval Process
 - c. Dimensional Standards
 - d. Affordability Bonus
 - e. Parking
 - f. MRT

- 3. Next Steps**

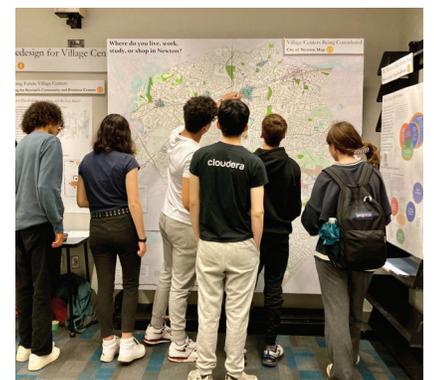
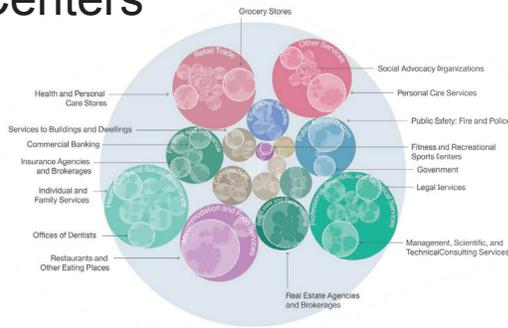
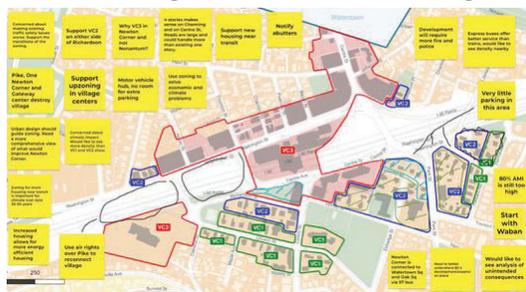
Timeline: Where we are

Building Upon A Multi-Year Effort



Zoning Approach

Creating Vibrant Village Centers



This code regulates urban form through the following principal mechanisms:

1 Building Footprint
Sets the maximum area per story

2 Building Height
Sets the maximum height in stories/feet

3 Roof Form
Provides options for a flat or pitched roof half-story

Zoning Approach

*The figures below represent proposed by-right zoning allowances for new construction

MRT*

2.5 Stories
45 Feet tall, max.
1,500 SF, max. Footprint

Residential development allowed



VC1

2.5 Stories
45 Feet tall, max.
4,000 SF, max. footprint

Residential & Limited Retail development allowed



VC2

3.5 Stories
62 Feet tall, max.
10,000 SF, max. footprint

Mixed Use/Commercial, & Residential development allowed



VC3

4.5 Stories
75 Feet tall, max.
15,000 SF, max. footprint

Mixed Use/Commercial, & Residential development allowed



* MRT metrics may be revised based on financial feasibility and urban form studies

Draft Village Center Zoning Ordinance

- 1. [How We Got Here](#)
- 2. **Version 2.0 Zoning Updates**
- 3. [Next Steps](#)

The following pages present key updates to the draft zoning for the Village Center Overlay Districts.

Key Items:

- Purpose of Zoning Overlay
- Approval Process
- Dimensional Standards
- Affordability Bonus
- Parking Requirements
- MRT

Draft Village Center Zoning Ordinance

Purpose of Zoning Overlay

Numerous advantages:

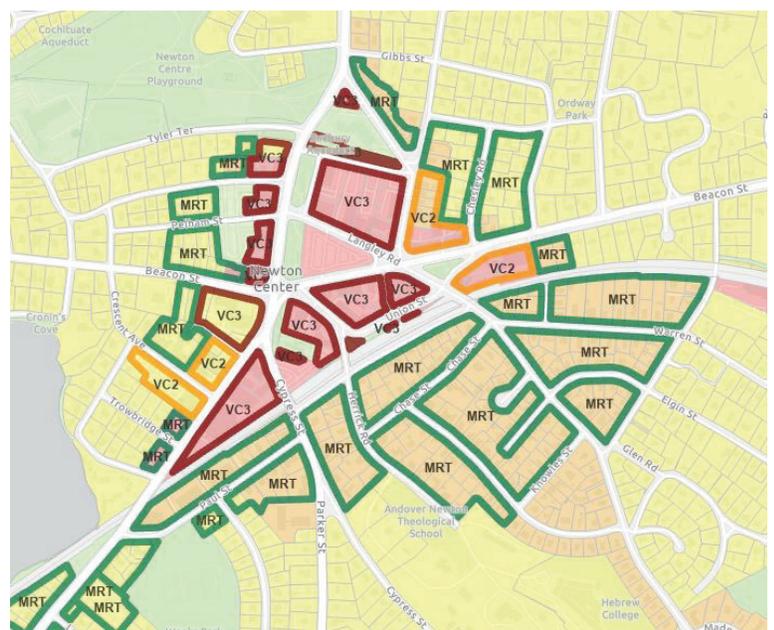
- Additional choice and opportunity for property owners
- Tailored solutions appropriate for each village center
- Greater level of design standards
- Allows for gradual change over time

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)

Proposed Zoning Overlay

- MRT
- VC1
- VC2
- VC3



<https://gis2.ci.newton.ma.us/vczoningcompare.html>

Approval Process

	Item	Review Required	
		Special Permit	Site Plan Review*
Lot Standards	Development on lots greater than 30,000 sf**	X	
	Development on lots between 20,000 and 30,000 sf		X
	Rear Lot Development (MRT and VC1 only)	X	
	Retaining walls greater than 4 feet	X	
Building Standards	Multiple buildings on a lot in MRT (new construction)	X	
	Multiple buildings on a lot in MRT (conversion)		X
Parking Design Standards	Parking relief (location, size, spacing, screening, etc.)	X	
	Bicycle parking (alternative technologies and methods)	X	
Use Standards***	Uses (allowed uses determined by VCOD)	X (see use table)	

Notes:

* The Planning Board will conduct Site Plan Review at the proposed thresholds. The Site Plan Review process will review conditions related to site layout, pedestrian safety, internal circulation, and other public safety considerations.

** In the VCOD districts, projects utilizing the Adaptive Reuse provisions require Site Plan Review, not a Special Permit.

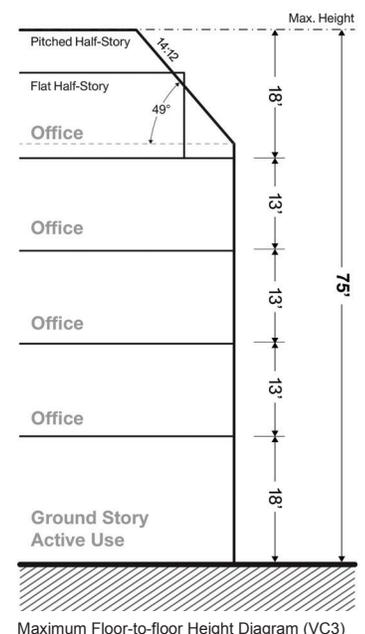
*** Uses are allowed by-right, by Special Permit, or additional standards per the VCOD use table

Building Height

	MRT	VC1	VC2*	VC3*
Building Height in Stories (max.)				
-	Pitched: 2.5 Flat: 2.0	2.5	3.5	4.5
Pitched Roof, Building Height in Feet (max.)				
-	45'	45'	62'	75'
Flat Roof, Building Height in Feet (max.)				
-	27'	40'	56'	69'

Notes:

- The maximum building heights have been simplified to allow for greater code legibility and ease of use (the heights were previously broken out by commercial and residential use)
- The proposed heights allow for flexibility of use as well as greater variety in building form, which we don't see now
- Not all development will be built to its maximum allowable height
* Additional stories can be added if pursuing the affordable housing bonus



Maximum Floor-to-floor Height Diagram (VC3)

Building Footprint

	MRT	VC1	VC2*	VC3*
Building Footprint, in SF (max.)	1,500	4,000	10,000	15,000
				
				

* An additional 2,500 sf in building footprint is allowed when providing additional affordable units

Requirements When Abutting R-Districts

	MRT	VC1	VC2	VC3
Side Setbacks (min.)				
Abutting a building without a Party Wall in non-R District	7.5'	10'		0'
Abutting an R District	7.5'		15'	
Rear Setbacks (min.)				
Abutting a non-R District		15'		5'
Abutting an R District		15'		
Building Height in Stories (max.)				
Development within 50' of lot line abutting R-District	Pitched: 2.5 Flat Roof: 2.0	2.5		3.5
Pitched Roof, Building Height in Feet (max.)				
Development within 50' of lot line abutting R-District		45'		62'
Flat Roof, Building Height in Feet (max.)				
Development within 50' of lot line abutting R-District		40'		56'

Notes:

- Increased side and rear setbacks abutting R-Districts for VC1, VC2, and VC3
- VC3 maximum building heights step down by one (1) story within 50' of a lot line abutting an R-District to transition to the residential context.
- Screening required abutting R-Districts

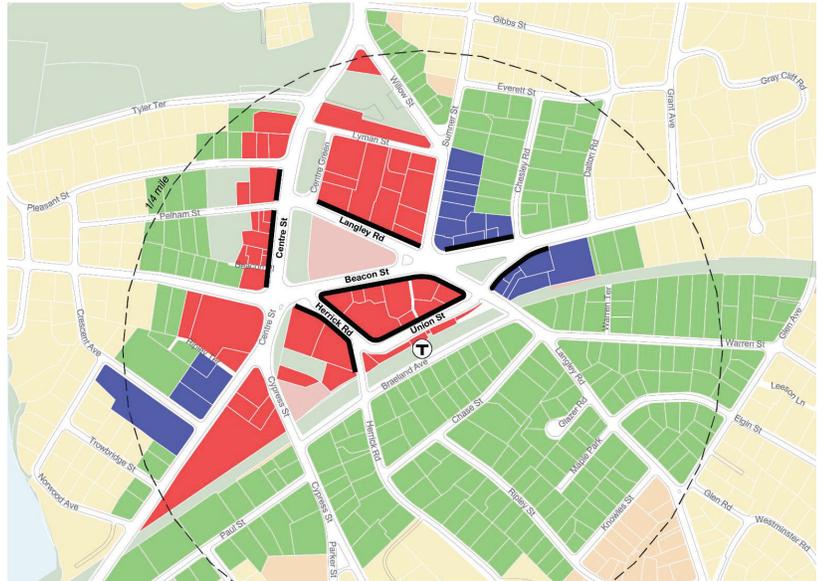


Dunstan East stepping down in height to adjacent neighborhood

Ground Story Active Use

Promote vibrancy and placemaking in village centers

- Lots with Mixed Use Priority Street frontage must provide ground story Active Use space for 100% of the total width of the building
- Lots with Mixed Use Priority Street frontage must provide Active Use space at a minimum depth of 25'
- Only VC2 and VC3 lots are considered for Mixed-Use Priority Streets



Newton Centre Mixed-Use Priority Streets map

Facade Articulation

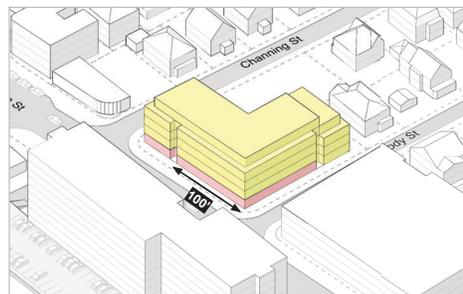
	MRT	VC1	VC2	VC3
Facade Build-Out Ratio (min.)				
Facing a public right-of-way	N/A	75%, or Lot Width within side setbacks minus 15', whichever is less		
Articulation				
Length of continuous facade (max.)		100'		

Notes:

- A minimum facade build-out of 75% encourages positive urban design and an activated streetfront.
- The facade of any building greater than 100 feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide and designed as two (2) or more distinct facades of differing architectural treatment so that the building appears to be multiple buildings.



VC1 Example, Newton Centre
Facade Build-Out: 72%



VC3 Example, Newton Corner
Facade Articulation: Recess

Architectural Features

1. Bay

A bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall.

2. Balcony

An unenclosed platform with a railing that provides outdoor amenity space on upper stories. The portion of the balcony extending into the setback or right of way must comply with the dimensions below.

3. Canopy

A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.



Affordability Bonus

Current Zoning

Proposed Zoning*

	Base Conditions	Option 1 (VC2 and VC3)	Option 2 (VC3 only)**
Allows For	Height Bonus (stories)	N/A	+1
	Building Footprint Bonus (sq ft)	N/A	+2,500
	Required Affordable Units (min)	17.5%	25%
Must Provide+	Required AMI for Affordable Units** 50-80% Rental / 80% Ownership		



An example of a VC3 development utilizing Option 1, 5.5 stories

* Bonus cannot be used within 50 feet of a lot line abutting a MRT or residential district.

** VC3 lots abutting a VC1, MRT, or residential district cannot opt in.

+ Both options has been analyzed for financial feasibility with no additional City funding/resources

++ The average AMI can be no more than 65% AMI for a rental development

Parking Placement

The draft zoning ordinance keeps parking out of view and away from the front lot line.



28 Austin Street provides parking that is located behind the building, out of sight from the street



Parking Setbacks:

Facing a right of way	12'
Not facing a right of way	4'

- No parking spaces are allowed between the Front Elevation and the Primary Front Lot Line
- Curb cuts are prohibited along the Primary Front Lot Line when access along another lot line is available
- Parking Lots must be separated from the right of way by a building or screening within the parking setback. Screening shall consist of one or a combination of the following:
 - A min. 5'-wide planting strip with planting that provides a buffer from the R.O.W.
 - A wall, barrier, or fence of uniform appearance

Parking Requirements, Allowed but not Required



No curb cuts or garage entryways along Main Street - Brattleboro, VT

- Not requiring parking improves:
 - Streetscape/pedestrian experience
 - Environment
 - Traffic congestion
- Parking standards ensure quality design when parking is provided
- Bike parking is required
 - Smaller residential exempt
 - Ensures safety

MRT

The **Multi-Residence Transit (MRT)** district acts as a transition between the mixed-use cores of village centers and surrounding residential neighborhoods.

The goal of the MRT district is to:

- Facilitate new small-scale multi-family buildings similar in size to the surrounding residential neighborhoods
- Preserve existing homes through conversion to multiple units



94-96 Madison Street, Newtonville
5 units
Footprint: 1,700 sq ft



384 Newtonville Avenue, Newtonville
4 units
Footprint: 1,289 sq ft

MRT

The MRT district allows for two development options:

New Construction

Front Setback	10'
Side Setback	7.5'
Rear Setback	15'
Building Height, Pitched Roof	2.5 stories / 45'
Building Height, Flat Roof	2.0 stories / 27'
Building Footprint, max.	1,500 sf
Number of Units, max.	4
Multiple Buildings per Lot	Special Permit

Multi-Family Conversion

Front Setback	20' (for new addition)
Side Setback	7.5' (for new addition)
Rear Setback	15' (for new addition)
Building Height, Pitched Roof	2.5 stories / 45'
Building Height, Flat Roof	2.0 stories / 27'
Building Footprint, max.	Can be exceeded by 50%
Number of Units, max.	6
Multiple Buildings per Lot	Site Plan Review

MRT

Converting existing homes to multi-family has challenges.

Incentivize conversion through:

The following renovations are anticipated:

- Building Code requires upgrades for access/egress to each unit
- Plumbing chases for new kitchens and bathrooms
- Soundproofing between units
- Separate utility metering for units
- Increase allowable addition to existing home from 400 sf to 50% of existing footprint
- Allow up to 6 units
- Allow multiple buildings by Site Plan Review

MRT

- Potential to produce smaller units at a lower price point will help **produce affordable units**, allowing young families to enter the Newton market and encourage empty-nesters to sell their homes.
- Existing homes have **high embedded value**; as a result, the **ability to add additional square footage** will be necessary to make projects attractive to developers.
- The **condition of the existing structure will have an impact on viability**. The highest-and-best use for fixer-uppers is likely to be multi-family conversions if additional square footage can be added.
- **Larger lots that allow for additions and/or a second structure will be most attractive** to developers since an increase in per square foot values does not cover the constructions for multi-family conversion.
- **Additional analysis is necessary** to compare attractiveness of the proposed MRT zoning with the existing MR1/MR2 code.

Timeline: Where we are
Next Steps

