

Zoning & Planning Committee Report

City of Newton In City Council

Tuesday, June 20, 2023

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

Also Present: Councilors Markiewicz, Humphrey, Kelley, Greenberg, Gentile, Malakie, Oliver, Grossman, Kalis, Lipof, Noel, Downs, and Lucas

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

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; and Scott Matthews, Assistant Clerk of the Council

Planning & Development Board: Kelly Brown, Peter Doeringer, and Lee Breckenridge

For more information regarding this meeting, a video recording can be found at the following link: <u>Zoning and Planning Committee June 20, 2023 (newtv.org)</u>

Chair's Note: This meeting is to hear a comprehensive presentation of the proposed village center overlay district (VCOD) by staff and consultants, and to provide the whole Council with an opportunity to engage in a Q&A and discussion to prepare for the opening of the June 26 public hearing.

#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: Zachary LeMel, Chief of Long Range Planning, was the first of four speakers presenting a comprehensive overview of the proposed Village Center Overlay District (VCOD), and how this proposal will allow the City to comply with MBTA Communities Guidelines.

Mr. LeMel reminded that the goals of this proposal are to build upon the existing strengths and successes of the City's village centers to make them more vibrant. These goals include: to modify land use development rules that enable more housing options and achieve the right mix of uses to stabilize and foster our local economy, improve environmental stewardship and the quality of public places, to respect physical context and transition gently from the business and mixed use zones to residential. Mr. LeMel described key changes in what was allowed to be built by right since zoning was first adopted in 1922, including how multifamily housing was allowed by right up until 1987, but no longer, and that certain zoning districts once allowed 6 stories by right until 1987, when business districts capped commercial development at 2 stories. In this context, the VCOD proposal reflects and builds upon historical development patterns within Newton.

The City of Newton is facing multiple challenges that have been voiced during the multiple phases of community engagement. These challenges include lack of housing options, struggling local businesses competing with online retail, climate change, transportation/traffic issues, aging in place/welcoming new families, and lack of space to gather. Mr. LeMel noted that the proposed VCOD helps to alleviate these challenges through the type of development incentivized in the proposal. He also described how the existing zoning makes building multifamily housing either very difficult or impossible to build along with preventing smaller businesses from succeeding. Parking requirements also have a significant impact on what can be built with them preventing quality design. Jennifer Caira, Deputy Director of Planning reaffirmed how the proposed VCOD zoning will solve these problems and benefit the City.

VCOD Proposal

Tim Love, Principal Consultant at Utile, said that the text of the VCOD ordinance is designed to be as easy to understand as possible. The zoning metrics regulate urban form principally through building footprint, building height, and roof forms. He then reviewed the by-right dimensional requirements for new construction within each of the four VCOD zones are the following:

- MRT: 2.5 stories, 40 ft max height, 1,500 sf max footprint
- VC1: 2.5 stories, 45 ft max height, 4,000 sf max footprint
- VC2: 3.5 stories, 62 ft max height, 10,000 sf max footprint
- VC3 4.5 stories, 75 ft max height, 15,000 sf max footprint

The half story is defined as either a pitched roof or a top story that is set back 7 feet from the building wall on all sides in the VC2 and VC3 zones. In VC1 and MRT zones, only a pitched roof is allowed for the half story. There are also many design standards within the text to ensure quality buildings along with a visual of what potential development on Walnut St in Newtonville and Lincoln Street in Newton Highlands could look like. The proposed VCOD district also incentivizes affordable housing through height and footprint bonuses outlined in the attached presentation.

Mr. Love noted that Mixed Use Priority Streets have been labeled on the maps with a black line. Ground story active uses will be required in new development in VC2 and VC3 zones along these streets.

MBTA Communities and VCOD

Will Cohen, Associate Principal at Utile, provided a brief overview of the MBTA Law, along with the DHCD (Department of Housing and Community Development) criteria for compliance. He described how the Law requires Newton to enable at least 8,330 units by-right, by using a compliance formula developed by DHCD. He described how the formula creates an artificial number for compliance purposes only, and is not a realistic number nor a requirement to build a certain number of units. He reaffirmed that the mapping of the VCOD district is to first and foremost do what is best for the village centers while also complying with MBTA Communities Compliance Guidelines. Mr. Cohen outlined how the proposed VCOD satisfies MBTA Communities Compliance Guidelines, however, he noted that this assumes no minimum parking requirements, which the formula sees as greatly increasing the number of potential units. Parking will still get built as the market demands it, but having no minimum requirement allows developers build parking how they see fit. If Council adds parking requirements, the formula sharply decreases the amount of potential units on a site, as it assumes the parking reduces the building volume available for units.

Engagement and Outreach

Ms. Caira outlined how the development of the overlay district zoning builds upon a multi-year effort deliberating zoning reform needed to respond to housing, economic and environmental challenges, according to shared community goals. During this 2.5 year process the Planning Department engaged dozens of community groups (list attached) and thousands of individuals. The attached presentation outlines the four phases of the engagement process that the Department has engaged in.

Councilors asked the following questions.

Q: What engagement has been done regarding Newton Highlands and could Planning discuss the placement of VC3 along Lincoln St and Walnut St in the village center?

A: Ms. Caira described that Newton Highlands currently has some taller mixed use buildings which aided the Department in developing the proposed maps. Mr. Love described how the proposed VC3 district can help to define a sense of place in Newton Highlands, showing the measured street views Utile constructed looking from the plaza on Lincoln St., with 4.5 story buildings on the north side.

Q: Does the Planning Department have an estimate of how much parking might get built if no minimum requirement exists?

A: Mr. Love described that all economic feasibility studies have been done assuming one parking space per dwelling unit will be provided, due to the market desiring that number on average for residential development. He further noted that recent projects have averaged less that that but wanted to be conservative in the modeling. Ms. Caira reminded that the Planning Department and Land Use committee has noticed a trend toward developing less parking and noted that removing parking minimums allows the market to determine how much parking gets built. Parking will still be developed if the requirement does not exist due to current underwriting standards for acquiring financing for a development.

Q: How do units of recently approved developments factor into reaching compliance with MBTA Communities Guidelines?

A: Ms. Caira said the compliance metric only measures or 'counts' the by-right zoning capacity. Approved or existing developments do not factor into that number. For example, if the overlay district allows 100 units by the formula, but only 50 exist, the formula counts 100. If the district allows 50 but 100 exist, the formula counts 50. She also noted that the Planning Department looked at all MBTA stations and explained why Riverside was not included in the proposed VCOD.

Q: What in the proposed VCOD text encourages good design?

A: Mr. Love first reminded that the special permit threshold is a 30,000 sf or more lot, and maximum building footprint of 15,000 sf in VC3 or 10,000sf in a VC2 district. The design standards in the draft text also require large setbacks to all current and new (MRT and VC1) residential zones, requires maximum building widths and limits driveway locations. In addition, roof forms are controlled and façade textures incentivize through architectural features such as bays not being counted toward the building footprint.

Q: Why was no minimum parking requirement proposed for mixed-use priority streets?

A: Mr. LeMel reiterated that the primary goal of this proposal is to create vibrant village centers, and having a parking minimum would continue to create a barrier for smaller businesses. Ms. Caira also stated that the removal of the parking minimum would benefit existing buildings by not requiring they get a parking waiver when tenant turnover occurs. Land Use consistently waives these requirements.

Q: What increase in student population could Newton Public Schools see because of the overlay district?

A: The Planning Department expects that the proposed district will result in incremental growth in the student population spread across Newton. Most development requires long lead times from idea to fruition, even when "by-right". In recent new large developments the

number of students has remained below expectations. The normal lead times and any changing demographics can be monitored, as they are today.

Q: Where is the bonus for increased affordable housing possible?

A: The one story height bonus is proposed for VC2 and VC3 if providing at least 25% deedrestricted affordable units at an average 65% AMI. A 2 story height bonus is proposed in certain limited VC3 locations if 30% of the units are deed-restricted affordable at an average 65% AMI. VC3 locations abutting any residential only zone may not access this opportunity. More details regarding this bonus can be found in the attached presentation.

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

#39-22 Requesting discussion on state guidance for implementing the Housing Choice Bill <u>COUNCILOR CROSSLEY</u> 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: This item was discussed concurrently with item #38-22. A written report can be found with item #38-22.

The meeting adjourned at 8:04pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

City of Newton Committee of the Whole Village Center Rezoning Phase 4: Version 2.0 Draft Zoning

Zoning Redesign - Village Centers

June 20, 2023

Agenda

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1. Introduction

- a. Village center goals
- b. Challenges facing Newton

City of Newton

- c. Purpose of village center rezoning
- 2. Village Center Overlay District (VCOD) Zoning Proposal
 - a. Overview
 - b. Development and design standards
- 3. MBTA Communities and VCOD
 - a. General requirements
 - b. Newton requirements and VCOD compliance
 - c. Deadline for compliance
- 4. Expected Outcomes to VCOD Zoning
 - a. Benefits to the City
- 5. Engagement and Outreach
- 6. Conclusion
 - a. Timeline and next steps

Introduction

Village Center goals

Build upon existing successes and strengths to create vibrant village centers



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City of Newton

Zoning Redesign - Village Centers

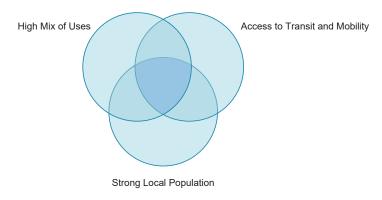
June 20, 2023

Introduction

Village Centers can Address Challenges Facing Newton

- 1. Lack of housing options (size, price point, and accessibility)
- 2. Struggling local business trying to compete with online retail
- 3. Climate change
- 4. Transportation and traffic issues
- 5. Aging in place / welcoming new families
- 6. Lack of space to gather and socialize

Metrics for Successful Village Centers

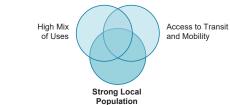


Introduction

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Why Updates are Needed

Multi-family housing is difficult to build or not allowed





One and two-story retail in Newton Centre Source: Community Vision Kit Submissions

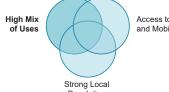
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Vision Kit submission of housing above retail

Introduction Why Updates are Needed

Restrictions make it difficulty for businesses to open and grow







and Mobility





Vacant commercial spaces Source: EDC 2020 COVID Recovery Plan, Project Pop-Up, Boston Globe



Pop-up Commercial Space in Newton Highlands

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Austin Street parking lot, pre-development Source: City of Newton, Newton Community Pride



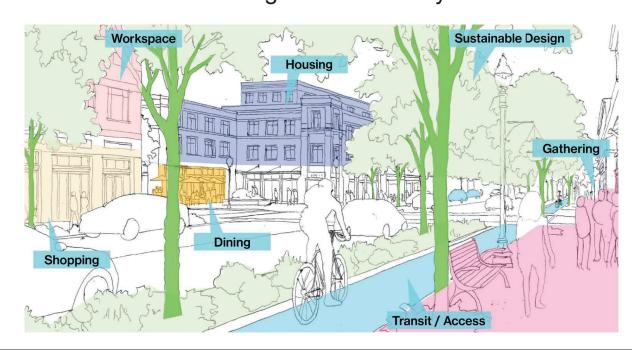
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Bram Way Plaza hosting live music

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Introduction Intended Outcomes - Achieving the Community Vision



VCOD Zoning Proposal

- Zoning approach
- Development and design standards

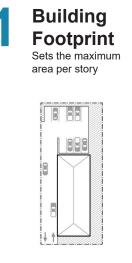
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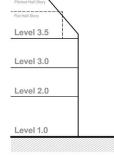
Zoning Approach

This code regulates urban form through the following principal mechanisms:

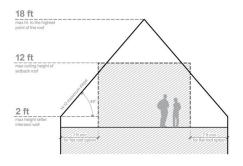




Zoning Redesign - Village Centers

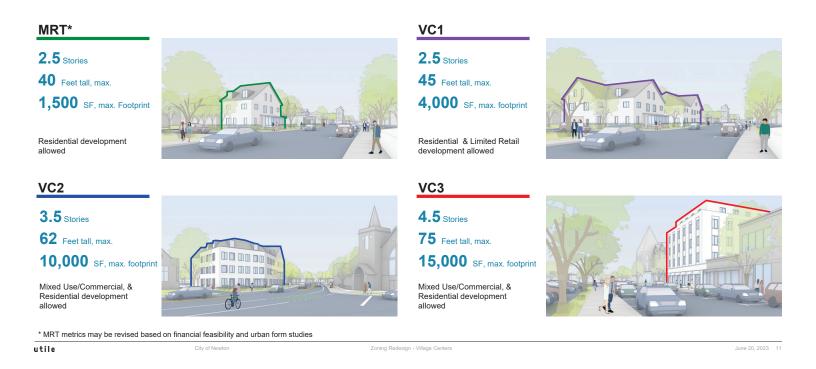






Zoning Approach

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

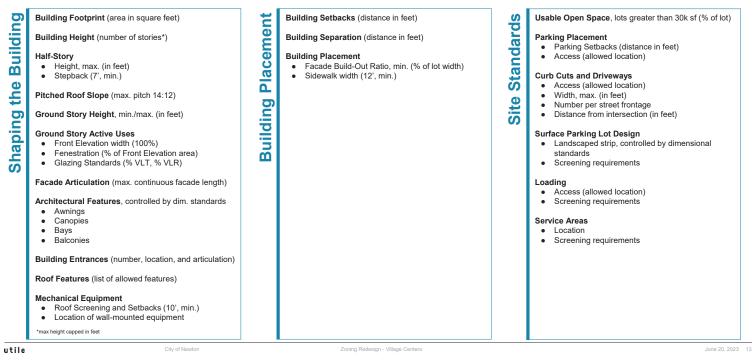




Zoning Redesign - Village Centers

VCOD Zoning Proposal

Design Requirements Ensure Quality Buildings



VCOD Zoning Proposal

Walnut St, Newtonville: Existing





Existing Street View

Existing Context Uses: single-story small

retail; two-story bank; threestory function hall with ground story retail



VCOD Zoning Proposal

Walnut St, Newtonville: Potential Development

Design Standards Building Placement: 1.

Building Placement: When development occurs on any lot abutting a sidewalk that is <12' in total width, inclusive of the Furnishing Zone, buildings must be set back an additional distance such that a paved area meeting City sidewalk standards of at least 12' width is provided, inclusive of the Furnishing Zone.

- Building Entrances: Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning or Canopy, to signal building entry and provide adequate protection from the elements. 1.
- Architectural Features: Canopy A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.

Fenestration: For ground story fenestration, glazing must have a min. 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR) as indicated by the manufacturer.

Number of Stories: A pitched roof may be composed of roof planes with different slopes. The slope of any pitch must not be greater than 14:12 (49 degrees). The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than 2' above the finished floor of the half-story.

Half-Story Step-Back: A required distance that certain upper stories of a building must be recessed from the plane of the facade of the stories below.

1. Parking Lot Access:

Access to parking lots and structures parallel to the Front Elevation is prohibited when access along another lot line is available.

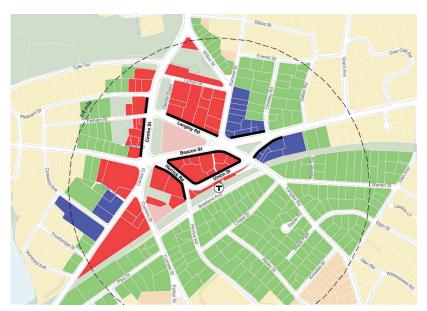
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VCOD Zoning Proposal **Mixed Use Required**

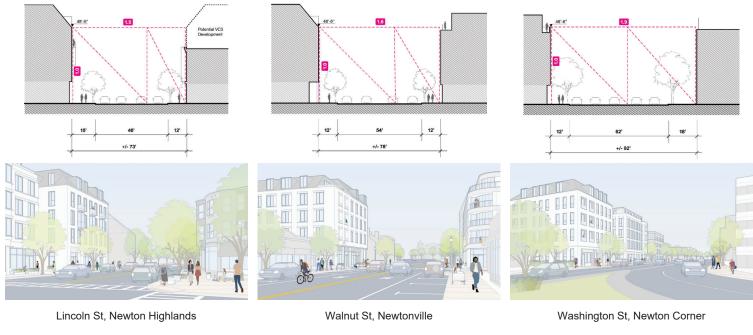
Promote vibrancy and placemaking in village centers

- 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

VCOD Zoning Proposal Potential Development in Different VCs



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Zoning Approach

Alignment with Newton's Historical Development Patterns



Newtonville



Newton Corner



Newtonville







West Newton



Thompsonville

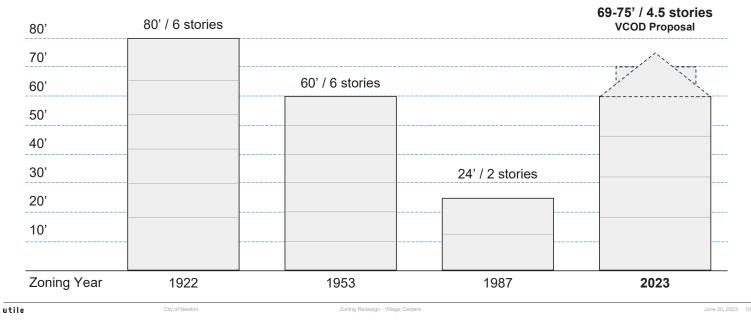


Newton Corner



Newton Centre

Zoning Approach Alignment with Newton's Historical Development Patterns



Maximum By-Right Building Heights Allowed in Village Centers

VCOD Zoning Proposal

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
- Cost of construction
- Half of existing multifamily parking sits empty



Unused parking from Newton multi-family housing

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VCOD Zoning Proposal

More Affordable Housing Provided

	Current Zoning Proposed Zoning*		Proposed Zoning*		
		Base Conditions	Option 1 (VC2 and VC3)	Option 2 (VC3 only)**	
	Height Bonus (stories)	N/A	+1	+2	
Allows	Building Footprint Bonus (sq ft)	N/A	+2,500	+2,500	
For	Required Affordable Units (min)	17.5%	25%	30%	
Must Provide⁺	Required AMI for Affordable Units**	50-80% Rental / 80% Ownership			

- More opportunities for base requirements:
 - Applies to all 7+ unit projects
- Bonus option for more and deeper levels of affordable housing

* 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

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MBTA Communities and VCOD

- General requirements
- Newton requirements and VCOD compliance
- Deadline for compliance

MBTA Communities and VCOD Introduction to the Statute

- Also known as "Section 3A" (Mass. General Laws c.40A §3A)

"development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval"

• Site plan review may be required ... within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations. (https://www.mass.gov/info-details/section-3a-guidelines)



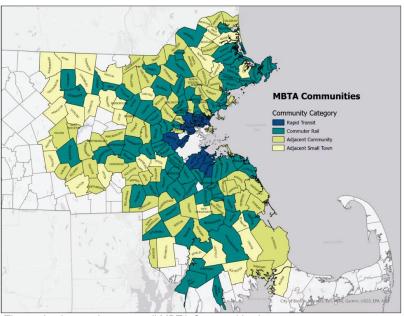
Zoning Redesign - Village Centers

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MBTA Communities and VCOD

Newton is One of 177 MBTA Communities

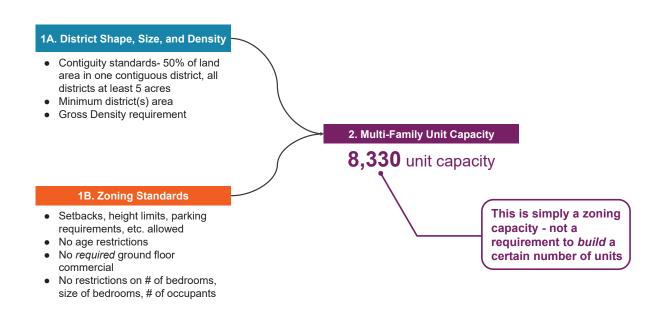
Appendix I: MBTA Community Categories and Requirements (top 20 communities)			
Community	ity Community category Minimum multi-family unit capacity*		
Cambridge	Rapid Transit	13,477	
Worcester	Commuter Rail`	12,642	
Quincy	Rapid Transit	11,752	
Somerville	Rapid Transit	9,067	
Newton	Rapid Transit	8,330	
Brookline	Rapid Transit	6,990	
Malden	Rapid Transit	6,930	
Lowell	Commuter Rail	6,522	
Medford	Rapid Transit	6,443	
Revere	Rapid Transit	6,135	
Brockton	Commuter Rail	5,596	
Lynn	Commuter Rail	5,517	
Everett	Rapid Transit	4,552	
Lawrence	Commuter Rail	4,501	
Framingham	Commuter Rail	4,355	
Haverhill	Commuter Rail	4,189	
Waltham	Commuter Rail	3,982	
Weymouth	Commuter Rail	3,813	
Braintree	Rapid Transit	3,769	
Taunton	Commuter Rail	3,745	



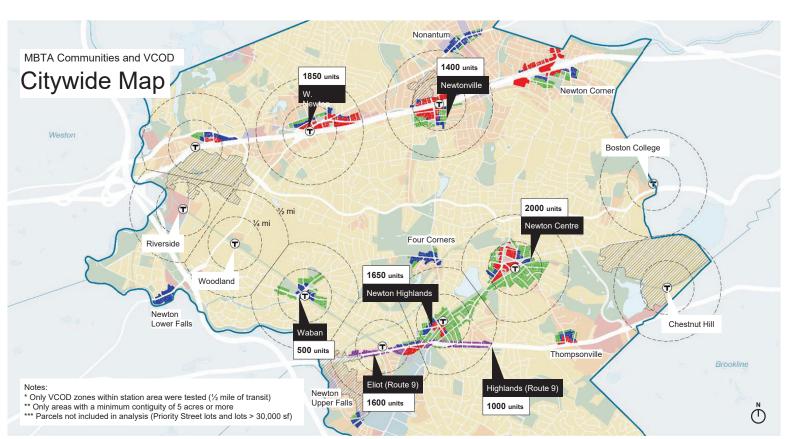
The total unit capacity across all MBTA Communities is over 280,000 residential units

MBTA Communities and VCOD

Criteria for compliance



Zoning Redesign - Village Centers



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MBTA Communities and VCOD Version 2.0 VCOD Meets MBTA Compliance

MBTA Compliance Summary (rounded)

	MBTA Requirements (min.)	Version 2.0 VCOD Results	MBTA Compliant
Unit Capacity	8,330 units	10,000 units	YES
Aggregate Gross Density	15 units/acre	35 units/acre	YES
Total Land Area	50 acres	288	YES
% of District to be Located in Station Area	90%	100%*	YES
% of Contiguous Land for Multi-Family Zoning District(s)	50%	69%	YES
Notes: * Only VCOD zones within station area were tested ** Parcels not included in analysis (Priority Street lots and lots greater than 30,000 sf) *** Assumes no minimum parking requirements		Must meet every requirement to reach compliance by Decem 31, 2023 deadline	ber

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Zoning Redesign - Village Centers

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Expected Outcomes to VCOD Zoning

Benefits to the City

Expected Outcomes to VCOD Zoning Benefits to the City



New housing options

New housing will provide options at sizes and price points that currently do not exist in Newton

Opportunities for older adults to downsize

Less expensive options for young adults and families

City of Newton

New affordable and accessible housing

New housing will be energy efficient

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Zoning Redesign - Village Centers

Support for businesses

Increased customer base

Less onerous requirements

Wider sidewalks

Greater height for first floor uses



Sufficient city services

New housing would be near transit and in walkable village centers, reducing congestion

Limited number of new students living in recent mixed use buildings

Opportunities to coordinate with schools and other city services

Increased tax revenue

June 20, 2023

Engagement and Outreach

Community engagement efforts to date

Engagement and Outreach

Community Groups Engaged

Neighborhood Area Councils Councilors

- Newton Highlands
- Newtonville NAC Upper Falls NAC
- Waban NAC

Commissions, Committees & Departments

- Commission on Disability
- Council on Aging
- Youth Commission
- Department of Health & Human Services (workers)
- Department of Planning & Development (workers)
- **Historic Newton** Human Rights Commission
- Newton Senior Center
- Transportation Advisory Group Economic Development
- Commission
- Citizens Commission on Energy Parks, Recreation + Culture Planning & Development Board

City of Newton

Reached out to all Councilors 12 Councilors of 5 Wards

Stakeholders

350Mass Newton Node **Bike Newton**

- Boston College Graduate Student Union Boys & Girls Club **Chestnut Hill Association** Chinese American Association of Newton (CAAN)
- Cultural Development (City) Culture Center of Taipei Economic and Cultural Office **Defund Newton Police** Engine6
 - Families Organizing for Racial Justice (FORJ)
 - FUUSN Social Action Council Green Newton

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Green Newton - School Connections

- Green Newton Youth Group Harmony Foundation
- Hyde Community Center
- League of Women Voters -Newton Myrtle Baptist Church
- New Art Center Newton Center for Civic Engagement
- Newton Coalition of Black Residents Newton Community
- **Development Foundation** Newton Housing Authority Newton Interfaith Clergy Association (NICA) Newton Lower Falls
- Improvement Association Newton Neighbors Helping Neighbors
- NNHS & NSHS's Sustainability Courses
- Newton Open Studio

co-hosted focus group

- submitted a Vision Kit
- staff tabled at event of

Newton Public School System (PTOs + Teachers + Social Workers + Students)

- **Newton Talks Race Newton Teachers Association** NNHS NextGen Voices **Right-Size Newton** Safe Routes to School Task Force
- St. Mary of Carmen Society Team Sangiolo **Temple Emanuel Social Justice** Group Temple Shalom The Village Bank
- Tour de Newton **U-CHAN** Understanding Our Differences Waban Improvement Society
 - Welcoming Newton

Engagement and Outreach

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Engagement Process

Phase 1: Visioning

Quantitative and Qualitative Research (April 2021 - April 2022)

- Vision Kit: 290 participants; 102 submissions
- Online interactive forum: 1,249 participants
- Equitable focus groups: 139 participants; 18 community facilitators
- Economic Development engagement: 41 participants
- On-the-spot surveying: over 500 engaged in person

Phase 2: Workshopping

Zoning Framework (May - Oct 2022)

- Library exhibit: up from Sept 1 Oct 17
- Feedback tool Focus groups: 3 total
- Community Engagement Network: 90 members

Phase 3: Refining

Version 1.0 Zoning Text and Map (Nov 2022 - Jan 2023)

- Info sessions: 7 to discuss Version 1.0 maps Postcards mailed to owners within VCOD
- ZAP meetings: 2 meetings opened up to feedback from community groups
- **Phase 4: Finalizing** Public Hearing and Beyond (Feb 2023 - Present)
- Public Hearing: opens June 26
- Postcards mailed to owners/occupants within VCOD and abutters: 6,039 Zoning and Planning Committee: discussed at 40 ZAP meetings

NHA & NHN in Newton Centre



Newton Public Library Exhibit



Planning intern at Festa in Nonantum









Timeline and next steps

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Timeline: Where we are

Next Steps

