

City of Newton Zoning & Planning Committee

New Housing Choice Initiative: Multi-Family Zoning Requirement for MBTA Communities

Agenda

1. Review the new regulation
2. Additional and clarifying information
3. Initial data analysis (understanding scale and existing density)
4. Next Steps (possible future analysis)

1. Review the new regulation

Draft Guidelines: Multi-Family Zoning Requirement for MBTA Communities

An MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
- No age restrictions
- Suitable for families with children

Newton Requirements

Municipality	MBTA Community Type	2020 Housing Units (Census PL-94)	Minimum multifamily district unit capacity requirement
Newton	subway or light rail	33,320	8,330 *

Unit Capacity: means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district

2. Additional and clarifying information

Is the multi-family zoning a requirement or an opt-in program?

The state has yet to formally address this issue and we are awaiting further guidance from DHCD. The focus from the state with respect to communities who are deemed non-compliant has been on the loss of eligibility for certain state grant programs as well as possible DHCD discretionary grant awards.

What happens if you don't comply?

An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

How is gross density calculated?

Gross density is defined as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” To be compliant a multi-family district must meet this minimum density for the district as a whole, not just individual parcels.

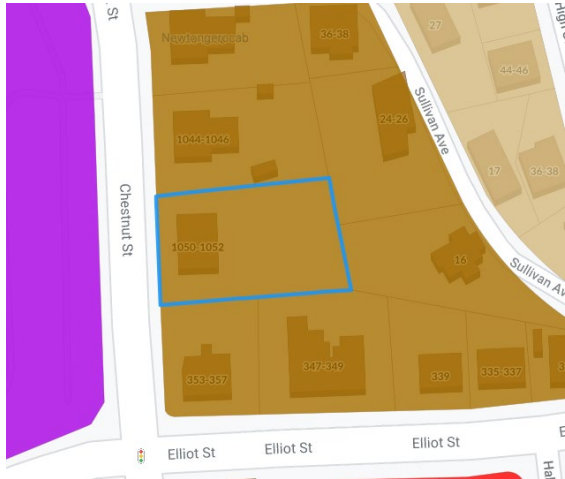
How do existing units or approved special permit units count towards the 8,330 units?

The multi-family zoning requirement is a zoning requirement, not a housing mandate or housing target. It does not matter what is existing or has been approved, only what would be allowed by-right under zoning. If zoning allows for 10 units to be built by-right on a certain parcel it does not matter if only 5 units are existing or if a developer chooses to seek a special permit someday to build 15 units, the 10 units allowed by-right would be used when determining the unit capacity.

We will be looking at existing densities at the lot, block, and neighborhood level only to get a sense of what various densities look like in the built environment, to see examples of building typologies that could be permitted to meet the minimum requirements, and to get a sense of the degree of change that could be reasonably expected. This information has no bearing on the actual calculation of unit capacity however.

Unit Capacity vs. Built Units

Zoning “allows for” does not “require”



Existing Zoning/Conditions

Zone	MR2
Min. Lot Size	10,000 sf
Lot Area Per Unit	3,000 sf
Lot Size	13,815 sf



Existing Zoning/Conditions

Zone	BU1
Min. Lot Size	10,000 sf
Lot Area Per Unit	1,200 sf
Lot Size	25,829 sf



Unit Capacity vs. Built Units

Built Units	2
Unit Capacity*	4



Unit Capacity vs. Built Units

Built Units	0
Unit Capacity*	21

* Would require a Special Permit under the current zoning

Up to 50% of a compliant zoning district(s) may be located more than 0.5 miles from a public transit stop

The draft guidelines state at least half of the land area of the multi-family district should be located within 0.5 miles of a transit station and the district may include land area further than 0.5 miles from a transit station as long as such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.

How many transit stations does Newton have?

Newton has land within a half-mile of 11 transit stations: Boston College, Chestnut Hill, Newton Centre, Newton Highlands, Eliot, Waban, Woodland and Riverside on the Green line and Newtonville, West Newton, and Auburndale on the commuter rail.

It does not appear that Newton has any additional stations that meet the definition of a bus station (building located at the intersection of two more more public bus lines within which services are available to bus passengers). It is unclear whether Watertown Yard (which is within ½ mile of portions of Newton) is considered a bus station.

How big does the district need to be? Can it be multiple districts?

To be compliant a district needs to be at least 50 acres. If it is just one district those 50 acres need to be contiguous. An overlay district could include multiple areas across the city and would need at least one area that contains 25 contiguous acres and all other areas must be at least 5 contiguous acres. An overlay district could also have subdistricts with different densities as long as the overall gross density of the entire district is at least 15 units per acre.

Can we require smaller units?

No. To comply a multi-family district could not require units with age restrictions and could not place any limits or restrictions on the size of the units, number of bedrooms, size of the bedrooms, or the number of occupants.

Can we still require a special permit?

As long as a multi-family district meets the minimum requirements of by-right unit capacity (8,330 multi-family units), minimum gross density (15 units per acre), and minimum district size (50 acres), there is nothing prohibiting requiring a special permit above a certain unit threshold, as long as the minimum unit capacity could be met with by-right developments. More analysis is needed to determine possible thresholds for special permits.

Is a district that allows or requires mixed use acceptable?

The FAQ recently released by DHCD clarifies that commercial and other uses can also be permitted by right or by special permit in a multi-family zoning district. A mixed-use district will be deemed to comply with Section 3A as long as it meets the unit capacity, density and other requirements in the guidelines.

How would local historic districts or landmarks within a multi-family district be impacted?

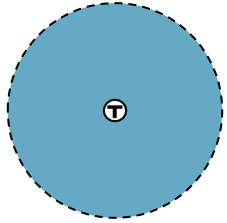
The statute does not make any changes to existing historic protections. Local historic districts and the Newton Historical Commission currently have jurisdiction over by-right development and will continue to do so.

Can we still require affordable housing in a by-right district?

Yes, our inclusionary zoning ordinance applies to all developments, whether by-right or special permit, that contain 7 or more units.

3. Initial data analysis (understanding scale and existing density)

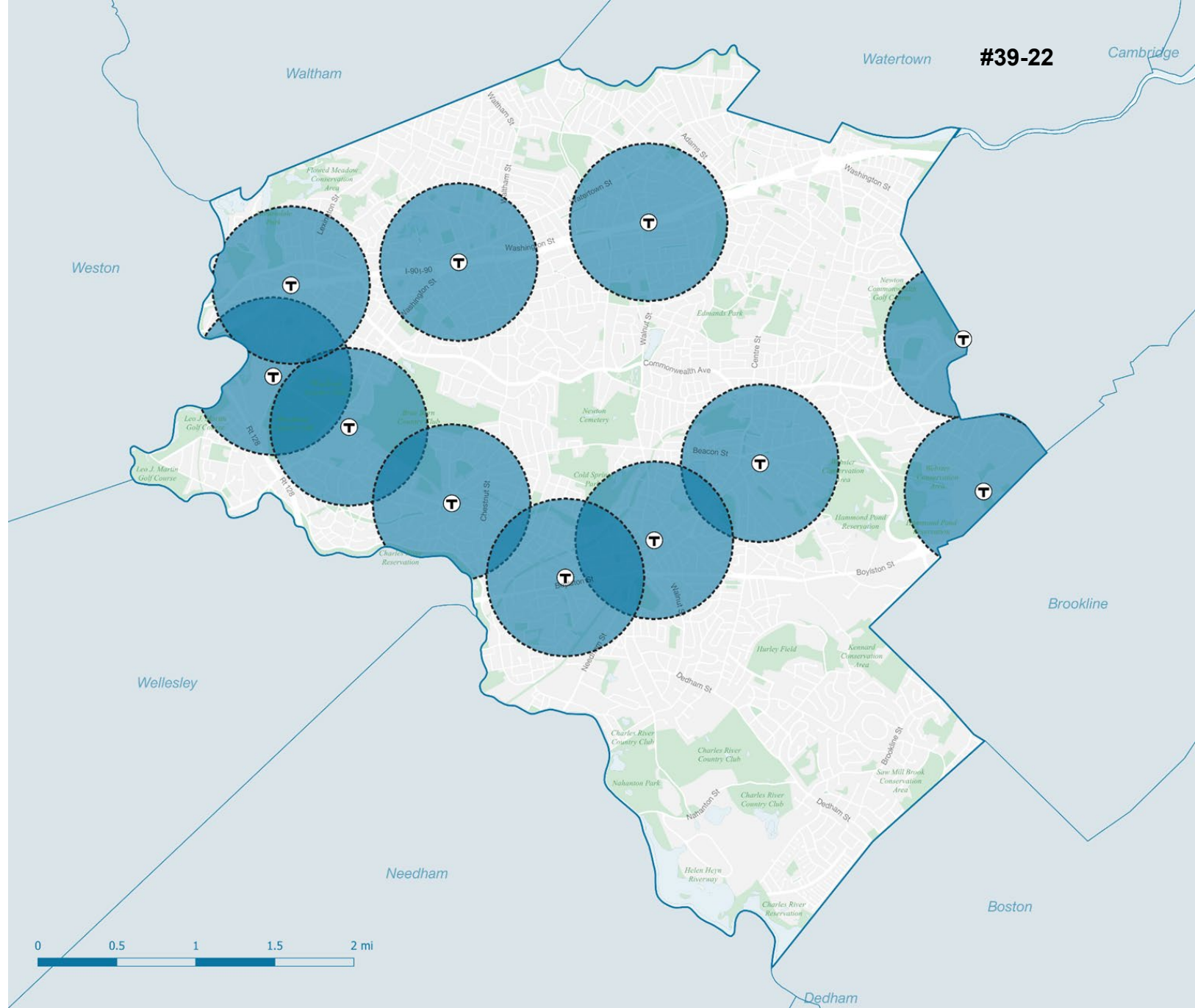
4,340 acres



1/2 mile around transit stop

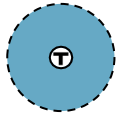
Newton **does not** need to rezone all land within 0.5 miles of transit to comply.

Many transit stops allow for greater flexibility to comply.



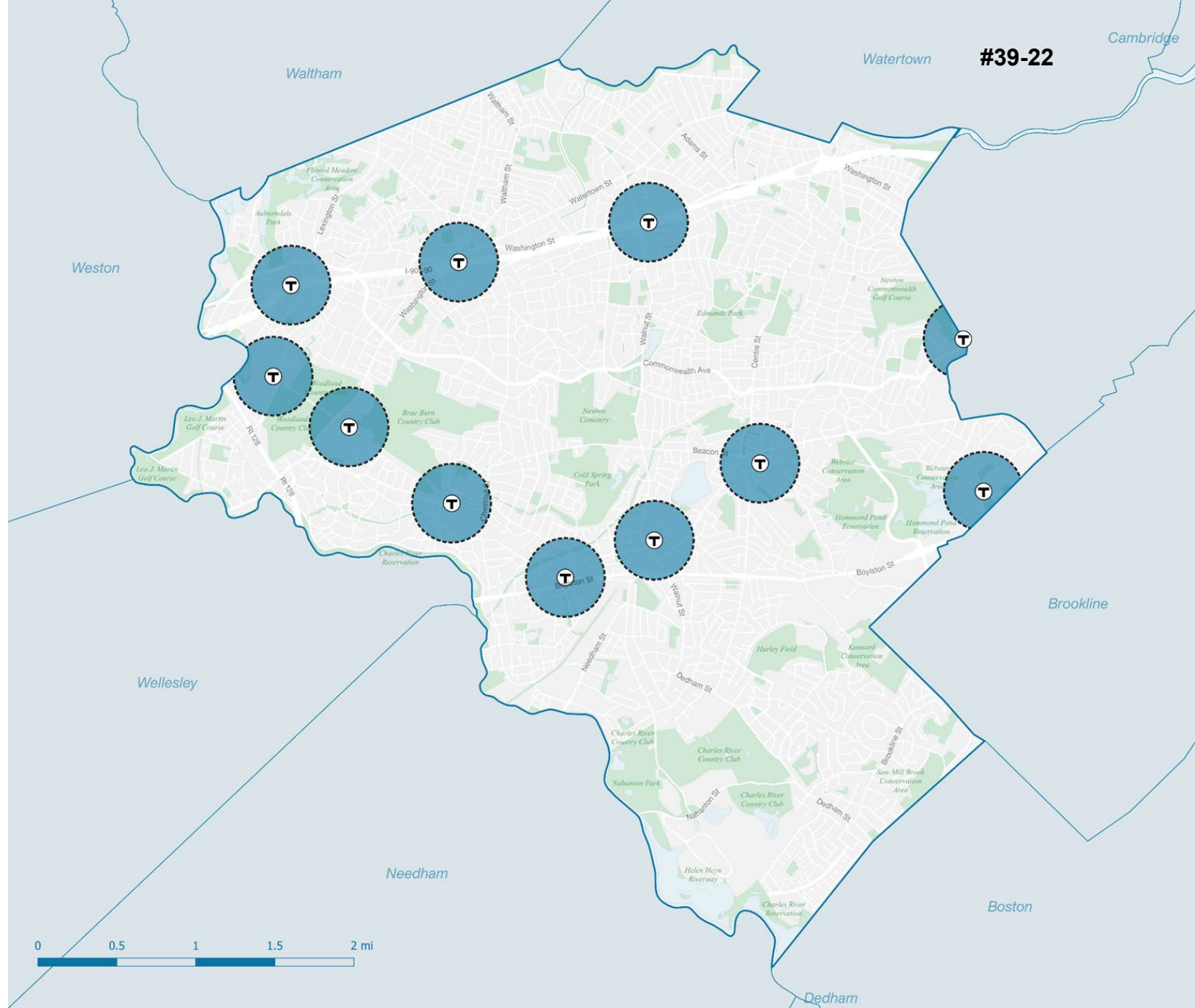
#39-22

1,260 acres



1/4 mile around transit stop

Even within 0.25 miles, Newton has more land than is needed for compliance.



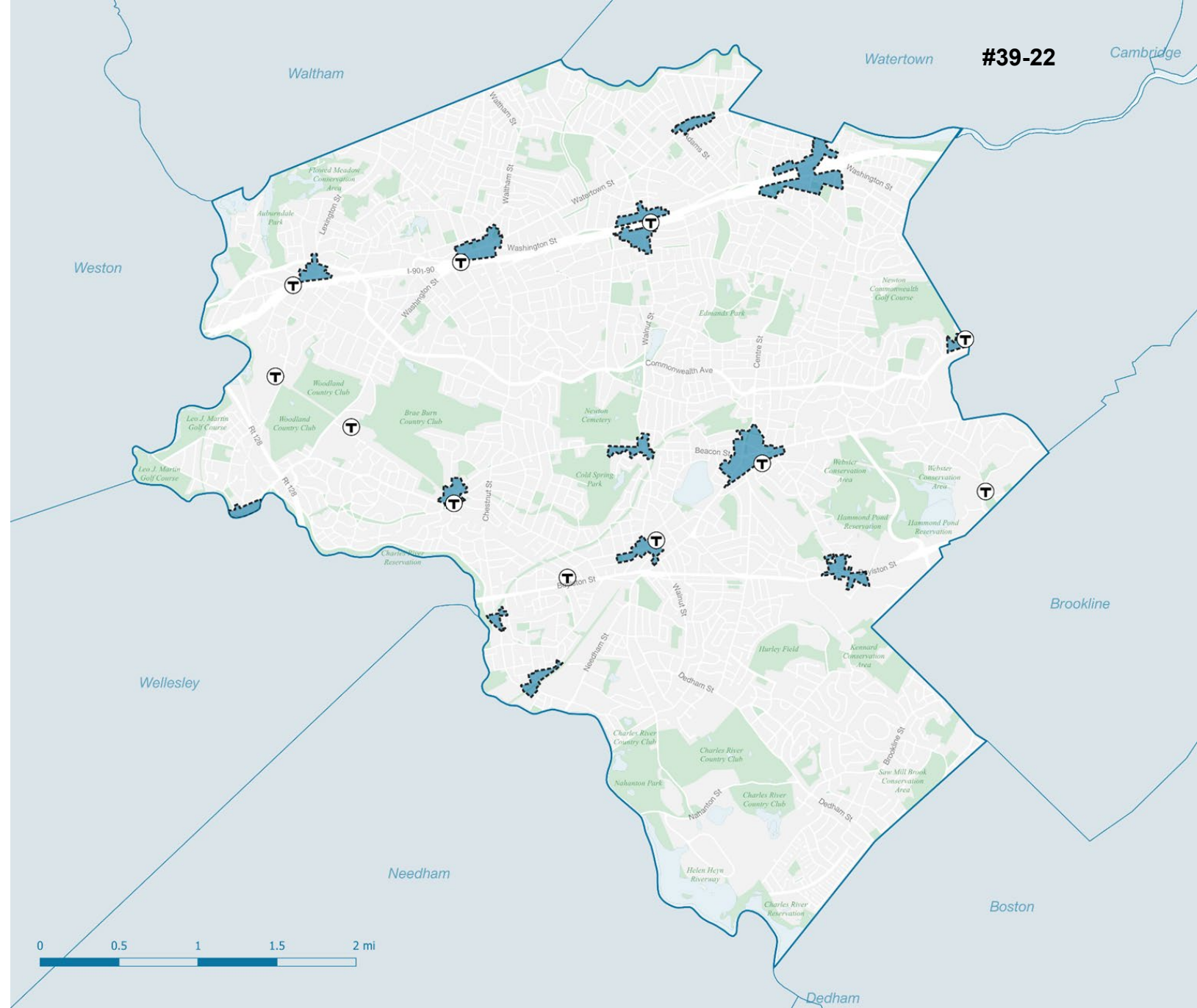
#39-22

240 acres

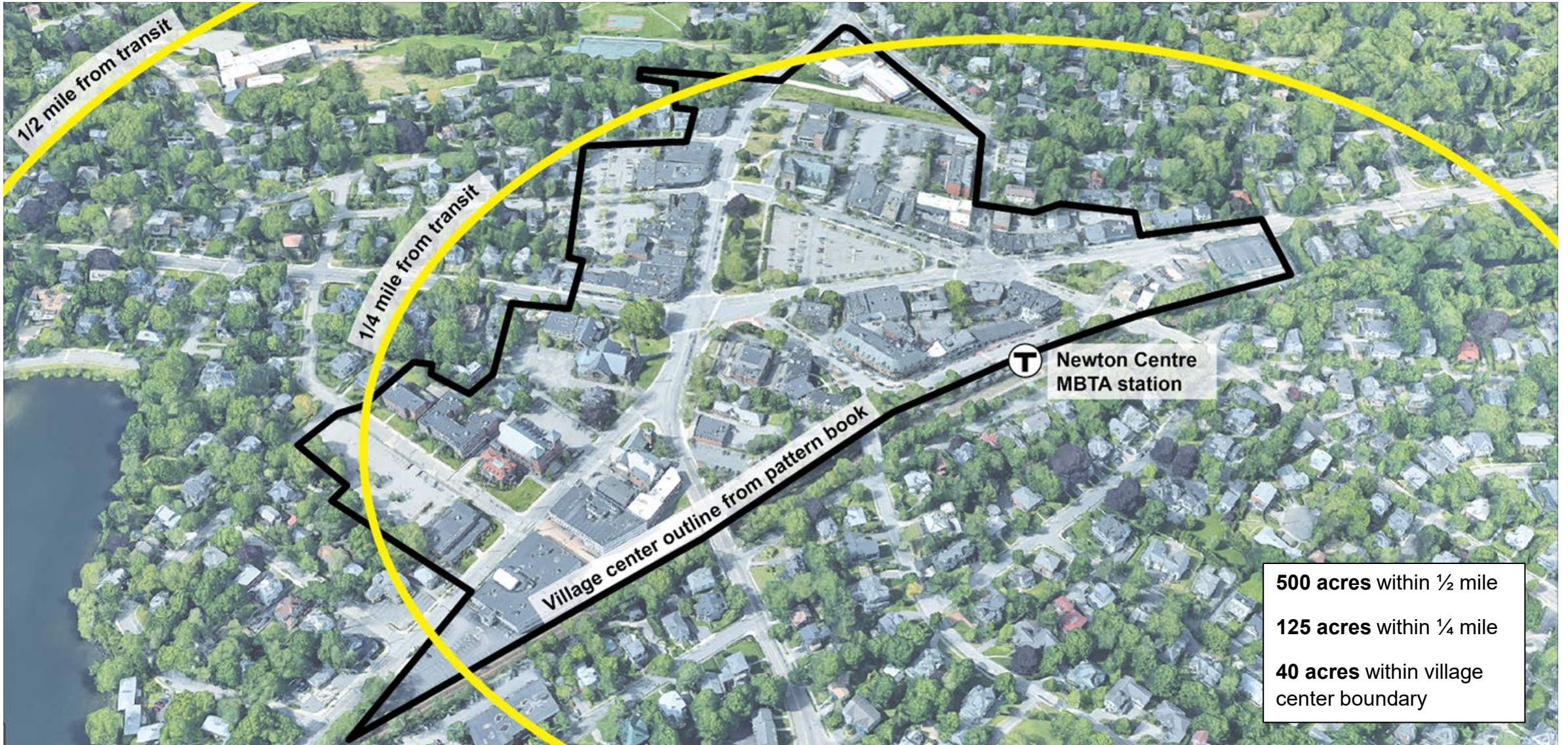


Village Center boundaries from pattern book

Hypothetically, allowing multi-family within the village centers only could bring Newton into compliance.



Newton Centre: understanding scale



500 acres within 1/2 mile
125 acres within 1/4 mile
40 acres within village center boundary

Newton Centre: existing multi-family (illustrative only)



What are existing unit-per-acre densities in Newton?

3-9 Units



10-24 Units



25+ Units



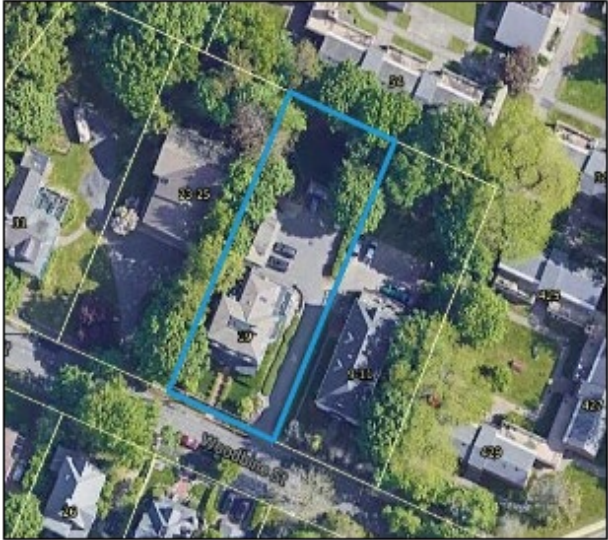
Source: Newton Assessor's Database

9* units per acre

Category: 3-9 units

19 Woodbine

Building Type: Multiplex



Year built	1900
Lot size (acres)	0.32
# of units	3



*Disclaimer: this represents the density at the lot scale. District-wide gross density includes public rights-of-way and open spaces and will be lower.

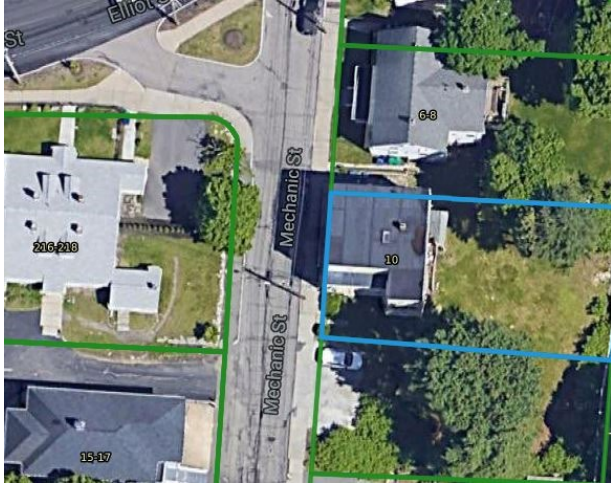
Source: Newton Assessor's Database

25* units per acre

Category: 3-9 units

Building Type: Triplex

10-12 Mechanic St.



Year built	1850
Lot size (acres)	0.12
# of units	3



*Disclaimer: this represents the density at the lot scale. District-wide gross density includes public rights-of-way and open spaces and will be lower.

Source: Newton Assessor's Database

62* units per acre

Category: 25+ units

Building Type: Apartment building

457 Washington St.



Year built	1920
Lot size (acres)	0.26
# of units	16



*Disclaimer: this represents the density at the lot scale. District-wide gross density includes public rights-of-way and open spaces and will be lower.

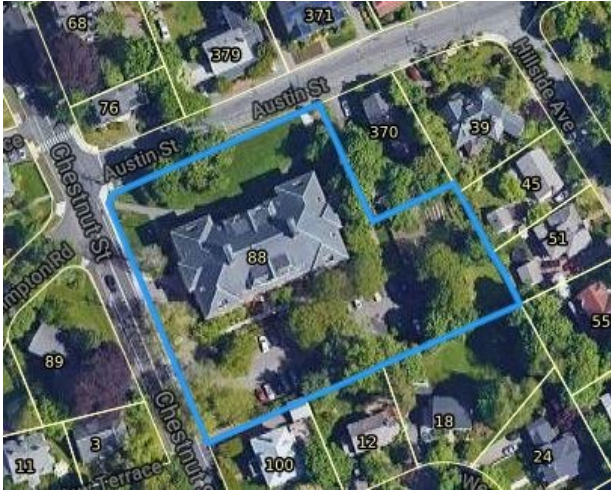
Source: Newton Assessor's Database

21* units per acre

Category: 25+ units

Building Type: Apartment building

88 Chestnut St.



Year built	1895
Lot size (acres)	1.62
# of units	34



*Disclaimer: this represents the density at the lot scale. District-wide gross density includes public rights-of-way and open spaces and will be lower.

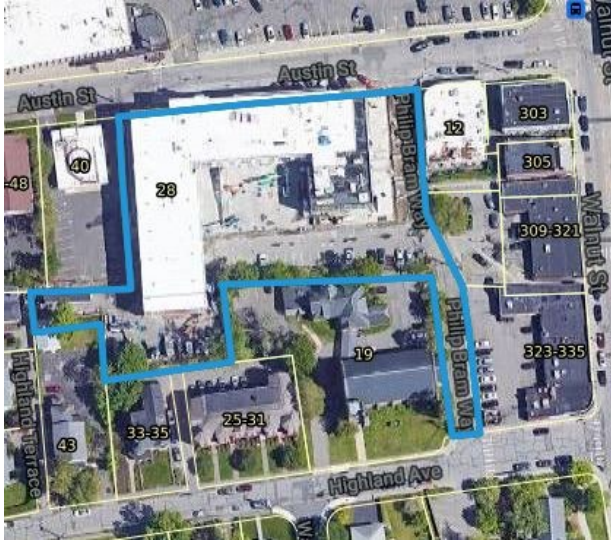
Source: Newton Assessor's Database

40* units per acre

Category: 25+ units

Building Type: General Building

28 Austin St.



Year built	2018
Lot size (acres)	1.71
# of units	68



*Disclaimer: this represents the density at the lot scale. District-wide gross density includes public rights-of-way and open spaces and will be lower.

Source: Newton Assessor's Database

4. Next Steps (possible future analysis)

Next Steps: Data Analysis

- 1. Unit density at the lot scale and neighborhood scale (*today and future meetings*)**
2. Unit capacity allowed under current zoning (*future meetings*)
3. Compliant zoning scenarios (*future meetings*)

Looking at individual lots is not an apples to apples comparison since the unit density must be calculated at the district level, including rights-of-way, streets, etc. Additional analysis will look at Newton and other regional neighborhoods at the block level as case studies visualizing potential compliance.

Next Steps: Data Analysis

1. Unit density at the lot scale and neighborhood scale (*today and future meetings*)
- 2. Unit capacity allowed under current zoning (*future meetings*)**

Planning and Utile are developing an analytic process to understand the current potential unit capacity under current zoning in multifamily zones.

- Identifying calculable zoning constraints and applying them to each individual parcel:
 - Lot area per unit, minimum lot size
 - Height maximums, FAR (floor-area ratio) maximums
 - Mixed-use constraints, lot coverage maximums, and usable open space minimums.

Next Steps: Data Analysis

1. Unit density at the lot scale and neighborhood scale (*today and future meetings*)
2. Unit capacity allowed under current zoning (*future meetings*)
- 3. Compliant zoning scenarios (*future meetings*)**

With additional input from the state and City Council, Planning and Utile can develop 3-4 zoning scenarios that comply with the MBTA communities requirements:

- Locations and distribution of districts
- Multi-family building types and unit densities

Next Steps: Timeline

1. Key dates per state guidance for 2022:
 - a. March 31, 2022 - State public comment period ends
 - b. May 2, 2022 – City Council must be briefed
 - c. Summer 2022 - Finalized guidance from the State
 - d. December 31, 2022 - Action Plan must be submitted to DHCD
2. Recommend a Committee-of-the-Whole meeting in March