



Zoning & Planning Committee Agenda

City of Newton In City Council

Wednesday, November 14, 2018

7:00PM
City Council Chamber

Items Scheduled for Discussion:

A Public Hearing will be held on item #187-18:

- #187-18 Zoning Amendment for Inclusionary Zoning**
DIRECTOR OF PLANNING requesting amendments to the Inclusionary Housing provisions of Chapter 30, Newton Zoning Ordinance, to increase the required percentage of affordable units; to require that some affordable units be designated for middle income households; to create a new formula for calculating payments in lieu of affordable units; and to clarify and improve the ordinance with other changes as necessary.
- #220-18 Discussion relative to the Washington Street Corridor Action Plan**
DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.
- #376-18 Zoning amendment to regulate marijuana establishments**
THE PLANNING DEPARTMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, to regulate the use of land, structures and buildings for the operation of marijuana establishments; to determine in which zoning districts and under what conditions marijuana establishments will be allowed; and to establish minimum standards and criteria.
Public Hearing Closed 9/24/18

Respectfully Submitted,

Susan S. Albright, Chair

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: November 9, 2018

TO: Councilor Albright, Chair
Members of the Zoning and Planning Committee

FROM: Barney S. Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Amanda Berman, Director of Housing & Community Development
Jennifer Caira, Chief Planner

RE: **#187-18** DIRECTOR OF PLANNING requesting amendments to the Inclusionary Housing provisions of Chapter 30, Newton Zoning Ordinance, to increase the required percentage of affordable units; to require that some affordable units be designated for middle income households; to create a new formula for calculating payments in lieu of affordable units; and to clarify and improve the ordinance with other changes as necessary.

MEETING DATE: November 14, 2018

CC: Jonathan Yeo, Chief Operating Officer
Ouida Young, Acting City Solicitor
Planning & Development Board
City Council

The purpose of this memo is to detail the major changes between the City's current Inclusionary Zoning ordinance and staff's most recent proposal. We ask that you take special notice of these new and amended provisions as you review the proposed updated ordinance language (attached). Additionally, the memo provides a summary of the Inclusionary Zoning ordinance update process over the last two-plus years, in which many of you have been involved from day one.

Attachments / Additional Documents:

- Attachment A: Proposed Inclusionary Zoning Ordinance text (clean version)
- Attachment B: Inclusionary Zoning Ordinance Guidebook
- City of Newton Inclusionary Zoning: Financial Feasibility Analysis, prepared by RKG Associates, Inc., March 2018 (not attached, but can be found on the City’s IZ website: <http://www.newtonma.gov/civicax/filebank/documents/91410>)
- Further detail and additional memos and supporting documents can be found on the City’s Inclusionary Zoning website: http://www.newtonma.gov/gov/planning/lrplan/inclusionary_zoning.asp

**Newton’s Inclusionary Zoning Ordinance:
Current vs. Proposed Comparison Table**

Provision	Current	Proposed	Rationale for Proposed Change
<p>#1: Application of IZ Requirements (see Required Inclusionary Units table below)</p>	<ul style="list-style-type: none"> • Net increase of 2 or more new dwelling units, less the number of units allowed by-right • Due to current interpretation of ordinance, IZ requirement usually kicks in when there is a net increase of 6 new dwelling units. Example: 6 new units minus 2 units allowed by-right = 4 units subject to IZ requirement; 4 X 15% = 0.6 (therefore, round up to get 1 required IZ unit) • Projects have also been offered a reduction in their requirement based on the number of dwelling units that currently exist on a site, even if those are proposed to be demolished. Example: 20 new units minus 4 existing units to be demolished = 16 units 	<ul style="list-style-type: none"> • Construction of 7 or more dwelling units, with no reductions provided for the number of residential units that could be built on a parcel by-right or for the residential units proposed to be demolished • The IZ requirement is purely based on the number of units proposed to be constructed 	<ul style="list-style-type: none"> • To clarify confusion and multiple interpretations around current ordinance language • To better balance the financial feasibility of a project with the desired public benefit • The addition of an affordable unit to a small-scale project can quickly render a project financially infeasible • 15% of 7 dwelling units would result in 1.05 IZ units

	<p>subject to IZ requirement; $16 \times 15\% = 2.4$ (round down to get 2 required IZ units)</p>		
<p>#2: Inclusionary Unit Tiers</p>	<ul style="list-style-type: none"> • ½ of the households at 50% AMI • ½ of the households at 80% AMI • Average 65% AMI, regardless of project size <p>No IZ units provided for households above 80% AMI</p>	<p>Three Tiers of Eligible Households:</p> <ul style="list-style-type: none"> • Tier 1: Up to 50% AMI • Tier 2: Up to 80% AMI • Tier 3 (Middle-Income): Up to 110% AMI <p>Tiered structure linking affordability to project size and project type (rental or ownership)</p>	<ul style="list-style-type: none"> • To more specifically apply IZ requirements across the spectrum of housing need in Newton: from low- to moderate- to middle-income households • To apply IZ targets according to project size and type to account for the differing costs and financials associated with these projects
<p>#3: Employ Rising IZ percentage requirement to project size</p>	<ul style="list-style-type: none"> • 15% for all Inclusionary Housing Projects, regardless of project size or type 	<p>6 Tiers of Project Size:</p> <ul style="list-style-type: none"> • 7-9 units • 10-20 units • 21-34 units • 35-64 units • 65-100 units • 101+ units <p>Increasing IZ percentage requirement as project size increases</p>	<ul style="list-style-type: none"> • To balance the need for greater affordability with project financial feasibility • Larger projects can absorb higher percentage requirements due to their ability to spread the cost of affordable units across several market-rate units
<p>#4: Round Up and Build and Fractional Cash Payments</p>	<ul style="list-style-type: none"> • Where IZ requirement results in a fraction of a unit greater than or equal to 0.5, one IZ unit must be provided • Where IZ requirement results in a fraction of a unit less than 0.5, no IZ unit required to capture that fraction 	<ul style="list-style-type: none"> • Where IZ requirement results in a fraction of a unit greater than or equal to 0.5, one IZ unit must be provided • Where IZ requirement results in a fraction of a unit less than 0.5, projects may choose to provide one IZ unit to cover that fraction OR contribute a fractional cash payment to the City 	<ul style="list-style-type: none"> • To favor the building of Inclusionary Units • To capture some value from all fractional amounts less than 0.5 to support future affordable housing development through the City’s Inclusionary Zoning Fund

<p>#5: Cash Payment Option in lieu of providing Inclusionary Units</p>	<ul style="list-style-type: none"> Through Special Permit application, projects containing 6 dwelling units or less <p>OR</p> <ul style="list-style-type: none"> Through a Special Permit where City Council makes specific findings to unusual net benefit to allowing a fee rather than Inclusionary Units 	<ul style="list-style-type: none"> Projects containing 7-9 dwelling units <p>OR</p> <ul style="list-style-type: none"> Through Special Permit where City Council makes specific findings to unusual net benefit to allowing a fee rather than Inclusionary Units 	<ul style="list-style-type: none"> To account for the fact that smaller-scale projects are more sensitive to the inclusion of affordable units, and therefore, may benefit from the ability to pay a fee-in-lieu, rather than build the affordable units on site To capture some value from all fractional amounts less than 0.5 to support future affordable housing development through the City’s Inclusionary Zoning Fund
<p>#6: Cash Payment and Fractional Cash Payment Amount and Calculations</p>	<ul style="list-style-type: none"> First two units in a development are exempt from fee-in-lieu For remaining units, fee equals 12% of sales price at closing of each unit or 12% of assessed value of each unit for rental projects 	<ul style="list-style-type: none"> Based on a formula that utilizes the average of the Massachusetts DHCD Qualified Action Plan “Total Residential Development Cost Limits” Index for Production Projects within Metro Boston for large and small unit projects at the time of first application to the City (currently = \$389,000) For projects with 7-9 units, payment is adjusted at a decreasing percentage 	<ul style="list-style-type: none"> To simplify and clarify calculation To tie cash payments to the DHCD’s annually published maximum subsidy amount per unit for affordable housing projects seeking Federal Low-Income Housing Tax Credits (LIHTC) – a defensible number that is grounded in industry-wide research by a respected third party, the Massachusetts Housing Partnership (MHP)
<p>#7: 100% Deed-Restricted Affordable Developments</p>	<ul style="list-style-type: none"> Provision not included in current ordinance 	<ul style="list-style-type: none"> Projects that consist of 100% deed-restricted affordable units up to 110% AMI are not required to 	<ul style="list-style-type: none"> To encourage projects that serve Newton’s shrinking middle-income population, helping to diversify the array of

		<p>comply with the prescribed percentage requirements per income level, as detailed in the Number of Inclusionary Units Required section of the proposed ordinance</p>	<p>housing options present throughout the City</p> <ul style="list-style-type: none"> • Could be particularly beneficial to Newton’s senior population, many of whom fall in this middle-income category • Housing options for this group are particularly constrained
<p>#8: Incentives for Additional IZ Units</p>	<ul style="list-style-type: none"> • Density bonus equal to 1 market-rate unit for each additional IZ unit provided above the number originally required by the IZ provisions • Expedited application and review procedures given to projects where the percentage of IZ units to be provided exceeds 30% of the total units in the project 	<ul style="list-style-type: none"> • Density bonus of 2:1 • For every additional IZ unit provided above the original number of required IZ units, the project will be awarded 2 additional market-rate units • Additional IZ units to be affordable to households at or below 80% AMI 	<ul style="list-style-type: none"> • To incentivize the building of additional IZ units • Current incentives provision is vastly underutilized
<p>#9: Off-Site Development in lieu of constructing required IZ units on-site</p>	<ul style="list-style-type: none"> • Allowed through a Special Permit when applicant enters into development agreement with non-profit housing developer • Off-site units must be completed no later than the market-rate units 	<ul style="list-style-type: none"> • Generally discouraged • But allowed through a Special Permit where City Council makes specific findings to unusual net benefit to allowing required IZ units to be built off-site • Applicant must enter into development agreement with non-profit housing developer • Off-site units must be completed and occupied no later than the market-rate units • Off-site units must provide an equivalent level of accessibility as 	<ul style="list-style-type: none"> • To favor the building of Inclusionary Units on-site • To provide for equivalent accessibility

		what would have been required if IZ units were to remain on-site	
#10: Elder Housing with Services	<ul style="list-style-type: none"> • Contribution = 2.5% of annual gross revenue calculation to be contributed to City • The City Council determines whether the contribution shall be residential beds or units or a cash payment 	<ul style="list-style-type: none"> • 5% of beds provided on-site must be designated affordable for elderly households at or below 80% AMI • Monthly housing plus base service costs not to exceed 80% of eligible household's annual gross income • Project may choose to make a cash payment to City in lieu of providing affordable beds on-site, without receiving a Special Permit from City Council to do so • Cash payment based on a formula that utilizes DHCD's current Qualified Action Plan Index for "Single Room Occupancy/Group Homes/Assisted Living/Small Unit Supportive Housing" within Metro Boston at the time of first application to the City (currently = \$259,000) 	<ul style="list-style-type: none"> • To simplify and clarify ordinance language and reduce confusion around current requirements • To provide clear guidance for determining Elder Housing with Services Inclusionary benefits • To provide an additional compliance methodology for projects of this type
#11: Effective Date	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • The effective date of the new IZ ordinance will be a specified date after the amended ordinance is adopted by the City Council and signed by 	<ul style="list-style-type: none"> • To clarify which projects are subject to the requirements of the amended Inclusionary Zoning ordinance

		<p>the Mayor</p> <ul style="list-style-type: none"> The provisions of the amended ordinance will only apply to projects that receive a special permit (or a building permit in the case where a special permit is not required) after this effective date 	
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Required Inclusionary Units Table (Sec. 5.11.4.B.)

Tier Level	7-9 units		10-20 units		21-34 units		35-64 units		65-100 units		101+ units	
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner
Tier 1, up to 50% AMI	0.0%	0.0%	0.0%	0.0%	5.0%	0.0%	0.0%	0.0%	2.5%	0.0%	2.5%	0.0%
Tier 2, 51%-80% AMI	15.0%	15.0%	17.5%	5.0%	7.5%	10.0%	2.5%	7.5%	10.0%	10.0%	12.5%	12.5%
Tier 3, 81%-110% AMI	0.0%	0.0%	0.0%	10.0%	5.0%	7.5%	15.0%	10.0%	5.0%	7.5%	2.5%	5.0%

Exploring an Additional Provision to Serve Extremely Low-Income Households

While not included in the proposed updated ordinance, staff is in the process of exploring an alternative compliance option for those rental projects that set aside a percentage of their total units for households with annual incomes at or below 30% AMI (extremely low-income individuals and households).

The concept, only in its nascent stage of research, would allow a project to reduce its overall inclusionary zoning requirement by five percentage points if at least 2.5% of its total units are designated for extremely low-income households. Additionally, the developer would be required to partner with a City-approved agency that specializes in providing supportive services for individuals and families in this income bracket. Tenant selection and on-site case management would be provided by this agency.

As we all know, it is extremely challenging to create housing for those households that fall in this extremely low-income tier, as such projects require a deep level of continued subsidy. However, the availability of a diverse array of affordable housing options for individuals at *all* ends of the income spectrum is a critical issue for the City of Newton, affecting the City’s long-standing value as a welcoming community for people of all backgrounds. The introduction of such a provision in the City’s Inclusionary Zoning ordinance could help to provide much needed housing for our City’s most vulnerable individuals and families, whose housing options are incredibly constrained.

What is Inclusionary Zoning?

One of the most important purposes of Zoning is to ensure that the development of a community happens in a way that is consistent with identified public benefits and values; thus, zoning ordinances include provisions related to such issues as parking, environmentally sustainable design, and other development rules. Like many communities in Massachusetts and across the country, Newton strongly values an economically diverse community; within the City's Zoning Ordinance, the Inclusionary Zoning provisions support this value and require that new residential development includes opportunities for a mix of household incomes.

Inclusionary Zoning is a popular tool that is used by local governments across the country to leverage private development for the creation of affordable housing. While ordinances take many forms, a common structure is to require a percentage of units in a private development be rented or sold at affordable levels to low- and moderate-income households (usually households at or below 80% of the Area Median Income, AMI). A 2015 report by the Lincoln Institute of Policy identified more than 500 local ordinances in more than 27 states and the District of Columbia. Inclusionary Zoning is increasingly viewed as a critical tool for creating affordable housing in the face of declining federal funding, and to support housing opportunities in communities with strong schools, safe neighborhoods, and quality amenities, such as Newton.

Newton has a long history of supporting affordable housing production through private development; it was one of the first communities in the state and the nation to adopt an Inclusionary Zoning-like policy. In the last 1960's and early 1970's, the Board of Alderman required affordable units to be included as part of any project that required a special permit. In 1977, the City passed the "10% Ordinance," adopting its first form of Inclusionary Zoning, which has continued to evolve over the past 40 years.

In 2003, Newton increased its Inclusionary Housing percentage from 10% to 15% with an average affordability requirement of 65%. As it stands today, the ordinance applies to residential development requiring a special permit, including business or mixed-use development that includes residential, where there will be a net increase of two or more new dwelling units. However, due to the current interpretation of the ordinance, the Inclusionary Zoning requirements tends to only kick in when there is a net increase of six new dwelling units.

Affordable Housing Units Created Under Newton's Current Inclusionary Zoning Ordinance

The current version of the Inclusionary Zoning ordinance took effect on April 22, 2003. Since that time, building permits have been issued for approximately 117 affordable units restricted to households earning at or below 80% of the Area Median Income (AMI). Of those 117 units, 14 units were required as a result of the Inclusionary Zoning Ordinance, and the remaining 103 affordable units were approved through the 40B Comprehensive Permit process. Additionally, four projects received Special Permit approval to pay a fee-in-lieu of providing the units on site.

While only 14 affordable units have been constructed as a result of the Inclusionary Zoning ordinance since 2003, **240 more affordable units** are either under construction, permitted, or are in the process of receiving approval from the City Council.

Currently, there are a **total of 90 deed-restricted affordable units** under construction in Newton, connected to projects that received a Special Permit and were subject to the City's Inclusionary Zoning ordinance (57 units at or below 80% AMI, Tier 1 and Tier 2 units; and 33 middle-income units, Tier 3 units). It is important to note, however, that the 33 middle-income units were not required per the Inclusionary Zoning ordinance, as our current ordinance does not require those units.

There are an additional **25 deed-restricted affordable units** (at or below 80% AMI) connected to projects that have received a Special Permit, but have yet to begin construction; and another **125 deed-restricted affordable units** (at or below 89% AMI) connected to projects that have submitted a formal application to the City, but have yet to receive a Special Permit.

While it is not fully understood why there was such limited multifamily construction through the Special Permit process over the last fifteen years, staff hypothesizes that the City's development review process, coupled with an aggressive jump from a 10% to 15% IZ requirement created an environment where developers saw the Chapter 40B Comprehensive Permit process as a less expensive and more predictable path towards project approval. Additionally, there is no doubt that the housing recession played a major role in stifling multifamily development in Newton. Staff believes that post-recession, the market may have finally adjusted to the City's 15% IZ requirement, which may be one reason we are now seeing much greater Special Permit / multifamily activity throughout Newton.

A New Ordinance for Today's Newton

The availability of a diverse array of affordable housing options is a critical issue for the City of Newton, affecting the City's long-standing value as a welcoming community for people of all backgrounds, preventing City employees from being able to live in the community they serve, and hindering the ability of businesses of all types in the City to compete for employees.

On top of declining federal funds, the strength of Newton's (and greater Boston's) housing market in recent years has continued to shrink the available supply of affordable housing throughout the City, substantially widening the affordability gap for low- and moderate-income households seeking to live in Newton. Newton's 2016 *Newton Leads 2040 Housing Strategy* highlighted this trend, revealing that the City's demographic profile is rapidly shifting towards higher-income households, due in large part to high-value residential development and a limited supply of existing and new affordable housing units.

One of the ten Priority Actions to come out of the Housing Strategy was a recommendation that the City strengthen its Inclusionary Zoning ordinance in order to realize the greatest public benefit from private development taking place throughout Newton. As such, the Housing Strategy recommends raising the Inclusionary Housing requirement to as much as 20%. In 2015,

Mayor Warren docketed an item to increase the existing 15% minimum Inclusionary Housing provision and since that time staff has been working to amend and strengthen this ordinance to better meet the vast and diverse housing needs of Newton today.

Newton is not alone in considering an adjustment to its current Inclusionary Ordinance. In the past few years, Boston (2015), Cambridge (2017), and Somerville (2017) have all amended their Inclusionary Housing provisions to balance the growing need for affordable housing units in a rapidly appreciating and high-demand housing market. Cambridge increased its requirement from 11-13% to 20%; Somerville from 12.5-17.5% to 17.5% for smaller projects and 20% for larger projects; and Boston increased its payment-in-lieu requirements, and its requirement for off-site units from 15% to 18%. Wellesley's requirement has been at 20% since 2004.

In addition to proposing increases in the affordable housing requirement beyond 15%, Newton's Planning & Development Department has taken this opportunity to provide greater clarity and consistency throughout the ordinance, working to reduce the potential for multiple interpretations of the ordinance language and provide users of the ordinance with a clearer and more predictable roadmap for how the ordinance is to be applied in different circumstances.

Financial Feasibility Analysis

In an effort to design a new Inclusionary Zoning ordinance that would ensure that new housing development in Newton includes units for households of various income levels across the city, while not restraining development altogether, staff contracted with RKG Associates in early 2018 to determine the financial impact resulting from the proposed changes to the City's existing Inclusionary Zoning ordinance. The Financial Feasibility Analysis developed by RKG (found here: <http://www.newtonma.gov/civicax/filebank/documents/91410>) details the approach the consultants used to test the City's proposed ordinance changes, the results of their analysis, and their recommended modifications to the proposed ordinance to reduce the financial impacts of the ordinance on housing development so as to maintain financial feasibility.

To perform the analysis, RKG created a financial feasibility model based on traditional pro forma analysis standards for real estate development. The model focuses on Internal Rate of Return (IRR) calculations to determine financial feasibility. This measure is a standard approach to understanding the potential performance of a real estate investment. ***Boston area development industry minimum standards for a desired IRR are currently 20% for new construction ownership residential and 12% for rental residential projects.*** Generally, projects that do not achieve this IRR are not able to get financing.

Pro forma development modeling requires substantial market data to generate the model assumptions needed to calculate financial performance. The three primary data categories include: construction/development data; revenue/expenditure data; and finance/investment data. RKG used several tools to gather both local and regional data, including interviews with several for-profit and non-profit residential developers and commercial lending bank professionals, the City Assessors database, current rent rates and sales prices throughout

Newton, and nationally recognized secondary data sources, such as Marshall & Swift Valuation Services.

RKG's modeling efforts compared the financial performance of seven distinct residential development scenarios under the City's existing Inclusionary Zoning ordinance against the financial performance of those same scenarios under the proposed IZ ordinance. The results were compared to understand the impact of the proposed ordinance on the financial feasibility of each scenario. The seven development scenarios reflected various small, medium and large-scale ownership and rental development projects that may occur in Newton. The financial model calculated the basic go/no-go decision a developer must make about a potential project, which usually comes down to overall financial return and risk exposure. If there is confidence that the desired returns will be reached, then the project will be pursued, otherwise the project will not be undertaken.

While the full report provides greater detail around the results generated by each of the seven model scenarios, the following is a summary of the key findings from the financial analysis:

- **Project size (number of units in a project) matters.** The addition of an affordable unit or a required payment-in-lieu can have an outsized impact on the overall financial return of a project and can quickly render a project infeasible. Small-scale developers have greater sensitivity to changes in their development program due to their inability to spread the cost of an affordable unit or a payment-in-lieu of a unit across several market-rate units.
- **The proposed IZ percentage requirements for medium size projects (7-20 units) appear to be calibrated correctly.** For projects with 10-20 new units, the proposed percentage requirements result in more affordable units for the City, while returning an acceptable financial outcome to the developer. The increase in affordable unit requirements is offset by the introduction of Tier 3, middle-income units (81%-110% AMI). *(It is important to note, however, that RKG was only asked to test one scenario in the 10-20 new units category: a 20-unit rental project. While the financial return for this scenario under the proposed ordinance comes out positive, the majority of scenarios in this category do not. Staff tested multiple scenarios for this project size category and found that the proposed IZ requirements were too great for most of the projects to be financially acceptable. Had more scenarios been run in this project size category as part of the RKG analysis, it is likely that the consultants would not have come to the same conclusion about the proposed ordinance for this category of projects).*
- **The proposed IZ percentage requirements for large size projects (20+ units) have a negative impact on the overall financial return of a prototypical development and are financially infeasible for the developer.** The key issues for these large size projects are the 25% IZ requirement (10% higher than the existing IZ ordinance) and the introduction of Tier 1 units (at or below 50% AMI).

- **The proposed density bonus of 2 additional market-rate units for every 1 additional inclusionary unit is not sufficient enough to offset the requirement that each additional inclusionary unit be designated at Tier 1 (50% AMI), nor does it help to make these larger projects financially viable.** Even applying a hypothetical three-to-one ratio does not yield a positive result for these projects.

After thorough review and consideration of the Financial Feasibility Analysis developed by RKG, staff reworked its Inclusionary Zoning Ordinance proposal from 2017 to reflect findings from this report. We sought to create an updated ordinance that does not stifle residential development, but rather, strikes a careful balance between the City's vast need for affordable housing and the nuanced economics of housing development. This updated proposal, as outlined in this memo, works to realize the greatest public benefit from private residential development occurring throughout Newton.

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Section 5.11. Inclusionary Zoning

5.11.1. Purposes

The purposes of this Section 5.11 are to:

- A. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels in the City;
- B. Provide for a full range of housing choices throughout the City for households of all incomes, ages, and sizes;
- C. Increase the production of affordable housing units to meet existing and anticipated housing needs within the City; and
- D. Work to overcome economic segregation regionally as well as within Newton, allowing the City to be a community of opportunity in which low- and moderate-income households have the opportunity to advance economically.

5.11.2. Definitions

- A. "Area Median Income (AMI)" means the median income for households within the designated statistical area that includes the City of Newton, as reported annually and adjusted for household size by HUD.
- B. "Deed-Restricted Affordable Unit(s)" means any Inclusionary Unit that meets the provisions of 5.11.4 and holds a legal use restriction that runs with the land, is recorded at the Registry of Deeds, provides for affordability in perpetuity, identifies the Subsidizing Agency and monitoring agent, if applicable, and restricts occupancy to income eligible households, as defined by the provisions of Section 5.11.4.
- C. "Eligible Household" means a household whose gross annual income does not exceed the amounts set forth in Section 5.11.4.
- D. "Household Income Limit" means at any given percentage of the area median income (AMI), the income limit adjusted by household size at that percentage as published annually by the U.S. Department of Housing and Urban Development (HUD) for the designated statistical area that includes the City of Newton or, for percentage levels not published by HUD, as calculated annually by the City based on the HUD AMI calculation.
- E. "Inclusionary Housing Project" means any residential development project that meets the provisions of 5.11.3.A.
- F. "Inclusionary Unit(s)" means any finished dwelling unit that meets the provisions of 5.11.4.
 - 1. "Tier 1 Unit(s)" means any Inclusionary Unit that is affordable to a household whose gross annual income is less than or equal to 50% of AMI.

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2. "Tier 2 Unit(s)" means any Inclusionary Unit that is affordable to a household whose gross annual income is greater than 50% of AMI, but at or below 80% of AMI.
3. "Tier 3 Unit(s)," also known as "Middle-Income Unit(s)," means any Inclusionary Unit that is affordable to a household whose gross annual income is greater than 80% of AMI, but at or below 110% of AMI.

5.11.3. Application of Inclusionary Zoning Requirements

- A. These inclusionary zoning provisions apply to any proposed residential or mixed-use development, including a conventional subdivision of land under M.G.L. Chapter 41, Sections 81K-81GG, in any zoning district that includes the construction or substantial reconstruction of seven or more residential dwelling units on any parcel or contiguous parcels comprising a proposed development site. The inclusionary zoning requirements apply to the total number of such residential units regardless of the existing residential units proposed to be demolished.
- B. This Section 5.11 does not apply to accessory units.
- C. No Segmentation. The inclusionary zoning provisions of this section apply to projects at one site or two or more adjoining sites in common ownership or under common control within a period of five years from the first date of application for any special or building permit for construction on the lot or lots, or for the 12 months immediately preceding the date of application for any special permit or building permit. An applicant for residential development shall not segment or divide or subdivide or establish surrogate or subsidiary entities to avoid the requirements of Section 5.11.11. Where the City Council determines that this provision has been violated, a special permit will be denied. However, nothing in Section 5.11 prohibits phased development of a property.
- D. 100% Deed-Restricted Affordable Developments. Any proposed residential or mixed-use development that consists of 100% deed-restricted affordable units up to 110% of AMI is not subject to Section 5.11.4.B; however, projects of this type are subject to all other applicable sections of this ordinance.
- E. Qualification of Tier 1 and Tier 2 Units as Local Action Units. All Inclusionary Units affordable to households at or below 80% of AMI must be qualified as 'Local Action Units' pursuant to the requirements of the Comprehensive Permit Guidelines of the Massachusetts Department of Housing and Community Development (DHCD), Section VI.C "Local Action Units," as in effect June 1, 2009 as the same may be amended from time to time, unless:
 1. The unit is exempted from this requirement by another provision of this Section 5.11; or
 2. The unit is exempted from this requirement by a provision included in a special permit authorizing the development, based on special circumstances applicable to that development, or based on changes in the DHCD regulations or guidelines.
- F. Tier 3 Units as Consistent with Local Action Units requirements. All Inclusionary Units affordable to households earning greater than 80% but less than or equal to 110% of AMI must be consistent with the requirements of 'Local Action Units' pursuant to the requirements of the Comprehensive Permit

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Guidelines of DHCD, Section VI.C “Local Action Units,” as in effect June 1, 2009 as the same may be amended from time to time, unless:

1. The unit is exempted from this requirement by another provision of this Section 5.11; or
2. The unit is exempted from this requirement by a provision included in a special permit authorizing the development, based on special circumstances applicable to that development, or based on changes in the DHCD regulations or guidelines.

5.11.4. Mandatory Provision of Inclusionary Units

- A. **Inclusionary Unit Tiers.** Inclusionary Units are divided into three tiers based on their level of affordability. Tier 1 represents units affordable to households at or below 50% of AMI; Tier 2 represents units affordable to households greater than 50% of AMI, but at or below 80% of AMI; and Tier 3 represents units affordable to households greater than 80% of AMI, but at or below 110% of AMI.
- B. **Number of Inclusionary Units Required.** The percentage of required Inclusionary Units in a proposed development is based on the total number of new units proposed on any parcel or contiguous parcels comprising a proposed development site, and whether the units are rental or ownership.
 1. Where the inclusionary zoning requirement results in a fraction of a unit greater than or equal to 0.5, the development must provide one Inclusionary Unit to capture that fraction.
 2. Where the inclusionary zoning requirement results in a fraction of a unit less than 0.5, the development may choose to provide one Inclusionary Unit to capture that fraction or contribute a fractional cash payment to the City to cover the fraction of that Inclusionary Unit requirement. Fractional cash payment amounts are calculated based on the provisions of Section 5.11.5.
 3. All fractions are rounded to the nearest tenth.

The percentage requirement for applicable developments is based on the following table:

Tier Level	7-9 units		10-20 units		21-34 units		35-64 units		65-100 units		101+ units	
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner
Tier 1, up to 50% AMI	0.0%	0.0%	0.0%	0.0%	5.0%	0.0%	0.0%	0.0%	2.5%	0.0%	2.5%	0.0%
Tier 2, 51%-80% AMI	15.0%	15.0%	17.5%	5.0%	7.5%	10.0%	2.5%	7.5%	10.0%	10.0%	12.5%	12.5%
Tier 3, 81%-110% AMI	0.0%	0.0%	0.0%	10.0%	5.0%	7.5%	15.0%	10.0%	5.0%	7.5%	2.5%	5.0%

Illustrations:

➤ **31-unit rental development**

The required number of Inclusionary Units that must be provided on-site would be as follows:

- 5% at Tier 1 = 1.55; a total of 2 units at Tier 1

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- 7.5% at Tier 2 = 2.325; a total of 2 units at Tier 2 (plus a fractional cash payment – see Section 5.11.5.C.)
- 5% at Tier 3 = 1.55; a total of 2 units at Tier 3
- Total IZ Units Required On-Site: 6 inclusionary units on-site

➤ **16-unit ownership development**

The required number of Inclusionary Units that must be provided on-site would be as follows:

- 0% at Tier 1 = 0; a total of 0 units at Tier 1
- 5% at Tier 2 = 0.8; a total of 1 unit at Tier 2
- 10% at Tier 3 = 1.6; a total of 2 units at Tier 3
- Total IZ Units Required On-Site: 3 inclusionary units on-site

- C. For phased developments, each phase of the project must include a proportional number of the required Inclusionary Units.
- D. Incentives for Additional Inclusionary Units. An Inclusionary Housing Project that includes more than the required number of Inclusionary Units shall be awarded bonus market-rate units at a ratio of 2 to 1. For every additional Inclusionary Unit the applicant agrees to provide, the development will be awarded 2 additional market-rate units. The additional Inclusionary Units must be affordable to households at or below 80% AMI (Tier 2 units), and the total number of additional units proposed by an applicant must not exceed 20% of the number of units otherwise permissible on the lot under lot area per dwelling unit requirements.

Illustration:➤ **31-unit rental development**

Total IZ Units required to be built on-site: 6 inclusionary units (25 market-rate units and 6 inclusionary units):

- 5% at Tier 1 = 1.55; a total of 2 units at Tier 1
- 7.5% at Tier 2 = 2.325; a total of 2 units at Tier 2 (plus a fractional cash payment)
- 5% at Tier 3 = 1.55; a total of 2 units at Tier 3

The developer then chooses to provide 2 additional Inclusionary Tier 2 units, which provides the project with 4 additional market-rate units, for a total of 6 additional units.

The project now includes 37 total new units (29 market-rate units and 8 inclusionary units):

- 2 units at Tier 1
- 4 units at Tier 2
- 2 units at Tier 3
- = 8 total Inclusionary Units (out of 37 total units)

Note: the total number of additional units allowed for a project originally consisting of 31 units is 6; $20\% \times 31 = 6.2$; for a total of no more than 37 total new units, as the example demonstrates.

- E. Maximum Monthly Housing Costs, Sale Prices and Rents. Maximum sale price or rent for Inclusionary Units is calculated as affordable to a household with a number of household members

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equal to the number of bedrooms in a unit plus one, regardless of the actual number of persons occupying the unit.

1. Rental. Monthly housing costs, inclusive of rent, utility costs for heat, water, hot water, and electricity, 1 parking space, and including access to all amenities that are typically offered to a tenant in the building, such as access to an onsite gymnasium, and other such amenities, must not exceed 30% of the monthly income for the applicable eligible household, adjusted for household size. If the utilities are separately metered, they may be paid by the tenant and the maximum allowable rent will be reduced to reflect the tenants' payment of utilities, based on the area's utility allowance for the specific unit size and type, to be secured from the Newton Housing Authority. For a household with a Section 8 voucher, the rent and income are to be established by the Newton Housing Authority with the approval of HUD.

2. Homeownership. Monthly housing costs, inclusive of mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, hazard insurance, and 1 parking space, must not exceed 30% of the monthly income for the applicable eligible household, adjusted for household size.

a. Maximum Sale Prices. Maximum sale prices of Inclusionary Units shall be set so that a household earning 10 percentage points lower than the household income limit for that unit would not expend more than 30% of their monthly income for the cost of purchasing the housing.

b. Down Payment. Down payment must be at least 3% of the purchase price.

c. Mortgage Loan. Mortgage loan must be a 30-year fully amortizing mortgage for not more than 97% of the purchase price with a fixed interest rate that is not more than 2 percentage points above the current MassHousing interest rate.

d. Buyers will be eligible so long as their total housing cost including the services identified above do not exceed 38% of their income.

F. Notwithstanding the requirements of this Section 5.11.4, an Inclusionary Housing Project may set the price or rental rate for Inclusionary Units lower than what is required herein.

5.11.5. Cash Payment Option

As an alternative to the requirements of Section 5.11.4., an applicant may contribute a cash payment to the City's Inclusionary Housing Fund, in lieu of providing Inclusionary Units.

A. Eligibility. There are three circumstances in which the Inclusionary Unit requirements of Section 5.11.4 may be met through a cash payment instead of providing Inclusionary Units:

1. For Inclusionary Housing Projects that include the construction or substantial reconstruction of 7 to 9 dwelling units; or

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2. By special permit from the City Council where the Council makes specific findings that there will be an unusual net benefit to achieving the City’s housing objectives as a result of allowing a cash payment rather than requiring the development of Inclusionary Units. The findings must include consideration of the appropriateness of the development site location for income-eligible households, including proximity to and quality of public transportation, schools, and other services; the current balance of the Inclusionary Housing Fund; and the purposes of this Section 5.11.

 3. For Inclusionary Housing Projects where the inclusionary zoning requirement results in a fraction of a unit less than 0.5, the applicant may contribute a fractional cash payment to the City to cover the fraction of that Inclusionary Unit requirement.
- B. Cash Payment Amount. The cash payment as an alternative to each required Inclusionary Unit, or fraction thereof, is based on a formula that utilizes the current Massachusetts Department of Housing and Community Development Index for “Total Residential Development Cost Limits” for Production Projects within Metro Boston. This index is updated annually through DHCD’s Qualified Allocation Plan (QAP) and serves as a maximum subsidy amount per unit for affordable housing projects seeking Federal Low-Income Housing Tax Credits (LIHTC) throughout the state.
1. For Inclusionary Housing Projects containing 10 or more units that receive a Special Permit to make such a payment, the total cash payment is determined by utilizing the following calculation:

Inclusionary Zoning Cash Payment Calculation:	
A = # of dwelling units in proposed project X Total IZ Percentage Requirement for project (Section 5.11.4.B.)	A
<i>Multiplied by</i>	
B = average of "Small Units" QAP index and "Large Units" QAP index for Production Projects in Newton	B
Total Cash Payment Due for Project	Equals A X B
<i>note: QAP = DHCD's Qualified Allocation Plan, as updated annually by DHCD</i>	

Illustrations:

Note: \$389,000 = the average of the “Small Units” index (\$379,000) and “Large Units” index (\$399,000) for Production Projects in Newton for 2018-2019, which falls within the Urban Area of Metro Boston category of the QAP

➤ **18-unit rental development**

- 17.5% Total IZ percentage requirement: 0.175 X 18 units = 3.15
- 3.15 X \$389,000
- = \$1,225,350 total cash payment

➤ **36-unit ownership project**

- 17.5% Total IZ percentage requirement: 0.175 X 36 units = 6.3
- 6.3 X \$389,000 = \$2,450,700 total cash payment

2. For Inclusionary Housing Projects with 7-9 units, the total cash payment is determined by utilizing the average of the “Small Units” index and “Large Units” index for Production

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Projects in Newton, as updated annually by DHCD, as the basis for the calculation (defined as B in the calculation presented in Section 5.11.5.B.1.); and the payment is then adjusted for the number of new units in the project, at a decreasing percentage.

- a. Total cash payment for a 7-unit project: 70% multiplied by the average of the “Small Units” index and “Large Units” index for Production Projects in Newton, as updated annually by DHCD (defined as B in the calculation presented in Section 5.11.5.B.1.)
- b. Total cash payment for an 8-unit project: 80% multiplied by B
- c. Total cash payment for a 9-unit project: 90% multiplied by B

Illustrations:

- **7-unit project:** 70% of \$389,000 = \$272,300 total cash payment
- **8-unit project:** 80% of \$389,000 = \$311,200 total cash payment
- **9-unit project:** 90% of \$389,000 = \$350,100 total cash payment

C. Fractional Cash Payment Amount. For Inclusionary Housing Projects that choose to make a fractional cash payment per Section 5.11.4.B.2., the fractional cash payment is equal to 5% of the average of the “Small Units” index and “Large Units” index for Production Projects in Newton, as updated annually by DHCD’s Qualified Allocation Plan, per decimal point of the resulting fraction (rounded to the nearest tenth), per Inclusionary Unit Tier, up to a maximum fractional cash payment per project of \$160,000.

Illustrations:

Note: $5\% \times \$389,000 = \$19,450$

- **48-unit rental development**
The Total Inclusionary Zoning / Fractional Cash Payment requirement would be calculated as follows:

Tier 1: $48 \times 0\% = 0$

Tier 2: $48 \times 2.5\% = 1.2$, so the fractional requirement would be 0.2 ($2 \times \$19,450 = \$38,900$)

Tier 3: $48 \times 15\% = 7.2$, so the fractional requirement would be 0.2 ($2 \times \$19,450 = \$38,900$)

= Total IZ / Fractional Cash Payment Requirement for Project =

Tier 1: 0 Inclusionary Units

Tier 2: 1 Inclusionary Unit plus a Cash Payment of \$38,900

Tier 3: 7 Inclusionary Units plus a Cash Payment of \$38,900

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Which equals a total of 8 Inclusionary Units required on-site plus a total Fractional Cash Payment of \$77,800

- D. Payment Deadline. Any Inclusionary Unit cash payment must be paid in full to the City prior to the granting of any Certificate of Occupancy.
- E. Cash Payment Recipient. The cash payment is made to the City's Inclusionary Zoning Fund, to be distributed equally between the Newton Housing Authority and the City of Newton. These funds are to be targeted for the restoration, creation, and preservation of deed-restricted units affordable to households with annual gross income at or below 80% of AMI, to the extent practical. Appropriation of these funds for use by the City or the Newton Housing Authority shall first be approved by the Mayor and then the City Council. The Newton Housing Authority and the City must each maintain an ongoing record of payments to the fund on their behalf and the use of the proceeds for the purposes stated in this Section 5.11.

5.11.6. Off-Site Development

- A. Eligibility. Off-site Inclusionary Units are generally discouraged. The Inclusionary Unit requirements of Section 5.11.4 may be met through the off-site development of the required Inclusionary Units only by special permit from the City Council where the Council makes specific findings that there will be an unusual net benefit to achieving the City's housing objectives as a result of allowing the units to be built off-site. The findings must include consideration of the appropriateness of the development site location for income-eligible households, including proximity to and quality of public transportation, schools, and other services; consideration relative to the concentration of affordable units in the City; and consideration of the purposes of this section of the Ordinance, found in Section 5.11.1.
- B. Non-Profit Housing Developer Partnership. Any Inclusionary Housing Project that includes off-site Inclusionary Units must form a development agreement with a non-profit housing developer for the development of the off-site units.
- C. The applicant must submit a development plan for off-site development for review and comment by the Planning and Development Department prior to submission to the City Council. The plan must include, at a minimum, demonstration of site control, necessary financing in place to complete the off-site development or rehabilitation, an architect's conceptual site plan with unit designs and architectural elevations, and agreement that the off-site units will comply with Section 5.11.7.
- D. The off-site Inclusionary Units must have an equivalent level of accessibility as what would have been provided if the required units were to remain on-site.
- E. All off-site Inclusionary Units allowed by Special Permit must be completed and occupied no later than completion and occupancy of the applicant's market rate units. If the off-site Inclusionary Units are not completed as required within that time, temporary and final occupancy permits may not be granted for the number of market rate units equal to the number of off-site Inclusionary Units which have not been completed. Where the Council determines that completion of off-site inclusionary units has been delayed for extraordinary reasons beyond the reasonable control of the applicant and non-profit housing developer, the City Council may, in its discretion, permit the applicant to

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post a monetary bond and release one or more market rate units. The amount of the bond must be sufficient in the determination of the Planning and Development Department to assure completion of the off-site Inclusionary Units.

5.11.7. Design and Construction

In all cases, Inclusionary Units must be fully built out and finished dwelling units and comply with the requirements set out in in the Comprehensive Permit Guidelines of DHCD, Section VI.B.4. "Design and Construction Standards," as in effect June 1, 2009 as the same may be amended from time to time. Additionally, the following requirements shall apply to all Inclusionary Units:

- A. Inclusionary Units provided on site must be dispersed throughout the Inclusionary Housing Project and be sited in no less desirable locations than the market-rate units.
- B. Inclusionary Units must have exteriors that are indistinguishable in design and of equivalent materials to the exteriors of the market-rate units in the project.
- C. The bedroom mix of Inclusionary Units must be equal to the bedroom mix of the market-rate units in the Inclusionary Housing Project.
- D. The materials used and the quality of construction for inclusionary units, including heating, ventilation, and air conditioning systems, must be equal to that of the market-rate units in the Inclusionary Housing Project, as reviewed by the Planning and Development Department; provided that amenities such as designer or high-end appliances and fixtures need not be provided for Inclusionary Units.
- E. At a minimum, the Inclusionary Units must have an equivalent level of accessibility as that of the market-rate units.

5.11.8. Inclusionary Housing Plans and Covenants

The applicant shall submit an Inclusionary Housing Plan for review and approval by the Director of Planning and Development prior to the issuance of any building permit for the project. The plan must include the following provisions:

- A. A description of the proposed project and Inclusionary Units including, at a minimum, a breakdown of the total number of residential units in the project, including the number of market-rate units, Inclusionary Units, and accessible and adaptable units; floor plans indicating the location of the Inclusionary Units and accessible and adaptable units; the number of bedrooms and bathrooms per unit for all units in the development; the square footage of each unit in the development; the amenities to be provided to all units; the projected sales prices or rent levels for all units in the development; and an outline of construction specifications certified by the applicant.
- B. An Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP) that, at a minimum, meets the requirements set out in in the Comprehensive Permit Guidelines of the DHCD, Section III., Affirmative Fair Housing Marketing and Resident Selection Plan, as in effect June 1, 2009 as the same may be amended from time to time and:

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1. To the extent permitted by law, such plan must provide for a local preference for up to 70% of the Inclusionary Units in a project.
 2. Where a project results in the displacement of individuals who qualify for a unit in terms of household size and income, first preference must be given to those displaced applicants, unless such preference would be unallowable under the rules of any source of funding for the project.
 3. Where a project includes units that are fully accessible, or units that have adaptive features, for occupancy by persons with mobility impairments or hearing, vision or other sensory impairments, first preference (regardless of applicant pool) for those units must be given to persons with disabilities who need such units, including single person households, in conformity with state and federal civil rights law, per DHCD's Comprehensive Permit Guidelines, Section III., Affirmative Fair Housing Marketing and Resident Selection Plan, as in effect June 1, 2009 as the same may be amended from time to time.
 4. Prior to the marketing or otherwise making available for rental or sale any of the units in the development, the applicant must obtain the City's and DHCD's approval of the AFHMP for the Inclusionary Units.
- C. Agreement by the applicant that resident selection shall be conducted and implemented in accordance with the approved marketing and resident selection plan and Comprehensive Permit Guidelines of the DHCD, Section III., Affirmative Fair Housing Marketing and Resident Selection Plan.
- D. Agreement by the applicant that all Tier 1 and Tier 2 Units must be qualified as and all Tier 3 Units must be consistent with the requirements of 'Local Action Units' pursuant to the requirements of the Comprehensive Permit Guidelines of the DHCD, Section VI.C "Local Action Units," as in effect June 1, 2009 as the same may be amended from time to time, unless:
1. The unit is exempted from this requirement by another provision of this Section 5.11; or
 2. The unit is exempted from this requirement by a provision included in the special permit authorizing the development, based on special circumstances applicable to that development, or based on changes in the DHCD regulations or guidelines.
- E. Agreement by the applicant that all Inclusionary Units, including those affordable to households earning greater than 80% but less than or equal to 110% of AMI, must comply with the Use Restrictions requirements set out in in the Comprehensive Permit Guidelines of the DHCD, Section II.A.1.e. "Use Restriction," and Section VI.B.9. "Regulatory Agreement and Use Restrictions," and that the applicant shall execute and record an affordable covenant in the Registry of Deeds for the Southern District of Middlesex County or the Land Court Registry of Deeds for the Southern District of Middlesex County as the senior interest in title for each Inclusionary Unit and which shall endure for the life of the residential development, as follows:

For purchase units, a covenant to be filed at the time of conveyance and running in favor of the City of Newton, in a form approved by the City Solicitor, which limits initial sale and subsequent re-sales of Inclusionary Units to eligible households in accordance with provisions reviewed and

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approved by the Director of the Planning and Development Department which incorporate the provisions of this Section; and

For rental units, a covenant to be filed prior to the issuance of an occupancy permit and running in favor of the City of Newton, in a form approved by the City Solicitor, which limits rental of Inclusionary Units to eligible households in accordance with provisions reviewed and approved by the Director of the Planning and Development Department which incorporate the provisions of this Section.

- F. At the discretion of the applicant and with the agreement of the Newton Housing Authority, an agreement, in a form approved by the City Solicitor, to convey rental units to the Newton Housing Authority for sale or rental to eligible households.
- G. In the case of rental housing, an agreement by the applicant to submit an annual compliance report to the Director of Planning and Development, in a form approved by the City Solicitor, certifying compliance with the provisions of this Section 5.11.

5.11.9. Public Funding Limitation

An applicant may not use public development funds to construct Inclusionary Units required under Section 5.11. Public development funds means funds for housing construction or rehabilitation if provided through a program eligible to serve as a 'subsidy' under 760 CMR 56.00 Comprehensive Permit: Low or Moderate Income Housing. However, the applicant may use public development funds to construct Inclusionary Units that are found by the Director of Planning and Development to be consistent with the following:

- A. Those that represent a greater number of Inclusionary Units than are otherwise required by this subsection, and not receiving bonus market rate units according to Section 5.11.4.D;
- B. Those that are lower than the maximum eligible income limit for some or all Inclusionary Units by at least 10 percentage points below that stipulated in Section 5.11.2; and
- C. Those that exceed regulatory requirements in providing for persons having disabilities.

5.11.10. Elder Housing with Services

In order to provide affordable elder housing with services on-site, this section applies to all housing with services designed primarily for elders, such as residential care, continuing care retirement communities, assisted living, independent living, and congregate care. The base services to be provided must be an integral part of the annual housing costs, rent or occupancy related fee, must be comparable to the base services offered to all residents regardless of income status, and may include in substantial measure long-term health care, as well as nursing, home health care, personal care, meals, transportation, convenience services, and social, cultural, and education programs. This Section 5.11.11 does not apply to a nursing facility subject to certificate of need programs regulated by the Commonwealth of Massachusetts Department of Public Health or to developments funded under a state or federal program which requires a greater number of elder units or nursing beds than required here.

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- A. Definition of Elderly Households. For all such projects, an elderly household is defined as a single person who is 62 years of age or older at the time of initial occupancy; or two persons living together, where at least one of whom is 62 years of age or more at the time of initial occupancy.
- B. Number of Inclusionary Beds Required. For all such projects, 5% of beds provided on-site must be Inclusionary Beds designated affordable to elderly households with annual gross incomes up to 80% of AMI. Inclusionary Beds may be located in single-occupancy rooms, or in shared rooms. The Inclusionary Beds must be proportionately distributed throughout the site and must be indistinguishable from the market-rate beds.
- C. Monthly Housing and Service Costs. Total monthly housing costs, inclusive of rent or monthly occupancy fees and base services, may not exceed 80% of the eligible household's annual gross income. The services provided to these households must be comparable to the base services offered to all residents, regardless of income status, and must include long-term health care, nursing care, home health care, personal care, meals, transportation, convenience services, social, cultural, and educational programming, and the like.
- D. Use Restrictions. For all such projects, all Inclusionary Beds must be subject to an affordable covenant approved by the City Solicitor, executed by the City and the developer, and recorded at the Registry of Deeds for the Southern District of Middlesex County or the Land Court Registry of Deeds for the Southern District of Middlesex County.
- E. Tenant Selection. For all such projects, all Inclusionary Beds must be subject to an Affirmative Fair Housing Marketing and Resident Selection Plan to be approved by the Director of the Planning Department. To the extent permitted by law, such plan must provide for a local preference for up to 70% of the Inclusionary Beds in a project.
- F. Fractional Units. Where the inclusionary zoning requirement results in a fraction of a bed greater than or equal to 0.5, the development must provide one Inclusionary Bed to capture that fraction.
- G. Alternative Compliance. The applicant may choose to comply with their Inclusionary Zoning requirements through a cash payment to the City, without receiving a Special Permit granting permission to do so. The total cash payment for projects of this type is determined by utilizing DHCD's current Qualified Allocation Plan Index for "Single Room Occupancy / Group Homes / Assisted Living / Small Unit Supportive Housing", coupled with the calculation of 5% of the total number of beds provided in the project.

Illustrations:

➤ **115-bed assisted living project**

- 5% requirement X 115 = 5.75; therefore, 6 inclusionary beds are required on-site
- If this project were to choose to provide the City with a cash payment, rather than provide the beds on-site, the total cash payment would equal:
 - $5.75 \times \$259,000$ (DHCD's 2018 QAP Index for projects of this type)
= \$1,489,250 total cash payment

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➤ 85-bed continuing care retirement community

- 5% requirement X 85 = 4.25; therefore, 4 inclusionary beds are required on-site
- If this project were to choose to provide the City with a cash payment, rather than provide the beds on-site, the total cash payment would equal:
 - 4.25 X \$259,000 = \$1,100,750 total cash payment

5.11.11. No Effect on Prior or Existing Obligations

The requirements of Section 5.11 have no effect on any prior or currently effective special permit, obligation, contract, agreement, covenant or arrangement of any kind, executed or required to be executed, which provides for dwelling units to be made available for sale or rental to or by the City, the Newton Housing Authority, or other appropriate municipal agency, or any cash payment so required for affordable housing purposes, all resulting from a special permit under Section 5.11 granted prior to the effective date of this amendment.

5.11.12. Inclusionary Housing Program Reevaluation Requirement

The City shall initiate a reevaluation of the Inclusionary Housing Requirement at an interval of no more than 5 years from the time the Inclusionary Housing Requirement was last amended and every 5 years thereafter. Such reevaluation must include a report provided to the City Council reviewing factors such as changes in demographic characteristics and residential development activity, housing trends measured in terms of, but not limited to, vacancy rates, production statistics, prices for dwelling units, and affordability, and the relationship between Inclusionary Housing Projects and all housing in Newton. The Department of Planning and Development must also conduct an annual review and report on the Inclusionary Housing Program.

5.11.13. Effective Date

The requirements of Section 5.11 do not apply to any special permit (or in the event that a special permit is not required, any building permit) issued prior to the effective date of this amendment [*insert date (which shall mean a specified date after the amended ordinance is adopted by the City Council and signed by the Mayor)*].



Ruthanne Fuller
Mayor

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City of Newton Inclusionary Zoning Ordinance Guidebook (as of staff's most current updated proposal – 11/9/18)

1) What is Inclusionary Zoning?

Inclusionary Zoning is a popular tool used by local governments across the country to leverage private development for the creation of affordable housing. While ordinances take many forms, a common structure is to require a percentage of units in a private development be rented or sold at affordable levels to low- and moderate-income households (usually households at or below 80% of the Area Median Income, AMI).

2) When is a project subject to the Inclusionary Zoning ordinance provisions?

All residential and mixed-use developments that contain the construction or substantial reconstruction of 7 or more residential units are subject to the City's IZ provisions, regardless of the necessary approval process for that project. Existing residential units that are proposed to be demolished as part of a development are not considered in the inclusionary zoning requirement calculation.

Examples:

- A developer proposes to build a large multifamily development on two contiguous parcels. The project contains the construction of 20 new units, in four different buildings. There is an existing four-family building on one of the parcels, which the developer plans to demolish. This proposed development would be subject to the Inclusionary Zoning ordinance, based off a total of 20 units.

- A developer proposes to build a small multifamily development, containing the construction of 7 units in two different buildings. There is an existing two-family building on site, which the developer plans to demolish. This proposed development would be subject to the Inclusionary Zoning ordinance, based off a total of 7 units.

3) What is the Inclusionary Zoning requirement for projects subject to this ordinance?

The Inclusionary Zoning requirement is based on the total number of units proposed for a development and whether it is a rental or ownership project. The percentage of required inclusionary units to be built on site is divided into three affordability tiers: Tier 1 are units affordable to

households with annual gross incomes at or below 50% of the area median income (AMI); Tier 2 are units affordable to households with annual gross incomes greater than 50% AMI, but at or below 80% AMI; and Tier 3 are units affordable to households with annual gross incomes greater than 80% AMI, but at or below 110% AMI (middle-income units).

Where the IZ requirement results in a fraction of a unit greater than or equal to 0.5, the developer must build one inclusionary unit to capture that fraction.

Where the inclusionary zoning requirement results in a fraction of a unit less than 0.5, the developer may choose to provide one inclusionary unit to capture that fraction. Alternatively, the developer may contribute a fractional cash payment to the City to cover the fraction of that inclusionary unit requirement.

Tier 1 and Tier 2 inclusionary units must be qualified as 'Local Action Units' pursuant to the requirements of the Comprehensive Permit Guidelines of the DHCD and, therefore, must be SHI-eligible units. All projects subject to the Inclusionary Zoning requirements must enter in an affordable housing deed restriction with the City, and in most cases, a Regulatory Agreement between the City, DHCD (or relevant Subsidizing Agency) and the developer. These affordable housing covenants must be recorded in the Registry of Deeds and will endure for the life of the residential development.

The percentage requirement for applicable developments is based on the following table:

Number of Inclusionary Units Required												
Tier Level	7-9 units		10-20 units		21-34 units		35-64 units		65-100 units		101+ units	
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner
Tier 1, up to 50% AMI	0.0%	0.0%	0.0%	0.0%	5.0%	0.0%	0.0%	0.0%	2.5%	0.0%	2.5%	0.0%
Tier 2, 51%-80% AMI	15.0%	15.0%	17.5%	5.0%	7.5%	10.0%	2.5%	7.5%	10.0%	10.0%	12.5%	12.5%
Tier 3, 81%-110% AMI	0.0%	0.0%	0.0%	10.0%	5.0%	7.5%	15.0%	10.0%	5.0%	7.5%	2.5%	5.0%

Number of Inclusionary Units Required: Project Examples												
Tier Level	7 units		16 units		24 units		47 units		78 units		225 units	
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner
Tier 1, up to 50% AMI	0	0	0	0	1	0	0	0	2	0	6	0
Tier 2, 51%-80% AMI	1	1	3	1	2	2	1	4	8	8	28	28
Tier 3, 81%-110% AMI	0	0	0	2	1	2	7	5	4	6	6	11
Total	1	1	3	3	4	4	8	9	14	14	40	39

Examples:

➤ **31-unit rental development**

The required number of Inclusionary Units that must be provided on-site would be as follows:

- 5% at Tier 1 = 1.55; a total of 2 units at Tier 1
- 7.5% at Tier 2 = 2.325; a total of 2 units at Tier 2 (plus a fractional cash payment)
- 5% at Tier 3 = 1.55; a total of 2 units at Tier 3
- Total IZ Units Required On-Site: 6 inclusionary units on-site

➤ **16-unit ownership development**

The required number of Inclusionary Units that must be provided on-site would be as follows:

- 0% at Tier 1 = 0; a total of 0 units at Tier 1
- 5% at Tier 2 = 0.8; a total of 1 unit at Tier 2
- 10% at Tier 3 = 1.6; a total of 2 units at Tier 3
- Total IZ Units Required On-Site: 3 inclusionary units on-site

4) What is the “Area Median Income” in Newton and what does 50% AMI, 80% AMI, and 110% AMI mean?

Area Median Income, or “**AMI**” as it is referred to regularly, is the median family income, adjusted for household size, within a given metropolitan or non-metropolitan area, updated annually by the U.S. Department of Housing and Urban Development (HUD) and used to determine eligibility for most housing assistance programs.

For Newton, the HUD Area Median Family Income (HAMFI) is based on the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR (Fair Market Rent) Area Median income:

- **\$107,800**, or 100% AMI for a family or household of 4 persons, as detailed below in the FY 2018 Income Limits Summary Table for Newton, MA¹

50% AMI refers to a Low-Income Household whose annual gross income is at or below 50% of the area median income. In Newton, a household with 3 persons with an annual gross income at or below \$48,550 would be eligible for a housing unit designated at 50% AMI, as detailed in the table below.

80% AMI refers to a Moderate-Income Household whose annual gross income is greater than 50% AMI, but at or below 80% of the area median income (also referred to as 51%-80% AMI). In Newton, a household with 5 persons with an annual gross income at or below \$87,600 would be eligible for a housing unit designated at 80% AMI.

110% AMI refers to a Middle-Income Household whose annual gross income is greater than 80% AMI, but at or below 110% of the area median income (also referred to as 81%-110% AMI). In Newton, a household with 4 persons with an annual gross income at or below \$118,580 would be eligible for a housing unit designated at 110% AMI.

At times, these middle-income units are also referred to as Workforce Housing. HUD defines Workforce Housing as housing affordable to households earning between 80% and 120% AMI. The Massachusetts Housing Finance Agency (MassHousing), however, defines Workforce Housing as units affordable to households with incomes greater than 60% AMI and up to 120% AMI.

¹ FY 2018 Income Limits Documentation System, Newton City FY 2018 Income Limits Summary:
<https://www.huduser.gov/portal/datasets/il/il2018/2018summary.odn>

FY 2018 Income Limits Summary - Newton, MA						
Income Level	Household Size					
	1	2	3	4	5	6
50% AMI	\$37,750	\$43,150	\$48,550	\$53,900	\$58,250	\$62,550
80% AMI	\$56,800	\$64,900	\$73,000	\$81,100	\$87,600	\$94,100
100% AMI	\$75,500	\$86,300	\$97,100	\$107,800	\$116,500	\$125,100
110% AMI	\$83,050	\$94,930	\$106,810	\$118,580	\$128,150	\$137,610

5) When is a project that is subject to the Inclusionary Zoning ordinance allowed to make a cash payment to the City in lieu of building inclusionary units on site?

Developments with 7-9 units may choose to make a cash payment to the City in lieu of building the inclusionary units on site, without receiving permission from the City Council through the Special Permit process.

For projects that fall outside of the 7-9 units category, payments-in-lieu are only allowed through the Special Permit process where the City Council makes specific findings to an “unusual net benefit to allowing a fee rather than the inclusionary units.”

For projects where the inclusionary zoning requirement results in a fraction of a unit less than 0.5, the developer may contribute a fractional cash payment to the City to cover the fraction of that inclusionary unit requirement, without receiving permission from the City Council through the Special Permit process.

6) How are cash payments determined for projects that are allowed or receive permission to make such payments to the City?

The total cash payment is determined by utilizing the most current Massachusetts Department of Housing and Community Development’s (DHCD) Qualified Allocation Plan’s (QAP) “Total Residential Development Cost Limits” Index:²

- **\$389,000** (2018-2019 QAP): the average of the “Small Units” index (\$379,000) and “Large Units” index (\$399,000) for Production Projects in Newton, which falls within the Urban Area of Metro Boston category of the QAP

These Total Residential Development Cost Limits are published annually through the Commonwealth of Massachusetts Department of Housing and Community Development’s Low Income Housing Tax Credit Program Qualified Allocation Plan.³ The cost limits reflect project type and location and are based on the Massachusetts Housing Partnership’s (MHP) extensive research on behalf of DHCD.⁴

² From the Commonwealth of Massachusetts Department of Housing and Community Development’s Low Income Housing Tax Credit Program 2018-2019 Qualified Allocation Plan, Appendix C, <https://www.mass.gov/files/documents/2018/04/26/20182019QAP.pdf>

³ DHCD is the Massachusetts allocating agency for the Low Income Housing Tax Credit (LIHTC) program, which has helped support the production or preservation of over 67,000 affordable multifamily rental units since the program’s beginnings

For projects with 7-9 new units, the total cash payment is determined by utilizing \$389,000 as the basis for the calculation. The payment is then adjusted for the number of new units in the project, at a decreasing percentage.

Examples:

- 7-unit project: 70% of \$389,000 = \$272,300 total cash payment
- 8-unit project: 80% of \$389,000 = \$311,200 total cash payment
- 9-unit project: 90% of \$389,000 = \$350,100 total cash payment

For projects with 10 or more new units, which have received permission from the City Council to make a cash payment to the City in lieu of building the inclusionary units requirement on site, the total cash payment is determined by utilizing \$389,000 per unit as the basis for the calculation. The payment is then adjusted based on the total percentage requirement for a project of that size and type (rental versus ownership), as detailed in the following calculation:

Inclusionary Zoning Cash Payment Calculation:	
A = # of dwelling units in proposed project X Total IZ Percentage Requirement for project (Section 5.11.4.B)	A
Multiplied by	
B = average of "Small Units" QAP index and "Large Units" QAP index for Production Projects in Newton	B
Total Cash Payment Due for Project	Equals A X B
<i>note: QAP = DHCD's Qualified Allocation Plan, as updated annually by DHCD</i>	

Examples:

- 18-unit rental project
 - 17.5% total IZ percentage requirement: 0.175 X 18 units = 3.15
 - 3.15 X \$389,000 = \$1,225,350 total cash payment
- 36-unit ownership project
 - 17.5% total IZ percentage requirement: 0.175 X 36 units = 6.3
 - 6.3 X \$389,000 = \$2,450,700 total cash payment
- 88-unit rental project
 - 17.5% IZ requirement: 0.175 X 88 units = 15.4
 - 15.4 X \$389,000 = \$5,990,600 total cash payment

For projects that choose to make a fractional cash payment, the fractional cash payment is equal to 5% of \$389,000, per decimal point of the resulting fraction (rounded to the nearest tenth), per Inclusionary Unit Tier, up to a maximum fractional cash payment per project of \$160,000.

in 1987. Each year, the state allocating agency for the Low Income Housing Tax Credit is required to publish a plan describing how it intends to award the credit, including selection criteria for projects receiving tax credit allocations.

⁴ To develop these cost limits, MHP researched the costs of hundreds of rental projects over a four-year timeframe in DHCD's and MHP's portfolio, and assessed multiple variables, including the cost of production versus preservation; family housing versus senior housing or special needs housing; regional variations in cost; and variations based on construction type. The cost limits, first introduced into DHCD's 2017 tax credit QAP, apply to all rental housing funded by the Massachusetts public lenders. The cost limits are to be reviewed annually and will be part of the Massachusetts public lenders' ongoing efforts to manage costs.

Example:

Note: $5\% \times \$389,000 = \$19,450$

- 48-unit rental development

The Total Inclusionary Zoning / Fractional Cash Payment requirement would be calculated as follows:

- Tier 1: $48 \times 0\% = 0$
- Tier 2: $48 \times 2.5\% = 1.2$, so the fractional requirement would be 0.2 ($2 \times \$19,450 = \$38,900$)
- Tier 3: $48 \times 15\% = 7.2$, so the fractional requirement would be 0.2 ($2 \times \$19,450 = \$38,900$)

= Total IZ / Fractional Cash Payment Requirement for Project =

Tier 1: 0 Inclusionary Units

Tier 2: 1 Inclusionary Unit *plus* a Cash Payment of \$38,900

Tier 3: 7 Inclusionary Units *plus* a Cash Payment of \$38,900

Which equals a total of 8 Inclusionary Units required on-site plus a total Fractional Cash Payment of \$77,800

7) Are projects that consist of 100% deed-restricted affordable units subject to the Inclusionary Zoning ordinance provisions?

The short answer is no. Such projects are not required to comply with the prescribed percentage requirements per income level, as detailed in Section 5.11.4.B. of the ordinance – “Number of Inclusionary Units Required.” However, projects that are 100% deed-restricted affordable are still subject to all other sections of the ordinance. For instance, such projects are required to submit an Inclusionary Housing Plan and an Affirmative Fair Housing Marketing and Resident Selection Plan for review and approval by the Director of Planning and Development, and are subject to a Regulatory Agreement and Use Restrictions, which shall endure for the life of the development, and shall be recorded at the Registry of Deeds.

Examples:

- 24-unit rental project at 100% Tier 3 (81%-110% AMI)
 - This project would not be required to provide any units at Tier 1 or Tier 2
- 78-unit rental project at 85% Tier 3 and 15% Tier 2
 - This project would not be required to provide any units at Tier 1

8) Are “Elder Housing with Services” projects subject to the Inclusionary Zoning ordinance provisions?

Yes. However, such projects fall slightly outside of the Inclusionary Zoning requirements associated with all other residential and mixed-used developments that are subject to the provisions of the IZ ordinance.

The Inclusionary Zoning ordinance defines this type of project as housing with services designed primarily for elders, such as residential care, continuing care retirement communities, assisted living,

independent living, and congregate care. The ordinance does not apply to nursing homes subject to regulations by the state of Massachusetts Department of Public Health. Nor does the ordinance apply to Elder Housing with Services projects that are 100% deed-restricted, affordable.

Under the Inclusionary Zoning ordinance, 5% of the total number of beds provided as part of an Elder Housing with Services project must be affordable for seniors age 62 or older whose annual gross incomes are at or below 80% AMI. Where the IZ requirement results in a fraction of a unit greater than or equal to 0.5, the developer must provide one inclusionary bed to capture that fraction.

Inclusionary beds may be located in single-occupancy rooms or in shared rooms; must be proportionately distributed throughout a project; and must be indistinguishable from the market-rate beds.

The total monthly housing costs, inclusive of base services, must not exceed 80% of the eligible senior's annual gross income. The services provided to these residents must be comparable to the base services offered to all residents, regardless of income status, and may include long-term health care, nursing care, home health care, personal care, meals, transportation, convenience services, and social, cultural and educational programs.

Alternatively, Elder Housing with Services projects may choose to meet their Inclusionary Zoning requirement through a payment-in-lieu, without receiving permission from the City Council through the Special Permit process. The total cash payment for projects of this type is determined by utilizing DHCD's Qualified Allocation Plan Index for "Single Room Occupancy / Group Homes / Assisted Living / Small Unit Supportive Housing" of \$259,000, coupled with the calculation of 5% of the total number of beds provided in the project.

Examples:

- 115-bed assisted living project:
 - 5% requirement X 115 = 5.75; therefore, 6 inclusionary beds are required on site
 - If this project were to choose to provide the City with a cash payment, rather than provide the beds on site, the total cash payment would equal:
 - $5.75 \times \$259,000 = \underline{\$1,489,250 \text{ total cash payment}}$
- 85-bed continuing care retirement community:
 - 5% requirement X 85 = 4.25; therefore, 4 inclusionary beds are required on site
 - If this project were to choose to provide the City with a cash payment, rather than provide the beds on site, the total cash payment would equal:
 - $4.25 \times \$259,000 = \underline{\$1,100,750 \text{ total cash payment}}$

9) What happens to the cash payments made to the City's Inclusionary Zoning Fund? How are these funds used, and by whom?

These cash payments are deposited into the City's Inclusionary Zoning Fund, which is distributed equally between the Newton Housing Authority (NHA) and the City of Newton. These funds are to be targeted for the restoration, creation, and preservation of deed-restricted units affordable to households with annual gross incomes at or below 80% AMI.

Appropriation of the funds for use by the City or the Newton Housing Authority must first be approved by the Mayor and then the City Council.

10) Does the City provide an incentive to developers that provide more affordable units than what is required by the Inclusionary Zoning ordinance?

Yes. If a project that is subject to the Inclusionary Zoning provisions includes more than its required number of inclusionary units, a bonus of additional market-rate units will be offered to the project at a ratio of 2 to 1: for every additional affordable unit proposed, the project will be allowed to include 2 additional market-rate units. The additional affordable units must be set at no more than 80% AMI (Tier 2 units), and the number of additional units shall not exceed 20% of the number of units otherwise allowed on the lot under lot area per dwelling unit requirements.

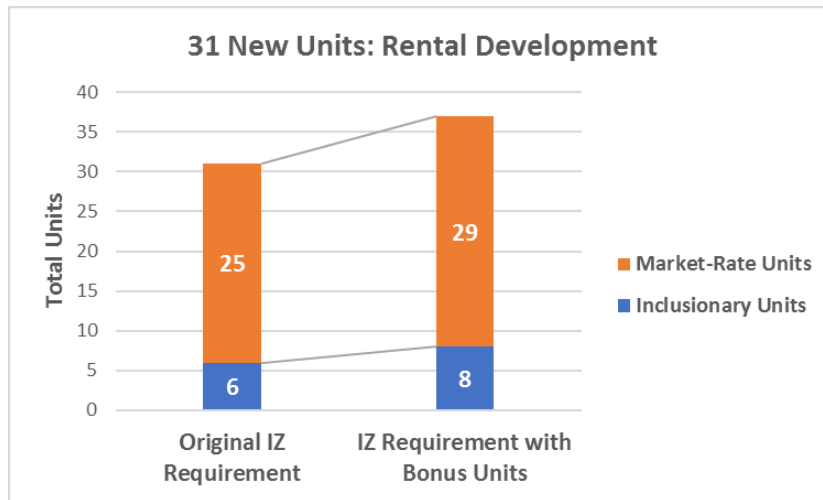
Examples:

- A developer proposes to build a multifamily rental development, containing a total of 31 units; therefore, the total IZ requirement for the development would be 6 inclusionary units: 25 market-rate units and 6 inclusionary units:
 - 5% at Tier 1 = 1.55; a total of 2 units at Tier 1
 - 7.5% at Tier 2 = 2.325; a total of 2 units at Tier 2 (plus a fractional cash payment)
 - 5% at Tier 3 = 1.55; a total of 2 units at Tier 3

The developer then chooses to provide 2 additional affordable Tier 2 units, which provides the project with 4 additional market-rate units, for a total of 6 additional units. The project now includes 37 total units: 29 market-rate units and 8 inclusionary units:

- 2 units at Tier 1
- 4 units at Tier 2
- 2 units at Tier 3
- = 8 total inclusionary units (out of 37 total units; for a project that is now 21.6% affordable)

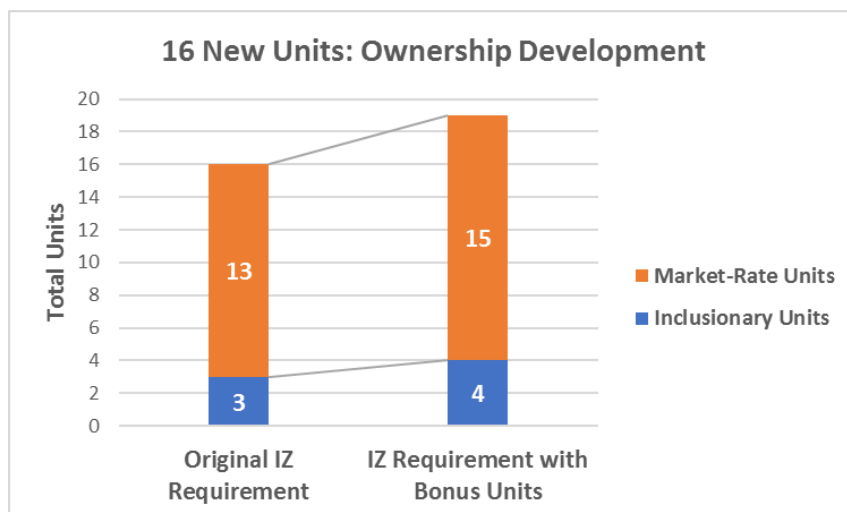
Note: the total number of additional units allowed for a project originally consisting of 31 new units is 6; $20\% \times 31 = 6.2$; for a total of no more than 37 total new units, as the example demonstrates.



- A developer proposes to build a multifamily ownership development, containing a total of 16 units; therefore, the total IZ requirement for the development would 3 inclusionary units: 13 market-rate units and 3 inclusionary units:
 - 0% at Tier 1 = 0; a total of 0 units at Tier 1
 - 5% at Tier 2 = 0.8; a total of 1 unit at Tier 2
 - 10% at Tier 3 = 1.6; a total of 2 units at Tier 3

The developer then chooses to provide 1 additional affordable Tier 2 units, which provides the project with 2 additional market-rate units, for a total of 3 additional units. The project now includes 19 total units: 15 market-rate units and 4 inclusionary units:

- 0 units at Tier 1
- 2 units at Tier 2
- 2 units at Tier 3
- = 4 total inclusionary units (out of 19 total units; for a project that is now 21% affordable)



11) How do the inclusionary units in a development differ from the market-rate units in terms of design, construction, location, accessibility, and amenities?

The inclusionary units in a development must be indistinguishable from the market-rate units as viewed from the exterior, and the inclusionary units must contain complete living facilities, including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, a microwave, and access to laundry facilities. The materials used and the quality of construction for the inclusionary units, including heating, ventilation, and air conditioning systems, must be equal to that of the market-rate units.

The bedroom mix of the inclusionary units must be equal to that of the market-rate units. The inclusionary units must be equivalent in size to that of the market-rate units, and the inclusionary units must meet the following minimum square footage and bathroom requirements, as required by DHCD's most current Comprehensive Permit Guidelines:

- 1 bedroom – 700 square feet / 1 bath
- 2 bedrooms – 900 square feet / 1 bath
- 3 bedrooms – 1200 square feet / 1 bath + 1 half bath
- 4 bedrooms – 1400 square feet / 2 baths

The inclusionary units, and their associated parking spaces, must be proportionately distributed throughout a project and must not be located in less desirable locations than the market-rate units.

At a minimum, the inclusionary units must have an equivalent level of accessibility to that of the market-rate units.

The inclusionary units must have equal access to all amenities that are offered to the market-rate units in a project, such as parking, onsite fitness center, laundry facilities, and community rooms.

12) How are the rents and sale prices for the inclusionary units in a project determined?

The total monthly housing costs associated with an inclusionary unit must not exceed 30% of the gross monthly income for the eligible household living in that unit.

Total monthly housing costs for rental units include rent, utility costs for heat, water, hot water, and electricity, one parking space, and access to all amenities that are typically offered to a tenant in the development, such as access to an onsite fitness center, laundry facilities, etc.

Total monthly housing costs for ownership units include the mortgage principal and interest, private mortgage insurance, property taxes, condo and/or homeowner's association fees, hazard insurance, and one parking space.

Step One:

The first step in calculating an inclusionary unit's maximum affordable rent or sale price is to identify the number of bedrooms in that unit. The rent or sale price is based on the number of household

members equal to the number of bedrooms in a unit plus one, regardless of the actual number of persons that end up occupying the unit.

Example:

- A 2-bedroom apartment's maximum affordable rent is based on a household size of 3 persons
 - 2 bedrooms + 1 = 3 person household

Step Two:

Secondly, the appropriate gross annual Income Limit for that unit, adjusted for the associated household size, must be identified. HUD publishes these limits on an annual basis, and the FY 2018 Income Limits Summary Table for Newton, MA⁵ is provided below.

FY 2018 Income Limits Summary - Newton, MA						
Income Level	Household Size					
	1	2	3	4	5	6
50% AMI	\$37,750	\$43,150	\$48,550	\$53,900	\$58,250	\$62,550
80% AMI	\$56,800	\$64,900	\$73,000	\$81,100	\$87,600	\$94,100
100% AMI	\$75,500	\$86,300	\$97,100	\$107,800	\$116,500	\$125,100
110% AMI	\$83,050	\$94,930	\$106,810	\$118,580	\$128,150	\$137,610

Examples:

- The income limit for a 2-bedroom apartment set at 50% AMI (3 person household size) is \$48,550.
 - This means that only those households with annual gross incomes at or below this limit would be eligible for this housing unit
- The income limit for a 3-bedroom apartment set at 110% AMI (4 person household size) is \$118,580.
 - This means that only those households with annual gross incomes at or below this limit would be eligible for this housing unit

Step Three – Rental Units:

Once the gross annual Income Limit associated with an inclusionary rental unit is determined, the maximum affordable annual rent can be easily determined by calculating 30% of that Income Limit and dividing by 12 to determine the maximum affordable monthly rent for an eligible household.

The table below demonstrates how the maximum gross rent for a 50% AMI unit is calculated.

⁵ FY 2018 Income Limits Documentation System, Newton City FY 2018 Income Limits Summary:
<https://www.huduser.gov/portal/datasets/il/il2018/2018summary.odn>

2018 Calculation of Maximum Affordable Rent - 50% AMI (all utilities included in rent)				
Unit Type	Household Size (# of BR + 1)	50% of Adjusted Median Family Income*	Monthly Income	Maximum Gross Rent (30% of income)
Studio	1	\$ 37,750.00	\$ 3,145.83	\$ 943.75
1 BR Unit	2	\$ 43,150.00	\$ 3,595.83	\$ 1,078.75
2 BR Unit	3	\$ 48,550.00	\$ 4,045.83	\$ 1,213.75
3 BR Unit	4	\$ 53,900.00	\$ 4,491.67	\$ 1,347.50
4 BR Unit	5	\$ 58,250.00	\$ 4,854.17	\$ 1,456.25
5 BR Unit	6	\$ 62,550.00	\$ 5,212.50	\$ 1,563.75

The following table is a summary of the 2018 Maximum Affordable Rents for the City of Newton, broken out by Unit Type and AMI level.

2018 Maximum Affordable Rents, City of Newton (all utilities included in rent)				
Unit Type	Household Size (# of BR + 1)	50% AMI	80% AMI	110% AMI
Studio	1	\$ 943.75	\$ 1,420.00	\$ 2,076.25
1 BR Unit	2	\$ 1,078.75	\$ 1,622.50	\$ 2,373.25
2 BR Unit	3	\$ 1,213.75	\$ 1,825.00	\$ 2,670.25
3 BR Unit	4	\$ 1,347.50	\$ 2,027.50	\$ 2,964.50
4 BR Unit	5	\$ 1,456.25	\$ 2,190.00	\$ 3,203.75

Step Three – Ownership Units:

Once the gross annual Income Limit associated with an inclusionary ownership unit is determined, the maximum affordable sale price must be set so that a household earning 10 percentage points lower than the identified Income Limit for that unit would not spend more than 30% of its annual income on housing costs. For example, if an inclusionary unit is set at 80% AMI, the maximum sale price for that unit must be affordable for a household with an annual gross income of less than or equal to 70% AMI.

The down payment for the unit must be at least 3% of the purchase price. The mortgage loan must be a 30-year fully amortizing mortgage for not more than 97% of the purchase price with a fixed interest rate that is not more than 2 percentage points above the current MassHousing interest rate.

Below is an example of a maximum affordable sale price calculation for a 2-bedroom condo unit set at 80% AMI (for a 3 person household). The max sale price for this inclusionary unit would be \$222,000.

2018 Max Affordable Sale Price Calculator			
Ex: 2-bedroom affordable condo set at 80% AMI			
	80% AMI Limit	70% AMI Limit	
Sales Price	\$253,000	\$222,000	
5% Down payment	\$12,650	\$11,100	
Mortgage	\$240,350	\$210,900	
Interest rate	4.83%	4.83%	
Amortization	30	30	
Monthly P&I Payments	\$1,265.40	\$1,110.35	
Tax Rate	\$10.82	\$10.82	
monthly property tax	\$228	\$200	
Hazard insurance	\$84	\$74	
PMI	\$156	\$137	
Condo/HOA fees (if applicable)	\$84	\$74	
Monthly Housing Cost	\$1,818	\$1,596	
Necessary Income:	\$72,736	\$63,824	
Household Income:			
# of Bedrooms	2	2	
Sample Household size	3	3	
110% AMI Limit	\$100,375	\$100,375	
Target Housing Cost (110% AMI)	\$2,509	\$2,509	
10% Window	\$91,250	\$91,250	
Target Housing Cost (100% AMI)	\$2,281	\$2,281	
80% AMI/"Low-Income" Limit	\$73,000	\$73,000	
Target Housing Cost (80%AMI)	\$1,825	\$1,825	
10% Window	\$63,875	\$63,875	
Target Housing Cost (70%AMI)	\$1,597	\$1,597	

The following table is a summary of the 2018 Maximum Affordable Sale Prices for the City of Newton, broken out by Unit Type and AMI level.

2018 Maximum Affordable Sales Prices, City of Newton					
Unit Type	Household Size (# of BR + 1)	70% AMI	80% AMI	100% AMI	110% AMI
Studio	1	\$ 172,000	\$ 197,000	\$ 247,000	\$ 271,000
1 BR Unit	2	\$ 197,000	\$ 225,000	\$ 282,000	\$ 310,000
2 BR Unit	3	\$ 222,000	\$ 253,000	\$ 315,000	\$ 349,000
3 BR Unit	4	\$ 246,000	\$ 282,000	\$ 352,000	\$ 387,000
4 BR Unit	5	\$ 266,000	\$ 304,000	\$ 374,000	\$ 418,000

13) When is a project that is subject to the Inclusionary Zoning ordinance allowed to provide its inclusionary units requirement off site, at an alternative project site?

Off-site inclusionary units are generally discouraged by this ordinance, and are only allowed through the Special Permit process where the City Council makes specific findings to an “unusual net benefit to achieving the City’s housing objectives as a result of allowing the required units to be built off-site.”

Projects that receive such permission from the Council must form a development agreement with a non-profit housing developer for the development of the off-site affordable units. Off-site units must be completed and occupied no later than the project’s market-rate units and must provide an equivalent level of accessibility as what would have been provided if the required IZ units were to remain on-site.

14) What happens after an Inclusionary Housing project receives approval to move forward?

Prior to receiving a Building Permit from the City, the developer must submit a draft Inclusionary Housing Plan for review and final approval by the Director of Planning and Development. The plan must include, among other elements, a description of the proposed project, the total number of market-rate and inclusionary units, floor plans indicating the location, size and number of bedrooms and bathrooms per unit for all the units in the project, and the projected rent levels and sale prices for all the units.

Additionally, the developer must also submit a draft Affirmative Fair Housing Marketing and Resident Selection Plan for review and final approval by the Director of Planning and Development. At a minimum, this plan must meet the requirements set out in the Comprehensive Permit Guidelines of the DHCD, and provide for a Newton local preference for up to 70% of the inclusionary units in a project.

15) How are inclusionary units marketed and occupied?

The inclusionary units must be marketed and occupied consistent with the City and DHCD (or the relevant Subsidizing Agency) approved Affirmative Fair Housing Marketing and Resident Selection Plan. Marketing may not take place for **any** units in the project until the City and DHCD have approved this plan.

The developer is responsible for carrying out this plan, and must contract with an entity that has substantial and successful prior experience in each component of the Affirmative Fair Housing Marketing and Resident Selection Plan.

To avoid discriminatory effects in violation of fair housing laws, resident selection for the inclusionary units must comply with DHCD’s approved lottery process for both the local preference and non-local preference units. The lottery process usually commences about six months prior to expected occupancy of the units.

The inclusionary units and market-rate units of a project must be occupied at the same time.



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: November 8, 2018

TO: Councilor Susan Albright, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning & Development
James Freas, Deputy Director of Planning & Development
Lily Canan Reynolds, Community Engagement Manager

SUBJECT: First Draft Vision Plan and Zoning Toolkit for Washington Street

MEETING DATE: November 14, 2018

CC: Planning & Development Board
City Council
Urban Design Commission

The Washington Street Vision Plan and Zoning is intended to be a plan for the improvement of the Washington Street area consistent with the community's hopes and values. Washington Street represents an area of tremendous opportunity where many public policy objectives can be achieved, including those for housing, economic development, transportation and environmental sustainability, but only if public investment is coordinated towards these objectives and private development is properly guided with clear expectations and rules. The objective for this meeting is to begin an ongoing dialogue with the Zoning and Planning Committee over the remainder of this project timeline.

On Wednesday, October 24, 2018 the City hosted approximately 300 people at Newton North High School for *Plan Open House* event. Following an introduction by Mayor Fuller, the consultant Principle Group and Planning Department staff presented the first draft of the Vision Plan and Zoning Toolkit for Washington Street. The draft Vision Plan outlines ideas for the future of the areas on Washington Street – including West Newton, Newtonville, and up to Newton Corner; many of these ideas were initiated through study and dialogue with the community in June 2018 during Public Design Week.

The draft Vision Plan identifies how Washington Street currently has varying land uses – for example the differences between village centers and residential neighborhoods – and proposes a range of zoning tools on Washington Street to achieve the different outcomes. The **sector map** on pages 8 – 9 of the

draft Vision Plan shows early recommendations for different zones. The draft Zoning Toolkit highlights key features of potential zoning and a range of building types for Washington Street.

Several key sites within the study were selected for detailed study based on land use analysis and community input received to date. Illustrations and diagrams show options for the future of certain locations, including “Market-Driven”, “Courtyard” and “Incremental” development scenarios. The way these potential buildings handle parking is the most important factor in determining the building form. **Explanatory diagrams** of the parking requirements for the building scenarios, and pros and cons of how the scenarios may align with community goals are on pages 16 – 21 of the draft Vision Plan.

Site specific studies for key locations are on pages 22 – 71 including village center locations in West Newton, Newtonville, and near Crafts Street, as well as options for decking over the Mass Turnpike in Newtonville and West Newton.

An important theme of the draft Vision Plan is **balancing priorities**. Many ideas generated by the community during Public Design Week would involve significant investment in public infrastructure. Conceptual recommendations on how to make the Washington Street roadway a more functional east-west connection for Newton that encourages people of all ages to walk to shops and bike to nearby locations are listed in the document on page 73. In addition to a repaired Washington Street roadway, accessible MBTA stations that accommodate more frequent commuter rail service, and renewed parks and plazas are all community priorities for improving Washington Street neighborhoods for people now and in the future. **Cost estimates** for these potential public infrastructure improvements and ideas for how to pay for them are listed on pages 76 – 78. The draft Vision Plan considers how carefully considered future development, supported by zoning and strong policies, could contribute to paying for public infrastructure improvements that the City would otherwise unlikely be able to pay for on its own.

The first draft Vision Plan and first draft Zoning Toolkit documents have been uploaded online and placed in the library for a month-long period of community comment, which closes on December 2 at 5:00 p.m.

On November 14, 2018 members of staff and the Principle Group will present to the Zoning and Planning Committee. Subsequently, staff will have more detailed discussions with the Committee about sub-areas of Washington Street and the zoning tools being considered for each area, including West Newton on November 26th, 2018, Newtonville on December 10th, 2018, and Crafts Street on January 14th, 2019. In February 2019 the Principle Group will release the second draft of the Vision Plan and Zoning recommendations. This will also be followed by a month-long community comment period. The final documents are anticipated to be released in April 2019.

Attachments:

Attachment A – First Draft Vision Plan for Washington Street

Attachment B – First Draft Zoning Toolkit for Washington Street

A Draft Vision for Washington Street

Hello Washington Street!

"Hello Washington Street!" is the City of Newton's initiative to plan the future of Washington Street in a proactive, community based process with residents, local businesses, and City Councilors, with the help of the city's planning consultant Principle Group. The thirteen-month process, started in April 2018 and is anticipated to go until May 2019, resulting in a vision plan and draft zoning recommendations for the areas that link West Newton to Newtonville and up to Newton Corner.

This document is the first draft of the vision plan for Washington Street. The following pages show site-specific options for the future of different geographic areas in the Washington Street study area. These options are presented here so that a wide range of people who live, work and play in Newton can review it and provide their input.

We are looking for comments on what you like in terms of the general shape and size of potential future buildings, the way parks and plazas could be arranged, the amount of investment available for improving key features of the area - such as the commuter rail stations and repairing the roadway design and streetscape of Washington Street - and building new housing options. For each sub-area in the plan, there are specific questions that we are looking for the community to weigh in on, to help inform future drafts of this plan.

The examples shown here are illustrations designed to show what may result in the future from the zoning rules and how parking may be handled. Accompanying this document is a first draft of the various zoning tools that can be used to help achieve the vision for Washington Street, which will also continue to be refined in future drafts.

WHAT IS NEXT?

The release of this draft will be followed by a month-long comment period. The options for different areas on Washington Street will be refined and narrowed based on the input of the community, elected officials, and further planning analysis. A second draft of the vision plan will be released in early 2019 showing recommended options for consideration by all members of the community. At that time new zoning recommendations, such as new districts and specific standards for new development, will be recommended and mapped onto the study area of Washington Street."

Balancing Priorities on Washington Street

The options for the future presented in this document are informed by research and analysis of ways to achieve as many community priorities as possible over time. However, not all priorities are achievable in any one option. Information about these trade-offs for Washington Street is found in the following section 2.1, and explained further throughout this document.

It is important to understand that different options provide varying amounts of potential investment in public benefits. For example, different options would result in community benefit funds that could pay for a new public park or make the commuter rail stations accessible, without having to rely on the public sector alone. Such private investment in public infrastructure also impacts the timeliness with which such improvements may be realized.

Navigating Community Priorities and Trade-Offs

MIXED-USE VILLAGE CENTERS WITH RAIL / BUS TRANSIT

The physical layout and characteristics of Newton's village centers are incredibly unique within the larger Metro-Boston region, characterized by their charming scale. Throughout this planning process, the community has consistently prioritized further enhancing West Newton, Newtonville, and Newton Corner, to help local retailers stay in place and thrive, and to provide people with better transportation alternatives as way to reduce the impacts of vehicular traffic on the villages. The community has a series of options when it comes to responding to change over time. Newton has long been desirable place to live, go to school, work, and locate businesses. In recent years, as the national economy has recovered strong from 2008 recession, development pressure has correspondingly increased in Newton. This planning process has considerations for responding to these changes over time, and ways to best develop the appropriate tools for it.

This Vision Plan includes a series of diagrams, site plans, and illustrations that show options for managing growth along Washington Street. The plan options in this draft work to strike a balance between preserving existing character, allowing new development that is informed by the context of the existing character, and utilizes new development to repair aging infrastructure, improve existing parks and squares, and create new public amenities that can further enhance the public life of these neighborhoods.

Higher-density new development around train stops would help make this area of Newton more attractive to office tenants, with the aim to provide housing and services close to these modes of transportation, while also supporting additional tax base to pay for infrastructure upgrades. This option might conflict with some community member's concerns related to the scale of development, but it would also meet a strong community desire to improve stations and better access to transit, at lower cost to Newton taxpayers.

BUILDING DENSITY

During the process, density has consistently been a key consideration for the community and honoring the desire for Newton to remain a tightly-knit community without the impacts that people typically associate with density - more traffic, high land values, higher taxes, and other negative implications for adding more people to the community. Planning options have weighed this community priority against other desires for improvements to Washington Street, such

as more public space, mitigating the impacts of the Turnpike, and improving commuter rail - goals which all require significant streams of funding to pay for the improvements. #220-18

The village-life that so many have referenced as essential to the future of Washington Street must keep in mind that villages, by their nature, are dense places that prioritize walking, human-activity, and public life over free-flowing automobile convenience. Density is also a particularly important component to both the aging and younger populations of Newton. Should Newton offer the full spectrum of housing for every stage of life, or should the City expect younger and older people to move away to find housing option in other communities? Currently, there is only a limited amount of housing close to dense nodes of activity that can provide for the various needs of a changing demographic. Building dense places, that achieve the right thresholds to deliver these characteristics, as well as other community benefits, is how Newton can produce the walkable places, the mix of uses, and the housing that the local population needs. Focusing development in areas that also have the potential to improve the village life of the neighborhoods will be essential when working to maintain the beloved character of the city.

Density does not necessarily require tall buildings. Dense places can be created with smaller scale buildings, but this form requires limited or no parking requirements or policies that support the creation of parking either underground or in centralized garages. **To create dense places without tall buildings, it is absolutely essential that large surface parking lots do not prevent the making of more habitable space, such as more housing, commercial, and civic space for humans.** Newton's parking regulations are thus directly tied to what building density looks like. A number of the illustrative plans have incorporated several new building arrangements into them, such as buildings arranged around a courtyard with integrated underground parking garages that can produce high density places at a scale that is more in keeping with Newton's traditional villages. These courtyard building groups can be found throughout the metro-Boston region in historic neighborhoods and have begun to be used in new construction in various regions throughout the United States. Reintroducing this historic building form to Newton will help balance many of the community's priorities, including human-scaled buildings, additional civic spaces, and right sized parking.

There is also an important relationship between density and rail transit. If Newton wants the rail service to be upgraded, at least some if not most of that cost will need to come from money collected from private development. Several of the illustrative plans show how dense

new projects with limited, strategically located taller buildings in walking distance to transit and Village centers could help finance rail service upgrades while breathing more life into the villages and the retail activities here.

BUILDING SCALE

Two buildings with the same number of residential units, the same amount of commercial space on the ground floor, and the same number of on-site parking spaces can have two entirely different building scales. The perception of scale of a building is affected by a number of elements working together: the massing or bulk size of the building, the composition of the facade including the number and arrangement of windows and doors, the ratio of wall area that is solid versus the area of openings (windows, storefronts, doors) along the elevations of the buildings, using building materials with a smaller profile or increment (e.g. clapboards and brick versus fiber cement panels) and the length of the building. For example, large buildings can be designed to be compatible with surrounding smaller buildings if the lower floors of a building align with adjacent building heights, but upper floors step back. Breaking up the length of a building also can have the effect of reducing the perception of scale. Controlling for scale is essential because it allows for a variety of types of buildings that can accommodate diverse uses to exist in harmony with one another. Developing zoning code standards that achieve a balance between maintaining existing neighborhoods and allowing transformative development in certain strategic locations will be key to managing the economic development that is possible along Washington Street.

Critical to the thinking behind several of the plan options illustrated in this draft is that buildings over 7 stories require high-rise construction standards, and as a result costs of construction significantly increase. For this reason, the plan recommends taller buildings in strategic locations to maximize public benefit, and includes direction on the appropriate physical form for these taller buildings. This choice may conflict with some community members' concerns related to the scale of development, though it would result in a significant number of affordable and accessible units available for families and individuals who currently live in Newton, and for future new residents.

EXISTING AND NEW PUBLIC SPACES

#220-18

People want new public spaces including civic spaces and improvements to streets for walkability and improved quality of living. New public spaces and upgrades to existing streetscapes cost money and are competing for funding against other essential municipal infrastructure improvements like road maintenance. Currently, there is a large amount of land that is either underutilized or is designed poorly and that could be repaired to support higher quality public life. These range from places such as Captain John Ryan Memorial Park to Walker Street Park (the landscape area that exists on the south side of Washington Street between Eddy Street and Walker Street). This also includes the extra pavement areas where streets are simply oversized for their function and could be redesigned to give back land to other public uses such as pocket parks, plazas, or wider sidewalks. New public spaces can also be created through the smart redevelopment of sites along Washington Street.

Several of the plan options illustrate a future that provides significant new civic spaces along Washington Street in the form of new parks, squares, courtyards, and plazas. This option involves saying yes to more development to fund the construction and maintenance of these new spaces. This development pattern gives priority to taller buildings to make room for the new open spaces. At the same time, these new spaces help to soften the edges between new development and existing buildings. This option also looks at how to utilize new public space to mitigate the effects of the turnpike on the surrounding neighborhoods.

HOUSING AND AFFORDABLE HOUSING

Washington Street has the capacity to accommodate additional housing growth in a number of locations, giving Newton's residents diverse housing choices including much sought after affordable and elevator accessible units close to transit. During the Public Design Week many participants expressed a strong desire to see greater housing diversity including housing for low to middle income families and individuals, older adults hoping to age in place, young professionals looking to live close to transportation, and accessible housing options for people with disabilities.

MASS TURNPIKE IMPACTS

Residents want to mitigate the audible, visual, aesthetic and air quality impacts of the Mass Turnpike. At the lower cost end of the scale, the installation of a structural sound wall could help to reduce audible and visual impacts. This option does nothing to repair the north-to-south neighborhood structure that was damaged by the construction of the turnpike and its ramps. At the other end of the cost scale is decking the turnpike in strategic locations to reduce noise, hide the turnpike and connect the fabric of the neighborhoods with new public space improvements and potentially new development. This mitigation strategy is expensive, but allowing increased density could substantially offset the costs of this improvement.

PARKING

Parking is one of the most influential factors in the shape and size of a new building. If a new building is required to have a high number of parking spaces, the shape of the parking structure dictates the shape, size, and form of the building. Building parking is also extremely expensive, with a structured space costing roughly \$30,000 to \$50,000 per space. Making parking convenient and inexpensive induces demand for parking spaces and brings additional cars to Newton. When parking is prioritized through zoning, other priorities are sacrificed - buildings will be larger, housing will be more expensive, traffic will increase, and the character of the villages suffers. Additionally, valuable investment dollars go to building parking instead of expanding public transit. If the City chooses to eliminate required parking for new buildings, policies can be put in place to ensure that any existing and new parking is better managed. This includes pricing on-street parking spaces to ensure turnover and the availability of convenient spaces, requiring shared parking to minimize empty surface lots and garages, and transportation demand management strategies to encourage alternatives to single occupancy vehicles.

HISTORIC PRESERVATION

#220-18
A number of buildings along Washington Street and in the villages of West Newton, Newtonville and Newton Corner are not subject to historic preservation mechanisms. The plan options in this draft explore a future that works to preserve unprotected historic and heritage buildings. While this option seems to reflect a value held by some members of the community, this option carried out to its full extent may conflict with other community goals related to generating tax base, providing more public spaces, creating new housing and accessible, affordable housing, especially if one story buildings are preserved in their entirety, preventing a return to the multi-story buildings that were common in Newton's villages at the turn-of-the-century. There will need to be zoning and programmatic tools to help owners of these properties access resources to upgrade and rehabilitate their buildings, and regulatory controls put in place to guide how to add to these buildings or develop these lots in a way that preserves the older buildings.

FUNDING PUBLIC INFRASTRUCTURE IMPROVEMENTS

The plan options considered throughout the process have attempted to carefully balance the fiscal implications of how various levels of density relate to taxable value that not only ensures positive net fiscal impacts for the city, but also provides additional revenue. This plan provides options for achieving new investments in parks, street improvements, transit improvements, affordable housing, and other local goals. Funding all or even some of these improvements solely from tax dollars is extremely unlikely. There simply is not enough public revenue to make the improvements outlined in this document. However, recent mixed use developments in the Washington Street area indicate the private sector is able and willing to contribute to public infrastructure improvements.

Preserve, Enhance and Enable

Now and throughout history, different areas along Washington Street have had unique building scales and uses. A key principle of this plan for Washington Street is treating each part of the street in a way that responds to its particular context and the vision generated by the community. This plan reflects many conversations with community members that have helped to identify which places should be maintained just as they are today, which places can be enhanced over time, and which places should change, with proper planning and local leadership looking carefully at these areas in particular to understand how to balance growth and other community goals.

AREAS UNDER SIGNIFICANT MARKET PRESSURE TO REDEVELOP

There are a number of sites that were identified as high risk areas, subject to the most pressure from development in the relatively near term. These areas happen to be largely located within or in close proximity to the village centers along Washington Street. These areas require careful and thoughtful planning to ensure that development occurs in a pattern and character that contributes to the existing context.

These are areas that can or will change because of a number of external factors, including the following:

- The City or community participants identified the sites as having special value and as sites worthy of careful management or reinvestment;
- Market pressure on the existing land use of a site. This is understood as the value difference between the current use and other potential uses for the site based on the surrounding land values and therefore suggests that the site is a likely candidate for market interest to redevelop the site;
- Through the planning team's research it is understood that the site's ownership is currently interested in the redevelopment of the site and that it is in the best interest of the community to illustrate how the site can accommodate as many of the goals of the Washington Street Vision Plan as possible.

PRESERVE THE SCALE OF THE NEIGHBORHOODS HIGH PRIORITY NOW #220-18

The community identified a number of areas where the existing character and context should be maintained in its current form, with potential for some minor incremental improvements over time. The Washington Street Vision Plan supports the community goal of reinforcing the existing residential pattern in these areas of Washington Street. This primarily includes areas where the residential neighborhoods meet Washington Street, providing soft, low-scale residential transitions between the village centers.

There were also some areas where more nuanced changes could be made within the next 5 to 20 years. This includes the edges of villages, where people clearly love the small town feel, but also recognize the



opportunity to make some improvements. In these areas, incremental changes and the addition of new small-scale building types could help strengthen the transition between the village centers and existing residential neighborhoods.

ENHANCE THE QUALITY OF THE VILLAGES

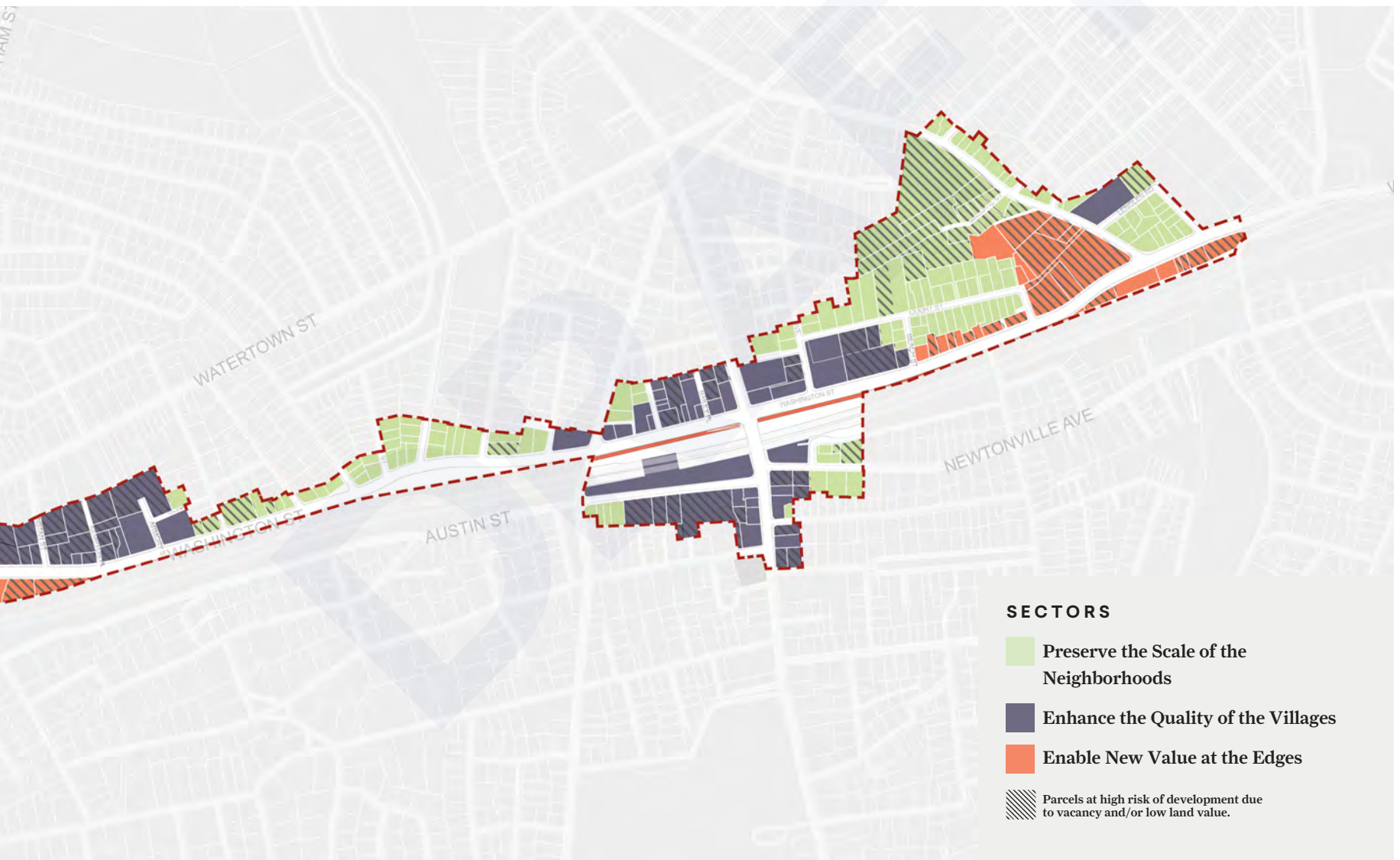
HIGH PRIORITY NOW

There community expressed a strong interest in preserving the integrity and quality of the village centers through careful investment. Priorities include maintaining local retailers by making upgrades to properties, not displacing these businesses, and respecting the scale of the villages.

ENABLE NEW VALUE AT THE EDGES #220-18

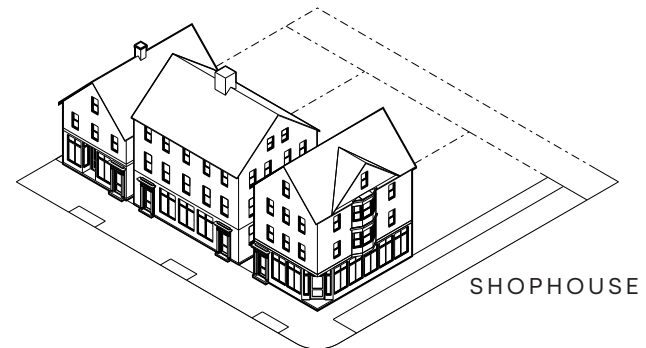
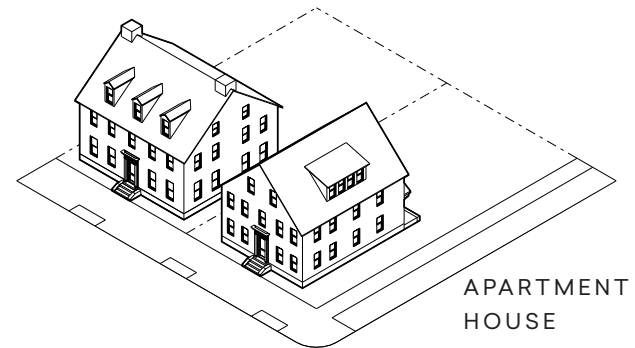
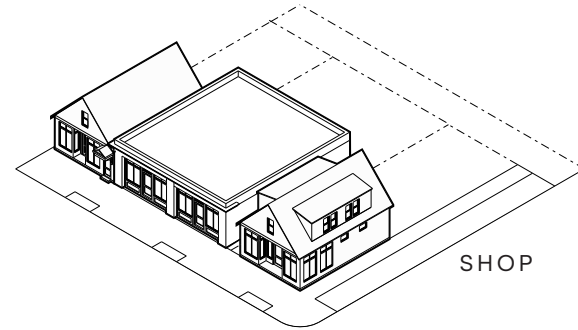
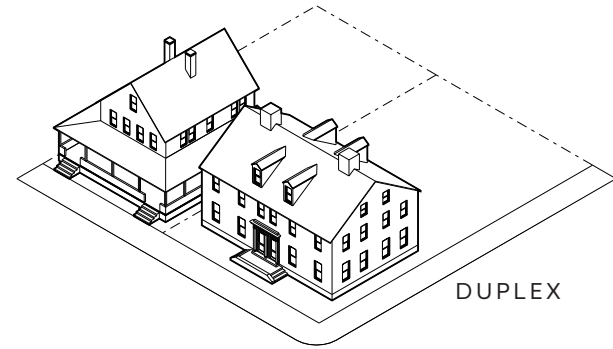
LONG-TERM VISION

There are areas along Washington Street that the community consistently expressed a love for the businesses but agreement that the form of the buildings could be greatly improved and better contribute to the fabric of the neighborhoods. This includes areas that are heavily frequented by the community, including the Whole Foods at Crafts Street, for example. This plan lays out options for greater transformation 10, 25, or more years into the future. These sites present potential long-term strategies for how to mitigate the impacts of the Turnpike, while also providing substantial opportunities for new jobs associated with office or bio-tech users, increased transit options, boosting the local tax base, and creating new public parks and plazas.





Several areas of Washington Street need to be more specifically zoned to not promote change. These areas need to be maintained so that the residential streets and homes continue to be friendly residential streets. These neighborhoods might even become better places for kids and aging seniors to live through the growth management and focused development along other portions of the Washington Street corridor. This plan envisions maintaining these sections of residential character in several ways. The first is through proper zoning that is directly connect to the desired character of these areas. The second is by creating smart transition between these locations and the areas that may see redevelopment in both the near and long term. These transition could be both in the form of new civic spaces or through the introduction of more “missing middle” types of buildings such as townhouses, triple deckers, and smaller apartment houses. Both of these strategies can also be used together a key locations. Overall the illustrative plans in this section are looking at how to protect or shape new development so that it maintains the existing character of these neighborhoods and residential portions of street.





Questions for the Community

Are the neighborhood preservation areas labeled correctly on the map?

If a home owner wants to make an alteration to their home, do you think a home should be built in its place, or would a small mixed-use building be appropriate?

What are the maximum number of stories that you think are appropriate in these areas?

Do you think small mixed-use buildings are appropriate in these areas?

In order to further refine and clarify the vision, this draft plan contains more options that will need to be carefully evaluated by everyone.

For several key sites along Washington Street, there are a number of options for consideration, including a "Market Driven" Option, a "Courtyard" Option, and an "Incremental" Option. Each option incorporates various community priorities to varying degrees, with an attempt to balance as many of the community's diverse goals as possible. More information on these choices are described on the following pages.

NEXT STEPS:

Throughout the planning process, the community has been asked to consider how best to balance various priorities in order to determine the preferred path forward. This draft plan continues this conversation and asks again for the community to weigh in on the vision for Washington Street, so that a final, preferred plan can be developed. This preferred option for Washington Street will directly inform the details of the new zoning the planning team is also preparing for Washington Street. The following pages contain a number of potential options that will help us further drill down to a preferred plan.



The areas identified below are detailed on the following pages, with both a "market driven" option that shows an example of what the current market might bring forward and one or more alternative plan options for further consideration by the community.



Community Instructions— Please Read

The illustrations contained on the following pages are not development proposals. They are meant to help the community decide how best to update existing zoning codes in order to direct future development in a pattern, form, and scale that is most appropriate for Washington Street.

Private landowners are currently allowed to remove existing buildings and to replace them with new development. The following illustrations show potential options for how the City can refine zoning so that any future development occurs in a way that responds to the community's desires.

As you read this document, you will notice dark blue boxes with questions about each development scenario. Please leave your comments online by calling 617.796.1120 or by going to www.newtonma.gov/washingtonstreetvision.

1. **An area identified as a place for likely redevelopment along Washington Street.**
2. **Photos of existing buildings today.**
3. **The area shown under various development scenarios, were they to be redeveloped in the future.**
4. **Sample images from built places that exhibit these development types.**

REDEVELOPMENT SCENARIOS

The three principal types of potential redevelopment scenarios that are explored on the following pages include:

- **The "market driven" option**
- **The "courtyard" option**
- **The "incremental" option**

In addition, options for decking a portion of the Mass Turnpike were explored for both West Newton and Newtonville.



The "Market Driven" Option illustrates the kind of project that the development community would typically bring forward in today's market. The current approach has yielded a limited number of projects that tend to be larger in scale. Often times projects are reviewed through a discretionary special permit process, where the outcomes are unpredictable for both the developer and the community. And the form of development is largely driven by regional and national development trends and preferences, characterized by large buildings wrapping parking garages, with a uniform building height and repetitive building design.

Several trends are occurring in the larger real estate development industry that are in direct opposition with what the Newton community has stated they desire for the future of Washington Street. The most significant of these trends is the demand for excessive amounts of parking, and allowing the geometry of the parking to dictate building size and form.

There are two ways in which buildings are typically constructed today, both of which are driven both by our cultural demand for parking, and often times reinforced by zoning regulations that require significant amounts of parking.

KEY FEATURES

- Continues to address new projects on a case-by-case basis.
- Prioritizes parking supply.
- Results in large buildings that often times fill entire block.
- Building size precludes publicly accessible space within the center of the block.

PROS

- Does not require community consensus.
- Can provide for affordable housing and market rate prices through efficiency of scale.
- Provides ample parking.

CONS

- Unpredictable results.
- Results in buildings that may not meet community goals.
- Excess parking yields more traffic.

The first building type common within the regional market is the lined parking garage, which includes a large above ground parking garage in the center of the block with a thin wrapper building along the perimeter that conceals the parking. The result is a building that is often times is the size of an entire city block. The second building type is a "podium building". This building is less expensive to build, with a single story of surface parking that is hidden from the street by a thin layer of retail or residential space on the ground floor, and additional floors that extend along the perimeter of the block.

Often times developers and architects try to disguise the size of the buildings through the use of surface treatments and material changes to mimic the appearance of smaller scale buildings. However, these attempts often fall flat and result in architectural forms that are not friendly to the scale and quality of the local neighborhood.

With both the lined parking garage and the podium building, we lose the opportunity to have smaller scale buildings and public spaces within the center of the block. This permeability is something that is an essential quality of well functioning neighborhood centers.

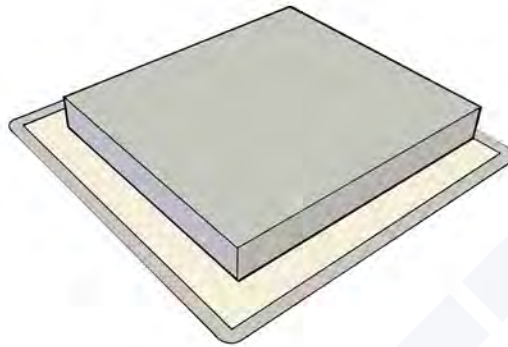
To avoid the large buildings and the large scale of development, it will be critical to both reduce parking requirements and to carefully control the size of buildings. But first, the city must directly manage parking and provide safe alternate options to the automobile as the primary mode of daily travel.

"Market Driven" Option Explanatory Diagrams



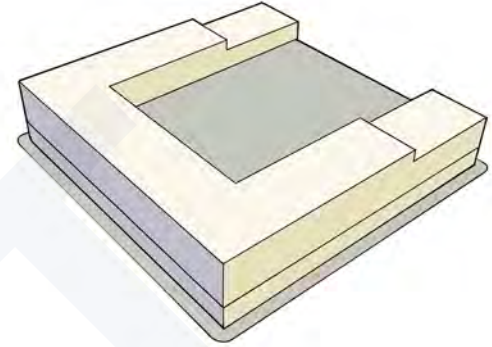
Lot

The properties assembled for a typical Market Drive project frequently become the size of an entire block. The building that results is sized to accommodate both the parking garage and the building that wraps around it. This building design is a result of zoning that mandates a high number of parking spaces. This results in a false sense of density, where much of the above ground volume of the building is for car storage and the resulting vertical sprawl.



Parking

It is common for these types of buildings to include an above ground parking structure. The ground level is wrapped on the first floor with a mix of uses in order to screen the parking from the street. Often times there are additional floors of parking above the ground floor, which also creates the need for additional perimeter floors to hide the additional parking.



Buildings

Because of the size of parking garage, the market driven building is typically quite large, with just one building per lot. The shape and massing of the building is fundamentally controlled by the shape of the structured parking within the interior of the building.

Precedent Images: built examples of the "Market Driven" Option





The "Courtyard" Option is a finer grain building form that is achieved by eliminating above ground parking and therefore eliminating the resulting megablocks. In this option, parking is required to be located in a large single-story below grade parking deck underneath the entire block. By putting all parking below grade, smaller buildings can then be arranged around a common courtyard. This "Courtyard" Option allows for the creation of street level public space such as small parks and plazas, which are relatively rare in the Boston region. In the context of Washington Street, these courtyard spaces would be more intimate spaces located within the center of the block and separated from the busy Turnpike and Washington Street. The courtyard arrangement also offers a secondary circulation network throughout the blocks, building on the somewhat organic pattern already found in West Newton and Newtonville.

There are a number of regional and national examples, both historic and contemporary, of buildings and blocks that are organized in this fashion resulting in truly unique spaces. An intentional approach to creating a series of these courtyard type spaces could help to shape an economic development strategy for the long term success of main street businesses and shape a unique form that builds energy along Washington Street.

KEY FEATURES

- Responds to the desire for smaller scale buildings.
- Provides significant new civic space in the center of blocks and unique retail opportunities.
- Requires the block to be developed at one time by one land owner in order to build a below-grade parking garage that services all buildings.

PROS

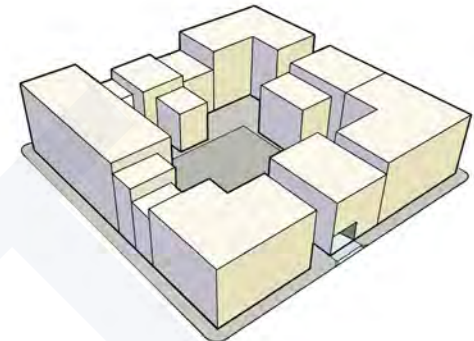
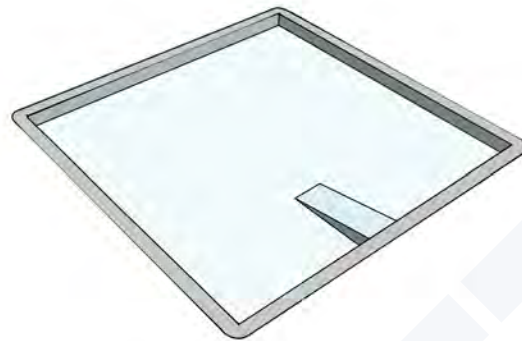
- Provides for a smaller scale form of development.
- Allows for underground parking.
- Provides public parks and plazas in the center of blocks.
- Because each courtyard block is developed as a large project by a single entity, affordable housing, parks, and other community benefits can be tied to development.

CONS

- Scale and site layout will still be informed by below-grade parking.
- Scale may still feel too big.
- Does not allow for incremental change.

Utilizing this traditional pattern of development integrated with the focus on local and independent retail offerings has the potential to result in a vibrant and diverse main street district. Retail and restaurant or cafes can occur both along Washington Street, but also extend into the courtyards of the new blocks providing a variety of types of retail experiences and outdoor dining opportunities. The most recognizable local example of this is the courtyard parking lot that is the front door to L'Arôme Cafe & Bakery in West Newton, which could be further improved as a public plaza and gathering space.

"Courtyard" Option Explanatory Diagrams



Lot

The "Courtyard" Option takes advantage of economies of scale and the ability to provide ample parking that a single, large lot can provide. It is similar to the market rate option, in that parking drives the size of the project and requires an entire block. However in this case, the parking is required to be located entirely below-grade, which allows the above-grade buildings to better respond to the scale and character desired by the community.

Parking

Unlike the "Market Driven" Option, parking is provided in a below-grade garage. This garage is accessible from a number of the buildings on the block, but with one or two common entrances from the street. Zoning can assist with this option by requiring reduced or no minimum parking requirements so that the below grade garage can be sized according to the specific needs of the project.

Buildings

The objective of this approach is to minimize the effects of parking storage on the scale of the buildings. There are still some fundamental relationships that the buildings will have with the parking below grade, but this strategy makes creating human-scaled buildings possible.

Precedent Images: built examples of the "Courtyard" Option





KEY FEATURES

- Allows for development to occur in an incremental, human-scale pattern either at once or over time.
- Parking is provided either in portions of the ground floors of buildings, under buildings, at the back of lots, or not at all.
- In order to help smaller buildings be financially feasible, by-right approval should be allowed.
- Center block open space is replaced with vehicle circulation and parking.

PROS

- Results in a smaller scale of development.
- Provides a highly desirable form of development unique in the regional market.

CONS

- Smaller scale projects are most costly to build and may not be feasible in the current real estate market.
- If buildings are too small and less dense, community benefits associated with other options may be reduced or eliminated.

The "Incremental" Option is based on the timeless tradition of building that led to the development of the region's historic town and village centers. At its core, this pattern of development is about allowing for many hands and many buildings to shape our communities. It's also fundamentally about building places that are human in scale, where the scale of buildings is determined by human needs and not by a requirement to park large numbers of cars.

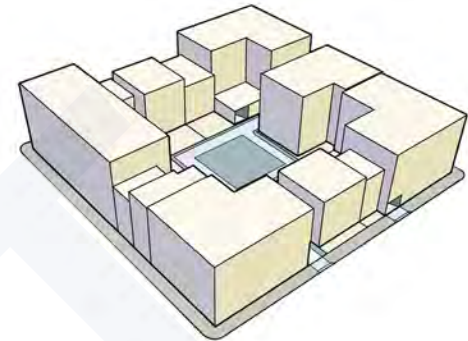
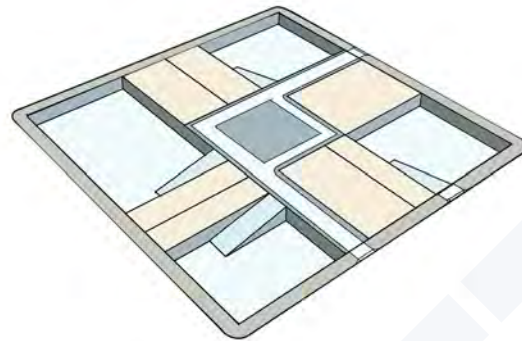
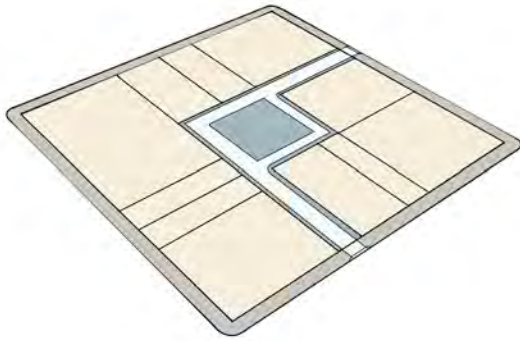
The incremental approach tips the scales in favor of buildings on smaller, individual lots. Instead of having one building that is the size of a block (the "Market Driven" Option), there would be 4 or more buildings of each block (similar to the "Courtyard" Option), but in this case, each building would be located on its own lot. This means that parking for each building would need to be solved independently by each land owner. In some cases, parking could be provided behind the building, or tucked under the back of the building. In some cases, parking might be located underground beneath the building. In other cases, there may not be room for parking, as is the case in many downtown locations, or a developer may decide to build housing that doesn't include dedicated spaces. In today's changing world,

more people are living with less of a reliance on cars, and there is an opportunity for Newton to attract these kinds of people - one benefit being that people with fewer cars will generate less additional traffic.

It is important to understand why the incremental approach to development is so rare in today's market. First of all, when buildings are smaller, there is less economy of scale, so the cost of the building is higher per square foot. With the combination of high land costs, such as those in Newton, and the current requirements for parking and other community benefits, it is very difficult to make this smaller-scale approach to development financially feasible.

In order to make small scale buildings a viable option that can be constructed, parking, and other community benefits must be weighed against the community's desire for this traditional and human-scale form of development.

"Incremental" Option Explanatory Diagrams



Lot

In the "Incremental" Option, a block is comprised of a number of individual lots. Each lot has its own buildings and must handle its own parking. The lots are typically serviced by shared alleys or lanes that provide access to the center of the block as well as the rear of lots.

Parking

Each building provides parking on its own lot or provides no parking at all. On larger lots (still significantly smaller than the Market Driven or Courtyard lots) buildings might have below-grade parking garages. Buildings might also accommodate parking in small surface lots behind buildings accessed from an alley. If zoning regulations support no parking minimums, the result might be that some buildings have no parking on-site or that parking is in shared lots or garages located somewhere else in the neighborhood.

Buildings

This option creates neighborhood "fabric" on a block that is comprised of a number of individual buildings that have the potential to be designed at a human-scale. This is able to occur when buildings have a limited relationship to the geometry of parking. Many historic neighborhoods, often times some of the most popular and vibrant places, were developed before zoning mandated parking, and in many cases provide relatively little parking on individual lots.

Precedent Images: built examples of the "Incremental" Option



West Newton: Cinema Block Development Scenarios



This predominantly retail block is the centerpiece of West Newton's commercial core. Occupied by many old and beloved buildings, the cinema is among the most iconic. Narrow shopfronts line most of the Washington Street frontage. The old West Newton Library building, which is currently being used by the Newton Police Department as an annex, and faces Chestnut Street. A pedestrian passageway

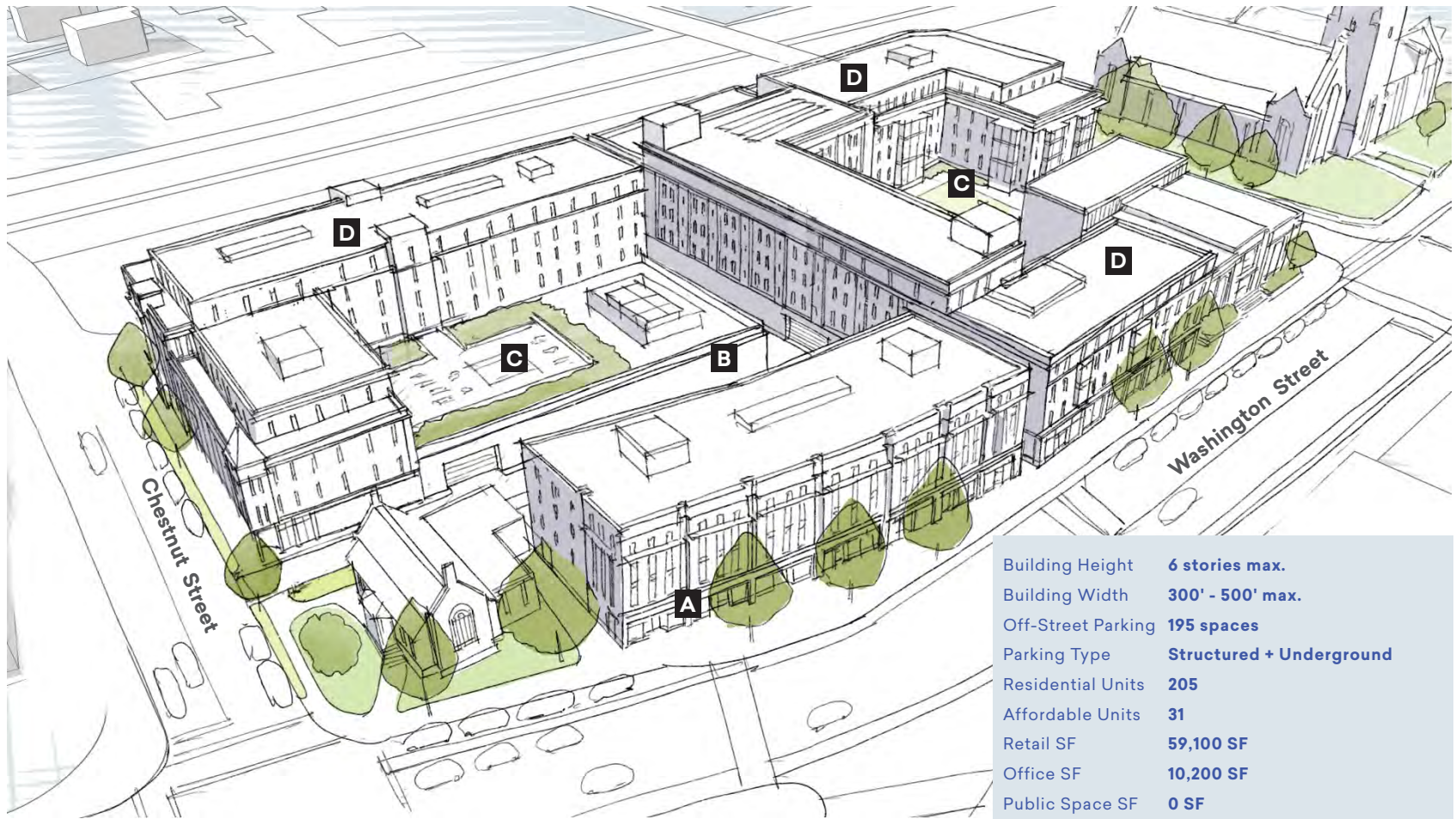
through the center of the block connects Washington Street with Davis Street, and provides access to retail space at the interior. In general, this block has changed very little over many decades.

Because the buildings on this block contribute greatly to the character of West Newton, there is a challenge to balance infill and redevelopment with the preservation of existing details that make this place special. Many portions of the block are occupied by surface parking and could easily accommodate small to medium sized infill buildings that would help to fill in gaps in the street wall. The interior passageway is a unique feature that can be enhanced to benefit current and future businesses.

WEST NEWTON: CINEMA BLOCK TODAY







Building Height	6 stories max.
Building Width	300' - 500' max.
Off-Street Parking	195 spaces
Parking Type	Structured + Underground
Residential Units	205
Affordable Units	31
Retail SF	59,100 SF
Office SF	10,200 SF
Public Space SF	0 SF

- A** The existing single-story retail buildings have been replaced with new development along Washington Street.
- B** Parking is above ground, in parking structures wrapped by new development.
- C** Newly created open spaces are exclusively for the private use of new residents, and are located at the interiors of building blocks, above structured parking.
- D** Three large new buildings occupy the bulk of the block, with little variety in height and architecture.

West Newton: Cinema Block "Market Driven" Option Precedent Images



Questions for the Community

How important are the existing buildings to you?

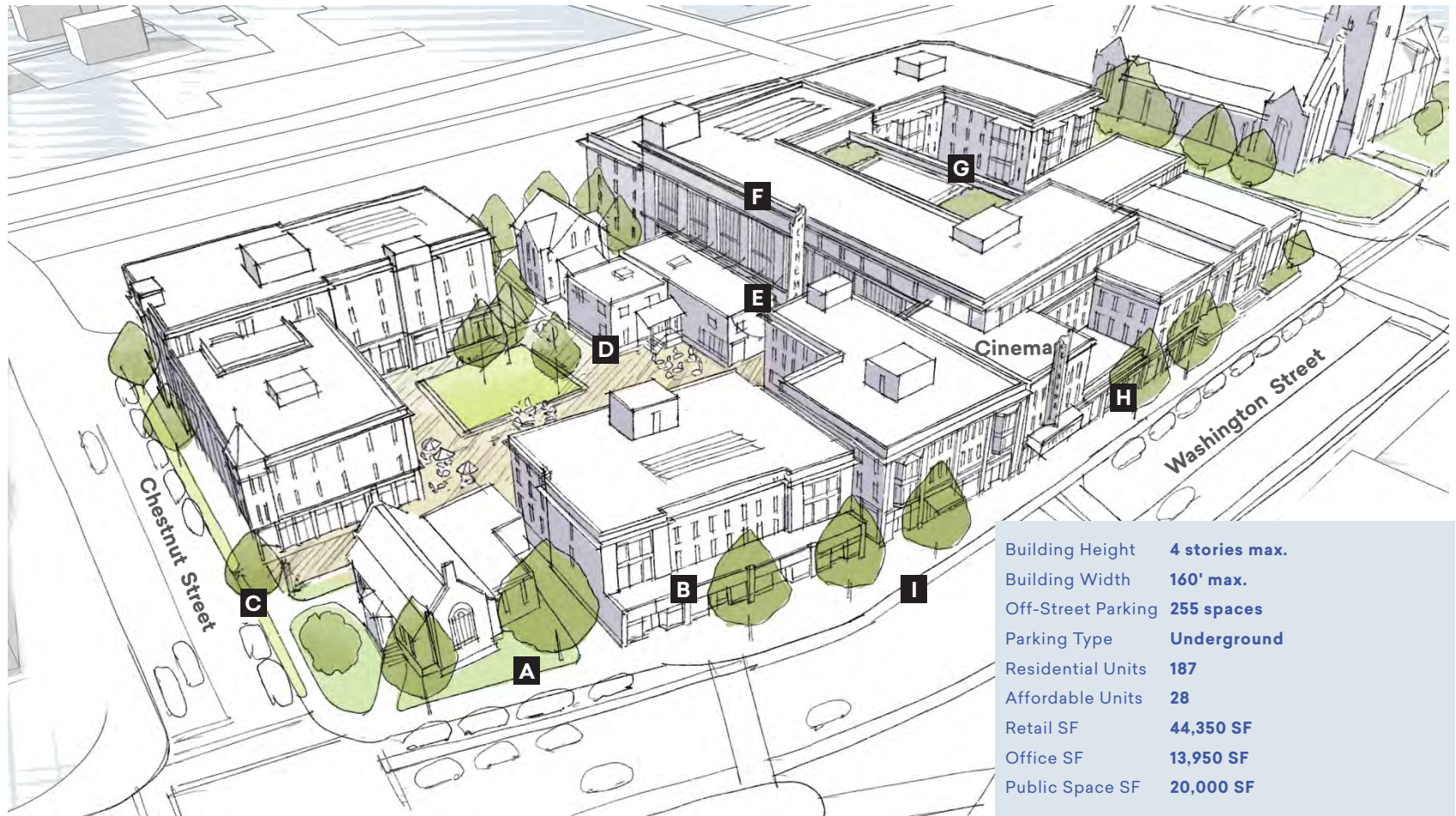
How important are the existing businesses to you?

How much height is appropriate on Washington Street at this location?

Assuming existing businesses remain in place or are incorporated into new development at this location, are the existing one-story buildings important to you?

As a way to protect the neighborhood from the highway, are you ok with six-story buildings against the highway at this location?

Do you want to have publicly accessible courtyards in the center of the block, creating spaces that are unique to Newton and outdoor location to bolster nearby small-scale businesses?



- A** Complex land ownership patterns on this block will inform how redevelopment will occur, making it more likely to develop in an incremental manner. For the purposes of this courtyard illustration, however, we have assumed several buildings will remain to show how this development pattern can accommodate more complex site conditions, including existing businesses and structures.
- B** The facades of the existing old retail buildings have been retained, with several stories of new development built far enough behind them so as to maintain the existing character of the street frontage along Washington Street.
- C** The existing Police Station Annex driveway is converted into a shared lane that provides clear and easy public access to the central courtyard.

- D** As future development occurs, smart policies and incentives that support local business will help keep those businesses either in place or incorporated into new development, providing in either situation the ability for those businesses to be enhanced and thrive.
- E** As a regional destination location for entertainment and the arts, the rebuilt West Newton Cinema complex could incorporate a variety of other cultural and arts uses into one facility. This secondary entrance from the courtyard to the cinema building can help to shape a unique pedestrian environment at the center of this block. This arrangement can also create a cozy, outdoor alley that provides easy access for patrons and the public to the underground parking structure incorporated into this redevelopment. This alley can also provide access to other studio spaces or cultural venues also incorporated into the redeveloped Cinema.

West Newton: Cinema Block "Courtyard" Option Precedent Images



- F** The redevelopment of the Cinema could incorporate other uses including housing or office on the upper stories.
- G** With shared parking now located in an underground garage, this part of the block can be redeveloped to provide more housing, retail or office uses as well as a second courtyard located inside the block that would add an additional public space for outdoor enjoyment, programming or al fresco eating.
- H** This design keeps the single-story facade of the building that contains the cinema in order to maintain the historic character along this portion Washington Street. This facade also incorporates a larger cinema marquee to further enhance this as an entertainment and cultural destination.
- I** Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.

Questions for the Community

How important are the existing buildings to you?

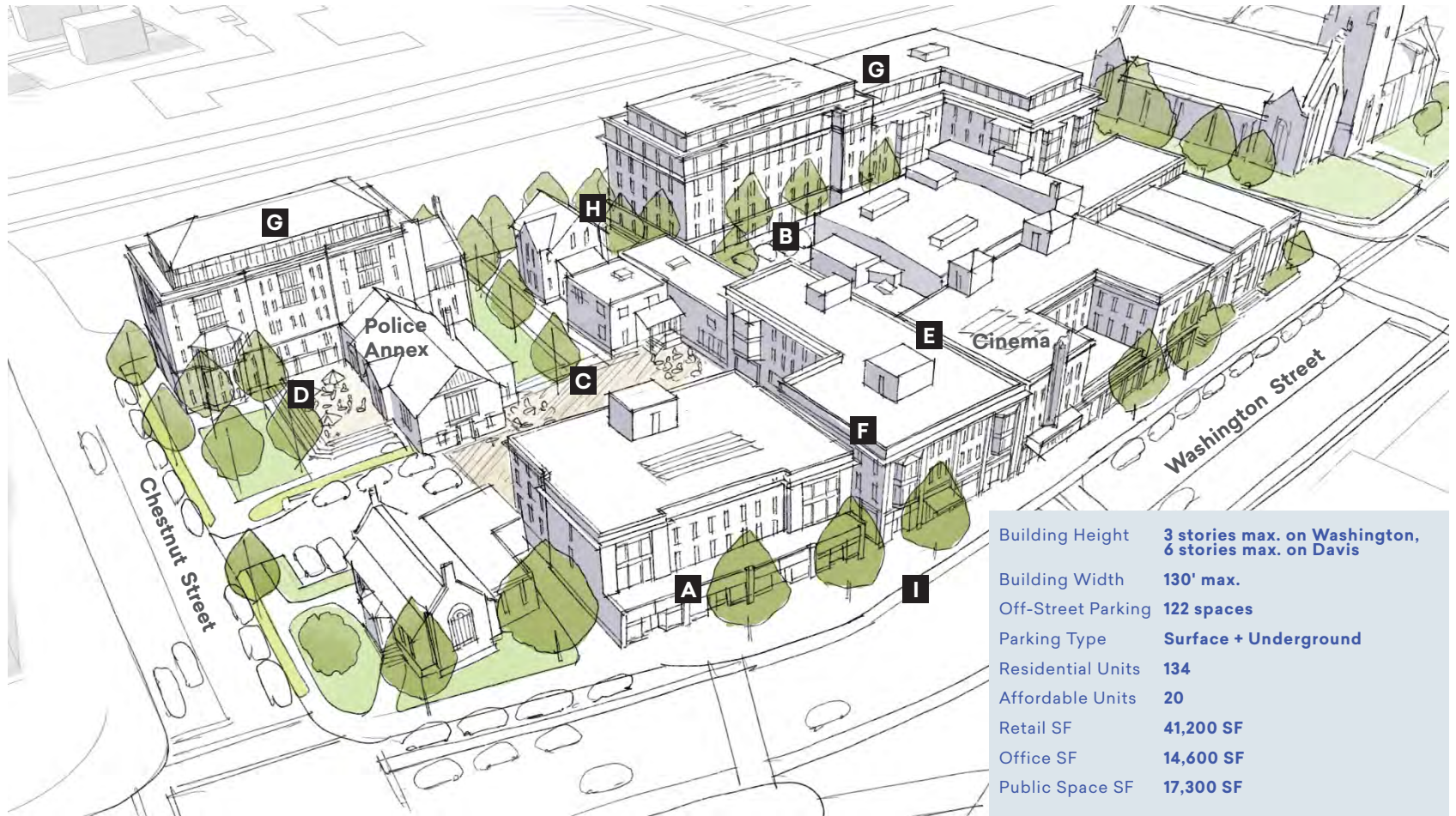
How important are the existing businesses to you?

How much height is appropriate on Washington Street at this location?

Assuming existing businesses remain in place or are incorporated into new development at this location, are the existing one-story buildings important to you?

As a way to protect the neighborhood from the highway, are you ok with six-story buildings against the highway, this location?

Do you want to have publicly accessible courtyards in the center of the block, creating spaces that are unique to Newton and outdoor location to bolster nearby small-scale businesses?



- A** The facades of the existing old retail buildings have been retained, with several stories of new development built far enough behind them so as to maintain the existing character of the street frontage along Washington Street.
- B** Several alleys will be created to access rear parking lots and the rear of these buildings. Basement parking garages can also be access from this new alley.
- C** An interior courtyard (which currently is connected to Washington Street via a pedestrian passage) provides an opportunity for additional retail/dining uses and special events. In the "Incremental" Option, other opportunities for civic space will be limited.

- D** The former West Newton Library structure on Chestnut Street (which has been used recently as the police headquarters annex) has been retained and is envisioned to be used as a community center or other civic function once again. This renovation and the incorporation of the historic building into a large development project provides the opportunity to create a new pocket park at this location.
- E** Incremental new infill development lines the edges of blocks, slowly taking shape over the course of many years.
- F** Varied cornice heights provide interest along the street edges.

West Newton: Cinema Block "Incremental" Option Precedent Images



- G** Davis Street is directly adjacent to the Mass Turnpike and could be a good location for building up to 6 stories in order to provide a barrier from the issues of being so close to the Mass Turnpike such as noise. These larger buildings might also be able to provide an economic engine to support enhancements or restorations of the existing businesses or buildings that share this block. It is also possible that parking can be provided under the building, to help support parking needs on this block, which is largely parking-constrained under the "Incremental" Option.
- H** This illustration shows retaining one of three existing single-family homes along Davis Street. There is also an option (not shown) to keep these homes in place. Keeping the homes could either occur because existing owners choose to hold their property, or alternatively zoning could be put in place that protects smaller scale building types in this location.
- I** Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.

Questions for the Community

How important are the existing buildings to you?

How important are the existing businesses to you?

How much height is appropriate on Washington Street at this location?

Assuming existing businesses remain in place or are incorporated into new development at this location, are the existing one-story buildings important to you?

As a way to protect the neighborhood from the highway, are you ok with six-story buildings against the highway, in the center of the block, creating spaces that are unique to Newton and outdoor location to bolster nearby small-scale businesses?

OPTION 1: THREE STORY REDEVELOPMENT**OPTION 1: THREE STORY REDEVELOPMENT**

A key aspect of the community's vision for the future of West Newton is to maintain and enhance the existing character of the village center. This presents a challenge. How can we ensure that new development is respectful of the surrounding context as well as possibly enhance the existing conditions and character? This illustration shows how possible future redevelopment of the Cinema Block could look if the current buildings are replaced with a brand new three story building. The form of the new building has been informed by the small storefronts and the need to maintain a variety of uses and tenants on the ground floor. The upper floors are shown with the kind of architectural language that would be in harmony with many of the older structures in the village and suggest a more traditional approach to style so as to further compliment the character found in the village center today.

OPTION 2: FOUR STORY REDEVELOPMENT



OPTION 2: FOUR STORY REDEVELOPMENT: #220-18

This options for redevelopment is essentially the same approach as Option 1, but has included a fourth story on the building to illustrate the effects this additional height would have on the street. Apply the right architecture as well as providing the right small scale retail spaces and great variety of tenants on the ground floor will be essential to making a four story structure feel like it belongs in West Newton's village center.

OPTION 3: FOUR STORY STEP BACK WITH HISTORIC PRESERVATION



OPTION 3: FOUR STORY STEP BACK WITH HISTORIC PRESERVATION

This option is illustrating what it would look like to maintain the existing building's facade as well as smaller scale storefronts would look like by setting back the new development approximately ten feet from the existing facade of the building. This might be one option that could be deployed to help maintain the existing scale of storefronts and streetwall while also providing economic development to occur within the village centers. This option is likely more expensive than the previous two options, but the potential for keeping existing tenants in place while development occurs could possibly occur with proper planning and coordination.

West Newton: Cheesecake Blocks Development Scenarios

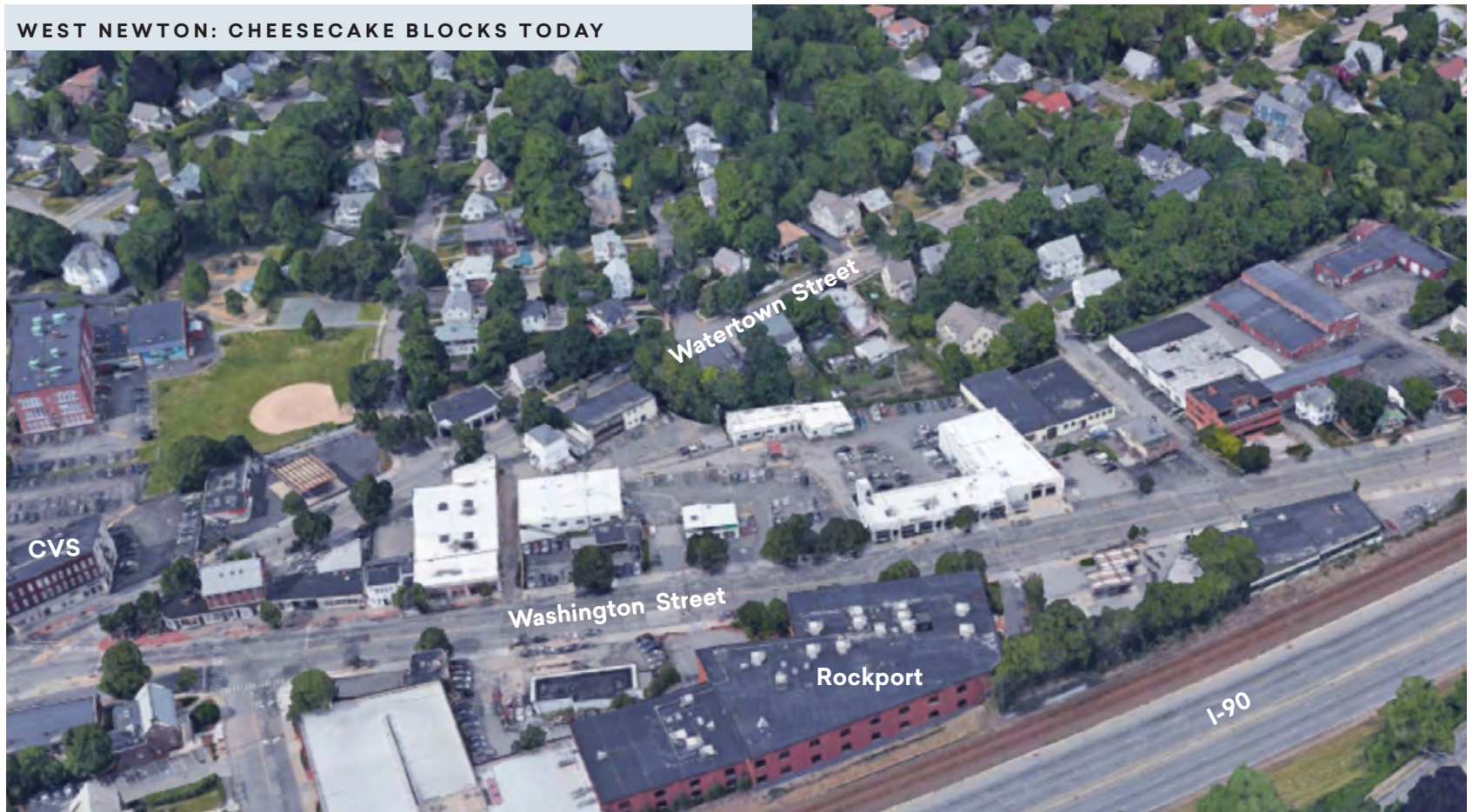


Set on the eastern edge of West Newton Village, this area of over twenty contiguous parcels forms a wedge between Washington Street and Cheesecake Brook. The area is currently occupied by many auto-oriented businesses, with few

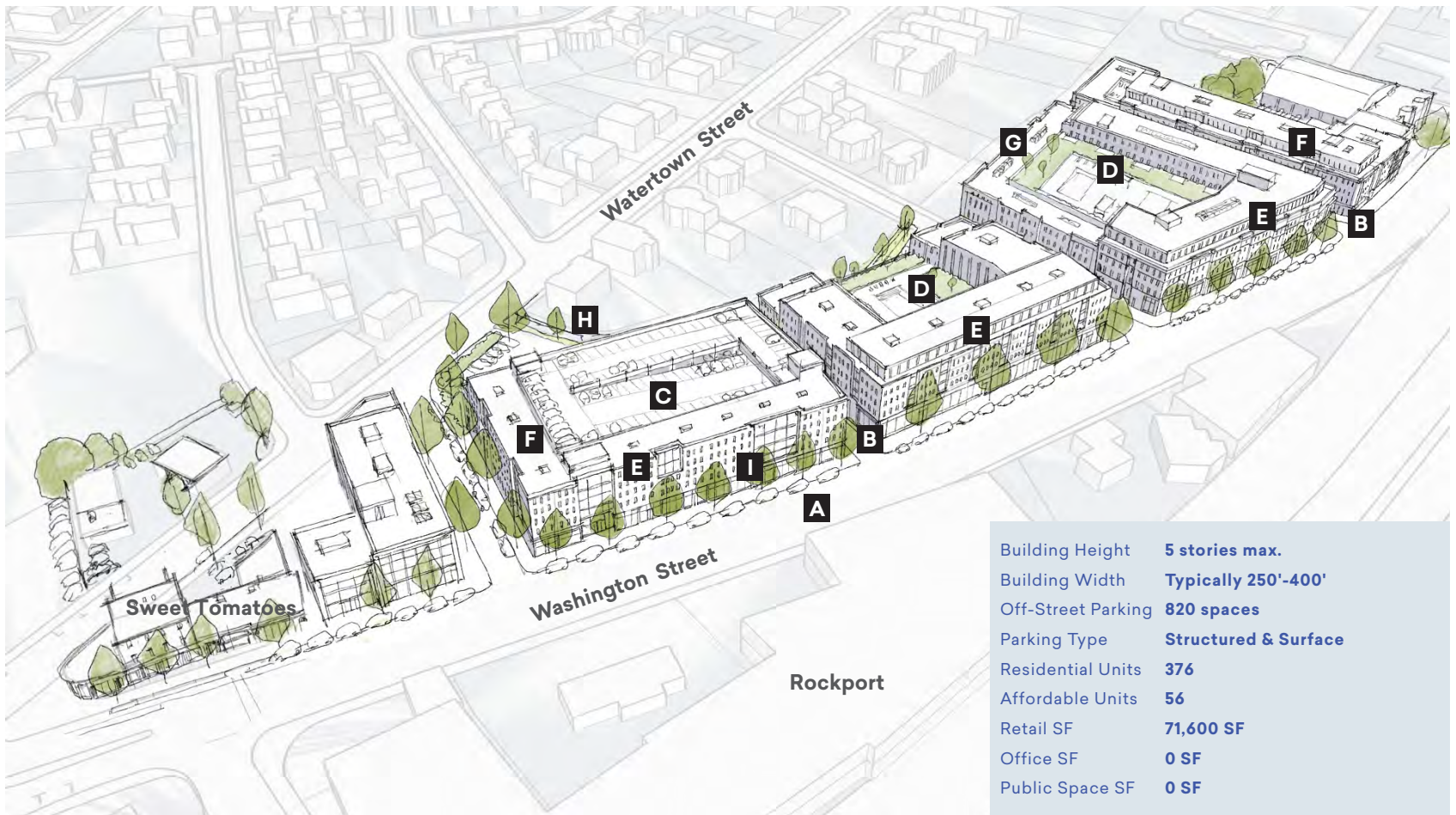
structures contributing to the overall character of the village. The land slopes down from Washington Street toward the brook, which most properties currently turn their backs on.

This area presents many opportunities to improve the street grid, engage with Cheesecake Brook, and create new outdoor amenities for the community. Additionally, redevelopment of these blocks allows for the repair of the Washington Street frontage by adding new street-oriented retail and residential buildings.

WEST NEWTON: CHEESECAKE BLOCKS TODAY





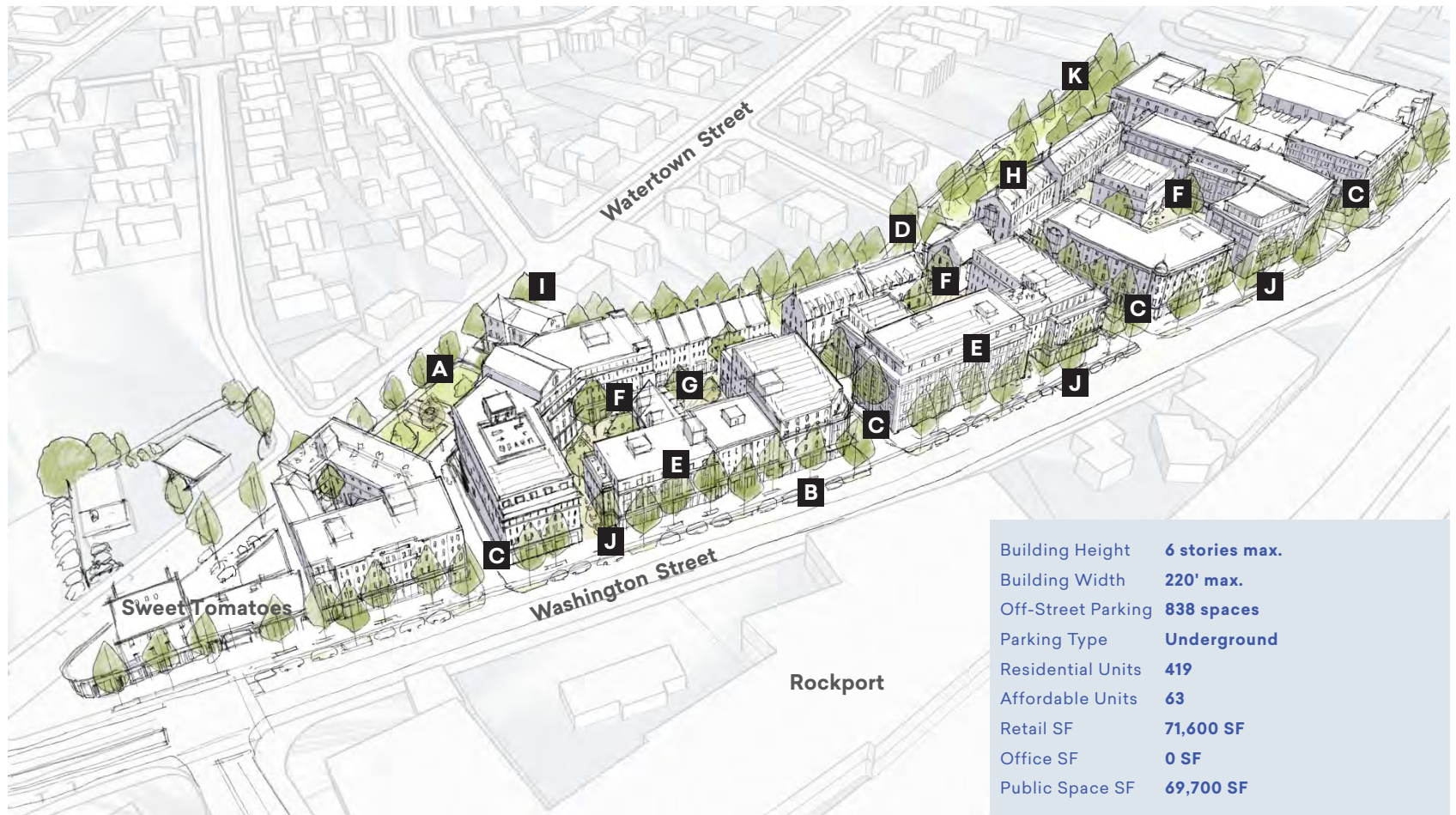


- A** The design of Washington Street remains largely as it exists today, with only minimal improvements to the sidewalks immediately adjacent to new buildings because of limited moderate mitigation.
- B** Minimal new street connections are added, and largely serve to provide parking and loading access to new development.
- C** Parking is predominantly above ground, in large parking structures wrapped by new buildings.
- D** Newly created open spaces are mainly for the private use of new residents, and are located at the interiors of building blocks, above structured parking.
- E** Most new buildings are 4 or 5 stories in height, with a relatively consistent cornice line.
- F** Large new buildings occupy entire blocks, with a minimum of architectural variety.
- G** A relatively abrupt change in height between new development and existing single-family neighborhoods characterizes the edges of newly developed blocks.
- H** A new lane along the south side of Cheesecake Brook is introduced solely to provide parking and loading access.
- I** The building design attempts to break down the scale of the facade, but often results in architecture that is not in context with the character surrounding it.

West Newton: Cheesecake Blocks "Market Driven" Option Precedent Images



Questions for the Community
Do you want a new neighborhood park at this location?
Are you open to a very flexible parking policy, where less parking might be required, to allow for smaller, human scaled buildings to be created?
Adjacent to the turnpike, across the street from the Armory, are you ok with taller, six-story buildings if the building floor plates are smaller in scale?



Building Height	6 stories max.
Building Width	220' max.
Off-Street Parking	838 spaces
Parking Type	Underground
Residential Units	419
Affordable Units	63
Retail SF	71,600 SF
Office SF	0 SF
Public Space SF	69,700 SF

- A** A new public green along Watertown Street serves as a connection between new development and the existing neighborhood. The green's low spot adjacent to Cheesecake Brook would make it an ideal location for creative stormwater infrastructure. A new large format retail store, such as a grocer, is tucked into the lower level of the new development, facing onto the green space.
- B** Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.
- C** New street connections help to create smaller blocks and a more porous, fine-grained pedestrian network.
- D** Cheesecake Brook is celebrated as a neighborhood amenity with a new linear park along its south bank. A new public lane

fronts this linear park providing public access to the Brook as a new street address for buildings facing the new park.

- E** Four to six story residential buildings with ground floor retail line Washington Street.
- F** A network of publicly accessible courtyards wrapped by new development provides for unique outdoor spaces for retailers and residents. If properly designed, these courtyards could be destination locations for restaurants and cafes providing for the community's much requested need for more places to eat outdoors.
- G** Aside from on-street parking spaces, all parking is located in a large, common, underground garage with direct elevator access to individual blocks or buildings.

West Newton: Cheesecake Blocks "Courtyard" Option Precedent Images



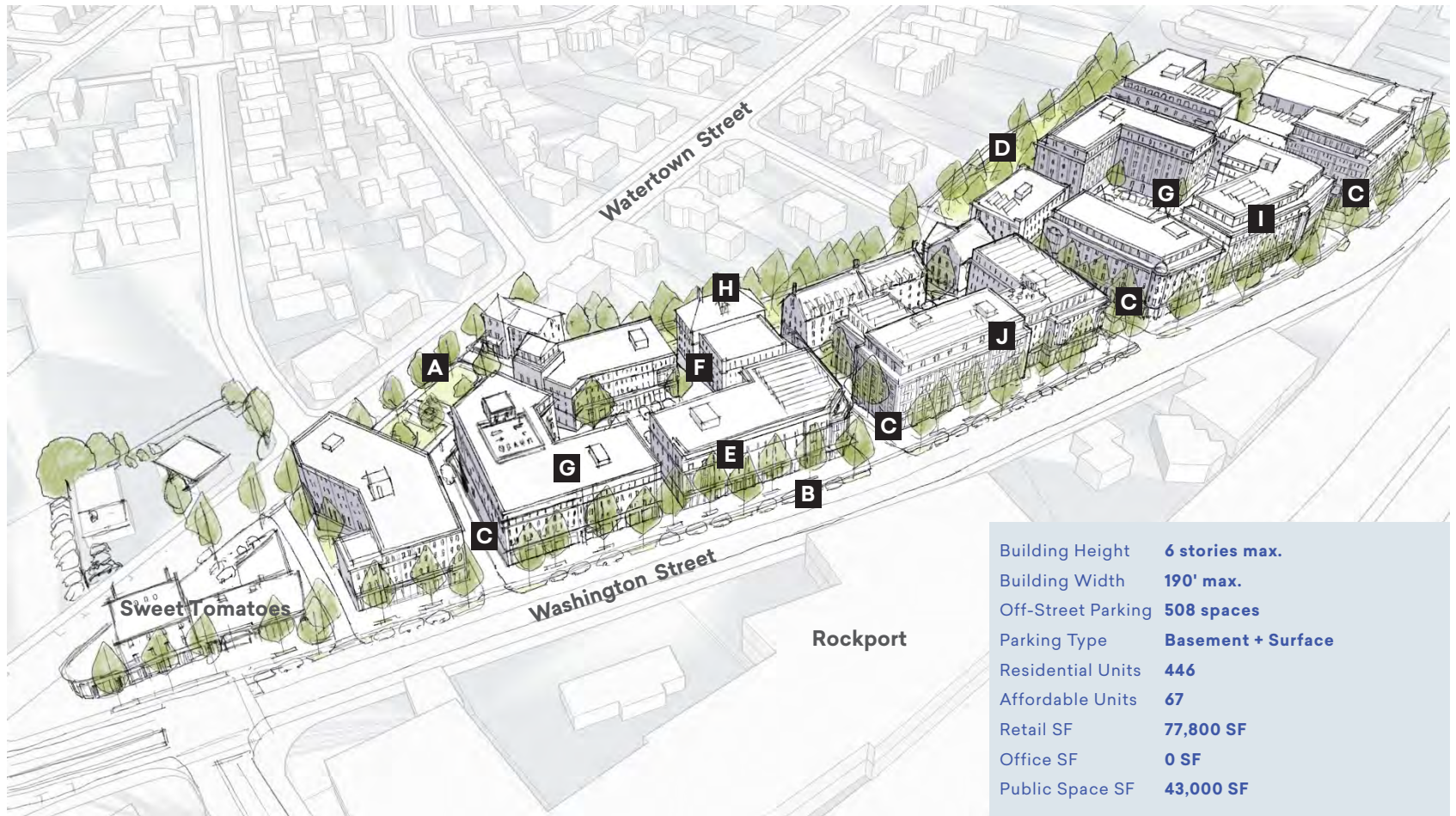
- H** Townhouse or smaller apartment buildings front the new lane running along Cheesecake Brook providing a calmer transition to the residential character of the neighborhood.
- I** A small apartment house can provide an easy transition between the mixed-use buildings and the residential character of the street, creating a nicer transition between these different characters.
- J** At least one pedestrian passage per block face should occur along Washington Street that accesses a public courtyard. These can be open to the sky or in the form of covered arcades or breezeways.
- K** The design for the new linear park along the Cheesecake Brook could provide a lush tree canopy as well as comfortable seating and access to the waters edge while also being resilient infrastructure for flood events.

Questions for the Community

Do you want a new neighborhood park at this location, such as the park shown on Watertown Street?

Are you open to a very flexible parking policy, where less parking might be required, to allow for smaller, human scaled buildings to be created?

Adjacent to the turnpike, across the street from the Armory, are you ok with taller, six-story buildings if the building floor plates are smaller in scale?



A A new public green along Watertown Street serves as a connection between new development and the existing neighborhood. The green's low spot adjacent to Cheesecake Brook would make it an ideal location for creative stormwater infrastructure. A new large format retail store, such as a grocer, is tucked into the lower level of the new development, facing onto the green space.

B Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.

C New street connections help to create smaller blocks and a more porous, fine-grained pedestrian network.

D Cheesecake Brook is celebrated as a neighborhood amenity with a new linear park along its south bank, fronted by new development.

E Four to six story residential buildings with ground floor retail line Washington Street.

F Aside from on-street parking, private parking spaces for each building are accommodated entirely on that building individual lot, either accessed off a rear alley or if the building is large enough in a basement level garage. Parking could also be provided in nearby garages or parking lots as part of a "district" approach to parking.

G Opportunities for new open spaces within the center of blocks is limited due to needed space for parking. Some buildings may be of a depth and shape to accommodate elevator accessible parking in an individual building's basement, additional demand for surface spaces will continue in the "Incremental" Option.

West Newton: Cheesecake Blocks "Incremental" Option Precedent Images



- H** Sub-dividing the land into various sized lots can provide Newton the opportunity to utilize different types and sizes of buildings that can lead to a more diverse housing selection. This concept design illustrates how at least 8 different building types can all be integrated into the redevelopment area.
- I** This block and a half to the West of the Armory Building is directly across the street from the Mass Turnpike, which at this location is essentially at the same level as Washington Street. This location is a good candidate for allowing up to 6 story buildings in part to help create a barrier shielding the neighborhood to the north from the issues of being in such close proximity to the Mass Turnpike.
- J** By creating a number of different buildings along a single block face it is possible to have different floor to floor heights, even if the buildings have the same number of floors, between the different buildings resulting in subtle variation in building heights that produces a more pleasing character along the street wall.

Questions for the Community

Do you want a new neighborhood park at this location, such as the park shown on Watertown Street?

Are you open to a very flexible parking policy, where less parking might be required, to allow for smaller, human scaled buildings to be created?

Adjacent to the turnpike, across the street from the Armory, are you ok with taller, six-story buildings if the building floor plates are smaller in scale?

Newtonville: McGovern Site Development Scenarios

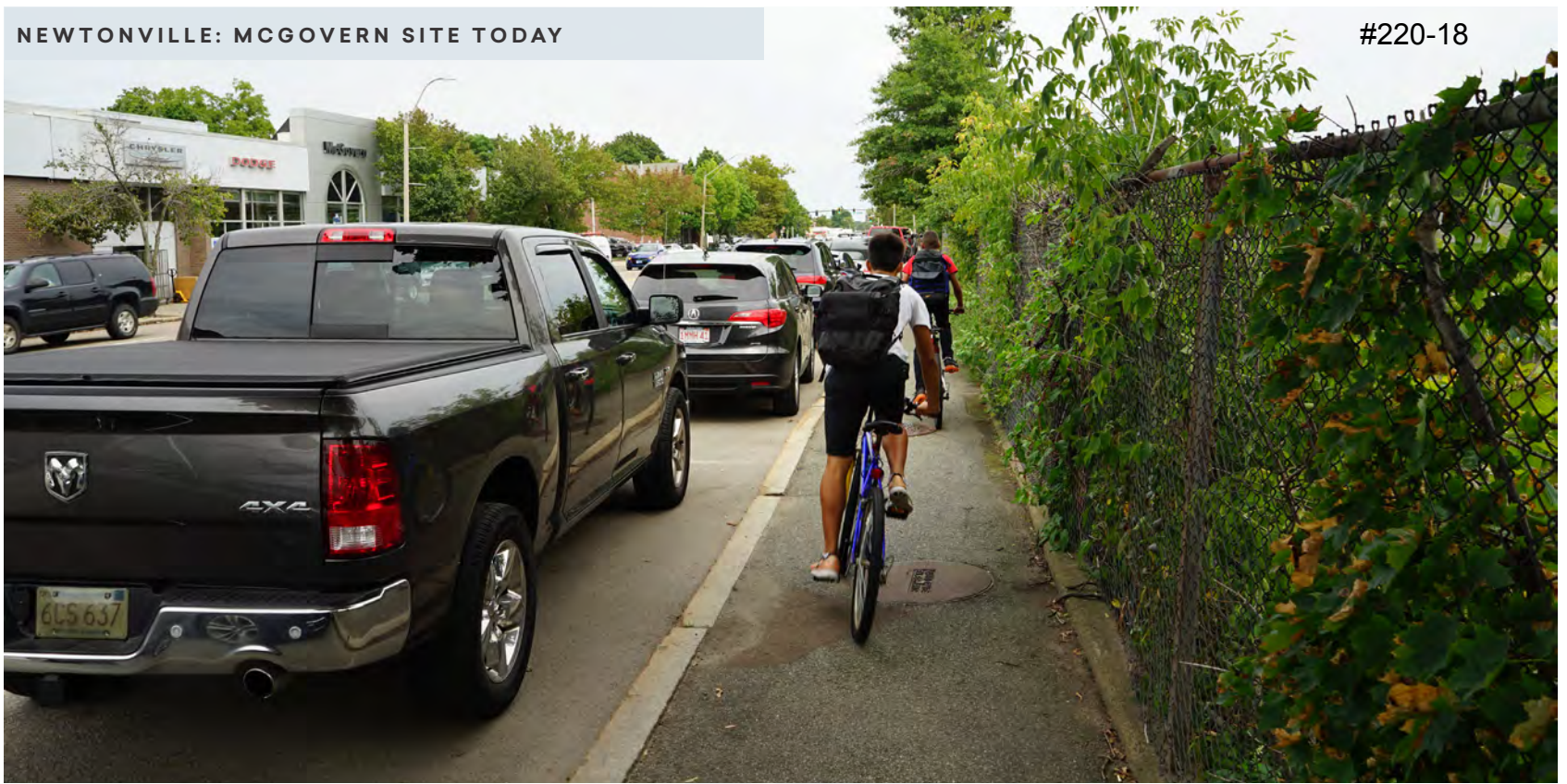
#220-18

edge of Newtonville along Washington Street.

This underutilized parcel presents many possibilities for redevelopment and spans the full depth of the block north to Court Street. Sensitivity is needed to respond to the lower scale of the existing context to the north, while recognizing advantages of the possibilities for more intense development on the southern half of the site closer to the Mass Turnpike.

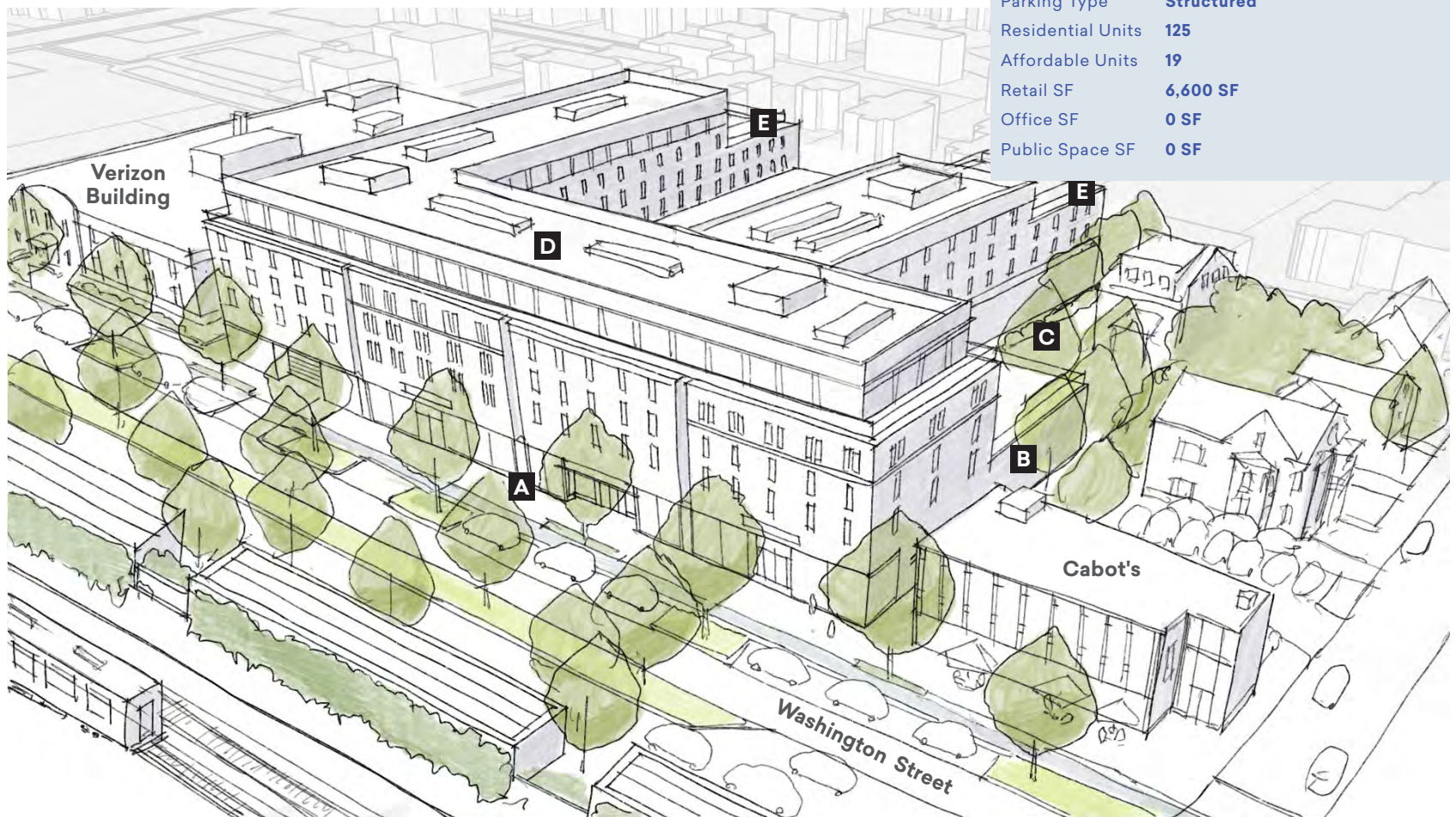
Presently occupied by the McGovern car dealership, this site is located on the eastern





Newtonville: McGovern Site "Market Driven" Option

Building Height	5 stories max.	#220-18
Building Width	275' max.	
Off-Street Parking	138 spaces	
Parking Type	Structured	
Residential Units	125	
Affordable Units	19	
Retail SF	6,600 SF	
Office SF	0 SF	
Public Space SF	0 SF	



- A** No new street connection is created through the center of the existing mega block, which is a term used to describe city blocks with long outside perimeters and no pedestrian or vehicle connections through them. Adjacent streets are used for parking and loading access.
- B** Parking is above ground, in a parking structure wrapped by new development. This parking garage would need to be accessed by a garage door directly off of Washington Street or Court Street.
- C** Newly created open spaces are primarily for the private use of new residents, and are located at the interiors of building blocks, above structured parking.
- D** A single large new building occupies the entire site, with a minimum of architectural variety.
- E** A relatively abrupt change in height between new development and the existing single-family neighborhood occurs along Court Street.

Newtonville: McGovern Site "Market Driven" Option Precedent Images



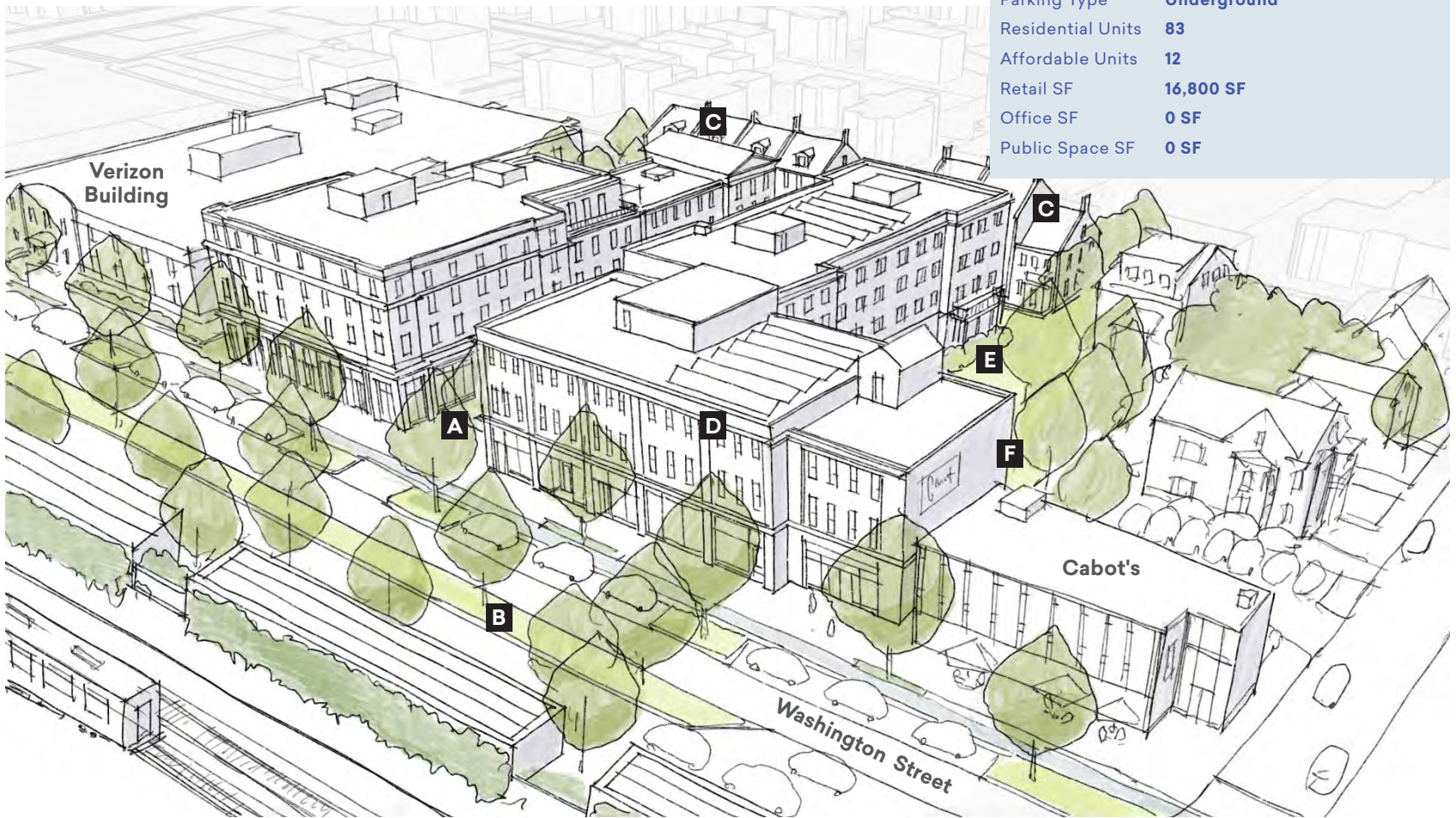
Questions for the Community

Should the McGovern Site be considered part of the Newtonville village center with lower heights and a smaller increment, or should it be considered an edge of the turnpike and allowed to have higher, 4- to 6-story buildings? Or both?

Do you think the plans adequately step down to the residential neighborhoods?

Newtonville: McGovern Site "Courtyard" Option

Building Height	4 stories max.	#220-18
Building Width	145' max.	
Off-Street Parking	142 spaces	
Parking Type	Underground	
Residential Units	83	
Affordable Units	12	
Retail SF	16,800 SF	
Office SF	0 SF	
Public Space SF	0 SF	



- A** A new street connection between Washington Street and Court Street runs through the middle of the site, helping to create smaller blocks and an improved pedestrian network.
- B** Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.
- C** New townhouse style stacked flats along Court Street make a seamless transition back to the neighborhood of single-family detached homes to the north.
- D** Three and four story mixed-use development on Washington Street forms the edge of the commercial core of Newtonville as you approach from the east.
- E** Semi-public courtyards are wrapped by new development to provide quiet outdoor spaces for residents and the public.
- F** Aside from on-street spaces, all parking is located underground.

Newtonville: McGovern Site "Courtyard" Option Precedent Images



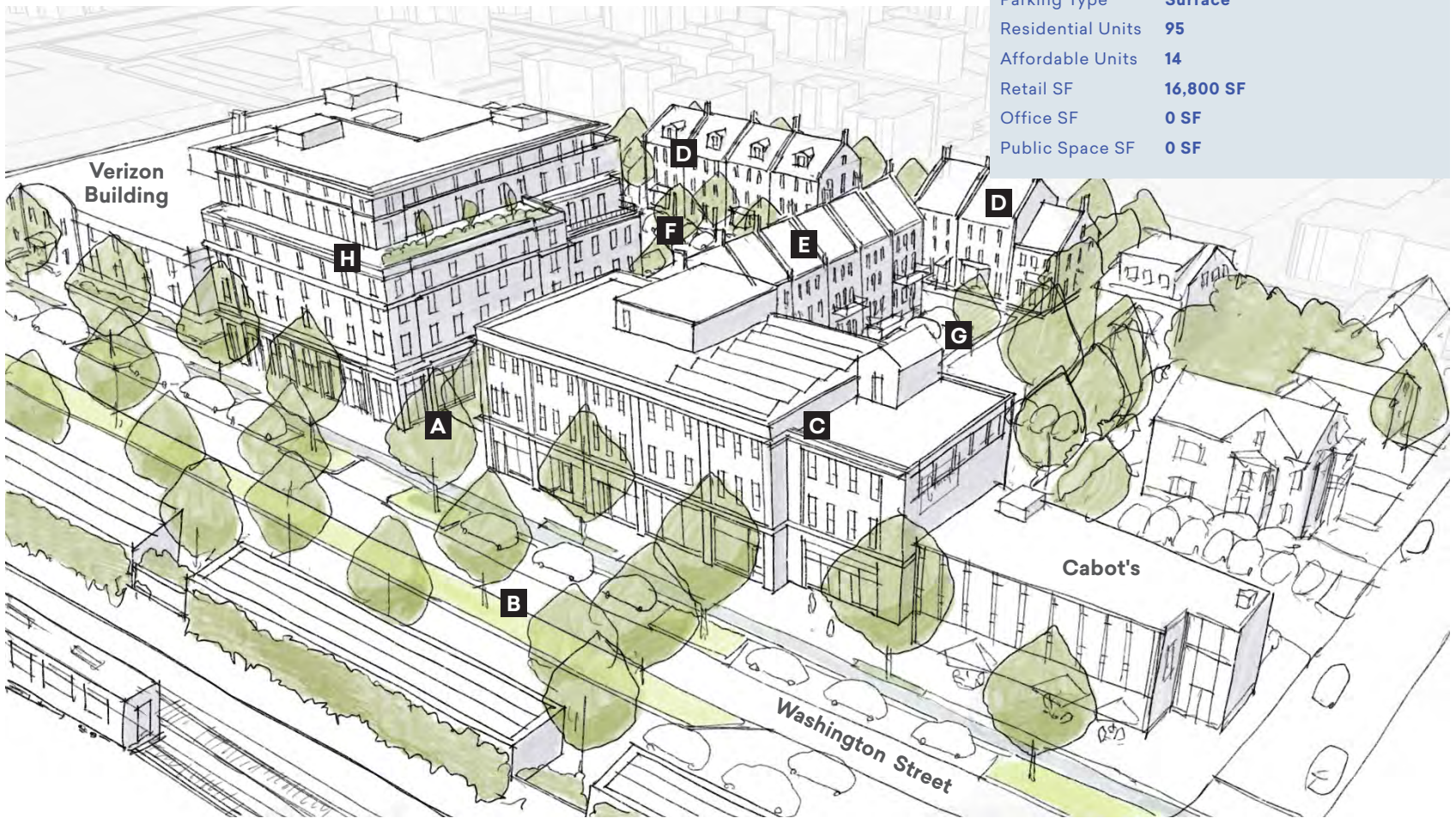
Questions for the Community

Should the McGovern Site be considered part of the Newtonville village center with lower heights and a smaller increment, or should it be considered an edge of the turnpike and allowed to have higher, 4- to 6-story buildings? Or both?

Do you think the plans adequately step down to the residential neighborhoods?

Newtonville: McGovern Site "Incremental" Option

Building Height	6 stories max.	#220-18
Building Width	145' max.	
Off-Street Parking	36 spaces	
Parking Type	Surface	
Residential Units	95	
Affordable Units	14	
Retail SF	16,800 SF	
Office SF	0 SF	
Public Space SF	0 SF	



- A** A new street connection between Washington Street and Court Street runs through the middle of the site, helping to create smaller blocks and an improved pedestrian network.
- B** Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.
- C** Three story mixed-use buildings on Washington Street might be allowed by right with larger or taller buildings requiring special permit review.
- D** Townhouses could face Court Street providing a compatible single family scale of development with the adjacent homes.
- E** Small apartment buildings line the new lane that are slightly larger than the town houses further enhancing the transition between the character from single family homes to larger multi-family buildings.
- F** Opportunities for new open spaces are limited and when provided are done in a piecemeal fashion, with few new public parks of any substantial size.
- G** Aside from on-street spaces, most parking is located in small surface lots at the center of each block.
- H** This illustration shows how 2, 3, and 6 story buildings can be incorporated on the same block, by using compatible design that responds to the context. Allowing for some 6 story buildings will make it possible for an incremental scale of development to still deliver buildings that have basement parking with elevator access, as well as other requirements that the Newton market might require.

Newtonville: McGovern Site "Incremental" Option Precedent Images



Questions for the Community

Should the McGovern Site be considered part of the Newtonville village center with lower heights and a smaller increment, or should it be considered an edge of the turnpike and allowed to have higher, 4- to 6-story buildings? Or both?

Do you think the plans adequately step down to the residential neighborhoods?

Crafts Street Development Scenarios



The area around where Crafts Street intersects Washington Street presents a unique

opportunity along the corridor. The relatively ^{#220-18} large parcels in this vicinity are sparsely developed, predominantly with single-story commercial buildings and surface parking lots. These sites, combined with the area's proximity to the west entrance of the Newtonville commuter rail station, and position between Newtonville and Newton Corner, make it an ideal location for mixed-use infill development.

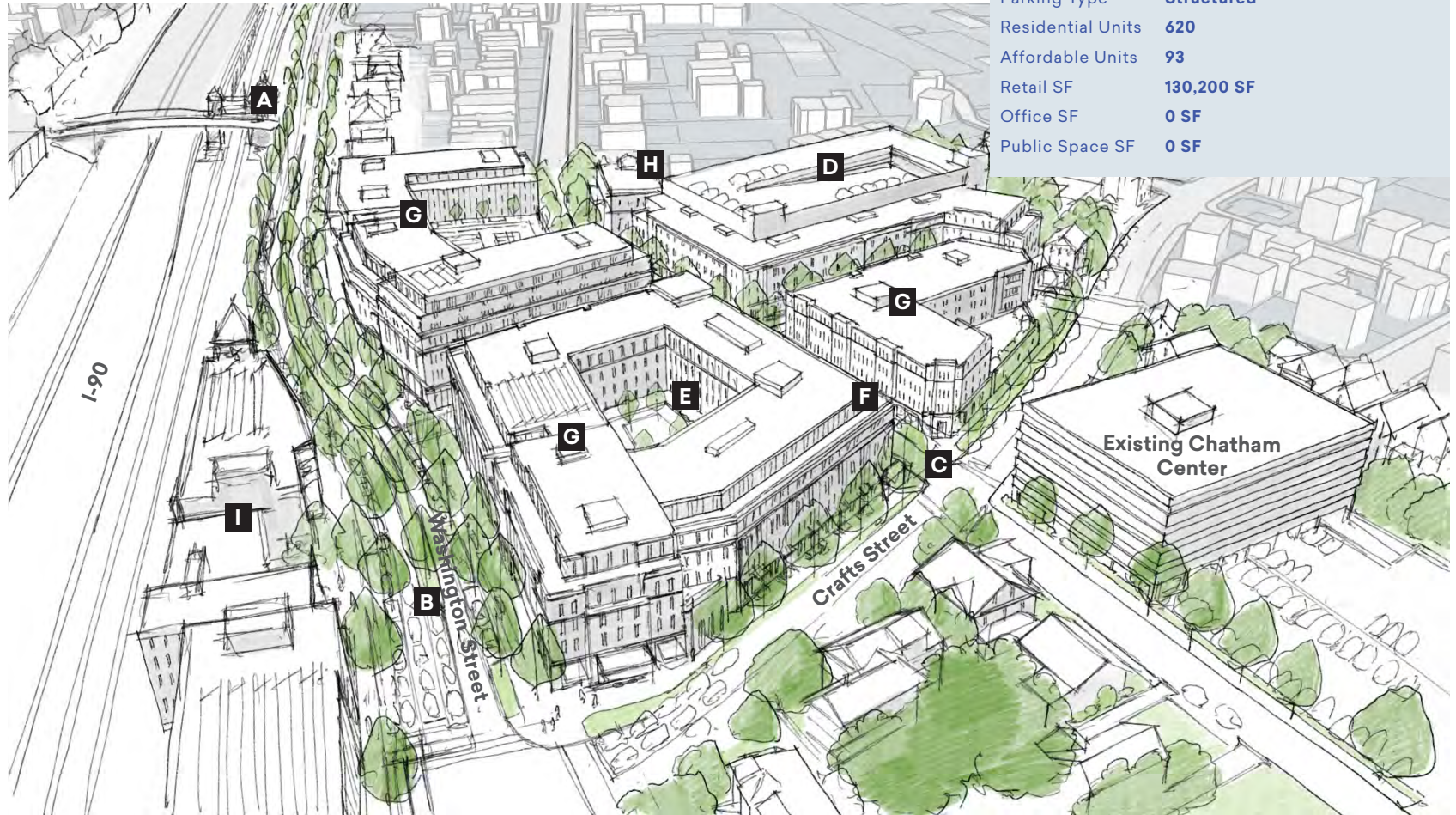
CRAFTS STREET TODAY





Crafts Street "Market Driven" Option

Building Height	5 stories max.	#220-18
Building Width	237' max.	
Off-Street Parking	599 spaces	
Parking Type	Structured	
Residential Units	620	
Affordable Units	93	
Retail SF	130,200 SF	
Office SF	0 SF	
Public Space SF	0 SF	



- A** The east entrance to the Newtonville commuter rail station remains in its current configuration and condition.
- B** The design of Washington Street remains largely as it exists today, with only minimal improvements to the sidewalks immediately adjacent to new buildings.
- C** New streets are created through this plan, but are largely serving to provide parking and loading access to new development. With the large scale of buildings, these streets will have few active lobbies and doorways making the sidewalk life less vibrant than one would otherwise find in a more human-scaled form.
- D** Parking is predominantly above ground, in large parking structures wrapped by new development.
- E** Newly created open spaces are exclusively for the private use of new residents, and are located at the interiors of building blocks, above structured parking.
- F** Most new buildings are 4 or 5 stories in height, with a relatively consistent cornice line.
- G** Large new buildings occupy entire blocks, with a minimum of architectural variety.
- H** A relatively abrupt change in height between new development and existing single-family neighborhoods characterizes the edges of newly developed blocks.
- I** New mixed-use development at this location directly adjacent to the Mass Turnpike is a great opportunity to create a productive buffer with more human-scaled buildings that help mitigate the issues of the Mass Turnpike on the neighborhood to the north.

Crafts Street "Market Driven" Option Precedent Images



Questions for the Community

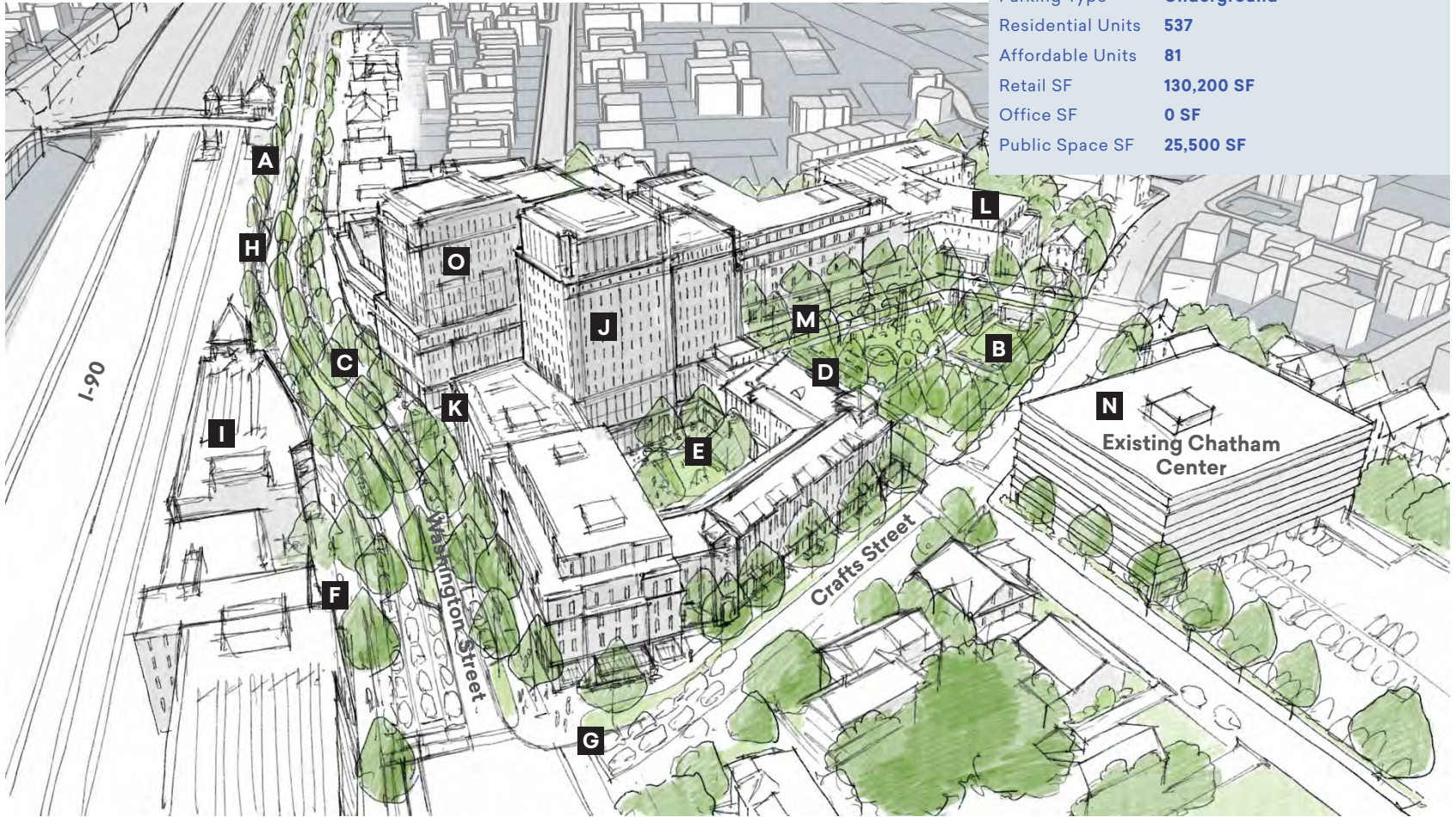
Are you comfortable with more height where shown, as a way to generate additional tax revenue that can help pay for larger community benefits such as the large park shown on Crafts Street or some of the improvements to the train stations?

Do you think this is an appropriate location for mixed-use development (retail on ground floor with residential on upper floors)?

As a way to protect the neighborhood from the highway, how would you feel about six-story buildings against the highway at this location?

Crafts Street "Courtyard" Option

Building Height	10 stories max.	#220-18
Building Width	170' max.	
Off-Street Parking	791 spaces	
Parking Type	Underground	
Residential Units	537	
Affordable Units	81	
Retail SF	130,200 SF	
Office SF	0 SF	
Public Space SF	25,500 SF	



- A** An upgraded east entrance to the Newtonville commuter rail station provides transit access within a five minute walk of new development.
- B** A community park, framed by new buildings, can host a range of activities and events. New residences lend vibrancy and provide round-the-clock eyes onto this new civic space.
- C** Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.
- D** New street connections help to create smaller blocks and a more porous, fine-grained pedestrian network as a result of the more human-scaled buildings that have more frequent entrances and more active ground levels which will help to create friendlier streets and adjacent public spaces.
- E** Courtyards wrapped by new development provide quiet outdoor spaces for residents and retail or restaurant patrons. These courtyards can provide a more comfortable environment for outdoor dining and recreation than along section of Washington Street that directly face the Mass Turnpike.
- F** A new pocket park along Washington Street is an opportunity for additional green space and outdoor dining for adjacent restaurants.
- G** The alignment of Crafts Street, where it joins Washington Street, is adjusted to make a safer intersection for pedestrians. Tighter curb radii help to slow vehicular speeds. Additional sidewalk area at the northeastern corner of the intersection would be an ideal spot for public art.
- H** Micro retail pavilions line the southern edge of Washington Street, providing a visual and acoustic buffer to the Turnpike.

Crafts Street "Courtyard" Option Precedent Images

- I** Four and five story mixed-use buildings along the south side of Washington Street provide ground-floor retail and act as a barrier to the Turnpike.
- J** Concentrated residential buildings up to ten stories, with retail space at the ground level, are located at the core of new development, away from existing single-family homes. This additional density at this key location can provide much needed housing and affordable housing that benefits from the proximity to transit, and will help to provide streetside activity and energy for local retailers. Increased density will also mean more mitigation funds that could help pay for public infrastructure improvements, such as the Newtonville commuter rail station.
- K** A new segment of street is envisioned as a shared space where pedestrians would have priority. Its location gives it flexibility to be used in conjunction with the new park for special community events.
- L** Four story residential buildings make the transition down in scale to the adjacent neighborhood.
- M** Aside from on-street spaces, all parking is located underground, allowing new open spaces to occupy the ground level.
- N** The adjacent investment in a new public space as well as development that results in a mixed-use neighborhood center will help to enhance the location of this existing office building ensuring that it remains a viable and productive tax-paying office property. This existing office also provides a toehold into the office market that might help to make this an attractive location of additional office space.
- O** This location could be an attractive location for commercial office or lab tenants if the train station were improved and the general street level experience were enhanced. These commercial businesses will need to be located in larger buildings with floorplates up to 35,000 sq.ft. which could be accommodated within these new blocks created by the redevelopment of this site. Increased density will also mean more mitigation funds that could help pay for public infrastructure improvements, such as the Newtonville commuter rail station.



Questions for the Community

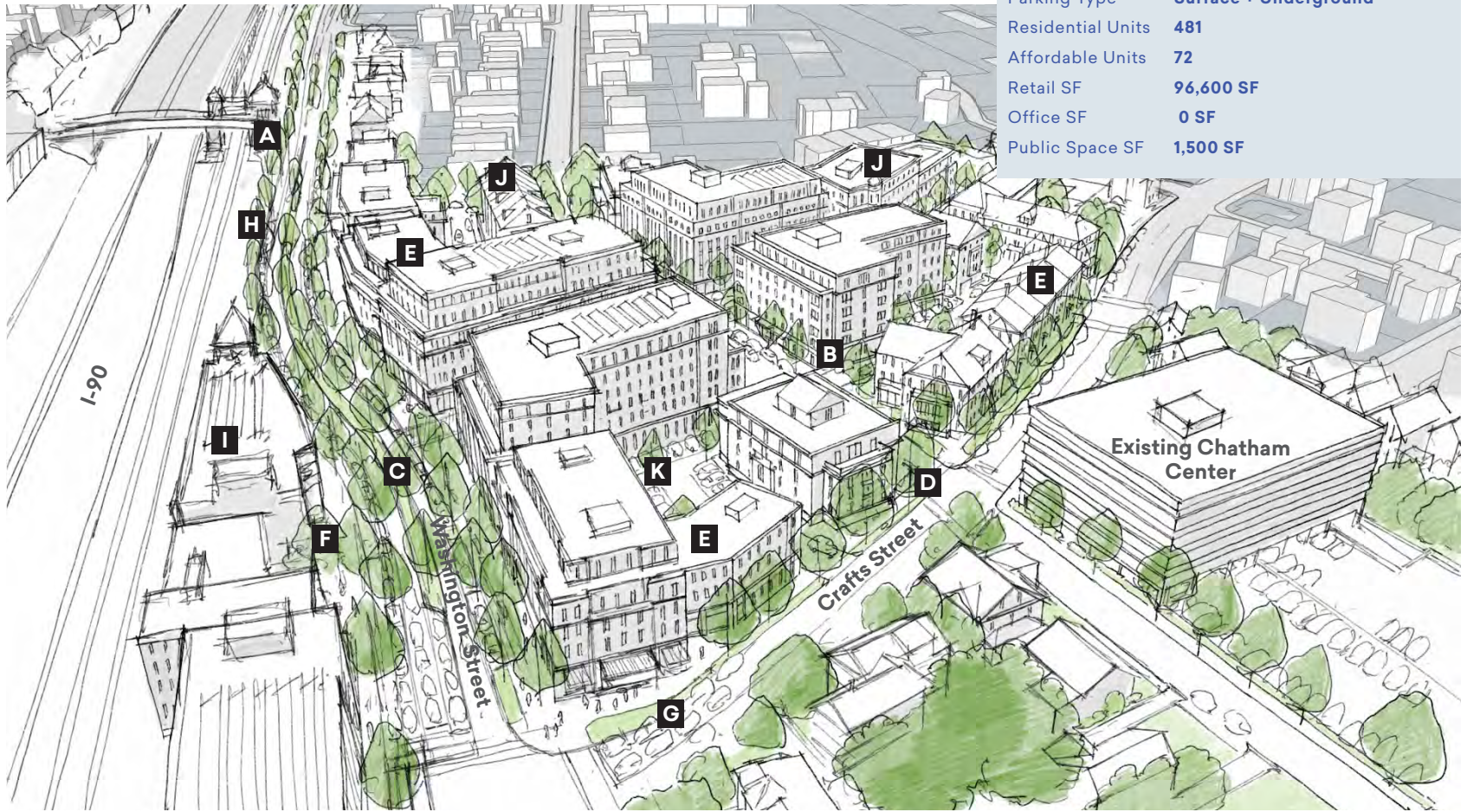
Are you comfortable with more height where shown, as a way to generate additional tax revenue that can help pay for larger community benefits such as the large park shown on Crafts Street or some of the improvements to the train stations?

Do you think this is an appropriate location for mixed-use development (retail on ground floor with residential on upper floors)?

As a way to protect the neighborhood from the highway, how would you feel about six-story buildings against the highway at this location?

Crafts Street "Incremental" Option

Building Height	6 stories max.	#220-18
Building Width	180' max.	
Off-Street Parking	442 spaces	
Parking Type	Surface + Underground	
Residential Units	481	
Affordable Units	72	
Retail SF	96,600 SF	
Office SF	0 SF	
Public Space SF	1,500 SF	



- A** An upgraded east entrance to the Newtonville commuter rail station provides transit access within a five minute walk of new development.
- B** Small new open spaces are created at the project-by-project scale, with few new public parks of any substantial size.
- C** Streetscape improvements along Washington Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.
- D** New street connections help to create smaller blocks and a more porous, fine-grained pedestrian network.
- E** Incremental new infill development lines the edges of blocks,
- F** A new pocket park along Washington Street is an opportunity for additional green space and outdoor dining for adjacent restaurants.
- G** The alignment of Crafts Street, where it joins Washington Street, is adjusted to make a safer intersection for pedestrians. Tighter curb radii help to slow vehicular speeds. Additional sidewalk area at the northeastern corner of the intersection would be an ideal spot for public art.
- H** Micro retail pavilions line the southern edge of Washington Street, providing a visual and acoustic buffer to the Turnpike.
- I** Four to six story mixed-use buildings along the south side of Washington Street provide ground-floor retail and act as a barrier to the Turnpike.
- J** A wide variety of building heights provide interest along the street edges, with a seamless transition back to the adjacent neighborhood.
- K** Aside from on-street spaces, parking is located in small surface lots at the center of each block, replacing center block civic spaces, or underground in smaller basement garages under individual buildings.

Crafts Street "Incremental" Option Precedent Images



Questions for the Community

Are you comfortable with more height where shown, as a way to generate additional tax revenue that can help pay for larger community benefits such as the large park shown on Crafts Street or some of the improvements to the train stations?

Do you think this is an appropriate location for mixed-use development (retail on ground floor with residential on upper floors)?

As a way to protect the neighborhood from the highway, how would you feel about six-story buildings against the highway at this location?

**OPTION 1: WASHINGTON AT CRAFTS STREET**

This illustration shows a rebuilt Washington Street that is in context with a re-envisioned Crafts Street area that is mixed-use and more in the character of a typical main street setting. This version is illustrating a range of building heights from three to five stories. In this option, the taller building might only be possible through special entitlements that require community benefit contributions.



OPTION 2: WASHINGTON AT CRAFTS STREET

This illustration shows an options where the typical building height is five to six stories resulting in more contributions to community benefits.



OPTION 3: WASHINGTON AT CRAFTS STREET

This option is exploring the idea of focusing density at one specific block of development and then having the majority of the new development be at three to five stories. This pattern might be able to balance the communities requested scale with the realities of creating economic development to fuel community benefits and improvements to infrastructure and public spaces. The location of this increased height has been considered because of its limited impacts on surrounding residential neighborhoods to the north and west.

West Newton Station Area Development Scenarios



Presently the West Newton Station area presents an opportunity for transformative change. Located adjacent to the commuter

#220-18
rail station, much of the land in this area is underutilized and experiences the negative impact of the Turnpike. If there is a desire, the city could work to attract office users, which might help fund public benefits, including upgraded commuter rail and a park deck over the Turnpike. Opportunities also existing to rethink the on and off ramps to both improve access to the highway while also increasing land values through good street design.

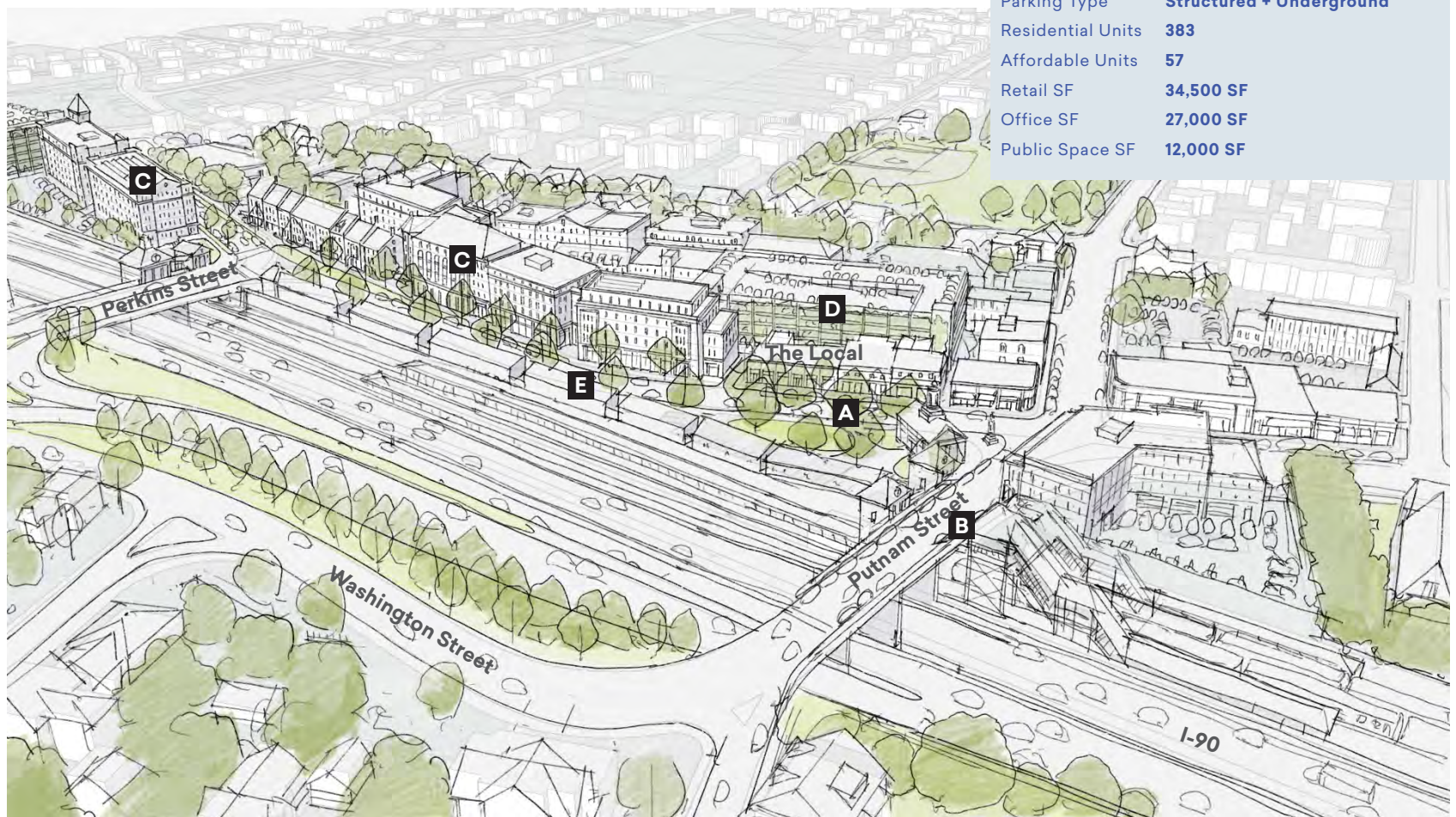
WEST NEWTON STATION AREA TODAY





West Newton Station Area "Incremental" Option

Building Height	6 stories max.	#220-18
Building Width	220' max.	
Off-Street Parking	1388 spaces	
Parking Type	Structured + Underground	
Residential Units	383	
Affordable Units	57	
Retail SF	34,500 SF	
Office SF	27,000 SF	
Public Space SF	12,000 SF	



- A** A small new public space occupies the area adjacent to the Turnpike. A spot for a prominent new civic building at the edge of the space faces down Washington Street into the center of West Newton.
- B** Aside from some improvements to the rail station entrances, there are no changes to the existing streets that cross the Turnpike.
- C** Individual sites are redeveloped as four to six story residential and office buildings in an incremental fashion.
- D** A large public parking deck is centrally located to provide space for the surrounding blocks.
- E** Micro retail pavilions line the edge of the Turnpike, providing a visual and acoustic buffer with active pedestrian frontages along the street.

West Newton Station Area "Incremental" Option Precedent Images



Questions for the Community

Is this the right spot for transformational change, including improvements to public transit, highway on/off ramps, and city street infrastructure?

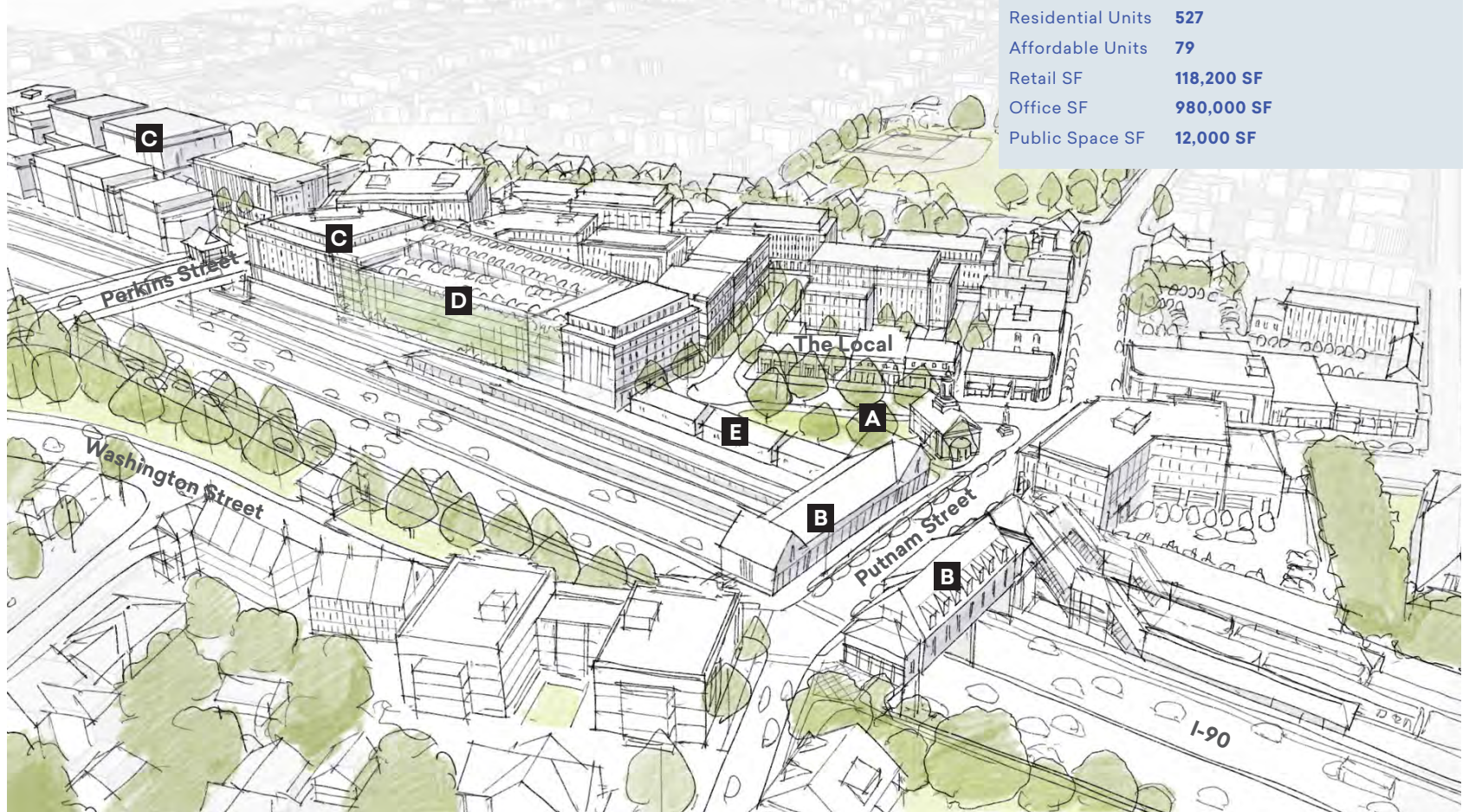
What is an acceptable height in this area?

Does this plan do a good job of integrating new development into the existing village center to the east?

Should this area evolve incrementally or as part of a coordinated effort?

West Newton Station Area "Lined Bridge" Option

Building Height	6 stories max.	#220-18
Building Width	220' max.	
Off-Street Parking	1,609 spaces	
Parking Type	Structured + Underground	
Residential Units	527	
Affordable Units	79	
Retail SF	118,200 SF	
Office SF	980,000 SF	
Public Space SF	12,000 SF	



- A** A small new public space occupies the area adjacent to the Turnpike. A spot for a prominent new civic building at the edge of the space faces down Washington Street into the center of West Newton.
- B** New buildings with ground floor retail line the sides of Washington Street, providing active frontages, and blocking views of the Turnpike.
- C** Individual sites are redeveloped as four to six story residential and office buildings, concentrated close to the west entrance of the West Newton rail station.
- D** A large public parking deck is centrally located to provide space for the surrounding blocks.
- E** Micro retail pavilions line the southern edge of the new open space, providing a visual and acoustic buffer to the Turnpike.

West Newton Station Area "Lined Bridge" Option Precedent Images



Questions for the Community

Is this the right spot for transformational change, including improvements to public transit, highway on/off ramps, and city street infrastructure?

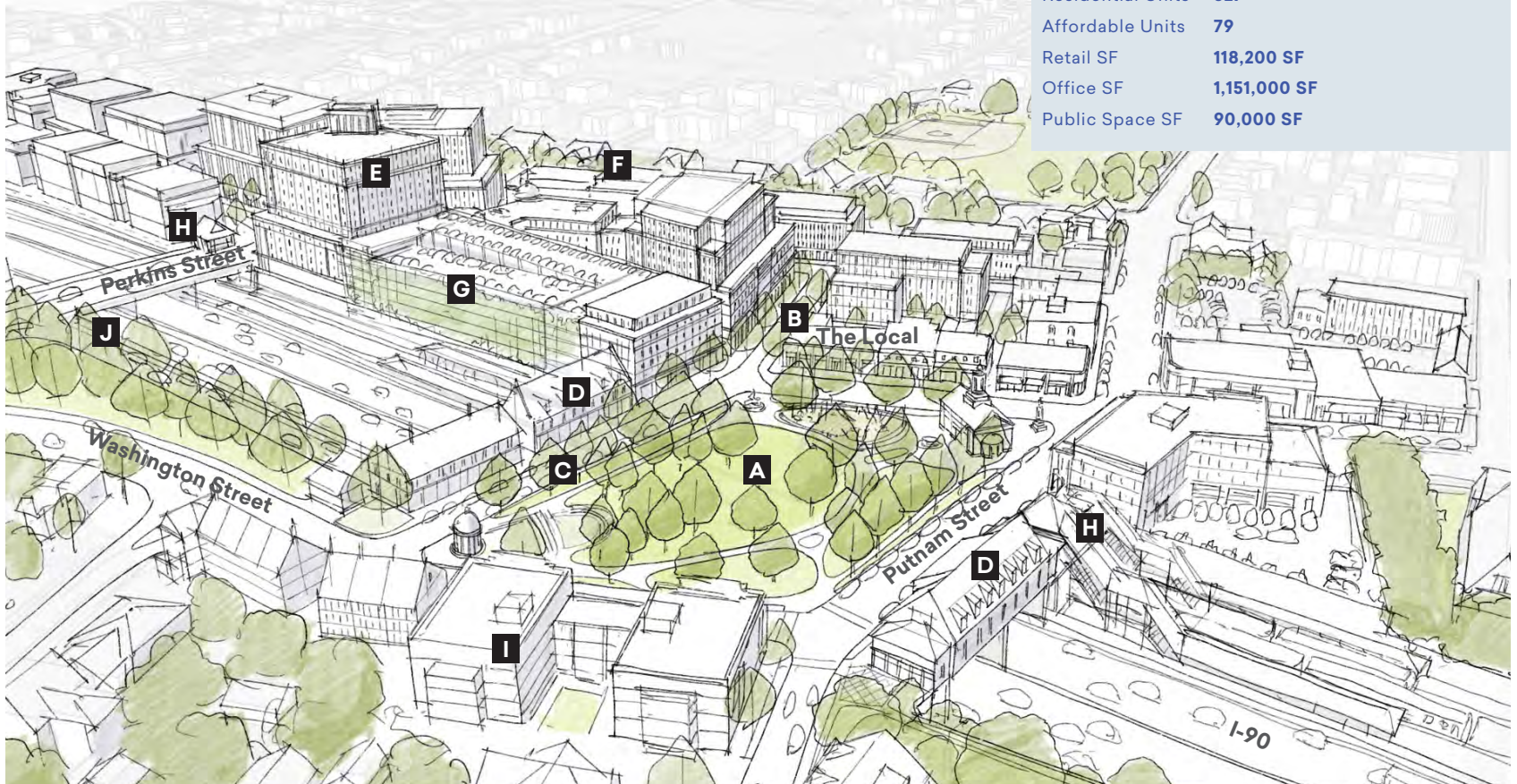
What is an acceptable height in this area?

Does this plan do a good job of integrating new development into the existing village center to the east?

Should this area evolve incrementally or as part of a coordinated effort?

West Newton Station Area "Decked Park" Option

Building Height	12 stories max.	#220-18
Building Width	220' max.	
Off-Street Parking	1,609 spaces	
Parking Type	Structured + Underground	
Residential Units	527	
Affordable Units	79	
Retail SF	118,200 SF	
Office SF	1,151,000 SF	
Public Space SF	90,000 SF	



- A** A large new public square occupies space decking over the Turnpike. A spot for a prominent new civic building at the northern end of the square faces Washington Street into the center of West Newton.
- B** A new network of streets creates smaller blocks and a porous, fine-grained pedestrian network. Vehicular traffic is much more dispersed than in the current configuration, providing multiple route options for drivers, and lessening the impact of cars on any one thoroughfare.
- C** A new street connection across the Turnpike defines the west edge of the square and helps to relieve traffic congestion by providing a more connected street network.
- D** New buildings with ground floor retail line the sides of the new square, providing active frontages, and blocking views of the Turnpike.
- E** Commercial office buildings up to around ten stories are concentrated close to the west entrance of the West Newton rail station.
- F** Taller buildings step down to three and four stories where they're adjacent to existing low scale residential districts.
- G** A large public parking deck is centrally located to provide space for the surrounding blocks.
- H** Upgraded east and west entrances to the West Newton rail station serve as central focal points for clustered new transit-oriented development.
- I** New three and four story residential buildings back up to existing lower scale neighborhoods.
- J** A reconfigured on-ramp to the Turnpike is more compact, safer for pedestrians to cross where it meets up with the surface road network, and makes the development of surrounding parcels possible.

West Newton Station Area "Decked Park" Option Precedent Images



Questions for the Community

Is this the right spot for transformational change, including improvements to public transit, highway on/off ramps, and city street infrastructure?

What is an acceptable height in this area?

Does this plan do a good job of integrating new development into the existing village center to the east?

Should this area evolve incrementally or as part of a coordinated effort?

Newtonville Square Development Scenarios

#220-18

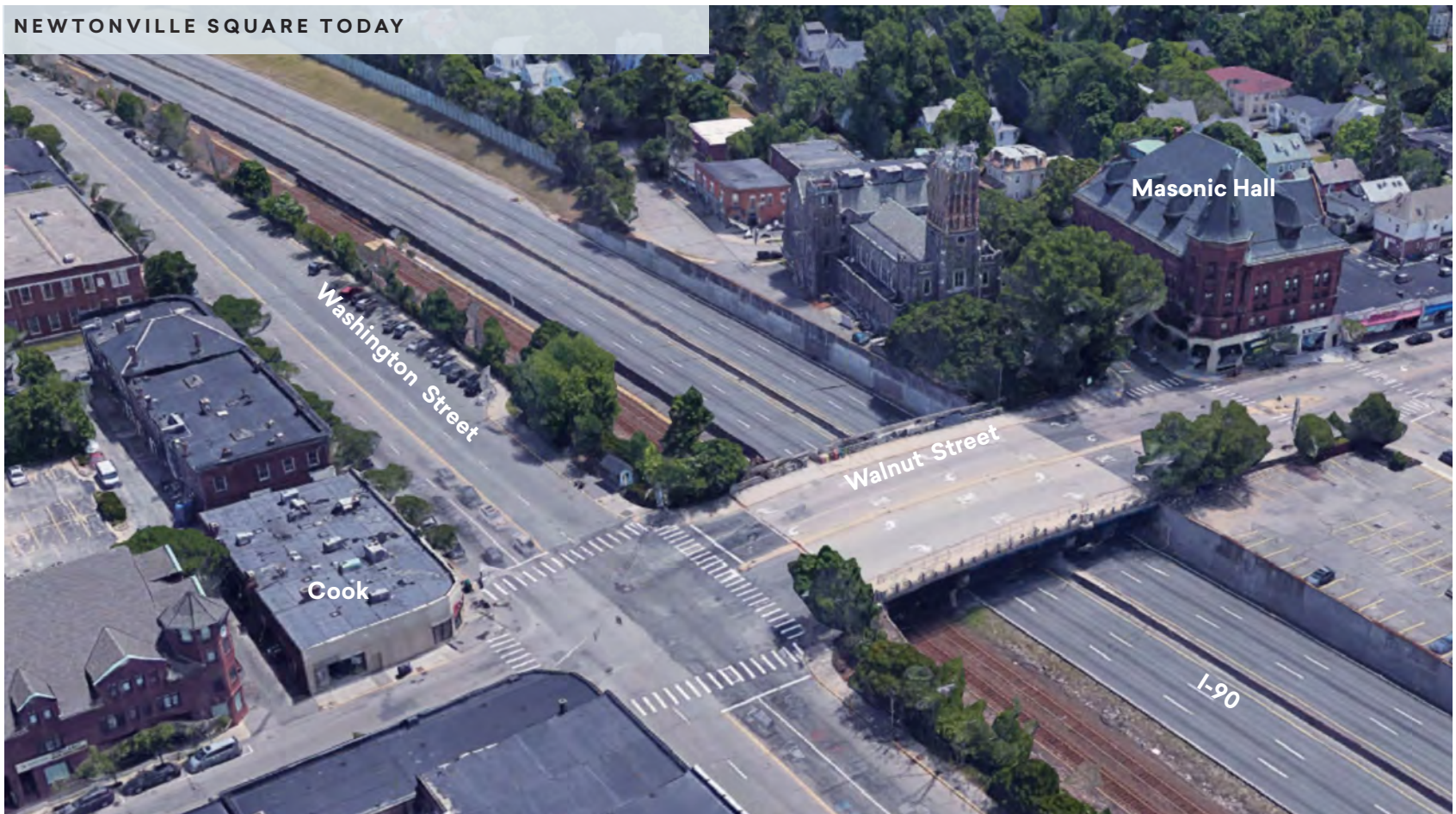


The center of Newtonville, along Walnut Street between Newtonville Avenue and Washington Street, was historically referred to as Newtonville Square. This area now divides the village into two parts, split by the wide swath of Turnpike

right-of-way. The west entrance to the rail station is accessed from the Walnut Street bridge.

Noise from the highway is omnipresent, and retail space south along Walnut Street is disconnected from Washington Street. The village lacks a central public open space, and the rail station is in desperate need of an upgrade. Although there are groups of fine old buildings on each side of the Turnpike, there are no longer any buildings to help define the street edge between the two ends of the village.

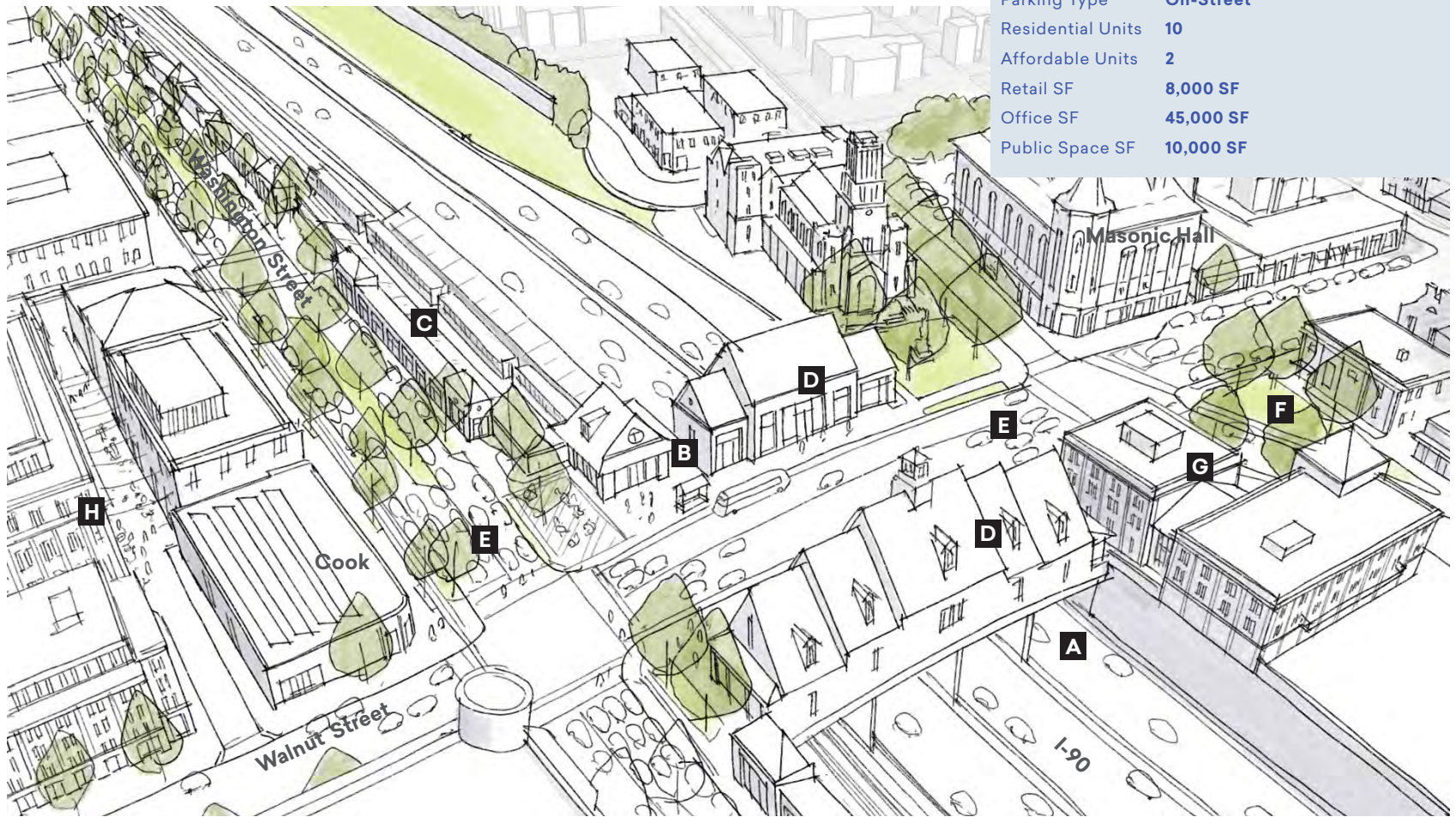
NEWTONVILLE SQUARE TODAY





Newtonville Square "Lined Walnut Street Bridge" Option

Building Height	3 stories max.	#220-18
Building Width	200' max.	
Off-Street Parking	0 spaces	
Parking Type	On-Street	
Residential Units	10	
Affordable Units	2	
Retail SF	8,000 SF	
Office SF	45,000 SF	
Public Space SF	10,000 SF	



- A** An initial phase of improvements to this area begins to repair the damage done to the core of Newtonville by the Turnpike.
- B** An upgraded west entrance to the Newtonville commuter rail station serves as a central focal point for the village and provides ADA accessibility to the commuter rail platforms.
- C** Micro retail pavilions line the edge of Washington Street, providing a visual and acoustic buffer to the Turnpike.
- D** New one-story retail buildings line the sides of the Walnut Street bridge, providing active frontages in the core of the village, and blocking views of the Turnpike.
- E** Streetscape improvements along Washington Street and Walnut Street, similar to those already planned and funded by the City, support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow

traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.

- F** A reconfigured intersection aligns Austin Street with Newtonville Avenue, and creates a small new triangular green in front of the existing retail buildings.
- G** A new infill building caps off the end of the large surface parking lot at the intersection of Walnut and Austin Streets (currently Star Market surface parking lot), further repairing a gap in the street wall that over time has degraded the quality of Walnut Street as a human-scaled, mixed-use center of the neighborhood.
- H** New infill development could occur on the existing surface parking lots and incorporate a shared and publicly accessible parking garage.

Newtonville Square "Lined Walnut Street Bridge" Option Precedent Images



Questions for the Community

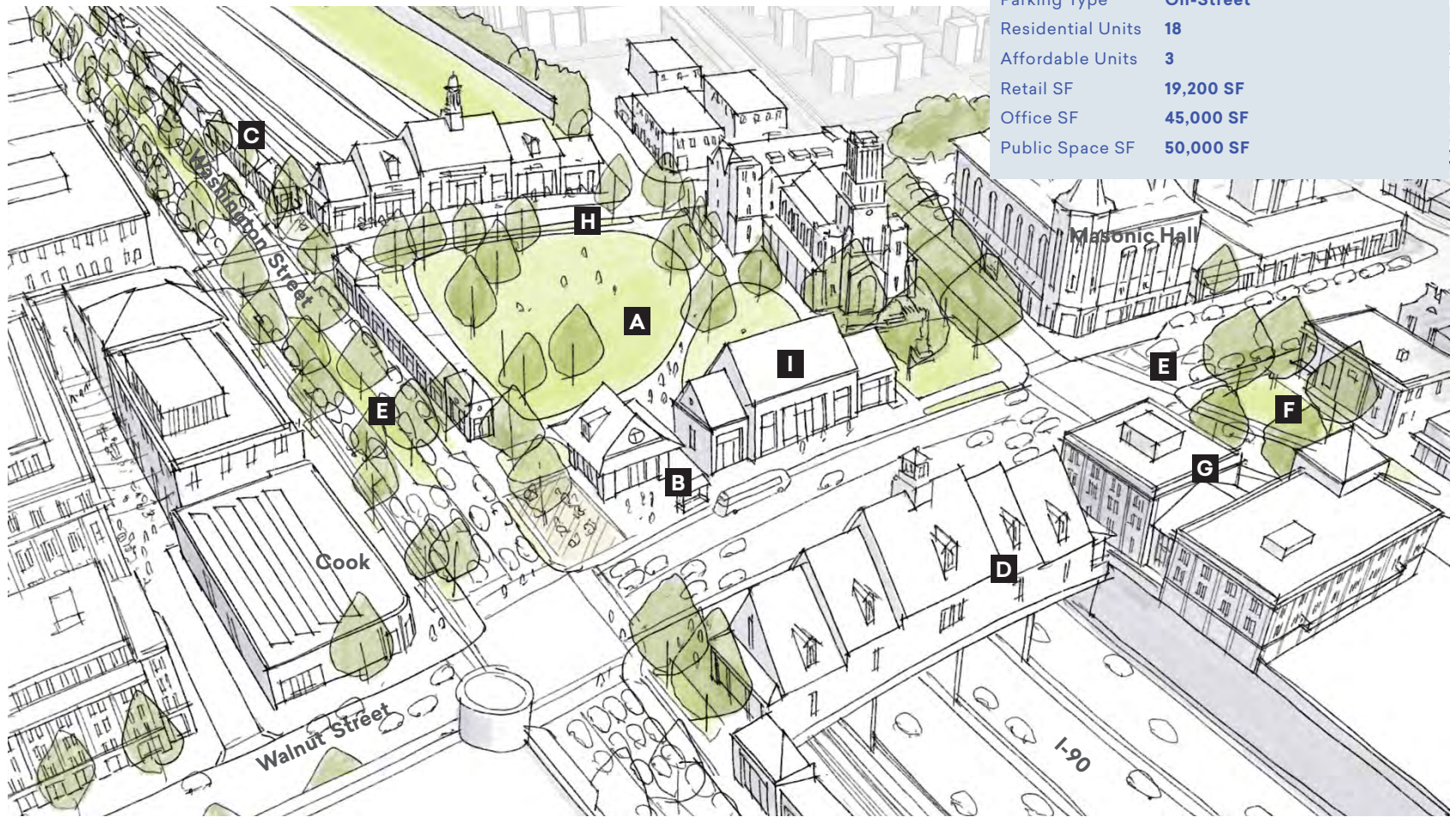
Do you like the idea of having larger-scale development near the highway to help pay for lining the bridge over the highway? (Estimated between \$46.55 million and \$47.9 million)

How important is it to connect Walnut Street on the North and South sides of the highway? Does the plan do a good job of accomplishing this with the new buildings lining the bridge?

Are you ok with more development in other places in order to make these improvements to Walnut Street possible?

Newtonville Square "Walnut Street Deck Park" Option

Building Height	3 stories max.	#220-18
Building Width	200' max.	
Off-Street Parking	0 spaces	
Parking Type	On-Street	
Residential Units	18	
Affordable Units	3	
Retail SF	19,200 SF	
Office SF	45,000 SF	
Public Space SF	50,000 SF	



A A further expansion of the decking over the Turnpike creates a place for a large new public park and gathering space for the village. This park on a deck above the highway is a significant public investment that through excellent design and placemaking could be an attractive new public park for not only those who live or work in the village center, but for the city as a whole.

B An upgraded west entrance to the Newtonville commuter rail station serves as a central focal point for the village and provides ADA accessibility to the commuter rail platforms.

C Micro retail pavilions line the edge of Washington Street, providing a visual and acoustic buffer to the Turnpike.

D New one-story retail buildings line the sides of the Walnut Street bridge, providing active frontages in the core of the village, and blocking views of the Turnpike.

E Streetscape improvements along Washington Street and Walnut Street support a more walkable environment. Narrower vehicular travel lanes and on-street parking help to slow traffic, while wider sidewalks, new cycle lanes, and regular street trees make walking/cycling safer and more enjoyable.

F A reconfigured intersection aligns Austin Street with Newtonville Avenue, and creates a small new triangular green in front of the existing retail buildings.

G A new infill building caps off the end of the large surface parking lot at the intersection of Walnut and Austin Streets (currently Star Market surface parking lot).

H Additional on-street parking is located along the new streets that surround the park space.

I The architecture of these commercial buildings could build on the city's tradition of Richardsonian Romanesque style of train stations and other memorable structures.

Newtonville Square "Walnut Street Deck Park" Option Precedent Images



Questions for the Community

Do you like the idea of having larger-scale development near the highway to help pay for the park that decks over the highway? (Estimated between \$46.55 million and \$47.9 million)

How important is it to connect Walnut Street on the North and South sides of the highway? Does the plan do a good job of accomplishing this with the new buildings lining the bridge?

Are you ok with more development in other places in order to make these improvements to Walnut Street possible?

Washington Street, Curb to Curb

Washington Street is the spine that connects the villages of West Newton, Newtonville, and Newton Corner. The street has potential to become a stronger center of community life. This plan reimagines Washington Street as a destination, a place with active retail and sidewalk activity, a place where kids and seniors can safely walk and bike, and a place that feels less like the edge of a highway. The street has the potential to look and feel more like a grand tree lined street in the Garden City tradition of Newton, a safe place that brings people together. The trick is to find the right balance that still maintains vehicle flow, while also safely accommodating other modes and minimizing any impacts on adjacent neighborhoods. Everyone, eventually, regardless of mode of travel, becomes a pedestrian. Thus, investing in all modes of transportation is essential to provide real choice to Newton's citizens. This transformation can begin now, with short term testing of new street design concepts, and may continue with permanent changes in the future.

How does Washington Street Function Today?

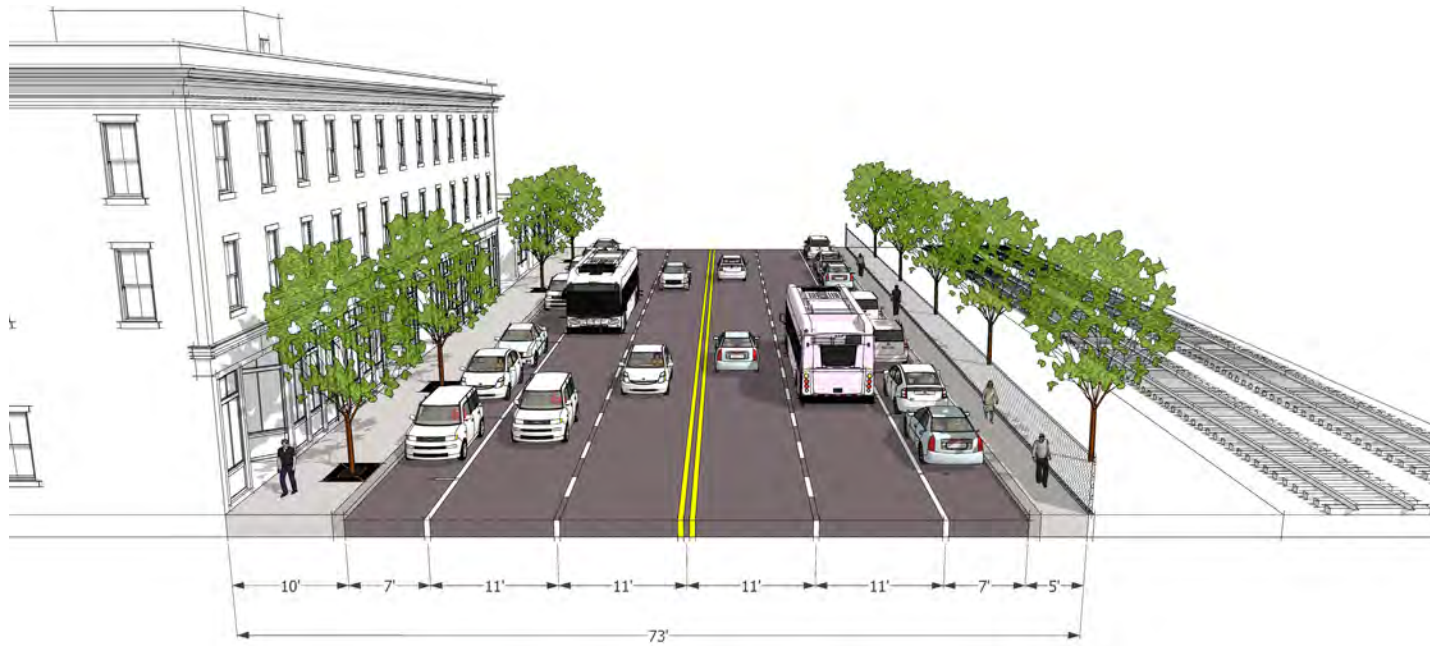
Washington Street is a major regional roadway for Newton and the adjacent communities. The study area spans 2.5 miles from West Newton to Newton Corner, and looks selectively at one to three blocks on either side of Washington Street. I-90/Massachusetts Turnpike (Toll Road) and MBTA rail lines run parallel along the south side of the study corridor. Washington Street is often used as an alternative to I-90/Massachusetts Turnpike (Toll Road) by drivers commuting to Boston, Brookline, Newton, and adjacent communities. Outside the study area, Washington Street extends southeast to Brookline and southwest through Wellesley. Approximate travel times on Washington Street between West Newton and Newton Corner are as follows:

Driving 15 minutes
Biking 15 minutes
Walking 50 minutes

Washington Street currently operates as a four-lane roadway with parallel parking on both sides along the majority of the study corridor. A 10 foot sidewalk exists along majority of the north side of Washington Street. The south side has a 5 foot space between the curb and the Turnpike fence. However, this space is not consistently paved to act as a sidewalk. There are no dedicated bicycle lanes along Washington Street.

In the study area, there are ten signalized intersections and a few major unsignalized intersections (e.g. stop signs) that have stop controls on side streets along the study corridor. The corridor also contains a high number of driveways accessing commercial properties adjacent to the roadway. Pedestrian crossing opportunities are mostly limited to marked crosswalks at signalized intersections.





PROPOSED LONG-TERM STREET REDESIGN





The above street sections shows how the proposed long term improvement can be tested today, without moving curbs and with just paint and temporary materials. This "quick build" pilot version of the longer term proposal is a way to learn what works and to improve the design for the permanent changes. This technique is used in a growing number of cities across the country to inexpensively improve streets while at the same time testing and learning before making large investments.

Questions for the Community

What do you like and not like about the proposed Washington Street redesign?

Do you think you would walk or bike more with the proposed street redesign?

What other improvements could make Washington Street better for all modes?

Implementing the Vision

The City of Newton will move forward quickly to implement the vision established through the "Hello Washington" community process. This includes looking carefully at creative funding strategies as well as making changes to the regulatory playbook, most specifically the zoning for Washington Street. Subsequent drafts of this plan will also include a number of other strategies for implementing the big ideas established by the community. Together, this selection of tools will help deliver the kind of outcomes for Washington Street that reflect the hopes of the community.

Paying for the Public Improvements

Newton has an opportunity to generate a desirable future with a scale of development that people can rally around, while also using future development as a means to pay for community benefits, build value, and support a strong tax base. Through carefully considered development, supported by zoning and strong policies, the City can satisfy a broad range of goals.

The fiscal impact analysis generated for the four options demonstrates that new development can result in a fiscal gains for the city. This analysis is supported by additional research which shows that the community can pursue many of its goals by actively pursuing public-private partnerships with private companies and developers to invest in Newton. Other cities within the region have successfully partnered with private entities to upgrade MBTA stations, build decks over the turnpike, build new parks, and build shared parking structures. These lessons are echoed in projects across the country, which name public-private partnerships as integral to mutually beneficial developments. If these important public-private partnerships are made, the city can reserve the \$4 million plus in annual revenue resulting from the build out of this plan for other local priorities, including upgrades to Washington Street and the creation of affordable housing.

Public / Private Partnerships

The fiscal impact analysis generated for each of the four options demonstrates that new development can result in a fiscal positive for the city. This analysis and additional research clearly shows that the community can pursue many of its goals by actively pursuing public-private partnerships with private companies and developers to invest in Newton. Other cities within the region have successfully partnered with private entities to upgrade MBTA stations, deck the pike, build new parks, and build shared parking structures. If these public / private partnerships can be lined up, the city can reserve the \$4 million plus in annual revenue for other local priorities, including upgrades to Washington Street, affordable housing, or other items.

District Increment Financing (DIF)

It is important to also note that this analysis does not capture the additional value that can be captured through a District Increment Financing program. DIF funds are yet another source of funding available to help pay for work that can improve quality of life along Washington Street. The DIF program would allow for any increase in taxable value from any new development along Washington Street to be held by the City and used for improvements within the DIF district.

#220-18

Questions for the Community

Would you prefer to see more residential, commercial, or retail uses along Washington Street?

If residential development is fiscally negative for Newton, do you still want to see more housing provided in order to provide additional market rate and affordable housing in Newton?

Are you interested in seeing moments of tall buildings in certain locations that back up to the highway and that are removed from residential neighborhoods?

Which of these improvements would you most like to see? Why?

Project type	Description	Low Cost Estimate	High Cost Estimate
CORRIDOR-WIDE IMPROVEMENTS			
Rebuild Washington Street	Includes new protected bike lanes, sidewalks, street trees, improve pedestrian and cyclist safety, improved lighting, center island median landscaping. Does not include the planned streetscape redevelopment in West Newton (Washington Street) or Newtonville (Walnut Street and Austin Street).	\$19,200,000	\$24,400,000
MBTA Station ADA Improvements	Includes ADA accessible stations at Newtonville & West Newton.	\$31,000,000	\$46,000,000
MBTA ADA / Station Frequency Improvements	Includes ADA accessible stations at Newtonville & West Newton plus increased commuter rail frequency.	\$86,000,000	\$129,000,000
WEST NEWTON IMPROVEMENTS			
Captain Ryan Park Improvements	Includes the rebuild of the .51 acre Captain Ryan Park in West Newton.	\$900,000	\$2,500,000
Cheesecake Brook Park	Includes a new .4 acre linear park bordering Cheesecake Brook.	\$706,000	\$1,900,000
Watertown Street Pocket Park	Includes a new .25 acre pocket park on Watertown Street.	\$440,000	\$1,200,000
West Newton Deck Park	Includes a 2.3 acre deck park over I-90 in West Newton.	\$48,600,000	\$50,100,000
NEWTONVILLE IMPROVEMENTS			
Walker Street Greenspace Improvements	Includes the improvement of the 1 acre Walker Street Greenspace.	\$1,800,000	\$4,800,000
Crafts Street Park	Includes a new .75 acre park at Crafts Street.	\$1,300,000	\$3,600,000
Newtonville Deck Park	Includes a 2.2 acre deck park over I-90 in Newtonville.	\$46,500,000	\$48,000,000
Pedestrian/Bicycle Bridge	Includes an estimated 165' x 10' steel prefab pedestrian/bicycle bridge from Walker Street to Austin Street.	\$230,000	\$750,000

Zoning Toolkit for Managing Village Character

The following zoning tools are being developed to help support the community's vision for Washington Street. More information on zoning strategy can be found in the complete Zoning Toolkit, located on the City of Newton website.

BUILDING SIZE

The code controls the size of buildings through the use of building types that regulate the length and width of buildings and their floor plates. Different building types, some larger and some smaller, are allowed within some districts, but not others, depending on the character of a particular section of Washington Street.

HISTORIC FACADE PRESERVATION

The code provides an incentive for preserving historic building facades within the village centers along Washington Street by providing an additional story of development when facades are preserved and restored. New construction that maintains historic facades must be set back 10 feet from the historic facade in order to create a relationship between new and old structures that visually communicates that the two structures are distinct.

SHOPFRONT WIDTH

The code prioritizes the rhythm of shopfronts typical to the villages along Washington Street. Shopfronts may not be greater than 30 feet in width along the street to provide multiple opportunities for retail activity and a lively and engaging activity within the villages.

STEP DOWN TO NEIGHBORHOODS

As a way to ensure that any new development is compatible with adjacent residential neighborhoods, the code includes standards that require buildings to step down in height. This is achieved by requiring buildings that are on lots abutting residential districts to be no more than one story greater than the maximum allowed height of the residential neighborhood. Most residential neighborhoods have a maximum height of 2 stories, which means that buildings adjacent to homes can be no more than 3 stories.

VARIED BUILDING HEIGHT

There is a strong interest to have a varied roof line along Washington Street, with changing building heights and cornice heights along a street. This goal is accomplished through a variety of techniques, including the following:

Courtyard Building Group

The code includes a building arrangement that allows a number of mixed-use and residential buildings to be located around a central civic space. Because the courtyard building group assumes single land ownership, the building group can carefully regulate building heights to ensure a varied roof line.

Streamline Approvals for Human-Scale Buildings

The code allows the smaller, incremental building types that are 3 or fewer stories in height to be approved by right, which means they do not need to go through a special permit process. Alternatively, taller buildings and larger building types will still require special permit approval. Through the special permit process, additional height is allowed where identified in the Washington Street Vision Plan. This allows for a surgical approach to managing height that responds to community goals.

UPPER STORY STEPBACKS

In order to allow taller buildings in certain locations while also maintaining the scale of development from the street, the code includes standards that require a building to step back by 10 feet at the 4th floor.

FLEXIBLE PARKING

In order to allow for a smaller and more human-scale pattern of development, the code removes off-street parking requirements so that individual land owners can determine how many parking spaces they will provide on their site. This flexibility will allow for smaller projects, which under current rules would not be feasible due to space limitations and cost. Less parking will also help to reduce traffic along Washington Street by inviting in new residents who choose affordability and location over having a car.

#220-18

CHARACTER DISTRICT SUMMARY TABLE

1. RESIDENTIAL SINGLE UNIT



2. RESIDENTIAL MULTI FAMILY



3. NEIGHBORHOOD GENERAL



4. VILLAGE CENTER



5. VILLAGE EDGE



6. VILLAGE TOD



Questions for the Community

Is preserving historic building facades important to you?

Are you comfortable with reducing the number of parking spaces required for new development if it means that smaller, human-scale developments are more feasible?

Are you comfortable allowing smaller, human-scale projects to be approved by right, as long as the standards of the code are met, with larger projects continuing to go through the special permit process?



WASHINGTON STREET ZONING CODE TOOLKIT

A Sub-Section of the
Newton Zoning Code

10.24.2018

KEY FEATURES

BUILDING SIZE

The code controls the size of buildings through the use of building types that regulate the length and width of buildings and their floor plates. Different building types, some larger and some smaller, are allowed within some districts, but not others, depending on the character of a particular section of Washington Street.

For more information see Article 2.B Districts and Article 3.B. Building Types.

VARIED BUILDING HEIGHT

There is a strong interest to have a varied roof line along Washington Street, with changing building heights and cornice heights along a street. This goal is accomplished through a variety of techniques, including the following:

Courtyard Building Group

The code includes a building arrangement that allows a number of mixed-use and residential buildings to be located around a central civic space. Because the courtyard building group assumes single land ownership, the building group can carefully regulate building heights to ensure a varied roof line.

This standard is found on the Courtyard Building Group sheet in Article 2.D.

Large Building Height Standards

The code allows the smaller, incremental building types that are 3 or fewer stories in height to be approved by right, which means they do not need to go through a special permit process. Alternatively, taller buildings and larger building types will still require special permit approval. Through the special permit process, additional height is allowed in keeping with the heights identified in the Washington Street Vision Plan. This allows for a surgical approach to managing height that responds to community goals.

These standard are handled on the building type sheets located in Article 3.B.

UPPER STORY STEPBACK

In order to allow taller buildings in certain locations while also maintaining the scale of development from the street, the code includes standards that require a building to step back by 10 feet at the 4th floor.

This standard is handled on the building type sheets located in Article 3.B.

HISTORIC FACADE PRESERVATION

The code provides an incentive for preserving historic building facades within the village centers along Washington Street by providing an additional story of development when facades are preserved and restored. New construction that maintains historic facades must be set back 10 feet from the historic facade in order to create a relationship between new and old structures that visually communicates that the two structures are distinct.

SHOPFRONT WIDTH

The code prioritizes the rhythm of shopfronts typical to the villages along Washington Street. Shopfronts may not be greater than 30 feet in width along the street to provide multiple opportunities for retail activity and a lively and engaging activity within the villages.

STEP DOWN TO NEIGHBORHOODS

As a way to ensure that any new development is compatible with adjacent residential neighborhoods, the code includes standards that require buildings to step down in height. This is achieved by requiring buildings that are on lots abutting residential districts to be no more than one story greater than the maximum allowed height of the residential neighborhood. Most residential neighborhoods have a maximum height of 2 stories, which means that buildings adjacent to homes can be no more than 3 stories.

This standard is found on the district sheets located in Article 2.B.

FLEXIBLE PARKING

In order to allow for a smaller and more human-scale pattern of development, the code removes off-street parking requirements so that individual land owners can determine how many parking spaces they will provide on their site. This flexibility will allow for smaller projects, which under current rules would not be feasible due to space limitations and cost. Less parking will also help to reduce traffic along Washington Street by inviting in new residents who choose affordability and location over having a car.

TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE

1. RESIDENTIAL SINGLE UNIT



2. RESIDENTIAL MULTI UNIT



3. NEIGHBORHOOD GENERAL



4. VILLAGE CENTER



5. VILLAGE EDGE



6. VILLAGE TOV



1. RESIDENTIAL SINGLE UNIT



a. DESCRIPTION

The Residential Single Unit district has a mix of small, medium, and large single unit houses on medium-sized lots. The district has predominantly narrow, interconnected streets. Attached and detached accessory buildings located toward the rear of the houses are common. Houses have a consistent front setbacks that vary from street to street.

b. PURPOSE

1. To accommodate areas of tight-knit residential homes.
2. To reinforce areas of detached, single unit residential homes on medium-sized lots.
3. To maintain the scale, rhythm, and housing pattern of existing residential neighborhoods.
4. To provide the community with a predictable outcome from development and redevelopment.
5. To enable home occupation and mix of units withing residential buildings.

c. LOT DIMENSIONS

Width	60 ft min, 100 ft max
Depth	n/a

d. PRIMARY BUILDING SETBACKS

Primary Front Setback	18 ft min, 40 ft max (1)
Secondary Front Setback	18 ft min
Side Setback	10 ft min (2)
Rear Setback	8 ft min

e. YARD DIMENSIONS

Area	900 sf min
Length	20 ft min

1. RESIDENTIAL SINGLE UNIT

e. BUILDING TYPES

Small House	●
Bungalow	●
House	●
Large House	●
Civic Building	◐

f. ACCESSORY BUILDING TYPES

Back Cottage	●
Carriage House	●

g. BUILDING GROUPS

Multi-Unit Court	●
------------------	---

- Permitted
- ◐ Permitted by special permit

h. STANDARDS

1. Front setbacks may be greater or less than the setback range in order to match the setbacks of an adjacent building.
2. Side setbacks may be averaged.

2. RESIDENTIAL MULTI UNIT



a. DESCRIPTION

The Residential Multi Unit District has a mix of small and medium single and multi unit residential buildings on small to medium sized lots. Buildings include a range of missing-middle types. Setbacks are shallow and variable. The district has predominantly narrow, interconnected streets. Attached and detached accessory buildings are commonly located toward the rear of primary buildings.

b. PURPOSE

1. To accommodate areas of tight-knit detached and attached residential homes.
2. To promote a mix of housing options on small to medium sized lots.
3. To provide the community with a predictable outcome from development and redevelopment.
4. To enable home occupation and mix of units withing residential buildings.

c. LOT DIMENSIONS

Width	60 ft min, 100 ft max
Depth	n/a

d. PRIMARY BUILDING SETBACKS

Primary Front Setback	18 ft min, 40 ft max (1)
Secondary Front Setback	18 ft min
Side Setback	10 ft min (2)
Rear Setback	8 ft min

e. YARD DIMENSIONS

Area	900 sf min
Length	20 ft min

2. RESIDENTIAL MULTI UNIT

f. BUILDING TYPES

Small House	●
Bungalow	●
House	●
Large House	●
Duplex	●
Apartment House	●
Civic Building	◐

g. ACCESSORY BUILDING TYPES

Back Cottage	●
Carriage House	●

h. BUILDING GROUPS

Multi-Unit Court	●
------------------	---

- Permitted
- ◐ Permitted by special permit

i. STANDARDS

1. Front setbacks may be greater or less than the setback range in order to match the setbacks of an adjacent building.
2. Side setbacks may be averaged.

3. NEIGHBORHOOD GENERAL



a. DESCRIPTION

The Neighborhood General District consists of a wide variety of building types with a variety of uses and activities. Setbacks are shallow and variable. Streets may or may not have curbs and sidewalks, with medium-sized blocks.

b. PURPOSE

1. To accommodate fine-grained, diverse mixed-use areas that primarily occur in close proximity to a village center.
2. To promote a mix of housing options near to a village center.
3. To provide the community with a predictable outcome from development and redevelopment.

c. LOT DIMENSIONS

Width	30 ft min, 60 ft max (1)
Depth	n/a

d. PRIMARY BUILDING SETBACKS

Primary Front Setback	0 ft min, 12 ft max
Secondary Front Setback	0 ft min, 12 ft max
Side Setback	5 ft min, 10 ft max (2)
Rear Setback	5 ft min

3. NEIGHBORHOOD GENERAL

f. BUILDING TYPES

Commercial Pavilion	●
House	●
Large House	●
Duplex	●
Apartment House	●
Small Apartment Building	●
Townhouse	●
Shop	●
Shophouse	●
Live/Work Flex	●
Inn	●
Civic Building	●

g. ACCESSORY BUILDING TYPES

Back Cottage	●
Carriage House	●
Fabrication Shop	●
Accessory Shop	●

h. BUILDING GROUPS

Multi-Unit Court	●
------------------	---

- Permitted
- Permitted by special permit

i. STANDARDS

1. Lot width may be reduced to 18 ft for rowhouse or live/work buildings.
2. Side setbacks may be averaged.

4. VILLAGE CENTER



Calibrate lot width based on additional community input.

a. DESCRIPTION

The Village Center District applies to properties in the village centers along Washington Street that are primarily 1 to 3 stories in height that accommodate a range of commercial, office, and residential uses. This district also allows taller 4 and 5-story buildings where historic building facades are preserved and in key locations where more height is called for within the Washington Street Vision Plan. The district has a network of streets designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, steady street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have surface parking, structured parking, or district parking solutions.

b. PURPOSE

1. To accommodate attached and detached mixed use buildings within a village center that provide local and regional access to commercial uses.
2. To preserve the traditional scale and character of the village centers along Washington Street.
3. To promote housing on the upper floors of mixed-use buildings.
4. To provide the community with a predictable outcome from development and redevelopment.
5. To preserve historic building facades.

c. LOT DIMENSIONS

Width	120 ft max
Depth	n/a

d. PRIMARY BUILDING SETBACKS

Primary Front Setback	0 ft max
Secondary Front Setback	0 ft max
Side Setback	5 ft max
Rear Setback	5 ft min

4. VILLAGE CENTER

e. BUILDING TYPES

Commercial Pavilion	●
Live/Work Flex	●
Shophouse	●
Shop	●
Inn	●
Main Street Building	●
Civic Building	●

f. ACCESSORY BUILDING TYPES

Carriage House	●
Fabrication Shop	●
Accessory Shop	●

g. BUILDING GROUPS

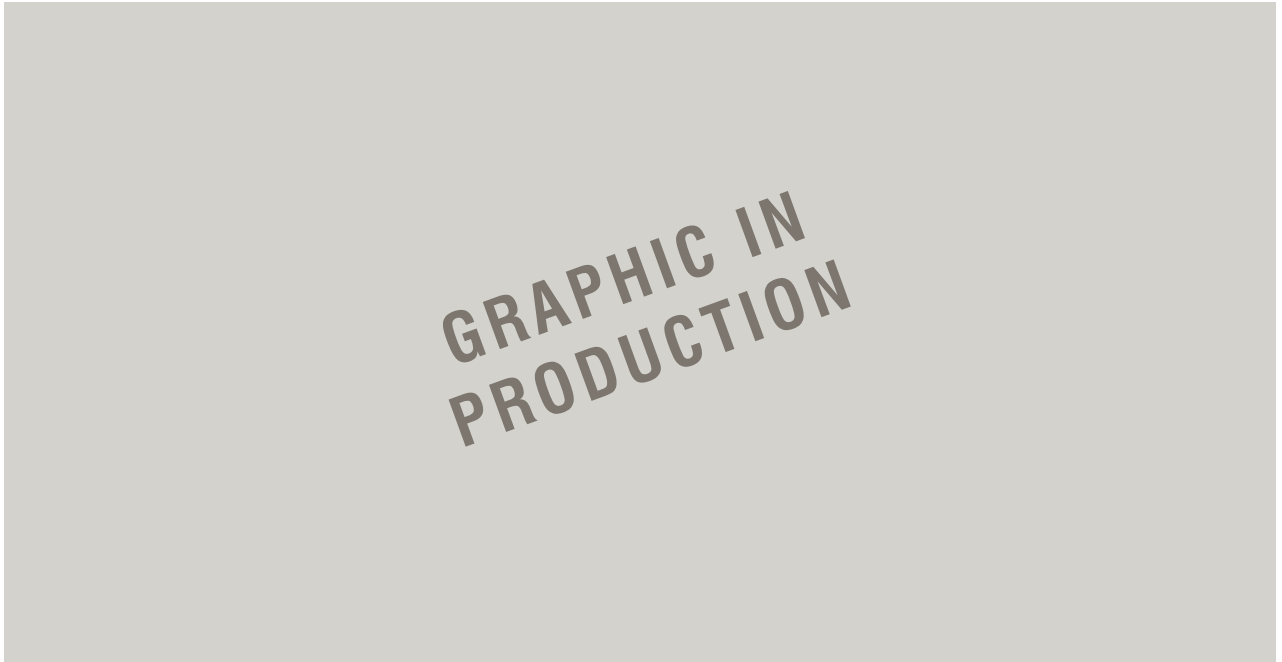
Courtyard	◐
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- Permitted
- ◐ Permitted by special permit

h. STANDARDS

1. Where a Village District abuts a Residential District, either directly or across a thoroughfare, no primary building or its components may be more than 1 story taller than the height permitted in the adjacent Residential District.
2. A grouping of attached buildings may not exceed 180 feet in aggregate length along a frontage, at which point the building must be interrupted by a thoroughfare, civic space, or a break of at least 3 ft in width and no greater than 12 feet in width. The break may accommodate pedestrian accessways or narrow side yards.
3. Where the grade of the thoroughfare at the frontage is greater than or equal to a 10% slope, buildings in this district may be set back up to 10 ft in order to provide a sidewalk terrace.

5. VILLAGE EDGE



Calibrate lot width based on additional community input.

a. DESCRIPTION

The Village Edge District applies to areas that are near historic village centers and where a range of 2 to 6-story mixed use buildings can accommodate a range of commercial, office, and residential uses. This district has a network of streets designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, steady street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have surface parking, structured parking, or district parking solutions.

b. PURPOSE

1. To accommodate attached and detached mixed use buildings near to the village centers.
2. To ensure a pattern and scale of development that responds to the tradition and quality of development within Newton.
3. To promote housing on the upper floors of mixed-use buildings.
4. To provide the community with a predictable outcome from development and redevelopment.

c. LOT DIMENSIONS

Width	120 ft max
Depth	n/a

d. PRIMARY BUILDING SETBACKS

Primary Front Setback	0 ft max
Secondary Front Setback	0 ft max
Side Setback	5 ft max
Rear Setback	5 ft min

5. VILLAGE EDGE

e. BUILDING TYPES

Commercial Pavilion	●
Live/Work Flex	●
Shophouse	●
Shop	●
Inn	●
Main Street Building	●
Mixed-Use Block	◐
Large Format Building	◐
Parking Garage	◐
Civic Building	●

f. ACCESSORY BUILDING TYPES

Carriage House	●
Fabrication Shop	●

g. BUILDING GROUPS

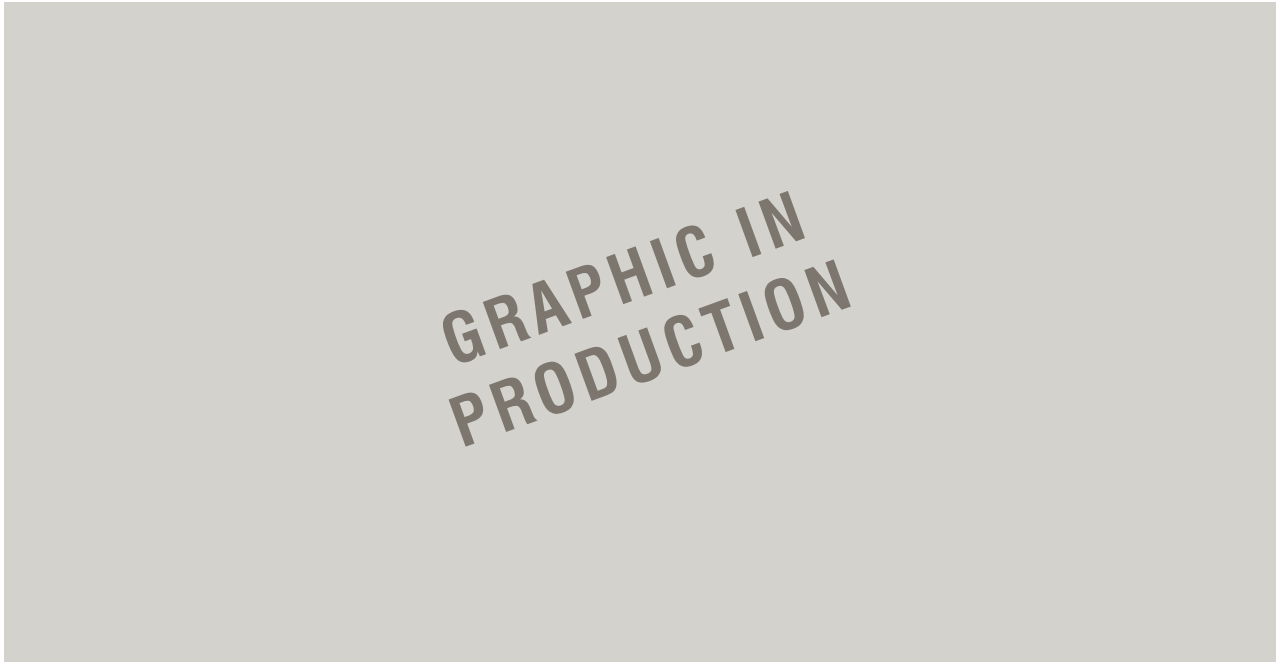
Courtyard	◐
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- Permitted
- ◐ Permitted by special permit

h. STANDARDS

1. Where a Village District abuts a Residential District, either directly or across a thoroughfare, no primary building or its components may be more than 1 story taller than the height permitted in the adjacent Residential District.
2. A grouping of attached buildings may not exceed 180 feet in aggregate length along a frontage, at which point the building must be interrupted by a thoroughfare, civic space, or a break of at least 3 ft in width and no greater than 12 feet in width. The break may accommodate pedestrian accessways or narrow side yards.
3. Where the grade of the thoroughfare at the frontage is greater than or equal to a 10% slope, buildings in this district may be set back up to 10 ft in order to provide a sidewalk terrace.

6. VILLAGE TOD



Calibrate lot width based on additional community input.

a. DESCRIPTION

The Village TOD District is a higher density mixed use area that consists of predominantly 3 to 6 story buildings, with discrete locations where taller, up to 12 story, mixed use buildings are sited near the highway and rail stations to provide residential housing options near transit as well as commercial uses. The intent of this district is to allow for larger commercial offices near the stations as a way to generate taxable value to pay for community benefits along the entirety of Washington Street. This district has a network of streets designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, steady street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have structured parking or district parking solutions.

b. PURPOSE

1. To accommodate attached, mixed use buildings near village transit stations
2. To provide local and regional access to commercial uses and housing units.
3. To allow some tall buildings adjacent to the highway and near train stations.
4. To provide the city with a predictable outcome from development and redevelopment.

c. LOT DIMENSIONS

Width	120 ft max
Depth	n/a

d. PRIMARY BUILDING SETBACKS

Primary Front Setback	0 ft max
Secondary Front Setback	0 ft max
Side Setback	5 ft max
Rear Setback	5 ft min

6. VILLAGE TOD

e. BUILDING TYPES

Commercial Pavilion	●
Apartment Building	●
Main Street Building	●
Mixed-Use Block	◐
Residential Midrise	◐
Commercial Midrise	◐
Large Format Building	◐
Parking Garage	◐
Civic Building	●

f. ACCESSORY BUILDING TYPES

Fabrication Shop	●
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g. BUILDING GROUPS

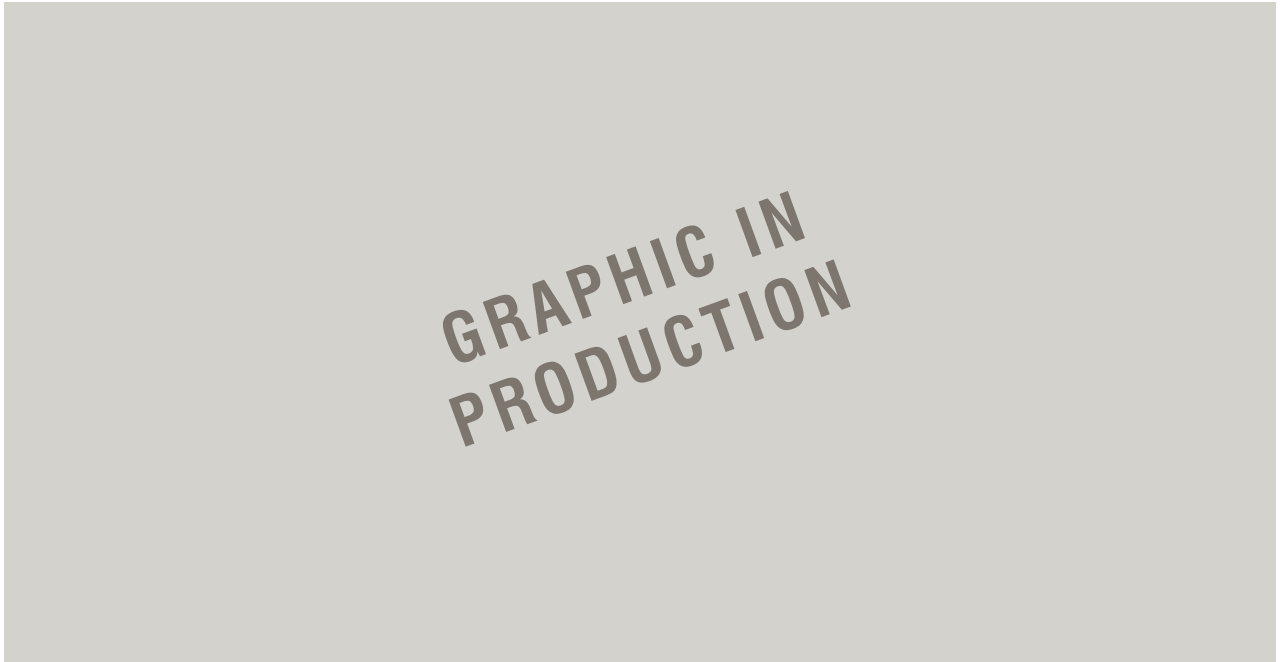
Courtyard	◐
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- Permitted
- ◐ Permitted by special permit

h. STANDARDS

1. Where a Village District abuts a Residential District, either directly or across a thoroughfare, no primary building or its components may be more than 1 story taller than the height permitted in the adjacent Residential District.
2. A grouping of attached buildings may not exceed 180 feet in aggregate length along a frontage, at which point the building must be interrupted by a thoroughfare, civic space, or a break of at least 3 ft in width and no greater than 12 feet in width. The break may accommodate pedestrian accessways or narrow side yards.
3. Where the grade of the thoroughfare at the frontage is greater than or equal to a 10% slope, buildings in this district may be set back up to 10 ft in order to provide a sidewalk terrace.

2. COURTYARD



a. DESCRIPTION

The arrangement of multiple buildings around a central courtyard space, where each primary building fronts both onto a street and onto the interior plaza or park. Buildings are a combination of attached and detached, with pedestrian access from each block face. Parking is provided below grade.

b. PURPOSE

1. To allow the creation of fine-grained public urban courtyards surrounded by a variety of buildings.
2. To provide for fine-grained retail activity in a unique arrangement of spaces.

c. LOT DIMENSIONS

Width	20 ft min, 100 ft max
Depth	n/a

d. PRIMARY BUILDING SETBACKS

Primary Front Setback	3 ft min
Secondary Front Setback	3 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

e. PRIMARY BUILDING TYPES

Apartment Building	●
Townhouse	●
Live-Work / Flex	●
Main Street Building	●
Mixed-Use Block	●

f. ACCESSORY BUILDING TYPES

none

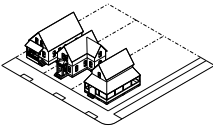
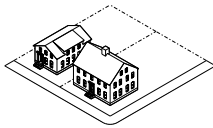

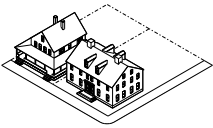
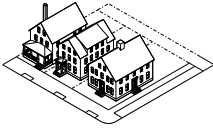
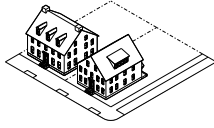
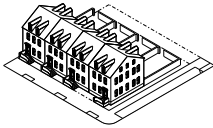
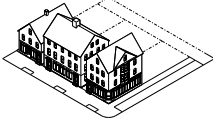
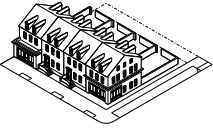

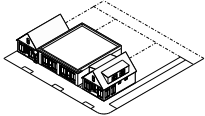

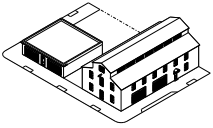
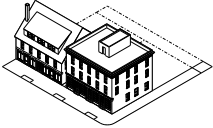





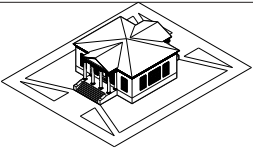
- Permitted
- ⦿ Permitted by special permit

2. COURTYARD

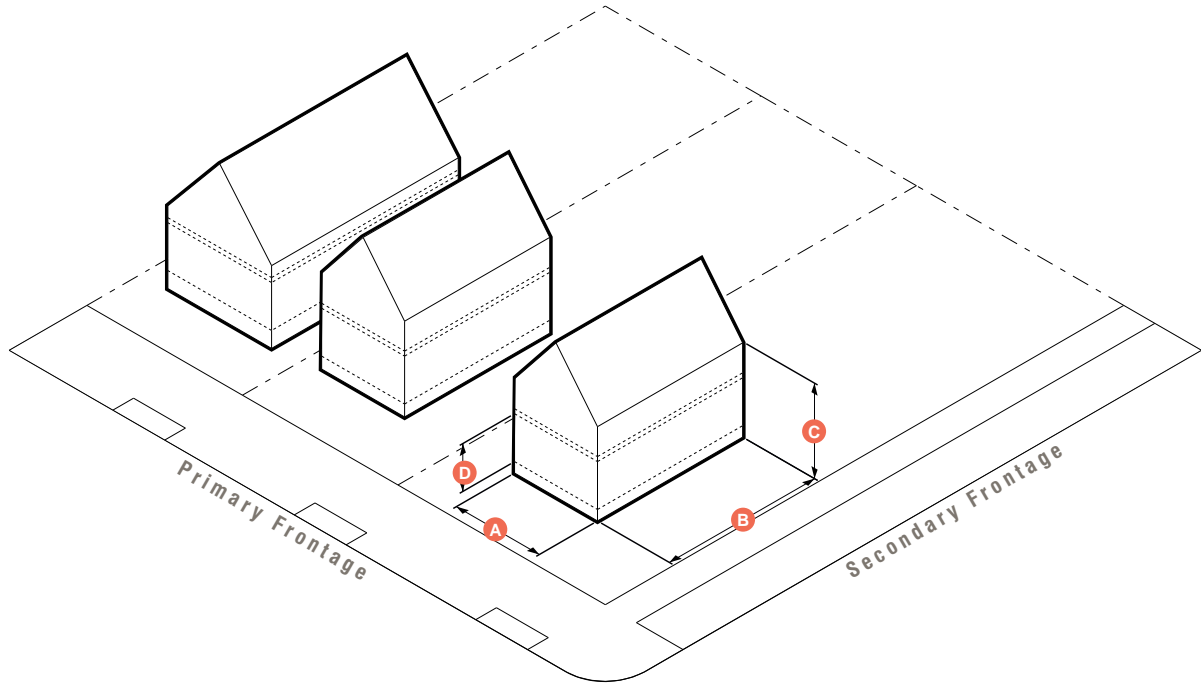
g. STANDARDS

1. Courtyard blocks consist of four elements: the building lots on which buildings are placed, the courtyard around which the buildings are arranged, pedestrian access to the interior courtyard, and underground parking, if provided.
2. The total frontage of a courtyard may not exceed 300 ft in aggregate length along any single thoroughfare.
3. Courtyards may not contain public or private thoroughfares, except for passages.
4. Parking, when provided must be in a below-grade parking garage, with garage access from a secondary thoroughfare.
5. The interior of a courtyard must be at least 20 ft wide on its shortest side, and have an area not smaller than 1000 sf and not larger than 10,890 sf (1/4 acre).
6. The interior of the courtyard must be built to the standards of the plaza civic space types.
7. A courtyard with 4 sides must directly enfront a thoroughfare on at least 2 sides and an alley on no more than 2 sides.
8. A courtyard with 3 sides must directly enfront a thoroughfare or alley on only one side.
9. A courtyard must consist of at least 4 and no more than 8 buildings.
10. A courtyard must have at least 1 and no more than 2 pedestrian passages per block face.
11. The portions of buildings facing onto alleys are not subject to door spacing or fenestration requirements.
12. Building lots must meet the lot measurement and building setback standards for the courtyard, rather than for the base character district.
13. Pedestrian walkways and sidewalks providing access to the interior of a courtyard may not exceed a width of 10 ft.
14. Buildings within a courtyard must vary building story height a minimum of three times along the primary frontage and a minimum of 2 times along a secondary frontage.

TABLE 3.2 BUILDING TYPE SUMMARY

<p>1. SMALL HOUSE</p> 	<p>2. HOUSE</p> 	<p>3. LARGE HOUSE</p> 
<p>4. DUPLEX</p> 	<p>5. APARTMENT HOUSE</p> 	<p>6. SMALL APARTMENT BUILDING</p> 
<p>7. TOWNHOUSE</p> 	<p>8. SHOPHOUSE</p> 	<p>9. LIVE/WORK FLEX</p> 
<p>10. COMMERCIAL PAVILION</p> 	<p>11. SHOP</p> 	<p>12. APARTMENT BUILDING</p> 
<p>13. FABRICATION BUILDING</p> 	<p>14. MAIN STREET BUILDING</p> 	<p>15. MIXED-USE BLOCK</p> 
<p>16. RESIDENTIAL MIDRISE</p> 	<p>17. COMMERCIAL MIDRISE</p> 	<p>18. LARGE FORMAT BUILDING</p> 
<p>19. PARKING GARAGE</p> 	<p>20. CIVIC BUILDING</p> 	

1. SMALL HOUSE



a. DESCRIPTION

A small detached building with one unit.

b. BUILDING FORM

Building Width	14 ft min, 20 ft max	A
Building Length	40 ft max	B
Total Stories	1 story max	C
First Floor Height	9 ft min, 10 ft max	D
Upper Floor Height	n/a	
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

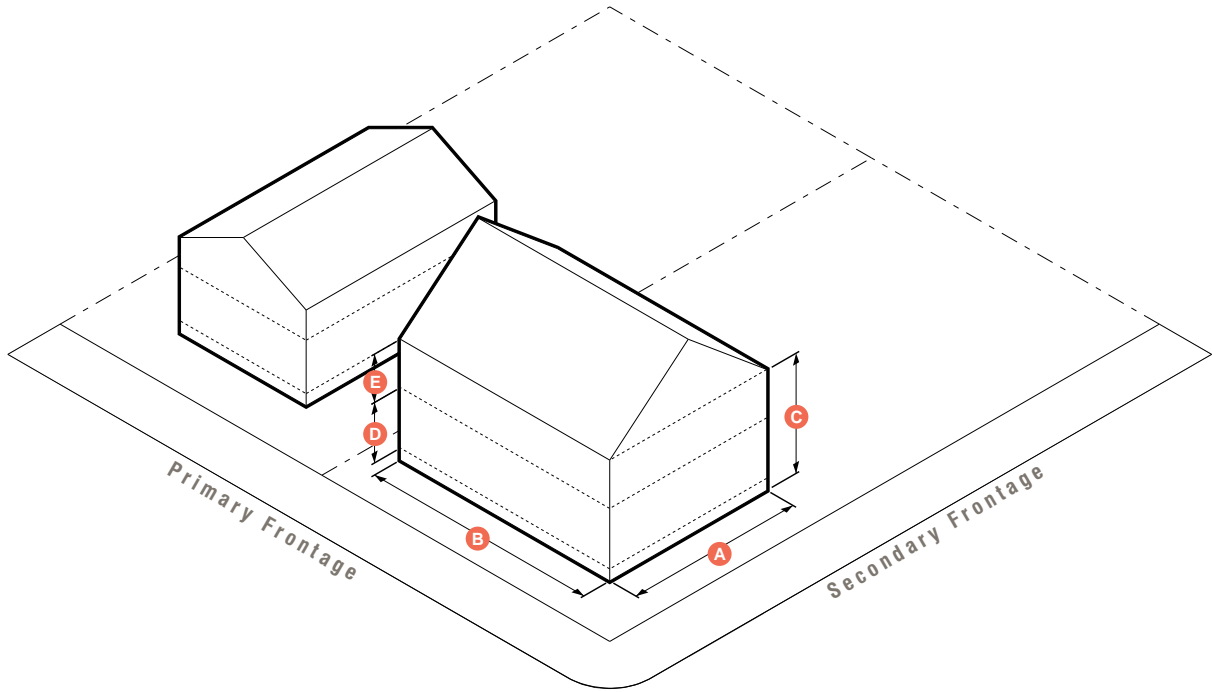
1 unit max

e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

2. HOUSE



a. DESCRIPTION

A detached building with one unit.

b. BUILDING FORM

Building Width	21 ft min, 32 ft max	A
Building Length	48 ft max	B
Total Stories	2 stories max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 10 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

1 unit max

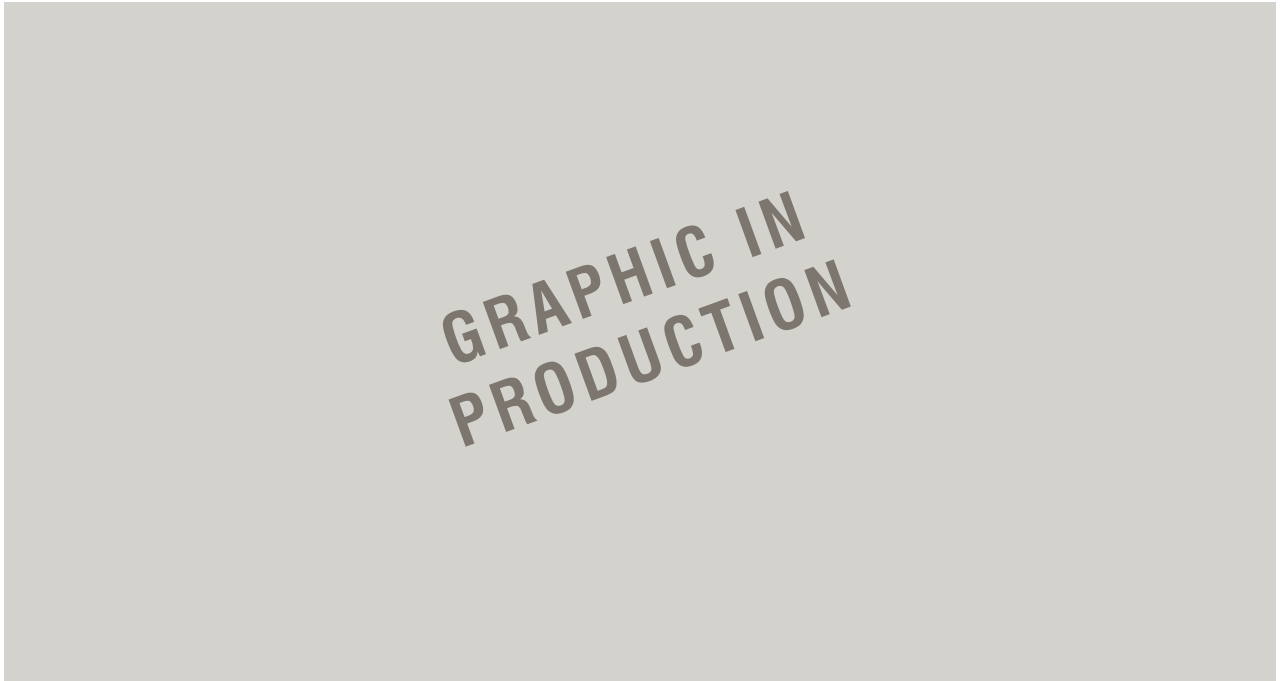
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.

3. LARGE HOUSE



a. DESCRIPTION

A detached building with one unit.

b. BUILDING FORM

Building Width	30 ft min, 42 ft max	A
Building Length	54 ft max	B
Total Stories	2 stories max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 10 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

5 units max

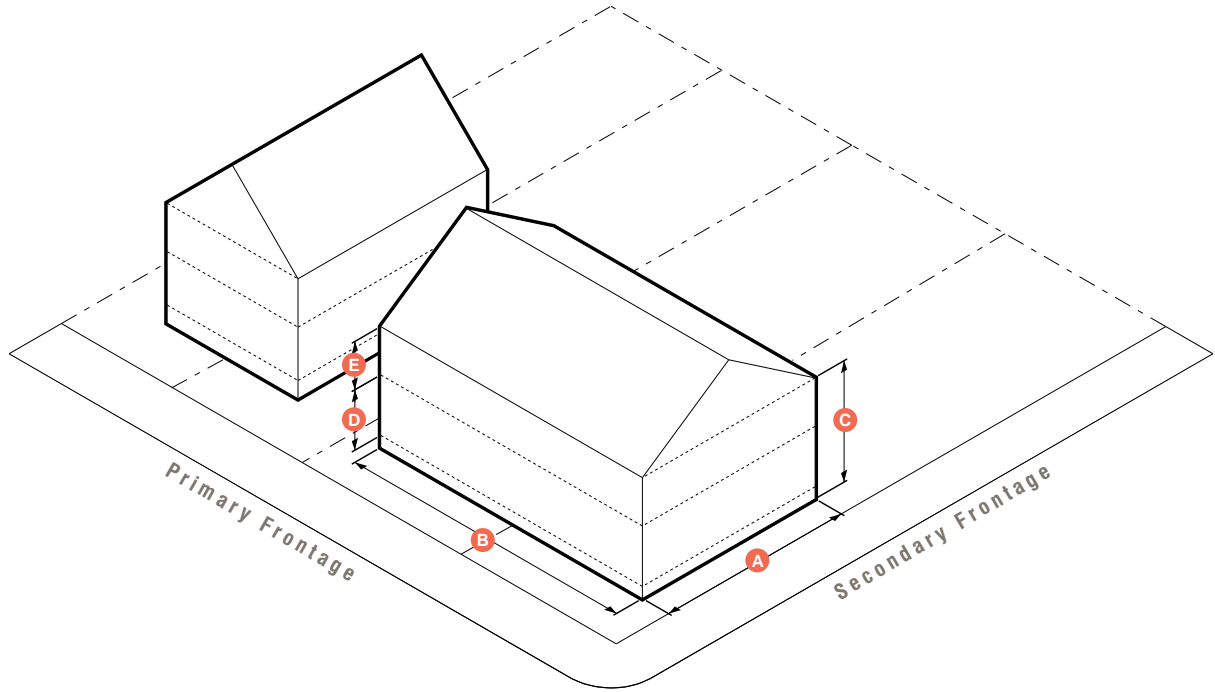
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.

4. DUPLEX



a. DESCRIPTION

A moderately scaled building type comprised of 2 units arranged side by side, where the building spans two lots, with one unit on each lot.

b. BUILDING FORM

Building Width	36 ft max	A
Building Length	48 ft max	B
Total Stories	3 max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none (3)	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

2 units max

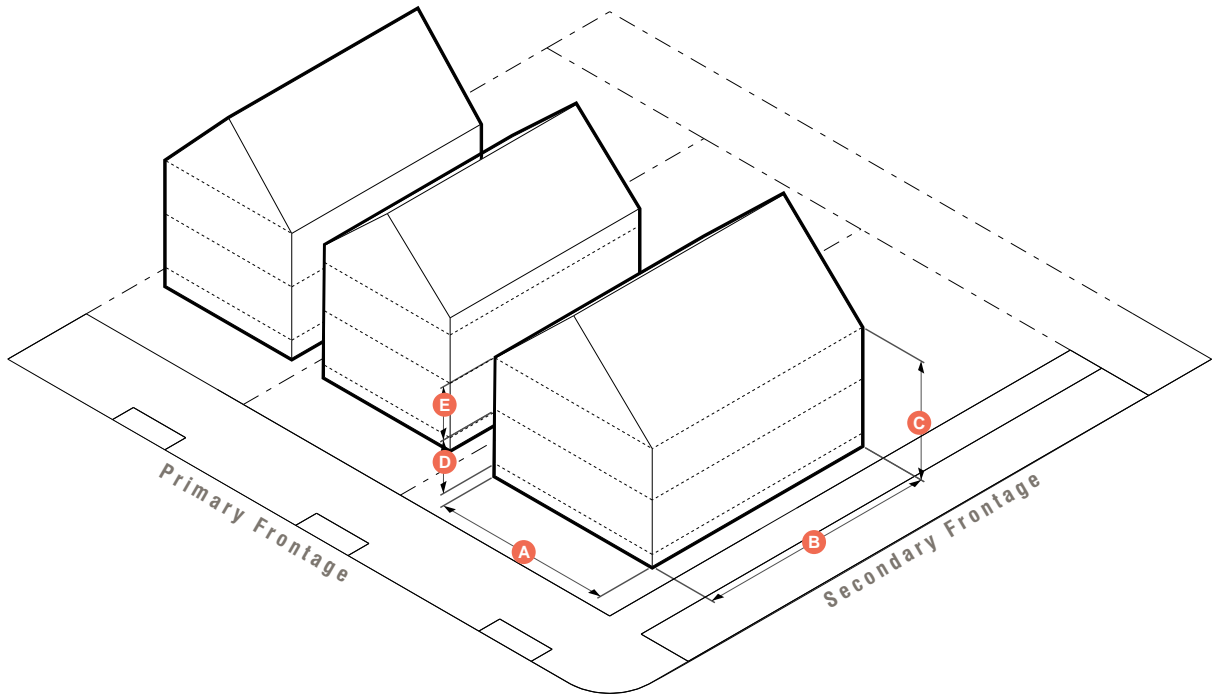
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.
2. A duplex may not attach to adjacent buildings.
3. The duplex is a single building that extends across a lot line. The internal shared wall does not count as an attachment.

5. APARTMENT HOUSE



a. DESCRIPTION

A moderately scaled building type comprised of up to 5 units arranged side by side or stacked one above the other, yet occupying a single lot.

b. BUILDING FORM

Building Width	36 ft max	A
Building Length	60 ft max	B
Total Stories	3 max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

5 units max

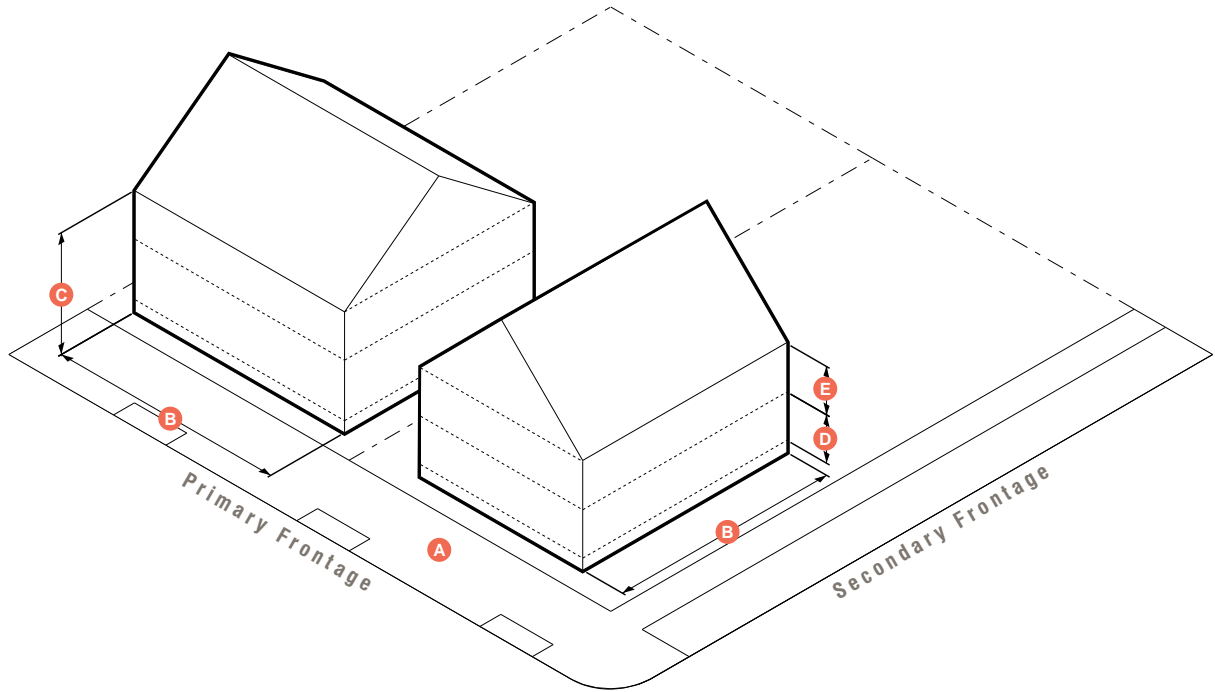
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.

6. SMALL APARTMENT BUILDING



a. DESCRIPTION

A moderately scaled building type comprised of up to 12 units.

b. BUILDING FORM

Building Width	60 ft max	A
Building Length	75 ft max	B
Total Stories	3 stories max	C
First Floor Height	9 ft min, 15 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

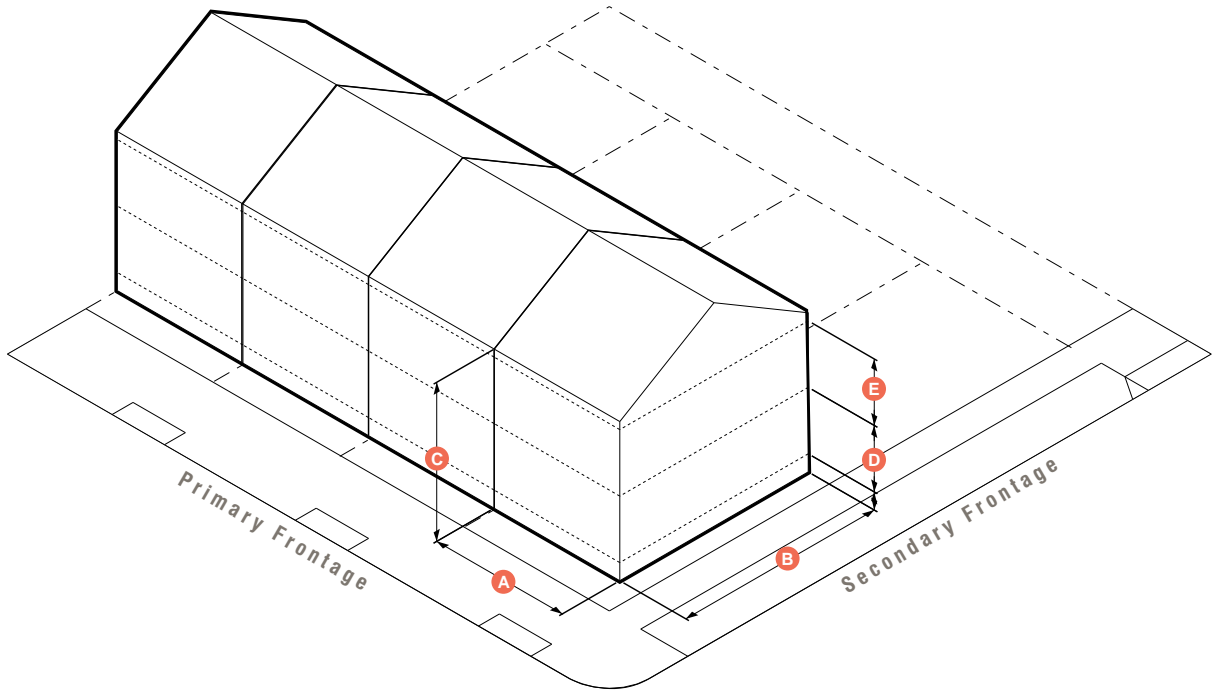
12 units max

e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

7. TOWNHOUSE



a. DESCRIPTION

A small- to medium-sized attached building type comprised of up to 3 units.

b. BUILDING FORM

Building Width	18 ft min, 36 ft max	A
Building Length	50 ft max	B
Total Stories	2 min, 3 max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	1 side min (1)	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

3 units max

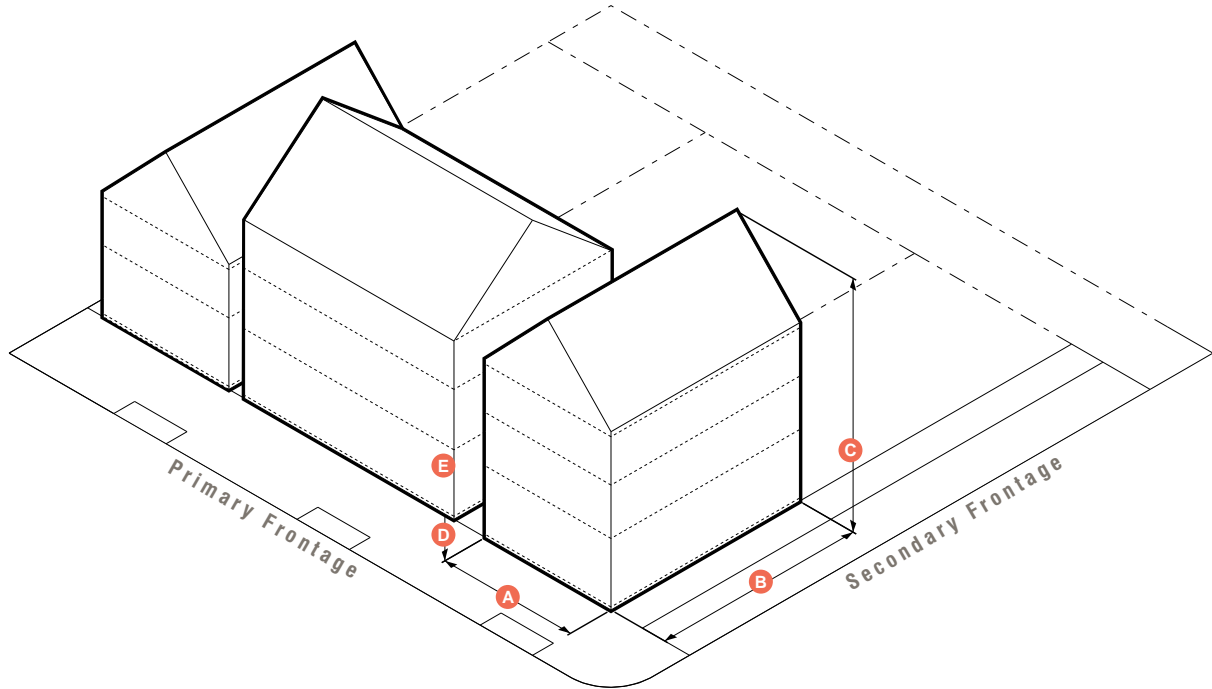
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. A townhouse must attach to a townhouse or live/work flex on at least one side.
2. A maximum of 6 townhouses are allowed to attach.
3. All buildings in a single grouping of attached townhouses must maintain the same front setback.

8. SHOPHOUSE



a. DESCRIPTION

A small building with a shopfront and up to 5 units.

b. BUILDING FORM

Building Width	36 ft max	A
Building Length	60 ft max	B
Total Stories	3 max	C
First Floor Height	12 ft min, 18 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roof	see Article 3.E Roof Types	
Attachments	1 side max	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

5 units max

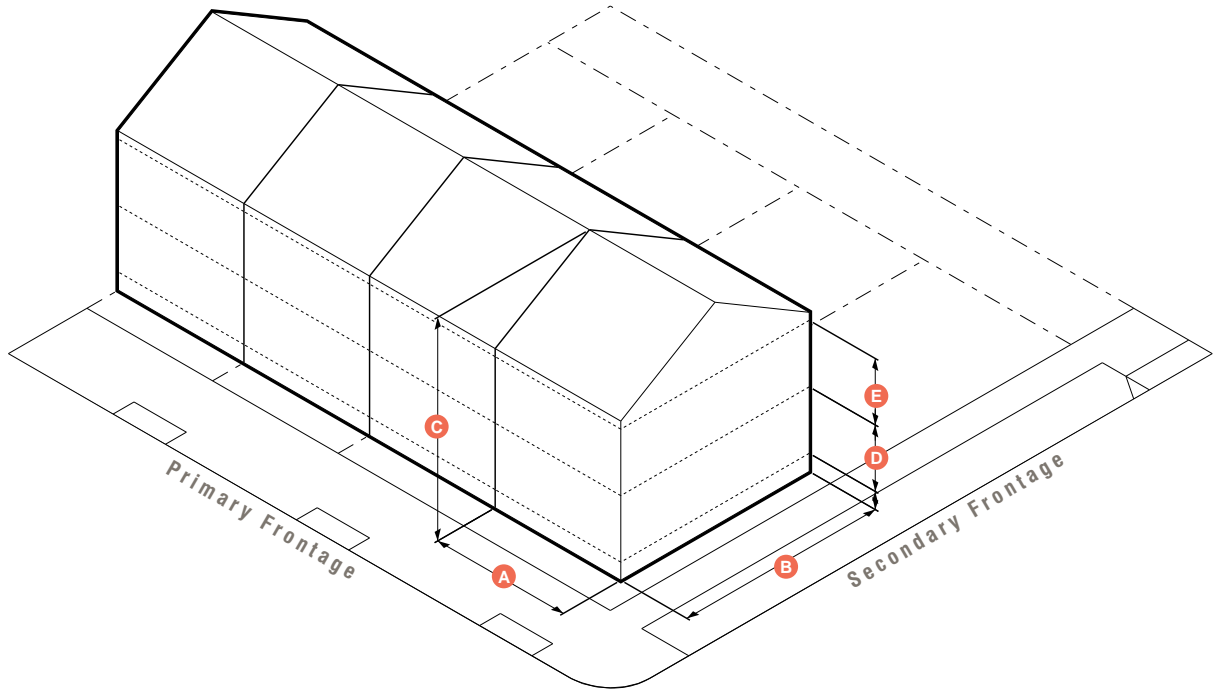
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

- Shopfront standards must be met along the primary and secondary frontage.
- A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.

9. LIVE/WORK FLEX



a. DESCRIPTION

A small attached building type with up to 3 units, including an optional shopfront.

b. BUILDING FORM

Building Width	18 ft min, 60 ft max	A
Building Length	60 ft max	B
Total Stories	2 min, 3 max	C
First Floor Height	9 ft min, 14 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	1 side min	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

3 units max

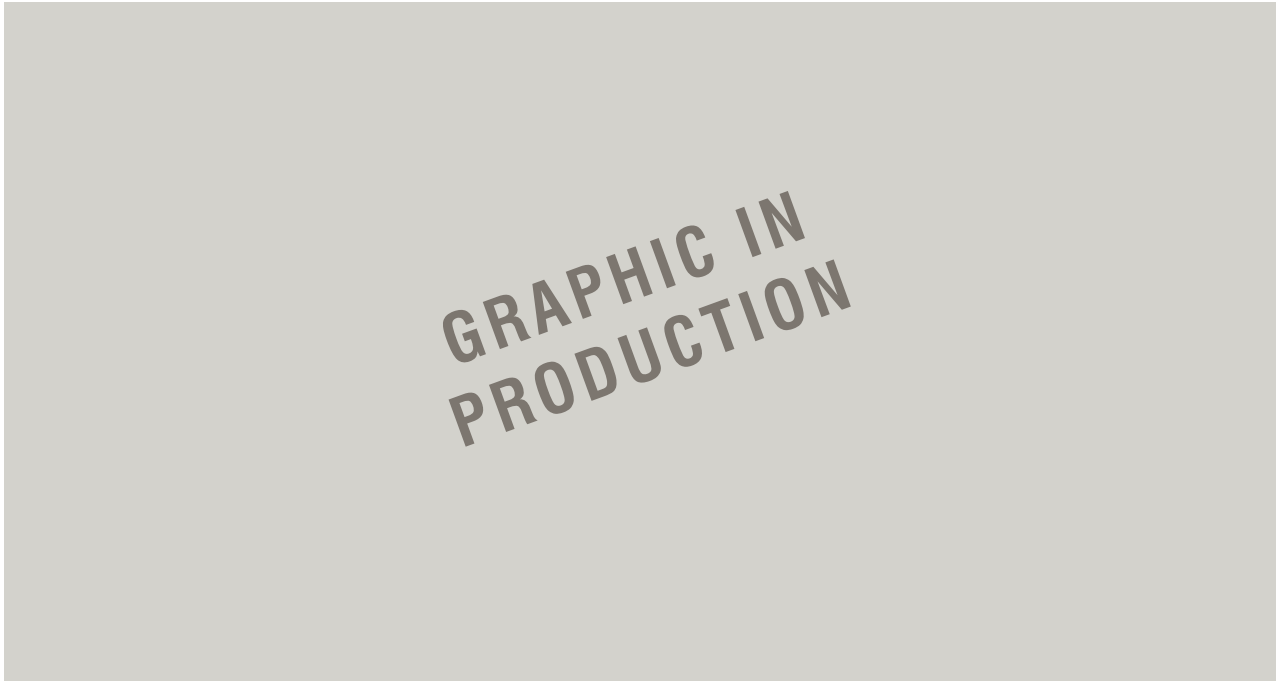
e. FENESTRATION

Shopfront Fenestration	Optional, see Article 3.A
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. Shopfront standards must be met along the primary and secondary frontage when non-residential uses occupy the first floor.
2. A live/work flex building must attach to a townhouse or live/work flex on at least one side.
3. A maximum of 6 live/work flex buildings are allowed to attach.
4. All buildings in a single grouping of attached live/work flex buildings must maintain the same front setback.

10. COMMERCIAL PAVILION



a. DESCRIPTION

A light imprint, low impact, temporary, and building that enables creative use of property and a low-cost strategy for lining underutilized lots.

b. BUILDING FORM

Building Floor Plate	(3)	A
Total Stories	1 max	C
First Floor Height	12 ft max	D
First Floor Elevation	n/a	
Roof	see Article 3.E Roof Types	
Attachments	none	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

none	
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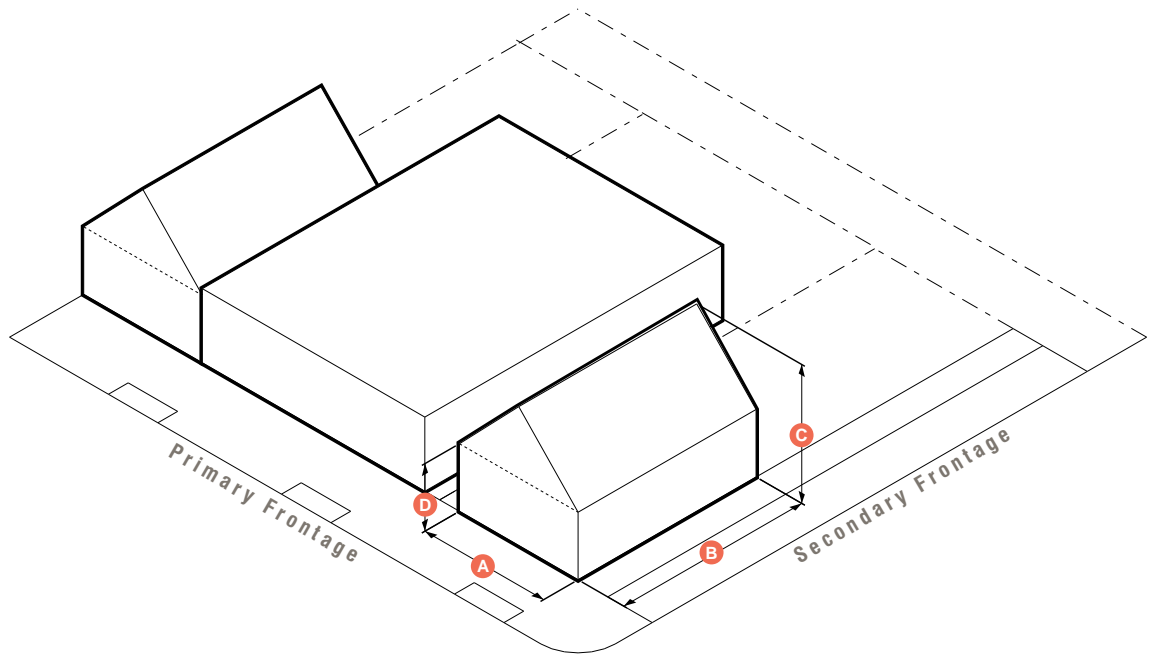
e. FENESTRATION

First Floor Fenestration	n/a
Upper Floor Fenestration	n/a

f. STANDARDS

1. Commercial Pavilions may function as a primary or accessory building.
2. The total aggregate area of commercial pavilions on a single lot (or series of adjacent lots in common ownership) may not exceed 5,000 sf, except by special permit.
3. For a structure to be considered a commercial pavilion it must meet any three of the following four standards.
 - a. Building is less than 1,000 SF total.
 - b. Building has no permanent physical connection to off-site water, electrical, or sewage utilities.
 - c. Building has no insulation.
 - d. Building has no permanent foundation. Informal foundations may consist of:
 - i. Jacks, blocks, or piers that rest on the surface of the bare ground.
 - ii. A chassis with independent suspension and axles capable of free rotation.
 - iii. Any other type of foundation that may be de-constructed and removed with minimal site disturbance, and with little need for heavy machinery or invasive techniques.

11. SHOP



a. DESCRIPTION

A single story building with 1 unit and a required shopfront.

b. BUILDING FORM

Building Width	15 ft min, 50 ft max	A
Building Length	18 ft min, 60 ft max	B
Total Stories	1 max	C
First Floor Height	20 ft max	D
Upper Floor Height	n/a	E
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	1 side max	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

1 unit max

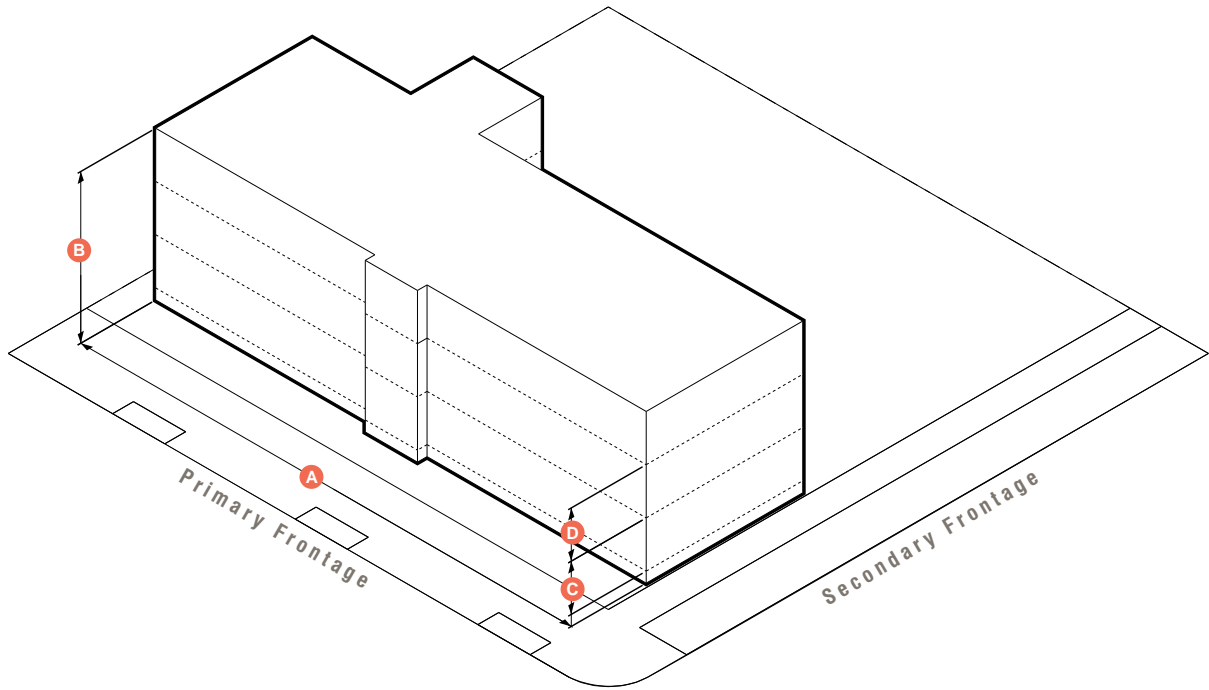
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	20% min
Upper Floor Fenestration	n/a

f. STANDARDS

- Shopfront standards must be met along the primary and secondary frontage.

12. APARTMENT BUILDING



a. DESCRIPTION

A large building providing multiple units.

b. BUILDING FORM

Building Width	100 ft max	A
Floor Plate	10,000 sf max	
Total Stories	3 max	B
First Floor Height	9 ft min, 15 ft max	C
Upper Floor Height	9 ft min, 12 ft max	D
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

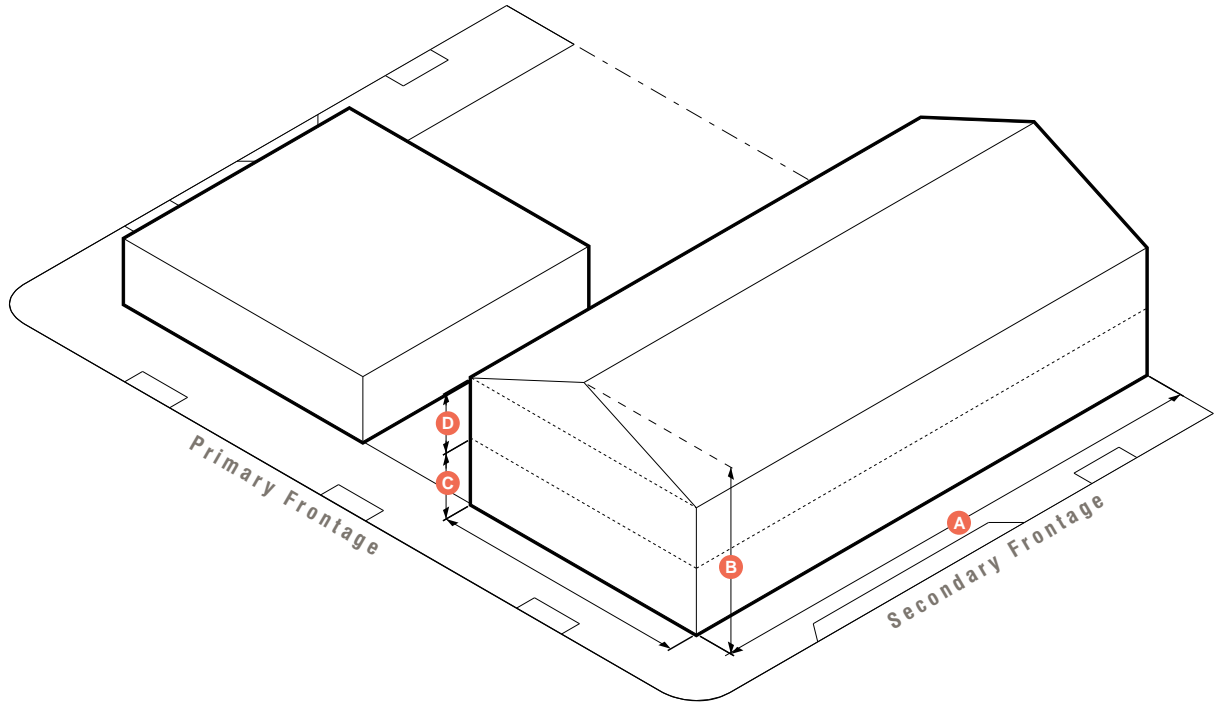
40 units max

e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

13. FABRICATION BUILDING



a. DESCRIPTION

A flexible building type that allows for a range of activities.

b. BUILDING FORM

Building Length	120 ft max	A
Floor Plate	20,000 sf max	
Total Stories	2 max	B
First Floor Height	9 ft min	C
Upper Floor Height	9 ft min	D
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

1 unit min

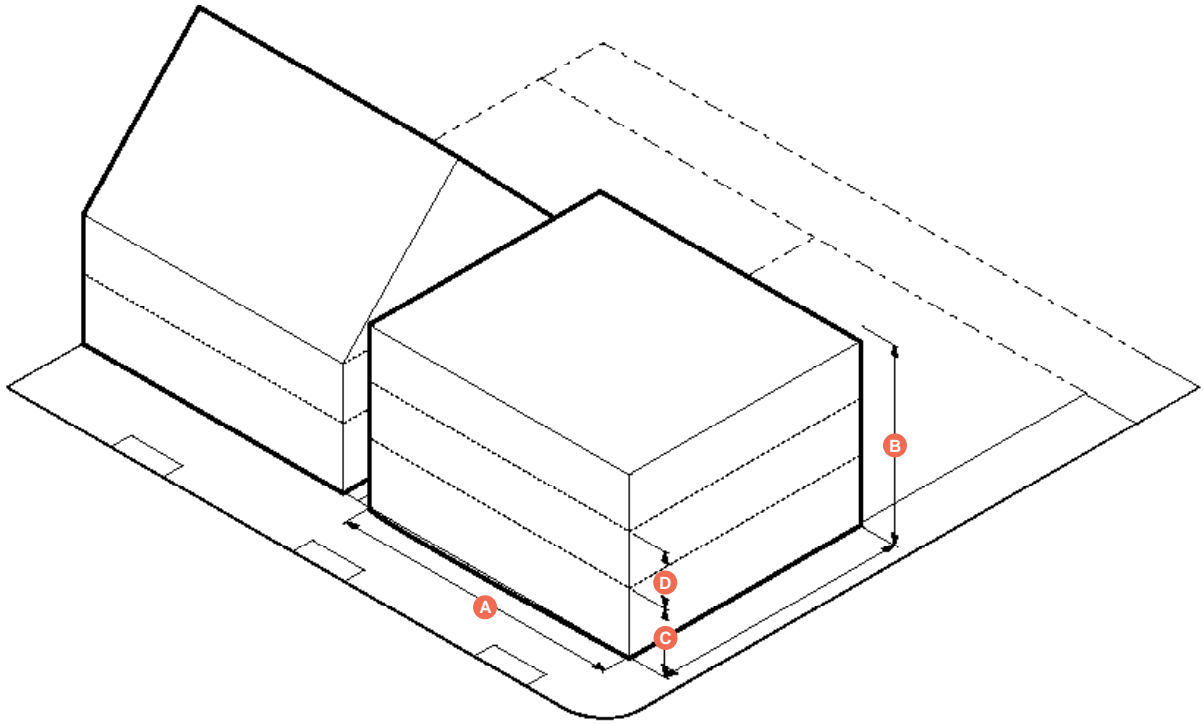
e. FENESTRATION

First Floor Fenestration	30% min (1)
Upper Floor Fenestration	30% min

f. STANDARDS

1. Additional fenestration is encouraged along the primary frontage.
2. Fabrication buildings must be oriented perpendicular to the primary thoroughfare.
3. Shed dormers may ignore the gable end and ridge line setback in order to form a continuous monitor style roof along the entirety of the ridge beam.

14. MAIN STREET BUILDING



a. DESCRIPTION

A small mixed-use building type with a required shopfront.

b. BUILDING FORM

Building Width	50 ft max	A
Floor Plate	4,000 sf max	
Total Stories	Village Center 3 stories max	B
	Village Edge 3 stories max	
	5 stories max by SP	
	Village TOD 4 stories max	
5-12 stories max by SP		
First Floor Height	14 ft min, 20 ft max (3)	C
Upper Floor Height	10 ft min, 12 ft max (3)	D
First Floor Elevation	0 ft max	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max (5)	

c. USES

First Floor

Upper Floors

d. RESIDENTIAL UNITS

40 units max

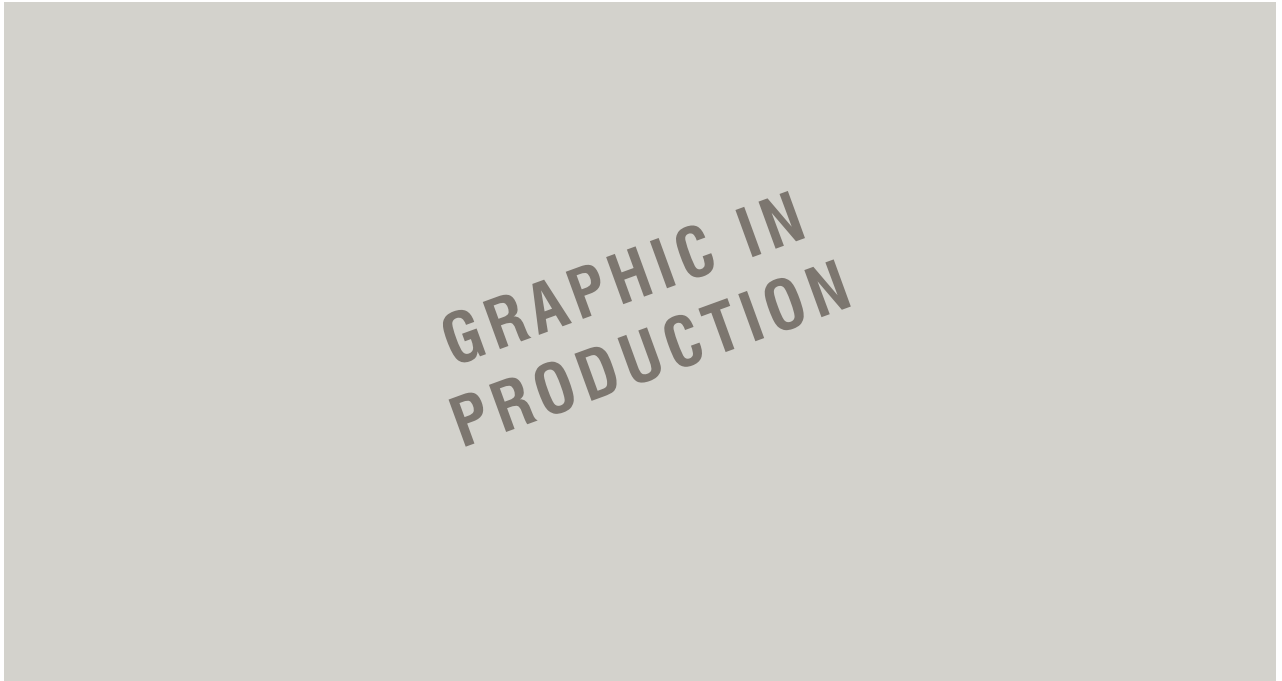
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	30% min
Upper Floor Fenestration	20% min

f. STANDARDS

- Shopfront standards must be met along the primary and secondary frontage.
- Main street buildings are permitted to have an additional story if an existing significant historic building facade is preserved, in accordance with Article 3.A.15 Historic Preservation.
- Additional stories are allowed by special permit if the following criteria are met:
 - Where the Washington Street Vision Plan specifically indicates height, the additional permitted height must equal the height indicated in the Vision Plan.
 - The special permit may not allow for two abutting buildings to have the same number of stories, except if the absolute height of the abutting buildings varies by at least 5 feet.
- Main street buildings with commercial or publicly-accessible assembly uses may be 25 ft in height and must be counted as 2 stories.
- A large format building or a parking garage may form a third attachment at the back of the building.

15. MIXED-USE BLOCK



a. DESCRIPTION

A medium-height mixed-use building with a medium floor plate.

b. BUILDING FORM

Building Width	100 ft max	A
Floor Plate	20,000 sf max	
Total Stories	<u>Village Edge</u> 3 stories max 5 stories max by SP (2) <u>Village TOD</u> 4 stories max 6 stories max by SP (2)	B
First Floor Height	14 ft min, 20 ft max (4)	C
Upper Floor Height	10 ft min, 12 ft max (4)	D
First Floor Elevation	0 ft max	
Components	see Article 3.D Components	
Roof	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

40 units max

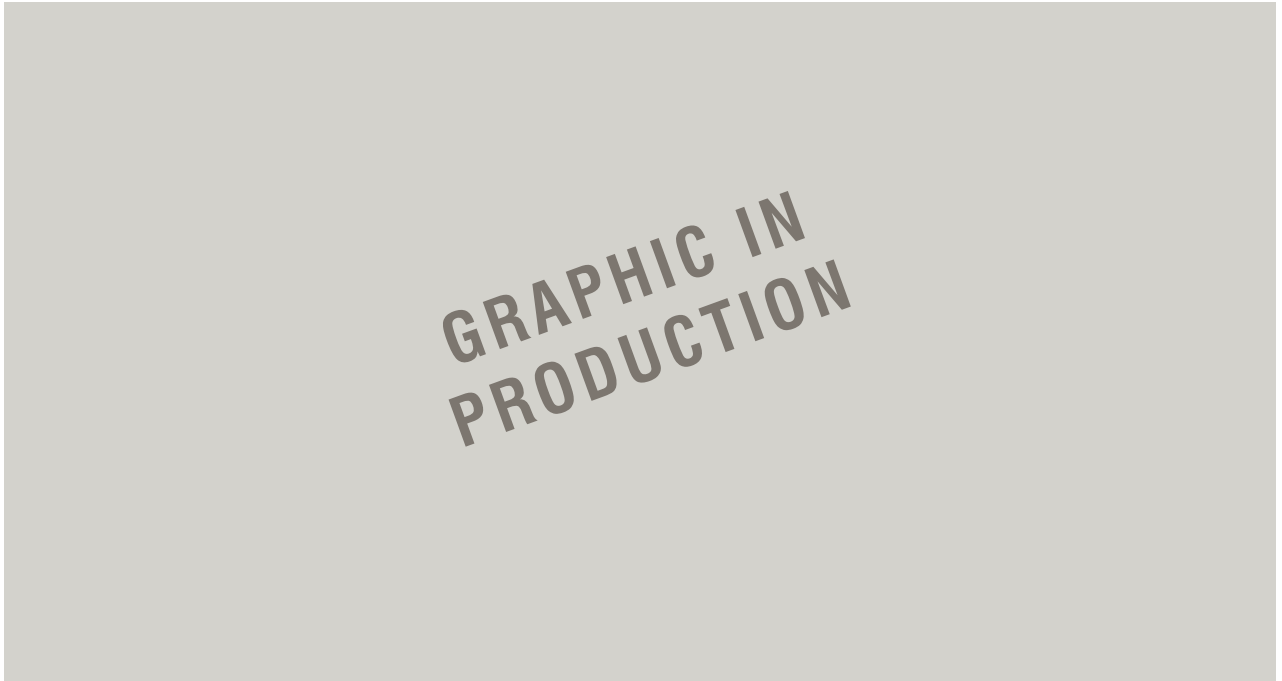
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	30% min
Upper Floor Fenestration	20% min

f. STANDARDS

- Shopfront standards must be met along the primary and secondary frontage.
- Mixed-use blocks are permitted to have an additional story if an existing significant historic building facade is preserved, in accordance with Article 3.A.15 Historic Preservation.
- Additional stories are allowed by special permit if the following criteria are met:
 - Where the Washington Street Vision Plan specifically indicates height, the additional permitted height must equal the height indicated in the Vision Plan.
 - The special permit may not allow for two abutting buildings to have the same number of stories, except if the absolute height of the abutting buildings varies by at least 5 feet.
- Any floor above 3 stories must have a stepback of 10 ft on the front and sides, except where the side is abutting another building lot in the same district, in which case the side stepback is not required.
- Floors that contain commercial or publically-accessible assembly uses may be 25 ft in height and must be counted as 2 stories.

16. RESIDENTIAL MIDRISE



a. DESCRIPTION

A mixed-use building with a medium floor plate designed for upper floor residential uses.

b. BUILDING FORM

Building Width	80 ft max	A
Floor Plate	18,000 sf max	
Total Stories	<u>Village Edge</u> 3 stories max 5 stories max by SP (2) <u>Village TOD</u> 4 stories max 12 stories max by SP (2)	B
First Floor Height	14 ft min, 20 ft max (2)	C
Upper Floor Height	10 ft min, 12 ft max (2)	D
First Floor Elevation	0 ft max	
Components	see Article 3.D Components	
Roof	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

XX units max

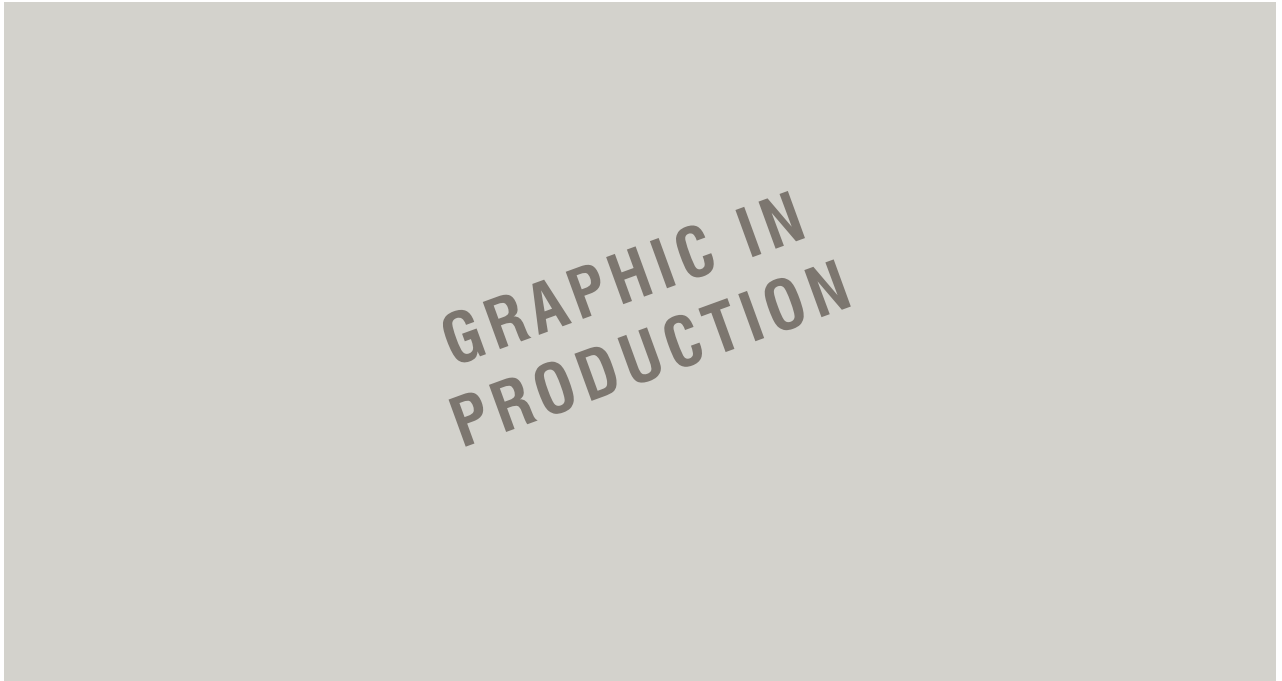
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	30% min
Upper Floor Fenestration	20% min

f. STANDARDS

- Shopfront standards must be met along the primary and secondary frontage.
- Residential midrise buildings are permitted to have an additional story if an existing significant historic building facade is preserved, in accordance with Article 3.A.15 Historic Preservation.
- Additional stories are allowed by special permit if the following criteria are met:
 - Where the Washington Street Vision Plan specifically indicates height, the additional permitted height must equal the height indicated in the Vision Plan.
 - The special permit may not allow for two abutting buildings to have the same number of stories, except if the absolute height of the abutting buildings varies by at least 5 feet.
- Any floor above 3 stories must have a setback of 10 ft on the front and sides, except where the side is abutting another building lot in the same district, in which case the side setback is not required.

17. COMMERCIAL MIDRISE



a. DESCRIPTION

A mixed-use building with a larger floor plate that can accommodate commercial office or bio-tech uses.

b. BUILDING FORM

Building Width	175 ft max	A
Floor Plate	35,000 sf max	
Total Stories	<u>Village Edge</u> 3 stories max 5 stories max by SP (2) <u>Village TOD</u> 4 stories max 12 stories max by SP (2)	B
First Floor Height	14 ft min, 25 ft max	C
Upper Floor Height	10 ft min, 12 ft max (4)	D
First Floor Elevation	0 ft max	
Components	see Article 3.D Components	
Roof	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

XX units max

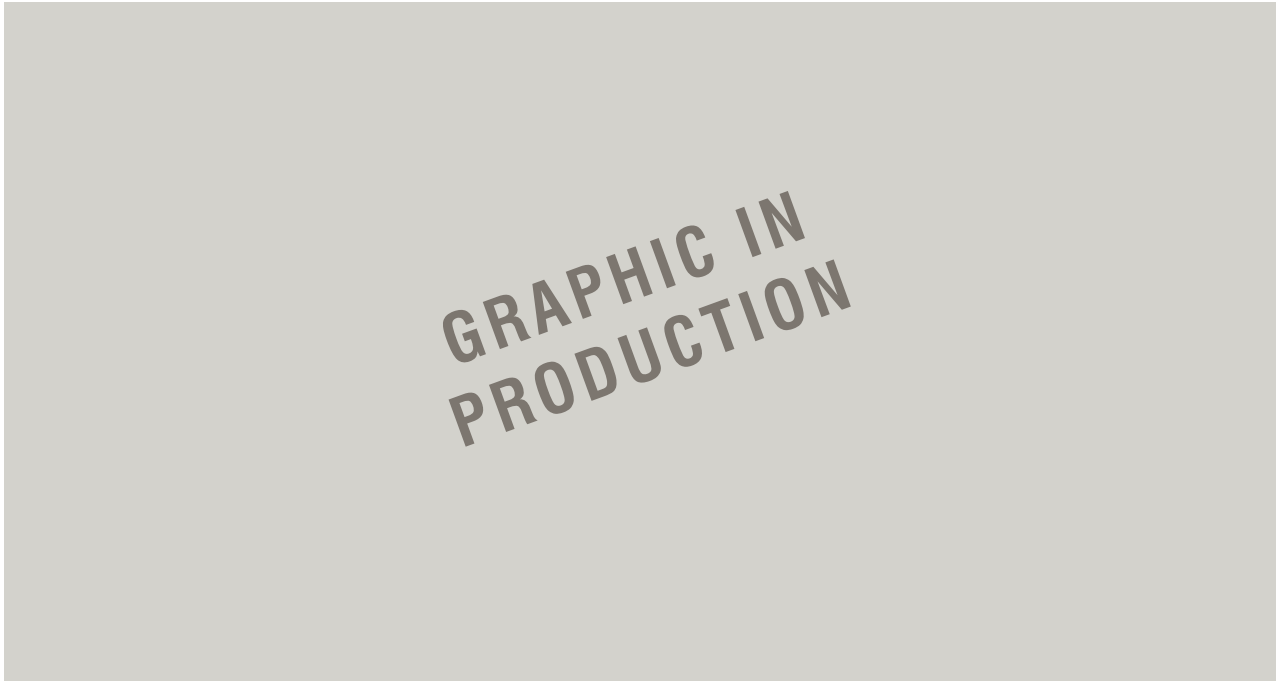
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	30% min
Upper Floor Fenestration	20% min

f. STANDARDS

- Shopfront standards must be met along the primary and secondary frontage.
- Commercial midrise buildings are permitted to have an additional story if an existing significant historic building facade is preserved, in accordance with Article 3.A.15 Historic Preservation.
- Additional stories are allowed by special permit if the following criteria are met:
 - Where the Washington Street Vision Plan specifically indicates height, the additional permitted height must equal the height indicated in the Vision Plan.
 - The special permit may not allow for two abutting buildings to have the same number of stories, except if the absolute height of the abutting buildings varies by at least 5 feet.
- Any floor above 3 stories must have a setback of 10 ft on the front and sides, except where the side is abutting another building lot in the same district, in which case the side setback is not required.

18. LARGE FORMAT BUILDING



a. DESCRIPTION

A large format building with a more walkable form that can accommodate national retailers, grocers, theaters, or other large users that would typically occupy a large, single story building.

b. BUILDING FORM

Building Length	800 ft max	A
Floor Plate	65,000 sf max	
Total Stories	<u>Village Edge</u> 3 stories max 5 stories max by SP (2) <u>Village TOD</u> 4 stories max 12 stories max by SP (2)	B
First Floor Height	14 ft min, 20 ft max	C
Upper Floor Height	10 ft min, 15 ft max	D
First Floor Elevation	0 ft max	
Components	see Article 3.D Components	
Roof	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor	
Upper Floors	

d. RESIDENTIAL UNITS

XX units max

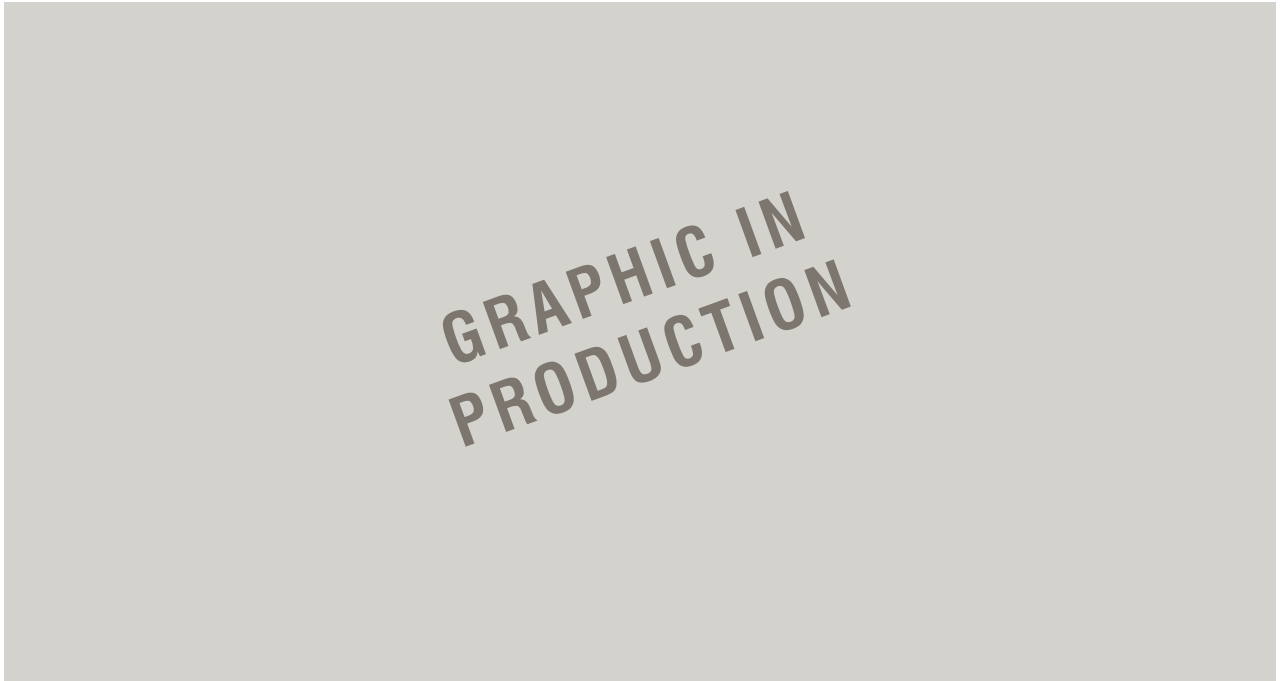
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	30% min
Upper Floor Fenestration	20% min

f. STANDARDS

- Shopfront standards must be met along the primary and secondary frontage.
- When fronting a primary thoroughfare, one shopfront can be used as an entrance lobby for the large format building.
- A large format building may be located on top of or below a parking garage.
- Additional stories are allowed by special permit if the following criteria are met:
 - Where the Washington Street Vision Plan specifically indicates height, the additional permitted height must equal the height indicated in the Vision Plan.
 - The special permit may not allow for two abutting buildings to have the same number of stories, except if the absolute height of the abutting buildings varies by at least 5 feet.
- Any floor above 3 stories must have a stepback of 10 ft on the front and sides, except where the side is abutting another building lot in the same district, in which case the side stepback is not required.

19. PARKING GARAGE



a. DESCRIPTION

A large building chiefly designed for the storage of cars, but providing multiple units of leasable space along its frontage.

b. BUILDING FORM

Building Length	250 ft max	A
Floor Plate	50,000 sf max	
Building Area	200,000 sf max	
Total Stories	Village Core / 3 stories max Village Edge / 4 stories max Village TOD / 6 stories max	B
First Floor Height	14 ft min, 24 ft max	C
Upper Floor Height	9 ft min	D
First Floor Elevation	0 ft max	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

none

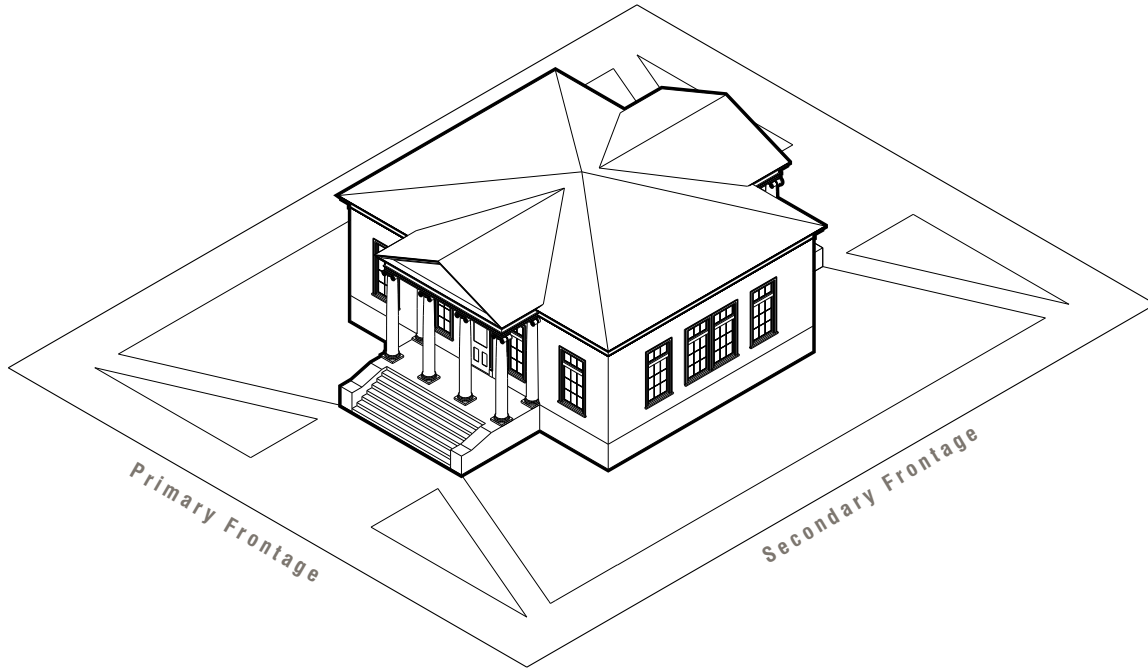
e. FENESTRATION

Shopfront Fenestration	Required, see Article 3.A
First Floor Fenestration	50% min
Upper Floor Fenestration	50% min

f. STANDARDS

1. Shopfront standards must be met along the primary and secondary frontage.
2. When fronting a primary thoroughfare, one shopfront can be used as an entrance lobby for the parking garage.
3. Window and door percentages can be met with any of the following to simulate window patterns:
 - a. Recessed panels.
 - b. Painted windows.
 - c. A trellis, grille, grate, or fretwork.
4. Liner buildings wrapping the exterior of a parking garage may use the less restrictive window and door requirements of the mixed use building.
5. Parking garage floors should be flat when feasible to enable possible re-use.
6. Additional stories are allowed by special permit if the following criteria are met:
 - a. Where the Washington Street Vision Plan specifically indicates height, the additional permitted height must equal the height indicated in the Vision Plan.
 - b. The special permit may not allow for two abutting buildings to have the same number of stories, except if the absolute height of the abutting buildings varies by at least 5 feet.

20. CIVIC BUILDING



a. DESCRIPTION

A building of high design and construction quality, usually a landmark, that can be used either for traditional public uses or for creative reuse.

b. BUILDING FORM

Building Length	100 ft max	A
Building Area	50,000 sf max	B
Total Stories	5 max	C
First Floor Height	15 ft min	D
Upper Floor Height	12 ft min	E
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. USES

First Floor
Upper Floors

d. RESIDENTIAL UNITS

Variable (1)

e. FENESTRATION

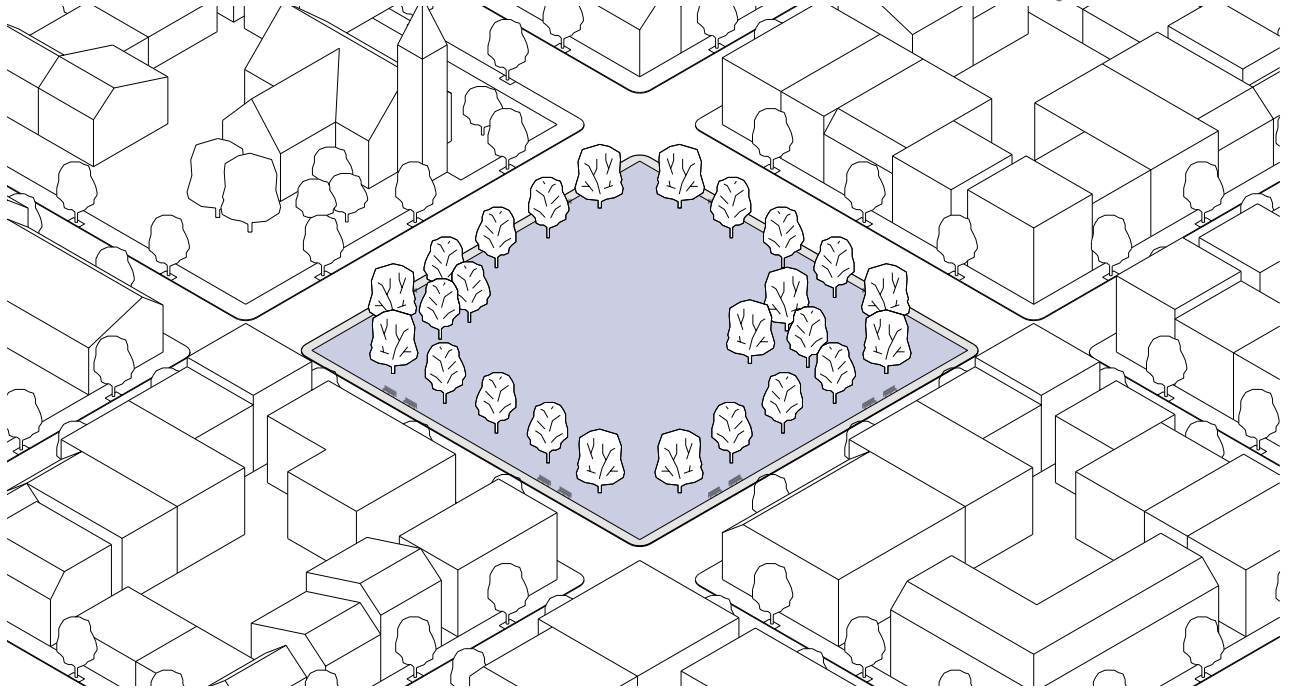
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. Uses in this building must be associated with tax-exempt organizations, such as museums, government, religious, educational institutions, etc. and provide a tangible civic benefit and be open to the public.
2. The permitting authority may waive window and door requirements for civic uses that require no windows for much of their exterior (such as art museums).

#220-18
 The following publicly-accessible civic spaces are required for development projects of a certain size.

1. COMMON



a. DESCRIPTION

An informal civic open space of a pastoral character, meant to provide unstructured public recreation space or public grazing land.

b. GROUND COVER

Hardscape	15% max
Landscape	85% min, 100% max
Permeable Surface	90% min

c. SIZE CLASSIFICATION

Green	500 sf min	S
Town Common	1/2 acre min	M
Town Farm	3 acres min	L

d. STANDARDS

1. A common should provide a substantially sized and uninterrupted open space that is landscaped with smooth ground covers, large trees, and little to no understory plants. Large canopy trees should be used in an informal manner to spatially define the perimeter while also framing views of neighboring buildings from within the green.
2. A common may be surrounded in a low wall or split rail fence in keeping with its village character.

1. COMMON

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 2,500 sf min

f. FURNISHINGS

Seating	1 resting bench per 300 linear feet of walkway
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g. LIGHTING

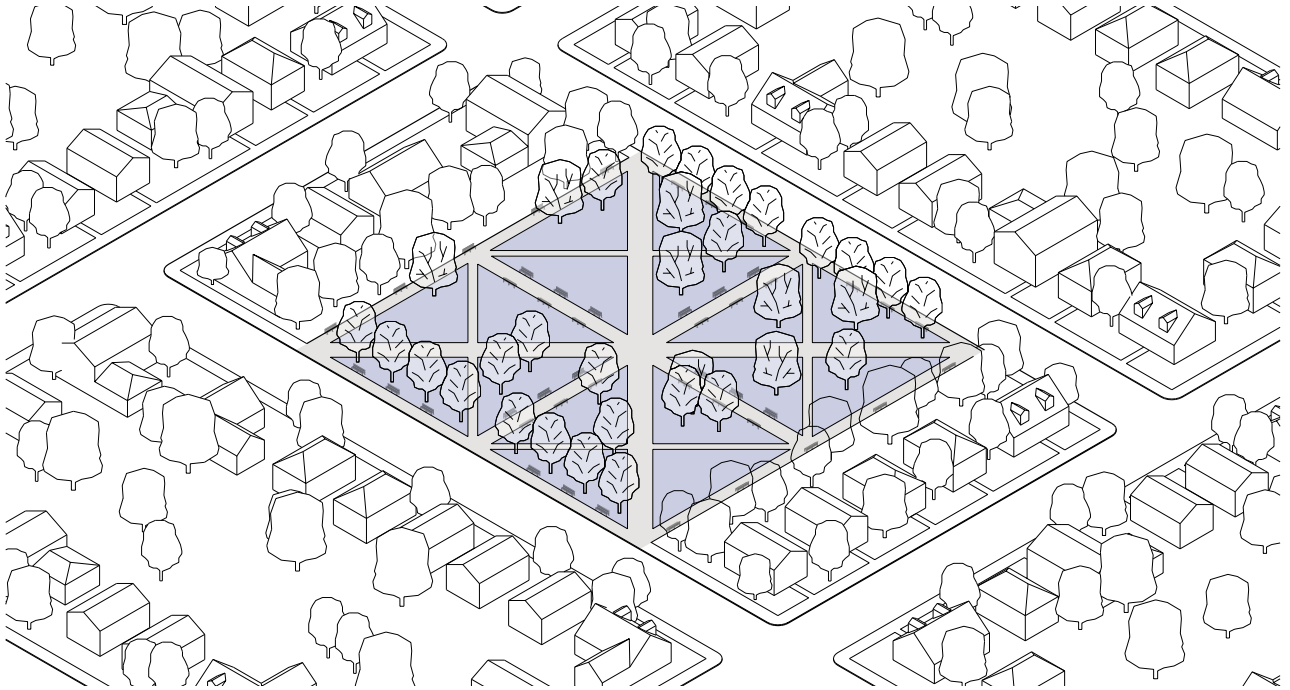
Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

h. ACCESSORY CIVIC SPACES

Recreation Fields	◐
Landmark	●
Swimming Pool	◐
Community Gardens	●
Skating Rink	◐
Skate Park	◐
Dog Park	●
Playground	◐
Botanical Garden	◐
Burial Ground	●
Band Shell	◐

- Permitted
- ◐ Permitted by special permit

2. PARK



a. DESCRIPTION

A civic space comprised of mostly planted area, but with a significant portion given over to areas outfitted and programmed for specific activities.

b. GROUND COVER

Hardscape	15% min, 50% max
Landscape	50% min, 85% max
Permeable Surface	85% min

c. SIZE CLASSIFICATION

Pocket Park	500 sf min	S
Town Park	1 acre min	M
Regional park	6 acres min	L

d. STANDARDS

1. Pocket parks must share at least one property line with an abutting lot unless occupied by a landmark.
2. Town parks must provide no fewer than 2 accessory civic spaces.
3. Regional parks must provide no fewer than 3 accessory civic spaces.
4. All permanent outbuildings greater in area than 144 square feet must meet the requirements set forth in Article 2 District Standards and Article 3 Building Standards for buildings within the civic district.

2. PARK

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 2,000 sf min

f. LIGHTING

Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

g. FURNISHINGS

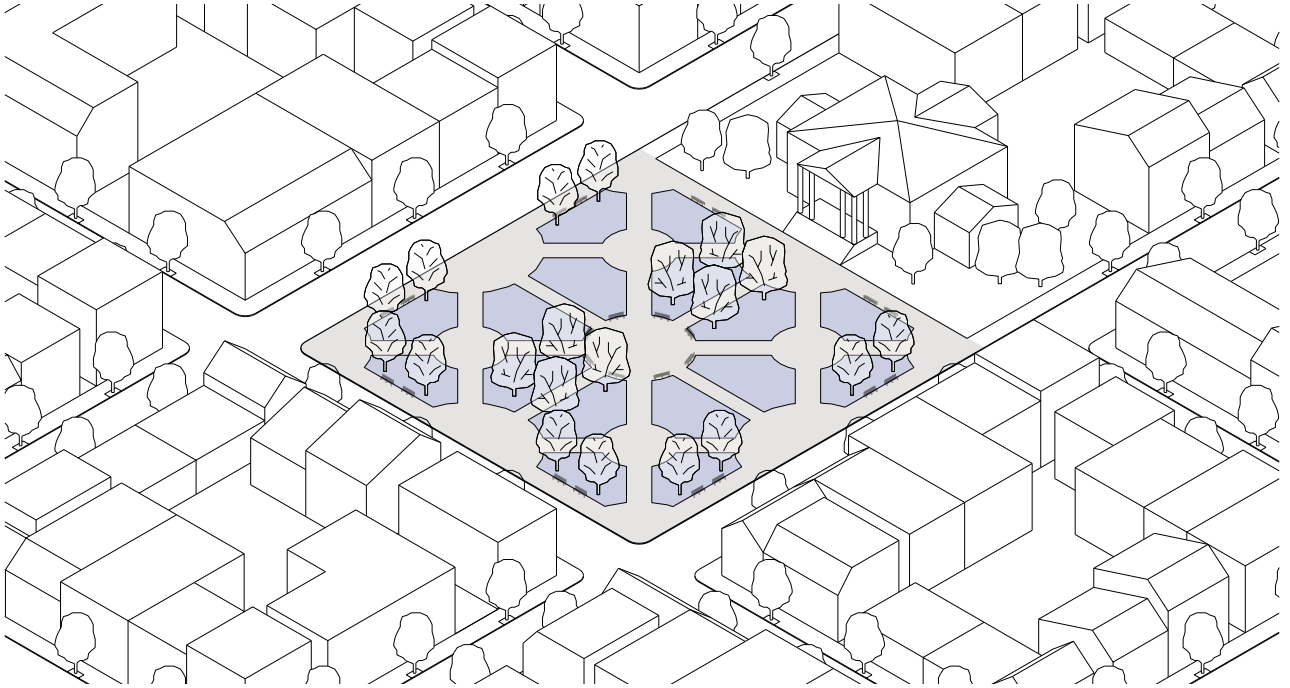
Seating	1 resting bench per 300 linear feet of walkway
---------	--

h. ACCESSORY CIVIC SPACES

Recreation Fields	●
Landmark	●
Swimming Pool	●
Community Gardens	●
Skating Rink	●
Skate Park	●
Dog Park	●
Playground	●
Botanical Garden	●
Burial Ground	●
Band Shell	●

- Permitted
- ◐ Permitted by special permit

3. SQUARE



a. DESCRIPTION

A formal civic space comprised of paved and unpaved areas providing room for unstructured activities, and public gatherings.

b. GROUND COVER

Hardscape	36% min, 85% max
Landscape	15% min, 64% max
Permeable Surface	85% min

c. SIZE CLASSIFICATION

Pocket Square	500 sf min	S
Neighborhood Square	1/2 acre min	M
Central Square	3 acres min, 6 acres max	L

d. STANDARDS

1. Pocket squares must provide 1 linear foot of seating for every 50 sf of area, and 1 table for every 3 movable chairs.
2. Pocket squares must share at least one property line with an abutting lot unless occupied by a landmark.

3. SQUARE

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 2,000 sf min

f. LIGHTING

Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

g. FURNISHINGS

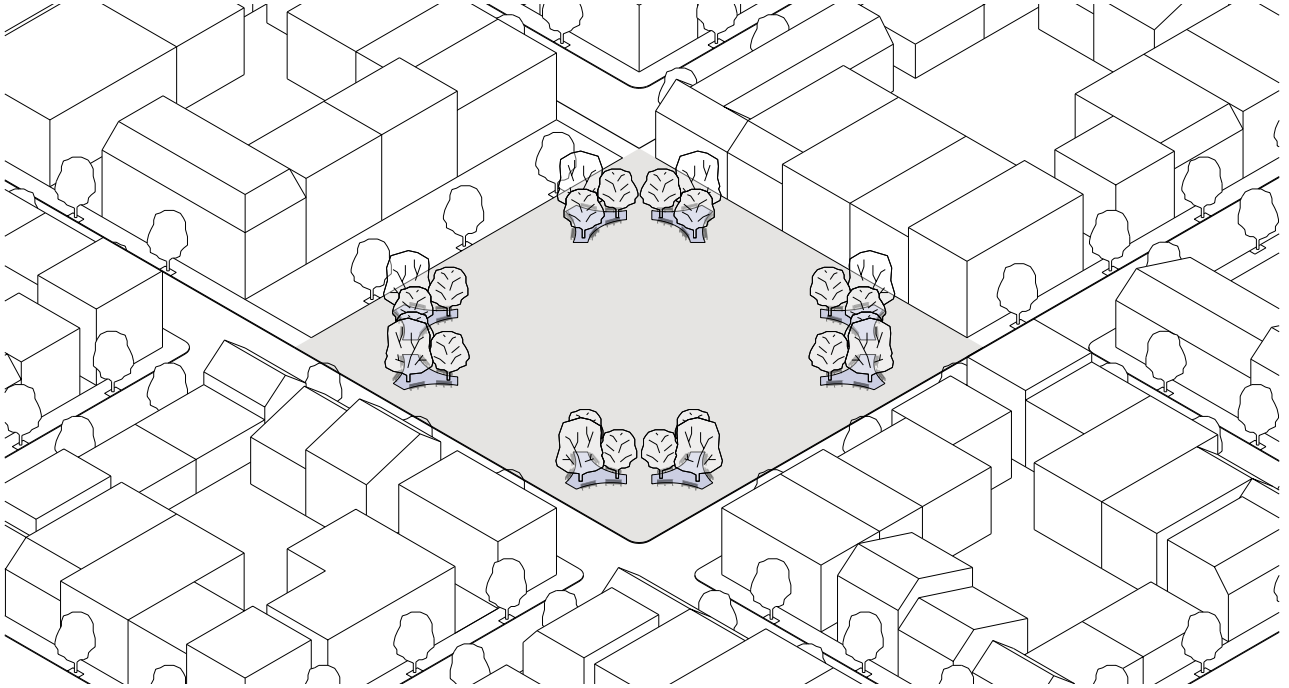
Seating	1 resting bench per 300 linear feet of walkway
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h. ACCESSORY CIVIC SPACES

Recreation Fields	◐
Landmark	●
Swimming Pool	◐
Community Gardens	◐
Skating Rink	◐
Skate Park	◐
Dog Park	◐
Playground	◐
Botanical Garden	●
Burial Ground	◐
Band Shell	●

- Permitted
- ◐ Permitted by special permit

4. PLAZA



a. DESCRIPTION

A civic space comprised mostly of pavement and open formal areas.

b. GROUND COVER

Hardscape	85% min, 100% max
Landscape	15% max
Permeable Surface	70% min

c. SIZE CLASSIFICATION

Piazzetta	500 sf min	S
Piazza	1/4 acre min	M
Central Plaza	1 acre min, 4 acres max	L

d. STANDARDS

1. The perimeter of a plaza should be well integrated into its surroundings and free from fences, hedges, and other barriers that would impede movement into the space and obscure visibility from abutting street or building frontages.
2. Piazzas and piazzettas must share at least one property line with an abutting lot unless occupied by a landmark.

4. PLAZA

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 8,000 sf min

f. LIGHTING

Ambient Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

g. FURNISHINGS

Seating	1 resting bench per 300 linear feet of walkway
---------	--

h. ACCESSORY CIVIC SPACES

Recreation Fields	◐
Landmark	●
Swimming Pool	◐
Community Gardens	◐
Skating Rink	◐
Skate Park	◐
Dog Park	◐
Playground	◐
Botanical Garden	◐
Burial Ground	◐
Band Shell	◐

- Permitted
- ◐ Permitted by special permit



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

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Barney S. Heath
Director

WORKING SESSION MEMORANDUM

DATE: November 9, 2018

TO: Councilor Albright, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Marie Lawlor, Assistant City Solicitor
Jennifer Caira, Chief Planner

RE: #376-18 Zoning Amendments for Recreational Marijuana Establishments
THE PLANNING DEPARTMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, to regulate the use of land, structures and buildings for the operation of marijuana establishments; to determine in which zoning districts and under what conditions marijuana establishments will be allowed; and to establish minimum standards and criteria.

MEETING DATE: November 14, 2018

CC: City Council
Planning and Development Board
Jonathan Yeo, Chief Operating Officer
Ouida Young, Acting City Solicitor
John Lojek, Commissioner of ISD
Marijuana Working Group

On September 24, 2018 the Committee held a public hearing on the proposed draft ordinance for Marijuana Uses. The public hearing was closed, and the committee held the item until after the November 6th Special Election. On November 6th, the City of Newton voted against both a limitation of two to four retail marijuana establishments and a ban on recreational marijuana uses. The proposed

ordinance and zoning for all marijuana uses has not changed from the September 24th proposal and is attached to this memo.

ATTACHMENT A: Proposed Draft Zoning Ordinance Amendment for Marijuana Uses

ATTACHMENT B: Draft Zoning Map for Retail Marijuana and RMDs

ATTACHMENT C: Draft Zoning Map for Marijuana Research Facilities and Independent Testing Labs

ATTACHMENT D: Draft Zoning Map for Marijuana Cultivation and Product Manufacturing

Attachment A: Proposed Marijuana Ordinance Language
Item # 376-18 9/24/2018 PUBLIC HEARING DRAFT

Amend the following sections as follows:

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Registered Marijuana Dispensary	--	SP	--	SP	SP	SP	--	--	--	--	--	Sec. 6.10.3
<u>Craft Marijuana Cooperative</u>	--	--	--	--	--	--	--	--	--	SP	--	<u>Sec. 6.10.3</u>
<u>Independent Testing Laboratory</u>	--	--	--	--	--	--	--	--	--	SP	SP	<u>Sec. 6.10.3</u>
<u>Marijuana Cultivator</u>	--	--	--	--	--	--	--	--	--	SP	--	<u>Sec. 6.10.3</u>
<u>Marijuana Product Manufacturing</u>	--	--	--	--	--	--	--	--	--	SP	--	<u>Sec. 6.10.3</u>
<u>Marijuana Research Facility</u>	--	--	--	--	--	--	--	--	--	SP	SP	<u>Sec. 6.10.3</u>
<u>Marijuana Retailer</u>	--	SP	--	SP	SP	SP	--	--	--	--	--	<u>Sec. 6.10.3</u>
<u>Marijuana Transporter</u>	--	--	--	--	--	--	--	--	--	SP	--	<u>Sec. 6.10.3</u>
<u>Microbusiness</u>	--	--	--	--	--	--	--	--	--	SP	--	<u>Sec. 6.10.3</u>

6.10.3. ~~Registered Marijuana Dispensaries~~ Marijuana Uses

A. **Purpose.** The purpose of this Sec. 6.10.3 is to provide for the limited establishment of ~~registered~~ Registered marijuana Marijuana dispensaries (“RMDs”) and adult use Marijuana Establishments within the City as they are authorized pursuant to state regulations set forth in 105 CMR 725.000 and 935 CMR 500.000. Since RMD’s and Marijuana Establishments are strictly regulated and will be limited in number by the Massachusetts Department of Public Health and the Cannabis Control Commission, the intent of this Sec. 6.10.3 is to permit RMD’s and Marijuana Establishments where there is access to regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where they will not adversely impact the character of residential neighborhoods and business districts.

B. Definitions. Marijuana Uses shall include the following:

1. Craft Marijuana Cooperative – as defined or amended by State regulations, a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative

is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

2. **Independent Testing Laboratory** – as defined or amended by State regulations, a laboratory licensed by the Commission that is: accredited to the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and MGL c. 94C, Section 34.
3. **Marijuana Cultivator** – as defined or amended by State regulations, an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.
4. **Marijuana Establishment** – as defined or amended by State regulations, a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.
5. **Marijuana Product Manufacturing** – as defined or amended by State regulations, to compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.
6. **Marijuana Research Facility** – as defined or amended by State regulations, an entity licensed to engage in research projects by the Cannabis Control Commission. A Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana products. A research facility may not sell marijuana cultivated under its research license.
7. **Marijuana Retailer** – as defined or amended by State regulations, an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from

delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

8. Marijuana Transporter – as defined or amended by State regulations, an entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.

8.9. Microbusiness – as defined or amended by State regulations, a co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

10. Registered Marijuana Dispensary (RMD), also known as Medical Marijuana Treatment Center – as defined or amended by State regulations, an entity registered under 105 CMR 725.100: *Registration of Registered Marijuana Dispensaries*, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.

BC. RMD-Marijuana uses not Allowed As-of-Right. RMD-Marijuana uses are not included within the definition of retail sales or services, agriculture, manufacturing, research, or any other lawful business permitted as of right or by special permit as provided in this Chapter.

CD. RMD-Marijuana uses allowed by special permit. Use of land, buildings or structures for an RMD^s or Marijuana Establishment shall be allowed only by special permit in the ~~following~~ districts specified in Sec. 4.4.1, subject to the requirements and criteria of this Sec. 6.10.3: ~~Business 2; Business 5; and Mixed Use 1.~~

DE. Minimum criteria and limitations on approval.

1. An RMD shall not be located within a radius of 500 feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, ~~or from a house of worship or religious use, and a Marijuana Retailer shall not be located within a radius of 500 feet from an existing public or private~~

~~k-12 school, or a lesser distance if unless~~ the City Council finds that the RMD or Marijuana Retailer is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD or Marijuana Retailer's operation. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD or Marijuana Retailer to the nearest property line of the facility.

2. An RMD or Marijuana Establishment shall be properly registered with the Massachusetts Department of Public Health or Cannabis Control Commission pursuant to 105 CMR 725.100 or 935 CMR 500.100 and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. No building permit or certificate of occupancy shall be issued for an RMD or Marijuana Establishment that is not properly registered with the Massachusetts Department of Public Health or Cannabis Control Commission. The RMD or Marijuana Establishment shall file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the City Council within one week of issuance, and shall immediately notify said clerk if its registration is not renewed or is revoked. The RMD or Marijuana Establishment shall provide the Newton Police Department with the names and contact information for all management staff and shall immediately notify the police department of any changes.

3. A special permit granted by the City Council authorizing the establishment of an RMD or Marijuana Establishment shall be valid only for the registered entity to which the special permit was issued, and only for the lot on which the RMD or Marijuana Establishment has been authorized by the special permit. If the registration for the RMD or Marijuana Establishment is revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to the issuance of a certificate of occupancy.

4. An RMD or Marijuana Establishment shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery to qualified clients pursuant to applicable state regulations.

~~5. An RMD shall conform to the dimensional requirements applicable to the zoning district in which it is located.~~

6. An RMD or Marijuana Establishment shall be subject to the number of parking stalls required in Sec. 5.1 unless a lesser or greater number of stalls is required by the City Council based on the transportation analysis provided by the applicant. An RMD or Marijuana Retailer shall comply with the parking requirements for Retail uses; a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Microbusiness, or Marijuana Product Manufacturer shall comply with the parking requirements for Manufacturing; and a Marijuana Research Facility or

Independent Testing Laboratory shall comply with the parking requirements for Research, Laboratory.

7. All signage shall conform to the requirements of 105 CMR 725.105(L) and 935 CMR 500.105(4) and to the requirements of Sec. 5.2. No graphics, symbols or images of marijuana or related paraphernalia shall be displayed or clearly visible from the exterior of an RMD or Marijuana Establishment. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood.

8. The RMD or Marijuana Retailer's hours of operation shall not adversely impact nearby uses. ~~The City Council may, as a special permit condition, limit the hours of operation of an RMD to mitigate any adverse impact on nearby uses~~The hours of operation shall be set by the City Council as a condition of the Special Permit, but in no case shall an RMD or Marijuana Retailer open before 9:00 a.m. or remain open after 9:00 p.m.

9. The number of Marijuana Retailers shall not exceed 20 percent of the package store liquor licenses in the City.

10. No RMD or Marijuana Retailer shall be located within a radius of one half-mile of an existing or approved RMD or Marijuana Retailer. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD or Marijuana Retailer to the nearest property line of the existing RMD or Marijuana Retailer. The co-location of a RMD and Marijuana Retailer on the same site shall not be subject to this buffer requirement.

11. No RMD or Marijuana Establishment shall be located within a building containing a residential use.

12. No RMD or Marijuana Retailer shall exceed 5,000 square feet of floor area.

13. All RMDs and Marijuana Establishments shall submit a security plan to the Newton Police Department for review and approval.

14. All RMDs and Marijuana Establishments shall submit an emergency response plan to the Newton Police Department and Newton Fire Department.

15. All RMDs and Marijuana Establishments shall submit an Operation and Management Plan to the Inspectional Services Department and the Department of Planning and Development.

16. An RMD or Marijuana Retailer located at the ground level shall provide at least 25 percent transparency along building's front façade at ground level and existing buildings shall not be modified to reduce the transparency of the front

façade at the ground level to below 25 percent, unless the City Council finds impacts to security and aesthetics have been appropriately mitigated.

17. Any marijuana cultivation shall offset 100 percent of energy used for cultivation through renewable energy, either by any combination of purchasing Renewable Energy Certificates through the State, generating renewable energy onsite, and/or through Newton Power Choice, if available.

18. The RMD or Marijuana Establishment shall be ventilated in such a manner that no:

a. Pesticides, insecticides, or other chemicals or products in cultivation or processing are dispersed into the outside atmosphere; or

a.b. Odor from marijuana may be detected by a person with a normal sense of smell at the exterior of the building or at any adjoining use or property.

EF. Special permit application and procedure. The procedural and application requirements of Sec. 7.3 shall apply. In addition to the procedural and application requirements of Sec. 7.3, an application for special permit shall include, at a minimum, the following information:

1. **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIP's), research, testing, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.

2. **RMD Service Area:** Applications for an RMD shall include Aa map and narrative describing the area proposed to be served by the RMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other RMD's exist or have been proposed within the expected service area.

3. —3.—RMD and Marijuana Retailer Transportation Analysis: An application for an RMD or Marijuana Retailer shall include Aa quantitative analysis, prepared by a qualified transportation specialist acceptable to the Director of Planning and Development and the Director of Transportation, ~~modeling the expected origin and frequency of client and employee trips to the lot,~~ analyzing the proposed new vehicular trips, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site. An RMD or Marijuana Retailer that does not provide the number of parking stalls required per this Sec. 6.10.E.6. shall also provide a parking study.

3.4. Lighting Analysis: A lighting plan showing the location of proposed lights on the building and the lot and a photometric plan showing the lighting levels.

4.5. Context Map: A map depicting all properties and land uses within a minimum 1,000 foot radius of the proposed lot, whether such uses are located in the City or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs. The context map shall include the measured distance to all uses described in paragraph D.1 above.

5.6. Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health or Cannabis Control Commission and any materials submitted to that Department for the purpose of seeking registration, to confirm that all information provided to the City Council is consistent with that provided to the Massachusetts Department of Public Health or Cannabis Control Commission.

FG. Special Permit Criteria. In granting a special permit for an RMD or Marijuana Establishment, in addition to finding that the general criteria for issuance of a special permit are met, the City Council shall find that the following criteria are met:

1. Criteria for all marijuana uses:

a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the lot, whether driving, bicycling, walking or using public transportation.

a.b. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.

c. The RMD or Marijuana Establishment is designed to minimize any adverse impacts on abutters.

d. The RMD or Marijuana Establishment has satisfied all of the conditions and requirements set forth herein.

2. Additional criteria for RMDs and Marijuana Retailers:

b.a. The ~~site~~ lot is located at least 500 feet distant from an existing public or private k-12 school, -school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, or from a house of worship or religious use, or the lot is

located at a lesser distance if the City Council finds that the lot is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD or Marijuana Retailer's operation.

- b. Traffic generated by client trips, employee trips, and deliveries to and from the RMD or Marijuana Retailer shall not create a significant adverse impact on nearby uses.
- c. The building and lot have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.
- d. The building and lot are accessible to persons with disabilities.
- e. The lot is accessible to regional roadways and public transportation.
- f. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel.
- g. The RMD or Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses.

3. Additional Criteria for RMDs only:

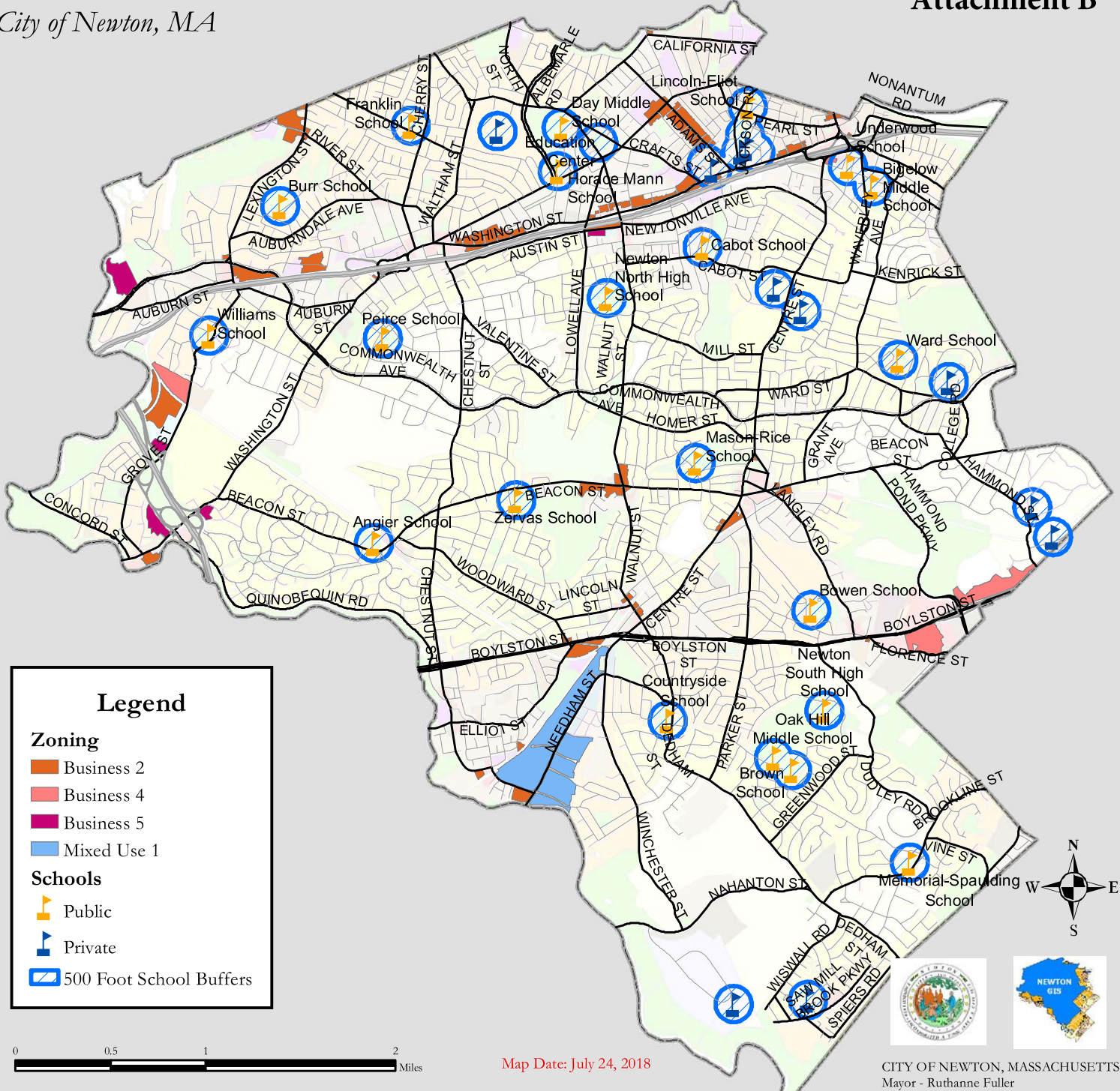
- e.a. The RMD is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by another RMD, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.

(g)H. *Severability.* If any portion of this section is ruled invalid, such ruling will not affect the validity of the remainder of the section.

Draft Retail Marijuana and RMD Zoning

City of Newton, MA

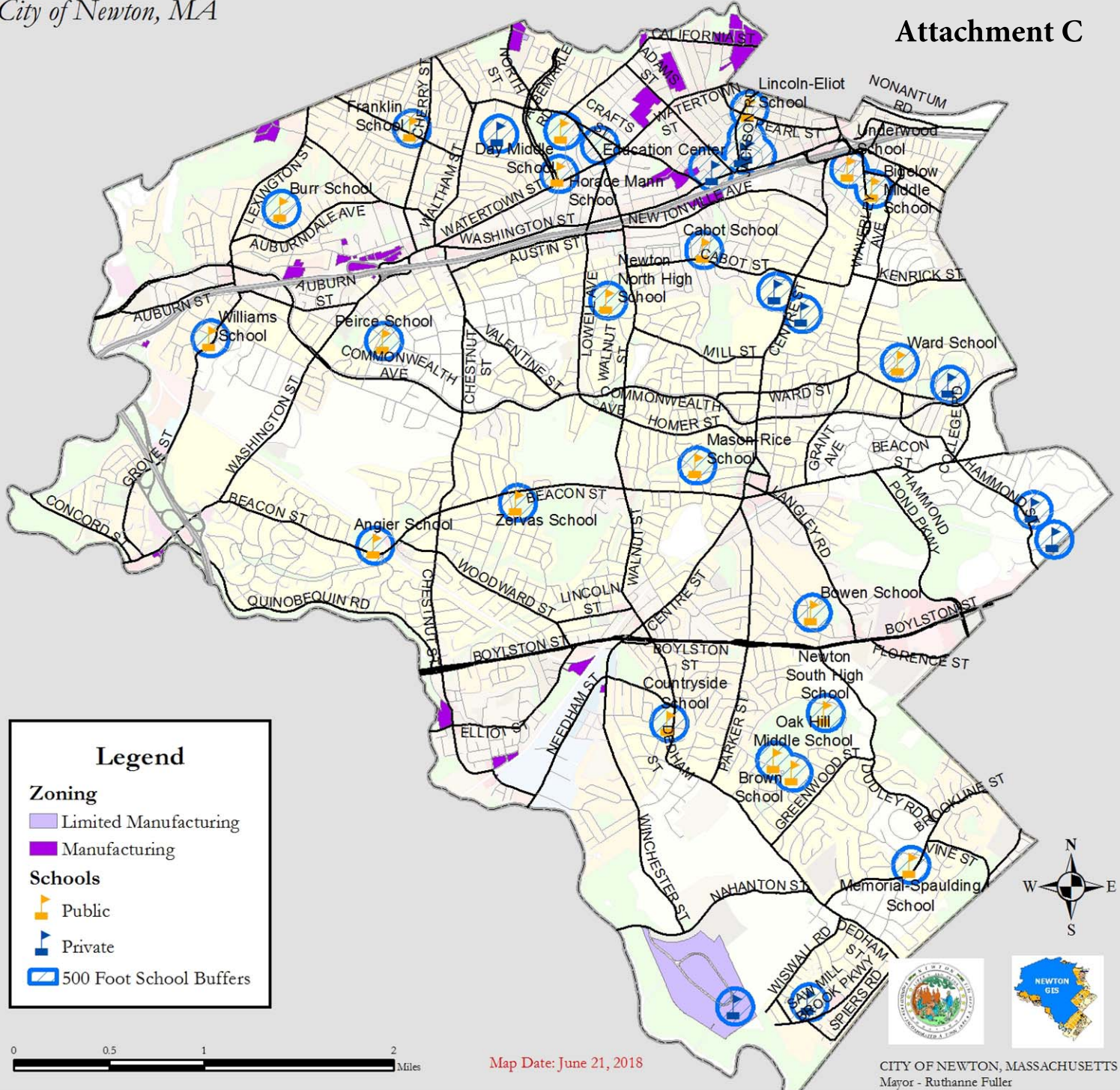
Attachment B



Draft Marijuana Research Facility and Independent Testing Laboratory Zoning

City of Newton, MA

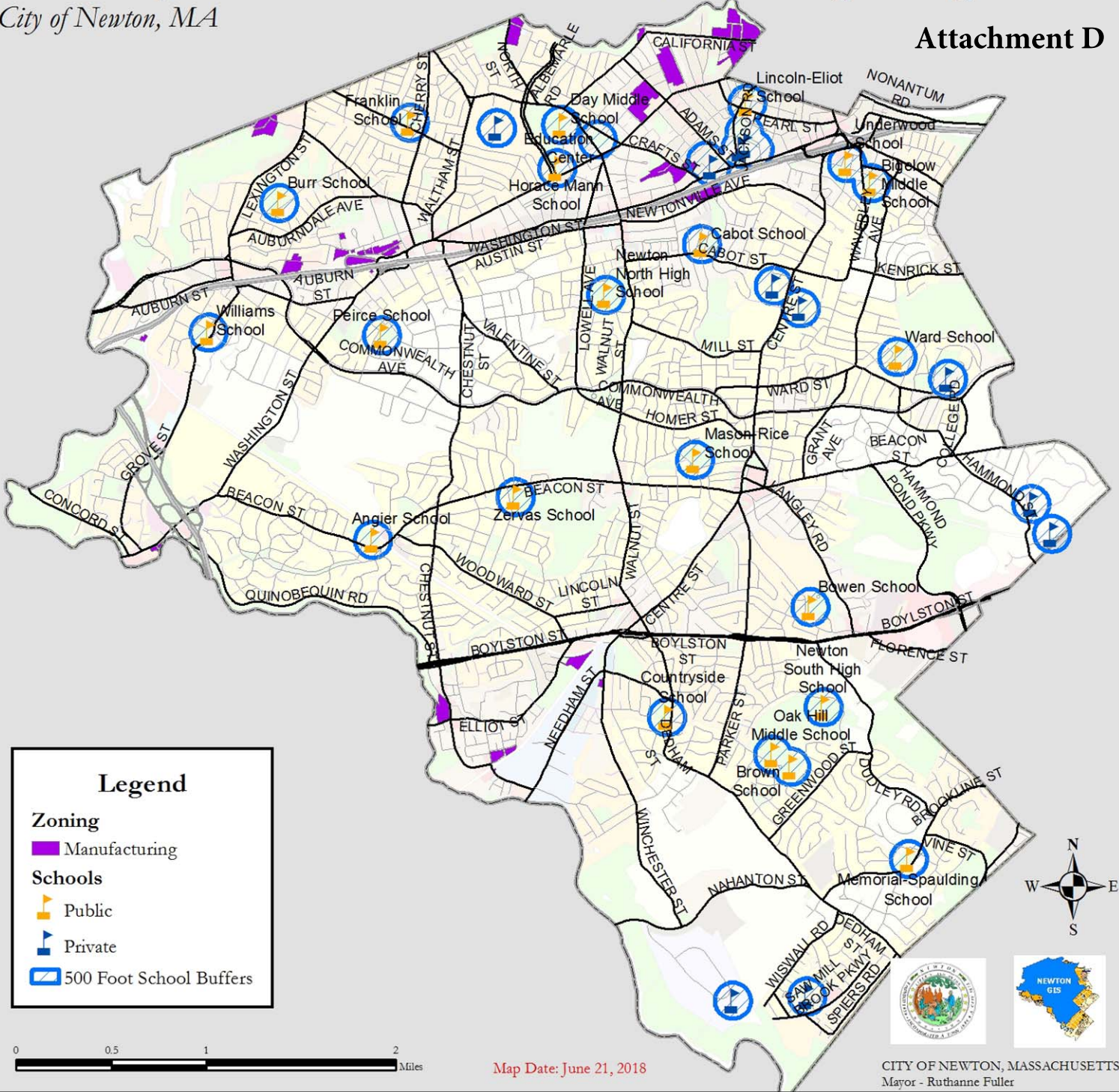
Attachment C



Draft Marijuana Cultivation and Product Manufacturing Zoning

City of Newton, MA

Attachment D



Legend

Zoning

- Manufacturing

Schools

- Public
- Private
- 500 Foot School Buffers



Map Date: June 21, 2018

A north arrow is located in the bottom-right corner. Below it is an inset map of the City of Newton, Massachusetts, showing the city's location within the state. The inset map is labeled 'NEWTON GIS'.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller