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**To:** Chris Kluchman, FACIP, Deputy Director of Community Service Division  
Department of Housing and Community Development (DHCD)

**From:** Barney Heath, Director of Planning & Development  
Jennifer Caira, Deputy Director of Planning & Development  
Zachery LeMel, Chief of Long Range Planning

**Date:** March 17, 2022

**Subject:** Public Written Comment on Draft Guidelines for Multi-Family Zoning Requirement for MBTA Communities

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Planning staff for the City of Newton briefed our City Council on March 7, 2022 on the Draft Compliance Guidelines to remain in compliance with MBTA Communities Section 3A. Below is a list of outstanding questions which seek additional guidance from DHCD and will for submission as part of the formal comment period open until March 31.

*Sustainability*

- What ability do we have to incorporate sustainability requirements into by-right multifamily zoning? Currently we rely on our special permits to incorporate many sustainability commitments.

*Special Permits*

- Can we still require a special permit at a certain unit/land size/building type threshold as long as we can show that we can meet the unit capacity by-right?
- How will existing special permits be affected? If a property containing development that was particularly approved by special permit is located within the multifamily district and the development as constituted would now be allowed by-right, would it no longer need to comply with the conditions of their special permit?

*Size of Units / Suitability for Families*

- The guidelines prohibit placing restrictions on the size or number of bedrooms of units but could we require a certain number of larger units (similar to 40B requirements that 10% of units be 3 bedrooms) in order to ensure we are getting family-sized housing?
- There has also been a desire to have smaller units that are likely to be more affordable and result in fewer vehicles. Could the zoning include incentives for smaller units?

### *Allowing Multi-Family Housing By-Right*

- Can you provide more guidance on how Site Plan Review and Site Plan Approval might be incorporated?
- If the multifamily district overlaps with a local historic district or includes landmarked properties, would it still be considered as of right if there is a historic review process?

### *Determination of Compliance*

- How will DHCD analyze the proposed districts for compliance? How will economic feasibility be determined? In order to test whether other dimensional controls (such as FAR, inclusionary zoning, height, parking, setbacks, etc.) make it infeasible to build the allowable density we will need to make some assumptions about unit sizes. Will DHCD be providing guidance around these assumptions?
- Would a district that also eliminated parking requirements be considered compliant?
- Can we incorporate density incentives, for things like increased sustainability or affordability commitments? If we do include incentives, which do not require any discretionary action, can we count the maximum number of units under the incentive towards our unit capacity?
- Will the guideline potentially be amended at any point in the future (prior to seeking recertification in ten years)?
- The areas we anticipate would be appropriate locations for this district often have small parcels and when we've seen development, most often parcels are combined. In calculating unit capacity, should we be basing it on existing parcels sizes or making some assumptions about combining parcels?

### *Location of District*

- If we have sufficient land within 0.5 miles of transit stations could we still include land more than 0.5 miles from transit stations in the district for up to half of the district? We think our village centers, some of which are more than 0.5 miles from a defined transit station (but often still served by bus and express bus service), may be good locations for multifamily housing. If we can include land more than 0.5 miles from a transit station does it need to be contiguous with portions of the district that are within 0.5 miles of a transit station?
- How is the 0.5 mile radius measured from commuter rail stations where we do not have parcel boundaries, have a long right-of-way and each station has multiple entrances?

### *Displacement*

- Will DHCD be providing any guidance on addressing displacement concerns that may arise as a result of this zoning?