



Zoning & Planning Committee Report

City of Newton In City Council

Monday, March 13, 2023

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

Also Present: Councilors Laredo, Lucas, Lipof, Greenberg, Bowman, Downs, Norton, Malakie, Oliver

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee March 13, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-Planning-Committee-March-13-2023)

#72-23 **Appointment of Jyothsna Buddharaju to the Planning & Development Board**
HER HONOR THE MAYOR appointing Jyothsna Buddharaju, 1175 Chestnut Street, Newton as an alternate member of the Planning & Development Board for a term of office to expire on July 31, 2026. (60 Days: 05/05/2023)

Action: **Zoning & Planning Approved 8-0**

Note: The Chair read the item into the record and introduced Jyothsna Buddharaju. Ms. Buddharaju detailed her interest in being active in her community along with a passion for public policy. Councilors citing no concerns with her appointment voted 8-0 on a motion to approve from Councilor Leary.

Chair's note: *Planning staff will continue to lead a discussion through the remaining items to be decided in advance of drafting version 2, with a goal of reaching consensus on these items. Topics include parking requirements, how to treat city-owned property, whether to have special permit options and for what, and new metrics for VC1. The Planning memo in the packet is expanded from last meeting to include proposed revisions to VC1. We will discuss the committee and Council calendar necessary to meet MBTA Communities requirements by December 2023 deadline.*

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Action: Zoning & Planning Held 8-0

Note: The Chair introduced the item and noted that the discussion will focus on particular metrics according to the topics in the updated memo, and the sense of the committee will be used to inform staff and consultants from Utile in drafting version 2 of the zoning text and maps. Jennifer Caira, Deputy Director of Planning and Zachary LeMel, Chief of Long-Range Planning were introduced to present on the four items. Mr. LeMel presented an overview of what items were covered at the February 27th meeting and what items will be covered in future March meetings. (attached)

Reducing Residential Parking Minimums in Village Center Overlay Districts

Version 1 of the draft zoning text proposes a residential parking minimum of 1 parking space per unit. Based upon further research of parking utilization, the Planning Department is proposing 0.5 parking spaces per unit as a residential parking minimum. However, for new residential development within 0.25 miles of a transit station, it is proposed that no parking minimum be required, and that 1 parking space per unit be the maximum allowed. However, for adaptive reuse of existing residential structures, no parking minimum is proposed. Mr. LeMel reiterated the results from the MAPC Perfect Fit study presented at the February 27th ZAP Meeting. He also presented a table that describes utilized parking spaces per unit in multiple developments within Newton. (attached) It was also noted that municipalities across the country have been eliminating parking minimums.

Councilor questions:

Q: How is the 0.25 mile measured?

Mr. LeMel stated that the Planning Department is working on mapping .25 mile boundaries according to a path of travel formula which will be available in version 2.

Q: When and how was data for the MAPC parking utilization study collected?

Ms. Caira noted that counts were conducted overnight (11pm to 3am) in the fall of 2022 and data is consistent with that collected by the Planning Department at the same developments.

Q: How does this impact compliance with MBTA Communities Guidelines?

The MBTA Communities Guidelines encourage a reduction or elimination of parking minimums and will be evaluated as part of compliance. The Planning Department will focus on compliance with these guidelines at the March 29th Zoning & Planning Committee Meeting per Ms. Caira.

Q: Is there data on communities with lower minimums impacting development?

Mr. LeMel said yes, he can bring examples of other communities having lower parking mins. That has spurred development

Multiple Councilors (not on the committee) supported a reduction/removal of parking minimums, noting the negative impacts of parking on green space, the high cost of building parking and the need to encourage people taking public transit. Two Councilors expressed opposition to the proposal citing inadequacies with MBTA service. Amy Dain, Member of the Planning & Development Board, expressed support for the proposal, citing how high on-site parking requirements contribute to more expensive housing and inhibits development of affordable housing within Newton. She also noted how more parking will result in buildings being bulkier and increases traffic. Ms. Cairra explained that MAPC's statistical analysis found that the presence of parking was the largest factor in determining car ownership with transit and affordability having less of an impact.

Five Committee members expressed support for the reduction of parking minimums. Two Committee members suggested a parking minimum of 0.8 parking spaces per unit for residential development, and one Committee member was broadly opposed to the proposal. Regarding the proposal to have parking maximum of 1/unit for residential development within 0.25 miles of transit, two Committee members recommended raising the maximum with another Councilor recommending allowing more parking than the maximum (of one per unit) only by seeking a special permit.

Eliminating Special Permits for Additional Building Height and Footprint

In version 1 the Planning Department proposed the ability to apply for a special permit to increase the maximum building height by one story and increase the maximum building footprint by 2,000 sf in the VC1 district and 2,500 sf in both VC2 and VC3 districts. The Planning Department is now proposing eliminating all of these special permit options. Mr. LeMel stated that Planning thinks this change would help provide predictability to development within the village centers. He also noted that the Planning Department is working with the Newton Housing Partnership to consider allowing increases in building height and footprint only if the project increases the percentage of deed restricted affordable units above what is required in the Inclusionary ordinance.

The Chair described that on some larger lots, there could be benefits to allowing larger footprints, versus requiring two buildings, simply in order cap the footprint, which would make the building more expensive. Mr. LeMel further described that with this code the Planning department is intending to encourage the historic patterns of granularity within village centers and for those larger lots to do multiple buildings rather than one larger building.

Q: What deters a developer asking for a rezone to MU4 on a lot within the overlay district?

Ms. Caira noted this will be up to the Council to decide, and Director Heath stated that, by bringing clear expectations to what may be developed by-right, the VCOD code would be a disincentive.

Q: Please clarify the intent regarding allowing increased height and footprint for more affordable units?

Director Heath noted that the thinking is to increase the number of affordable units required across a project, rather than requiring that the extra height or footprint be all affordable units, and that a specific requirement could be approved via site plan review. All Committee members expressed support for eliminating special permits for additional height, and to consider allowing additional height and footprint in the case of the developer providing more affordable units.

Q: Can design standards be used to condition a larger footprint on certain sized lots?

The Planning Department noted that this can be done through allowing a developer of one of these lots seek a special permit as long as the current building is preserved.

Applying Consistent Policy to Zoning of City-owned Parcels

Version 1 identifies city owned parcels with municipal buildings as Public Use, and city owned surface parking lots sometimes zoned as part of the VCOD. In the existing zoning, some city owned parking lots are within Business zones.

To achieve consistency and signal intent, Planning Staff propose that all publicly owned parcels with municipal buildings be zoned Public Use only, and that city owned surface parking lots within a VCOD, be zoned to allow one of the proposed VCOD districts. This policy would apply to all city owned land within the village center boundaries.

Two Councilors not on the committee noted concern with the proposal and suggested that all publicly owned parcels, whether or not a municipal building exists upon it, be zoned for Public Use only. A committee member also proposed that publicly owned surface parking lots remain in control of the City and only be used to develop 100% affordable housing. Other committee members noted that the reuse process would determine the parameters of what would be allowed on a city lot, such as a requirement to preserve municipal parking in addition to developing housing.

Seven Councilors on the Committee expressed support for the proposed policy, understanding that the Property Reuse process would be triggered in any case, and that such a distinction flags intent, but potential units would not count toward MBTA Communities compliance. One Committee member however urged a more measured approach by applying the overlay district on a site-by-site basis to retain parking in some areas. Others said that nothing in this proposed change would indicate that municipal parking wouldn't be maintained or potentially expanded.

VC1 Revisions

With community and Council feedback concerning the scale proposed for the VC1 district, Planning staff and Utile worked to develop new metrics. For new construction in a VC1 district the following revisions are proposed: - a maximum building footprint of 1,500 sf, a maximum of 4 units and a minimum of 3 units per parcel, 2.5 stories for a pitched roof, 2.0 stories for a flat roof, and a side setback of 7.5 ft. In addition, it is proposed that multiple buildings on a lot only be allowed by special permit. For adaptive reuse of existing buildings, the staff are proposing the following: building footprint addition of 400 sf on rear/side elevations (to provide for vertical circulation and required egress), a maximum of 6 units with a minimum of 2, no minimum parking requirement, and multiple buildings on a lot would be through site-plan review. A table with all metrics is in the attached presentation. Mr. LeMel provided the Committee with examples of existing buildings that are similar to the proposed metrics.

The Chair suggested that such substantial changes in the metrics will need to be looked at closely with the draft maps to decide where the revised VC1 district now belongs. She also asked staff if they could explain the rationale for the 1,500 sf maximum building footprint. Ms. Caira stated that this was to aid in incentivizing the conversion of existing buildings. A Councilor sought clarification on if multiple curb cuts will be allowed and why 400 sf was chosen for the maximum additional building footprint in the case of adaptive reuse. Ms. Caira and Mr. LeMel noted that the 400 sf allows for additional egress and that only one curb cut per parcel would be allowed; the number of curb cuts in VC1 will be in the version 2 draft text.

Conclusion

The Chair provided the Committee with a brief overview of items that will be before the committee at the next few meetings. At the March 27, 2023, meeting the committee will discuss the following: Sustainability co-Director Ann Berwick will present the requirements for Newton's participation in the Ten Communities program, Ms. Silkes and the embodied Carbon Working Group will present a draft ordinance requiring reporting of embodied carbon in new construction seeking special permits. The committee will discuss the calendar with respect to public hearings and deliberations on both items. Following that, the second half of the meeting will be devoted to continuing discussions with staff and consultants from Utile and Landwise regarding village centers. For the March 29, 2023, meeting, Utile will join the Committee for a discussion on compliance with MBTA Communities Guidelines.

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

The meeting adjourned at 10:10pm

Respectfully Submitted,

Deborah J. Crossley, Chair

City of Newton
Zoning & Planning Committee



Village Center Rezoning Phase 4: Draft Zoning 2.0

March 13, 2023

Agenda

1. Introduction
2. Zoning Framework for Version 2.0
 - a. Reduce Residential Parking Requirements
 - b. Eliminate Special Permit Increases for Height and Footprint
 - c. Apply Consistent Policy to Zoning City-Owned Parcels
 - d. Revise VC1 Standards
3. Next Steps

Introduction - Village Center Overlay District (VCOD) Framework Version 2.0

Prior to issuing version 2.0 of the VCOD zoning text and maps, Planning and Utile will present the proposed changes from version 1.0 to 2.0 for discussion. These include:

- February 27th Meeting
 - Focus on design standards
 - Identify mixed-use priority streets
 - Prioritize historic preservation
 - Reduce residential parking requirements in village centers (introduced)
- March 13th Meeting
 - **Reduce residential parking requirements in village centers (continued)**
 - **Eliminate special permits for building height or footprint**
 - **Apply a consistent policy to zoning of City-owned parcels**
 - **Revise VC1 Standards**
- March 27th and 29th Meetings
 - Incentivize additional affordable housing (March 27)
 - Maximize MBTA Communities compliance (March 29)

Agenda

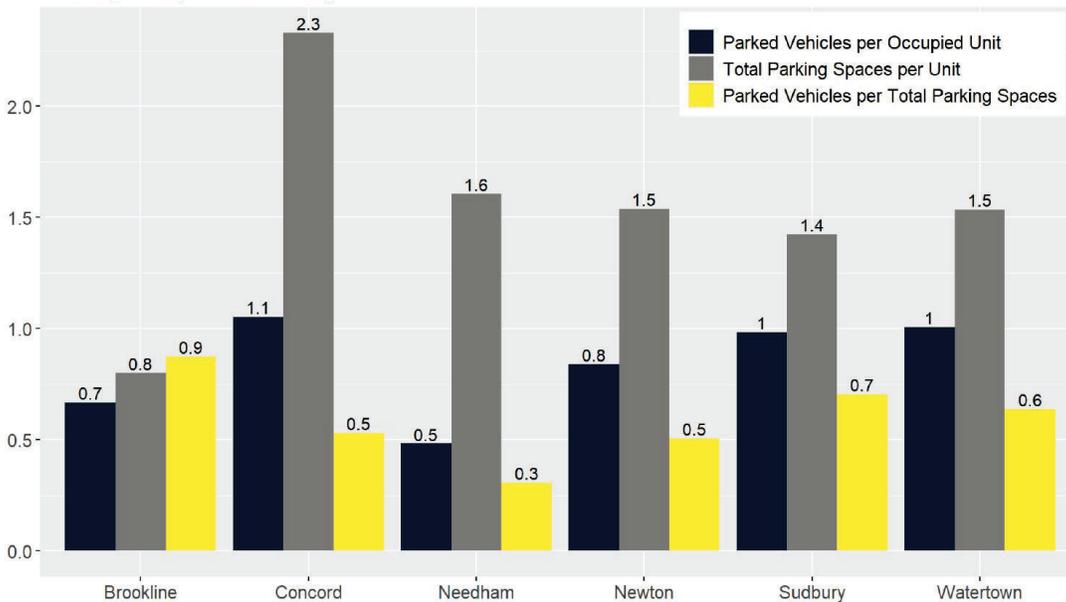
1. **Reduce Residential Parking Requirements**
2. Eliminate Special Permit Increases for Height and Footprint
3. Apply Consistent Policy to Zoning City-Owned Parcels
4. Revise VC1 Standards

Reduce Residential Parking Requirements

	Residential	Residential within 0.25 miles of a transit station	Adaptive Reuse
Version 1.0	1 per unit	1 per unit	1 per unit
Proposed	0.5 per unit	0 per unit min 1 per unit max	None

Reduce Residential Parking Requirements - MAPC Perfect Fit

Parking Analysis Results by Town



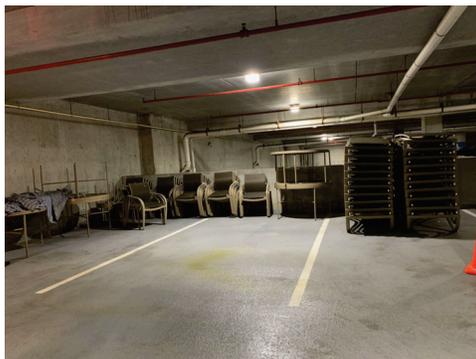
- Half of multifamily parking spaces sit empty
- Parking supply per unit was the dominant factor associated with parking demand
- Each additional space per unit is associated with an increase of 0.24 parked cars per household
- Recommend maximums instead of minimums

Reduce Residential Parking Requirements - MAPC Perfect Fit

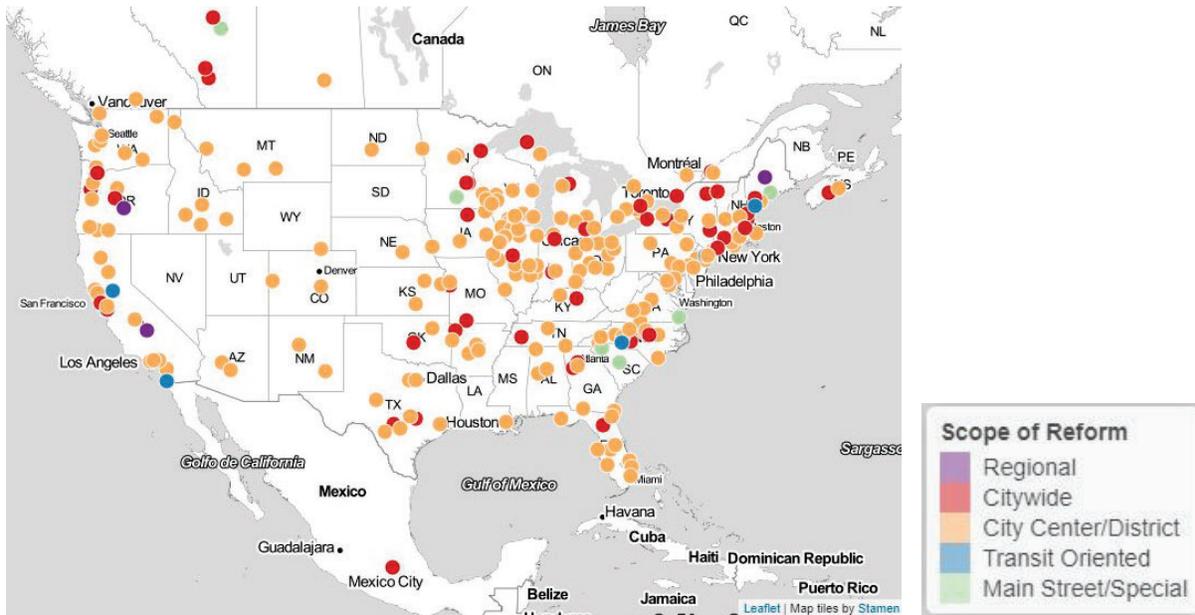
Address	Number of units	Rental/ Ownership	Total parking spaces	Utilized parking spaces	Utilized spaces per unit	Parking included in unit cost
28 Austin St	68	Rental	95	44	0.65	No
Trio	140	Rental	210	128	0.91	No
Woodland Station	180	Rental	268	173	0.96	1 space
Avalon Newton Highlands	294	Rental	537	325	1.11	1 space
Avalon Chestnut Hill	204	Rental	419	236	1.16	No
429 Cherry St	14	Ownership	25	12	0.86	1-2 spaces
192 Lexington St	10	Ownership	26	18	1.80	2 spaces
Myrtle Village	7	Rental	12	4	0.57	1 space
Pelham House	10	Rental	5	0	0	0.5 space
Total	927		1,408	940		

Reduce Residential Parking Requirements - MAPC Perfect Fit

- 468 spaces were sitting vacant across 9 multifamily buildings
- ~3 acres of unused parking



Parking Minimums Eliminated Across the Country



Agenda

1. Reduce Residential Parking Requirements
2. Eliminate Special Permit Increases for Height and Footprint
3. Apply Consistent Policy to Zoning City-Owned Parcels
4. Revise VC1 Standards

Eliminate Special Permit Increases for Height and Footprint

	VC1		VC2		VC3	
	By-Right	Special Permit	By-Right	Special Permit	By-Right	Special Permit
Version 1.0						
Stories	2.5	3.5	3.5	4.5	4.5	5.5
Footprint	4,000 sf	6,000 sf	10,000 sf	12,500 sf	15,000 sf	17,500 sf
Proposed						
Stories	2.5	N/A	3.5	N/A	4.5	N/A
Footprint	1,500 sf	N/A	10,000 sf	N/A	15,000 sf	N/A

Agenda

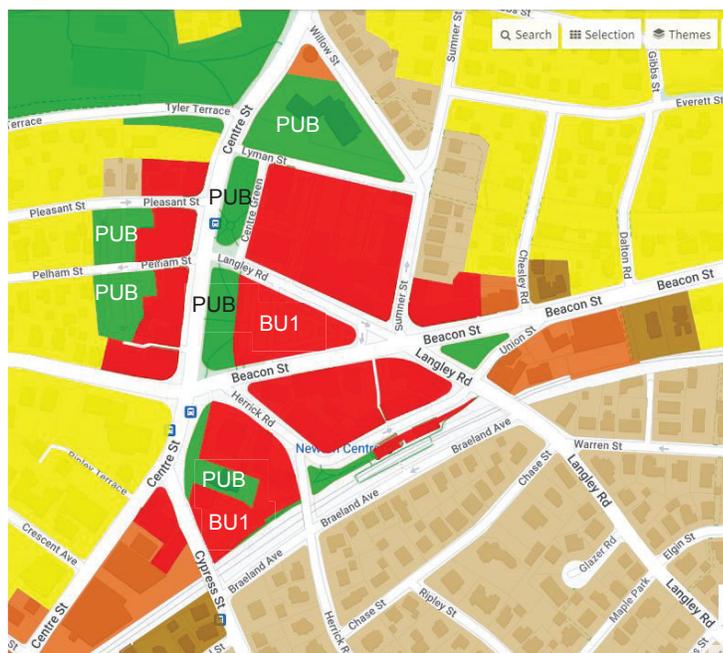
1. Reduce Residential Parking Requirements
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3. **Apply Consistent Policy to Zoning City-Owned Parcels**
4. Revise VC1 Standards

Apply Consistent Policy to Zoning City-Owned Parcels

	Zoning	
	Publicly Owned Parcels with Municipal Buildings	Publicly Owned Surface Parking Lots
Version 1.0	Mix of VCOD districts and Public Use	Mix of VCOD districts and Public Use
Proposed	Public Use*	VCOD Districts

* Should municipal buildings be further distinguished? (ex. schools vs. offices)

Apply Consistent Policy to Zoning City-Owned Parcels



Existing zoning of City-owned parcels in Newton Centre

Agenda

1. Reduce Residential Parking Requirements
2. Eliminate Special Permit Increases for Height and Footprint
3. Apply Consistent Policy to Zoning City-Owned Parcels
- 4. Revise VC1 Standards**

Zoning Framework 2.0

Revise VC1 Standards

New Construction - VC1		
	Version 1.0	Proposed
Building Footprint (max)	4,000 sq ft	1,500 sq ft
Number of Units (min / max)	N/A	3 / 4
Number of Stories (max)	2.5 – pitched roof 2.5 – flat roof	2.5 – pitched roof 2.0 – flat roof
Setbacks (min)	Front - 10 ft Side - 10 ft Rear - 15 ft	Front - 10 ft Side - 7.5 ft Rear - 15 ft
Parking Requirement (min)	1 per unit	0.5 per unit 0 min. / 1 max. (< 0.25 mi from transit)
Open Space (By-Right - min)	None	TBD*
Multiple Buildings on a Lot	By-Right	Special Permit**

* Planning and Utile are analyzing lot sizes that can accommodate a 1,500 square foot footprint, parking, and meet setbacks to determine if open space is required and what percentage

** A special permit may be appropriate to ensure buildings are predominantly oriented to the street and the site layout provides adequate open space.

Revise VC1 Standards

Conversion of Existing Buildings - VC1		
	Version 1.0	Proposed
Building Footprint (max)	N/A	Existing plus 400 sq ft*
Number of Units (min / max)	N/A	2 / 6
Setbacks (min)	Front - 10 ft Side - 10 ft Rear - 15 ft	Front - 10 ft Side - 7.5 ft Rear - 15 ft
Parking Requirement (min)	1 per unit	0 per unit
Open Space (By-Right - min)	N/A	None
Multiple Buildings on a Lot	By-Right	Site-Plan Review**

* 400 square feet additions only allowed on the rear/side elevations and must be at least 20 feet from the front elevation

** A streamlined process would incentivize preserving an existing building while adding another building to the rear

Revise VC1 Standards - Examples of Existing Homes



1204 - 1210 Chestnut Street
Upper Falls
4 units
Footprint: 2,200 sq ft
Lot Size: 11,082 sq ft



26 Willow Street
Newton Centre
4 units
Footprint: 1,125 sq ft
Lot Size: 4,786 sq ft



114-116 West Street
Nonantum
4 units
Footprint: 1,596 sq ft
Lot Size: 5,563 sq ft

*Footprints are estimates using the Newton Assessor Database

Zoning Framework 2.0

Revise VC1 Standards - Examples of Existing Homes



94-96 Madison Street
Newtonville
5 units
Footprint: 1,700 sq ft
Lot Size: 8,590 sq ft



286 Melrose Street
Auburndale
6 units
Footprint: 1,734 sq ft
Lot Size: 5,867 sq ft



831-833 Boylston Street
Newton Highlands
4 units
Footprint: 1,627 sq ft
Lot Size: 3,399 sq ft

*Footprints are estimates using the Newton Assessor Database

Zoning Framework 2.0

Revise VC1 Standards - Examples of Existing Homes (conversions)



11 Washington Street
Newton Corner
6 units
Footprint: 2,800 sq ft
Lot Size: 60,002 sq ft



384 Newtonville Avenue
Newtonville
4 units
Footprint: 1,289 sq ft
Lot Size: 9,695 sq ft



417-421 Auburn Street
Auburndale
7 units
Footprint: 2,562 sq ft
Lot Size: 7,750 sq ft

*Footprints are estimates using the Newton Assessor Database

Revise VC1 Standards - Examples of Existing Homes (conversions)



10-12 Chase Street
Newton Centre
5 units
Footprint: 1,532 sq ft
Lot Size: 12,527 sq ft



51 Hartford Street
Newton Highlands
4 units
Footprint: 3,173 sq ft
Lot Size: 10,888 sq ft



9-11 Circuit Avenue
Elliot T Stop
4 units
Footprint: 1,476 sq ft
Lot Size: 5,182 sq ft

*Footprints are estimates using the Newton Assessor Database

Next Steps

1. March 27, 2023

- Incentivize additional affordable housing. Planning is working with representatives of the Newton Housing Partnership as well as consultants Utile and Landwise to determine the feasibility of allowing for additional height and building footprint in exchange for additional affordable housing, above and beyond the inclusionary zoning requirements.

2. March 29, 2023

- Maximize MBTA Communities compliance. The focus on new zoning for village centers was started in advance of and has continued in parallel with the state requirements for zoning for multi-family housing near transit stations. As we have received further guidance from the state Planning and Utile have begun to analyze the VCOD zoning against the MBTA Communities requirements to determine how far it could take Newton towards compliance. Once this information is available the Committee can consider how best to maximize compliance as part of the VCOD zoning.

3. April 2023

- Release of Version 2.0 VCOD zoning text and map