



Zoning & Planning Committee Report

City of Newton In City Council

Monday, May 8, 2023

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

Also Present: Councilors Bowman, Kelley, Downs, Lipof, Laredo, Greenberg, and Lucas

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; Andrew Lee, Assistant City Solicitor; and Jaclyn Norton, Committee Clerk

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

Planning & Development Board: Kelley Brown, Kevin McCormick, Peter Doeringer, and Amy Dain

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee May 8, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-Planning-Committee-May-8-2023)

Chair's Note: *Planning staff and Utile will present version 2 of the draft VCOD text along with a continued discussion on how the version 2 VCOD maps and metrics help Newton reach compliance with MBTA Communities requirements.*

#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; Public Hearing Set for 06/26/23

Note: This item was discussed concurrently with #39-22. A written report can be found with item #39-22.

#39-22 Requesting discussion on state guidance for implementing the Housing Choice Bill

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

Action: Zoning & Planning Held 8-0

Note: Jennifer Caira outlined that this meeting will focus on version 2 of the draft text that accompanies the draft maps presented at the [April 24, 2023 ZAP meeting](#). The Chair further added that in this meeting we seek to set the date to open the public hearing on item #38-22.

Ms. Caira began the presentation (attached) noting that this draft text reflects a multi-year effort involving the ZAP committee and multiple stakeholders through several means of community engagement. The Village Center Overlay District seeks to create vibrant and economically healthy village centers, by allowing more building by-right, while regulating building size and form through three principal mechanisms: building footprint, building height, and roof forms. The following four districts and respective metrics represent the proposed by-right zoning allowances for new construction.

- MRT: 2.5 stories only with a pitched roof, 45 ft maximum height to the peak, 2 stories and 27' max. height if a flat roof, 1,500 sf maximum footprint
- VC1: 2.5 stories, 45 ft maximum height to the peak if a pitched roof (40 ft. max. height for a flat roof), 4,000 sf maximum footprint (mapped only along Route 9)
- VC2: 3.5 stories, 62 ft maximum height to the peak if a pitched roof (56 ft max. height for a flat roof), 10,000 sf maximum footprint
- VC3: 4.5 stories, 75 ft maximum height to the peak if a pitched roof (69 ft max. height for a flat roof), 15,000 sf maximum footprint

Zachary LeMel stated that an overlay district is proposed, rather than changing the underlying zoning, to allow for solutions tailored to each village center, a greater level of required design standards, and to allow for gradual change over time. An overlay zone means the property owner may choose the underlying (existing) zoning, or the overlay (new) zoning. In this way, property owners only gain rights and opportunity through inclusion in the overlay zone. He also reviewed what level of development would still require a special permit, and what will require site plan review. For example, lots over 30,000 sf would require a special permit, while lots between 20,000 and 30,000 sf would require site plan review. (chart attached)

Managing building size and scale

Mr. LeMel presented examples of current development that is at a similar scale to what would be allowed by-right in each of the proposed zones. Parcels proposed as VC2 and VC3 overlay zones abutting an existing residential (SR, MR, and proposed MRT zones) district will have additional requirements to transition from village business centers more gently. In these cases, the side setback is increased to 15 ft for VC2 and VC3 zones, the rear setback is 15 ft in all zones. In addition, both VC2 and VC3 zones abutting residential districts are limited to a maximum height of 3.5 stories or 62 ft with a pitched roof (56 ft flat roof) for a minimum distance of 50' from the abutting property line.

Assuring active streetscapes

Mr. LeMel reminded that the draft maps label certain streets in the hearts of the village centers as mixed-use priority streets, where ground floor retail/ restaurant and other active uses would be required. Under the current MBTA rules, housing units above retail that are within the priority streets may not count towards MBTA Communities compliance.

Proposed bonus for more affordable units

A bonus is proposed to enable another story and additional footprint to incentivize a larger percentage of affordable units, deed-restricted to an average AMI (Average Median Income) of no more than 65% for rental units and no more than 80% AMI for ownership units. There are two options proposed: Option 1 would allow an additional story and 2,500 sf building footprint in exchange for 25% affordable units, only in VC2 and VC3 zones. Option 2 applies only to VC3 zone, where an additional 2 stories and a 2,500 sf building footprint would be allowed in exchange for 30% affordable units. Ms. Cairra noted that this option would be allowed only in the VC3 zone, and only for parcels that are not adjacent to VC1, MRT, or any other existing residential zones.

All options require a 50 ft setback from a lot line abutting an MRT or residential zone.

Parking requirements

The draft text allows on-site vehicle parking but does not require it. This allows for greater flexibility in the code to respond to market conditions. Parking standards must be met to ensure parking is properly located and screened. For example, no parking spaces may be built between the front elevation and the primary front lot line, curb cuts are prohibited along the primary front lot line when access along another lot line is available, and there are screening requirements specified relative to various site conditions. Bike Parking is required for projects over 10 units.

MRT: The fourth zone

The MRT zone is new in version 2. Described as the lowest density zone, it is scaled down to fit within existing residential neighborhoods, while providing opportunities for smaller multi-family residences close to village centers. To incentivize preserving existing structures, there are different building footprint requirements for adaptive reuse versus new construction. However, setback requirements, height and roof configurations remain the same for both. Loren Rapport of Utile stated that the MRT metrics for adaptive reuse of existing structures are very recently revised to allow increasing the existing building footprint by up to 50%. This is in response to many councilors expressing concerns at previous meetings that, because renovations to convert a Victorian to multiple units are extremely expensive, and so to compete with the underlying zoning, more square footage must be allowed, especially on larger sites.

The maximum units in the conversion option are 6 units. On very large parcels, multiple buildings may be approved through site plan review when preserving the existing building. For new construction, the unit maximum is 4 units, within a 1500sf building footprint. Multiple buildings may be allowed if approved by special permit but must be separated by at least 15 feet.

Mr. Love explained that the goal of this zone is to prevent teardowns and help produce smaller units. This zone is mapped primarily where VC1 was mapped in version 1, and within ½ mile along the Green line stations from Newton Centre to Eliot street, to provide the required amount of contiguous land area in the VCOD to meet MBTA compliance, as discussed in previous meetings.

Both Ms. Caira and Mr. Love stated that they are working to both test fit what MRT allows on typical sites, and that Landwise is evaluating the metrics proposed for adaptive reuse for economic feasible. They also noted that the new construction metrics limiting the footprint to 1500 sf, require some further analysis.

The Chair described that the Committee would receive a brief update from the Planning Department, including impacts on MBTA compliance by varying parking requirements, at the May 22 budget meeting. Mr. LeMel provided a timeline of the next steps describing a pathway to a vote of the City Council on the VCOD by fall of this year.

Councilors asked the following questions:

Q: Where is the front setback measured for the addition for conversion of an existing property in the MRT zone?

A: Tim Love, Principal Consultant at Utile, stated that when an existing home in an MRT zone converts to 2 or more units, the added footprint must be set back from the front façade of the existing structure, by at least 20 feet. Staff will review the draft text to ensure clarity.

Q: Does the conversion of an existing structure option in the MRT zone count towards MBTA Communities compliance?

A: Ms. Caira stated that only new construction can count towards compliance with MBTA Communities. Therefore, by the compliance formula, in this district only 4 units per lot may be counted toward compliance.

Q: Why was the addition amount changed to 50% of the existing footprint for the conversion option in the MRT zone?

A: Mr. Love said this change was due to Councilors noting that the previously proposed 400 sf addition was too limiting during previous Committee discussions.

Q: How does parking placement work for lots in which only one lot line abuts a street?

A: For lots with no secondary frontage, the access may be from the street to parking in the rear, underneath the building, or within a development. Ms. Caira also noted that allowing but not requiring parking minimums will allow developers flexibility to better respond to market conditions.

Q: What is the impact on the unit capacity if parking is required?

A: The Planning Department and Utile are currently analyzing various parking requirements to see the effect on the unit capacity. This analysis will be reported to Councilors by the next meeting.

Q: What tools does the City have to alleviate parking concerns in the City?

A: Ms. Caira described that the City could explore options for consolidated public parking, businesses having mutual agreements to share parking, and implementing permit parking in specific areas of the City. She also stated that conditions are being negotiated with developers to prevent spillover if permit parking is implemented in an area. A Councilor later added that the Police Department may not being keen on implementing parking permits could be a barrier to effectiveness. But others noted that some property owners in Newton already are negotiating shared parking arrangements and that shared parking is common in neighboring communities, like Brookline.

Q: How do the proposed metrics promote open space?

A: Within each of the respective zones building footprint and setbacks will be the main constraint on development in this regard and will promote open space according to Ms. Caira. Ms. Rapport noted that parking requirements would reduce the amount of open space.

Q: Why is bike parking not required in development with less than 10 units?

A: Within these smaller developments Planning staff believe that the space for bike parking will already be available.

C: A councilor noted that standards for bike parking in the draft are well done, but as well we could refer to the Street Design Guide for additional bike parking standards.

Q: How is the height of the ground floor measured?

A: The height of the ground floor is measured from the average grade.

Q: Can the Planning Department provide a unit capacity that includes parcels excluded from MBTA Communities compliance?

A: Both Ms. Caira and Mr. LeMel stated that the Planning Department could calculate that number, but that unit capacity is in no way a build-out analysis. Mr. Love further outlined some of the steps to developing a build-out analysis and stated that it is highly unlikely that the total unit capacity would be built even over many decades.

Q: Would rear lot subdivisions be permitted in the VCOD?

A: It was noted by Ms. Caira that a rear lot subdivision can be done in the MRT and VC1 zones by a special permit, as it may today under existing zoning.

Committee members voted 8-0 on a motion from Councilor Danberg, to set the public hearing for 06/26/23, and 8-0 on a motion to hold from Councilor Baker.

The meeting adjourned at 10:11 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair