



# Zoning & Planning Committee Report

## City of Newton In City Council

**Monday, June 20, 2023**

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

Also Present: Councilors Markiewicz, Humphrey, Kelley, Greenberg, Gentile, Malakie, Oliver, Grossman, Kalis, Lipof, Noel, Downs, and Lucas

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

City Staff: Barney Heath, Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; and Scott Matthews, Assistant Clerk of the Council

Planning & Development Board: Kelly Brown, Peter Doeringer, and Lee Breckenridge

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee June 20, 2023 \(newtv.org\)](https://www.newtv.org/Zoning-and-Planning-Committee-June-20-2023)

**Chair's Note:** *This meeting is to hear a comprehensive presentation of the proposed village center overlay district (VCOD) by staff and consultants, and to provide the whole Council with an opportunity to engage in a Q&A and discussion to prepare for the opening of the June 26 public hearing.*

**#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:** Zachary LeMel, Chief of Long Range Planning, was the first of four speakers presenting a comprehensive overview of the proposed Village Center Overlay District (VCOD), and how this proposal will allow the City to comply with MBTA Communities Guidelines.

Mr. LeMel reminded that the goals of this proposal are to build upon the existing strengths and successes of the City's village centers to make them more vibrant. These goals include: to modify land use development rules that enable more housing options and achieve the right mix of uses to stabilize and foster our local economy, improve environmental stewardship and the quality of public places, to respect physical context and transition gently from the business and mixed use zones to residential. Mr. LeMel described key changes in what was allowed to be built by right since zoning was first adopted in 1922, including how multifamily housing was allowed by right up until 1987, but no longer, and that certain zoning districts once allowed 6 stories by right until 1987, when business districts capped commercial development at 2 stories. In this context, the VCOD proposal reflects and builds upon historical development patterns within Newton.

The City of Newton is facing multiple challenges that have been voiced during the multiple phases of community engagement. These challenges include lack of housing options, struggling local businesses competing with online retail, climate change, transportation/traffic issues, aging in place/welcoming new families, and lack of space to gather. Mr. LeMel noted that the proposed VCOD helps to alleviate these challenges through the type of development incentivized in the proposal. He also described how the existing zoning makes building multi-family housing either very difficult or impossible to build along with preventing smaller businesses from succeeding. Parking requirements also have a significant impact on what can be built with them preventing quality design. Jennifer Caira, Deputy Director of Planning reaffirmed how the proposed VCOD zoning will solve these problems and benefit the City.

### **VCOD Proposal**

Tim Love, Principal Consultant at Utile, said that the text of the VCOD ordinance is designed to be as easy to understand as possible. The zoning metrics regulate urban form principally through building footprint, building height, and roof forms. He then reviewed the by-right dimensional requirements for new construction within each of the four VCOD zones are the following:

- MRT: 2.5 stories, 40 ft max height, 1,500 sf max footprint
- VC1: 2.5 stories, 45 ft max height, 4,000 sf max footprint
- VC2: 3.5 stories, 62 ft max height, 10,000 sf max footprint
- VC3 4.5 stories, 75 ft max height, 15,000 sf max footprint

The half story is defined as either a pitched roof or a top story that is set back 7 feet from the building wall on all sides in the VC2 and VC3 zones. In VC1 and MRT zones, only a pitched roof is allowed for the half story. There are also many design standards within the text to ensure quality buildings along with a visual of what potential development on Walnut St in Newtonville and Lincoln Street in Newton Highlands could look like. The proposed VCOD district also incentivizes affordable housing through height and footprint bonuses outlined in the attached presentation.

Mr. Love noted that Mixed Use Priority Streets have been labeled on the maps with a black line. Ground story active uses will be required in new development in VC2 and VC3 zones along these streets.

### **MBTA Communities and VCOD**

Will Cohen, Associate Principal at Utile, provided a brief overview of the MBTA Law, along with the DHCD (Department of Housing and Community Development) criteria for compliance. He described how the Law requires Newton to enable at least 8,330 units by-right, by using a compliance formula developed by DHCD. He described how the formula creates an artificial number for compliance purposes only, and is not a realistic number nor a requirement to build a certain number of units. He reaffirmed that the mapping of the VCOD district is to first and foremost do what is best for the village centers while also complying with MBTA Communities Compliance Guidelines. Mr. Cohen outlined how the proposed VCOD satisfies MBTA Communities Compliance Guidelines, however, he noted that this assumes no minimum parking requirements, which the formula sees as greatly increasing the number of potential units. Parking will still get built as the market demands it, but having no minimum requirement allows developers build parking how they see fit. If Council adds parking requirements, the formula sharply decreases the amount of potential units on a site, as it assumes the parking reduces the building volume available for units.

### **Engagement and Outreach**

Ms. Caira outlined how the development of the overlay district zoning builds upon a multi-year effort deliberating zoning reform needed to respond to housing, economic and environmental challenges, according to shared community goals. During this 2.5 year process the Planning Department engaged dozens of community groups (list attached) and thousands of individuals. The attached presentation outlines the four phases of the engagement process that the Department has engaged in.

### **Councilors asked the following questions.**

Q: What engagement has been done regarding Newton Highlands and could Planning discuss the placement of VC3 along Lincoln St and Walnut St in the village center?

A: Ms. Caira described that Newton Highlands currently has some taller mixed use buildings which aided the Department in developing the proposed maps. Mr. Love described how the proposed VC3 district can help to define a sense of place in Newton Highlands, showing the measured street views Utile constructed looking from the plaza on Lincoln St., with 4.5 story buildings on the north side.

Q: Does the Planning Department have an estimate of how much parking might get built if no minimum requirement exists?

A: Mr. Love described that all economic feasibility studies have been done assuming one parking space per dwelling unit will be provided, due to the market desiring that number on average for residential development. He further noted that recent projects have averaged less than that but wanted to be conservative in the modeling. Ms. Caira reminded that the Planning Department and Land Use committee has noticed a trend toward developing less parking and noted that removing parking minimums allows the market to determine how much parking gets built. Parking will still be developed if the requirement does not exist due to current underwriting standards for acquiring financing for a development.

Q: How do units of recently approved developments factor into reaching compliance with MBTA Communities Guidelines?

A: Ms. Caira said the compliance metric only measures or 'counts' the by-right zoning capacity. Approved or existing developments do not factor into that number. For example, if the overlay district allows 100 units by the formula, but only 50 exist, the formula counts 100. If the district allows 50 but 100 exist, the formula counts 50. She also noted that the Planning Department looked at all MBTA stations and explained why Riverside was not included in the proposed VCOD.

Q: What in the proposed VCOD text encourages good design?

A: Mr. Love first reminded that the special permit threshold is a 30,000 sf or more lot, and maximum building footprint of 15,000 sf in VC3 or 10,000sf in a VC2 district. The design standards in the draft text also require large setbacks to all current and new (MRT and VC1) residential zones, requires maximum building widths and limits driveway locations. In addition, roof forms are controlled and façade textures incentivize through architectural features such as bays not being counted toward the building footprint. NEED MORE HERE

Q: Why was no minimum parking requirement proposed for mixed-use priority streets?

A: Mr. LeMel reiterated that the primary goal of this proposal is to create vibrant village centers, and having a parking minimum would continue to create a barrier for smaller businesses. Ms. Caira also stated that the removal of the parking minimum would benefit existing buildings by not requiring they get a parking waiver when tenant turnover occurs. Land Use consistently waives these requirements.

Q: What increase in student population could Newton Public Schools see because of the overlay district?

A: The Planning Department expects that the proposed district will result in incremental growth in the student population spread across Newton. Most development requires long lead times from idea to fruition, even when "by-right". In recent new large developments the

number of students has remained below expectations. The normal lead times and any changing demographics can be monitored, as they are today.

Q: Where is the bonus for increased affordable housing possible?

A: The one story height bonus is proposed for VC2 and VC3 if providing at least 25% deed-restricted affordable units at an average 65% AMI. A 2 story height bonus is proposed in certain limited VC3 locations if 30% of the units are deed-restricted affordable at an average 65%AMI. VC3 locations abutting any residential only zone may not access this opportunity. More details regarding this bonus can be found in the attached presentation.

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

**#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:**      This item was discussed concurrently with item #38-22. A written report can be found with item #38-22.

The meeting adjourned at 8:04pm.

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**