



Zoning & Planning Committee Report

City of Newton In City Council

Monday, April 10, 2023

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

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

City Staff: Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Joseph Iadonisi, Planning Associate; Amanda Berman, Director of Housing and Community Development; and Jaclyn Norton, Committee Clerk

Planning & Development Board: Kevin McCormick, and Amy Dain

For more information regarding this meeting, a video recording can be found at the following link: [04-10-23 Zoning & Planning Committee | \(newtv.org\)](https://www.newtv.org/04-10-23-Zoning-&-Planning-Committee)

#93-23 Request for authorization to submit FY2024 Annual Action Plan

HER HONOR THE MAYOR requesting City Council authorization, pursuant to the 2020 Revised Citizen Participation Plan, to submit the FY2024 Annual Action Plan to the US Department of Housing and Urban Development (HUD) for the City of Newton Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG) funds and the West Metro HOME Consortium.

Action: Zoning & Planning Approved 8-0

Note: Amanda Berman, Director of Housing & Community Development presented an overview of the Action Plan (attached). She noted that the public hearing before the Planning & Development Board on the draft plan was held April 3, 2023. This coincided with the start of the public comment period which will run through May 2, 2023. Those wishing to submit comments can do so by email at aberman@newtonma.gov or by phone at (617)796-1147.

FY24 Funding Allocation

The program year for the Annual Action Plan coincides with the fiscal year beginning July 1, 2023. The following federal funds will be allocated; a \$1,864,303 Community Development Block Grant (CDGB), \$1,652,605 for the Home Investment Partnerships Program (HOME), and a \$164,388 Emergency Solutions Grant (ESG). HOME funds are to be allocated across the entire WestMetro HOME Consortium; Newton is anticipated to receive \$145,225.85 of those

funds. Ms. Berman also described a slight decrease in CDBG and ESG allocations from FY23 that is being experienced in all communities. The HOME allocation, however, experienced a slight increase.

Goals and Activities

Ms. Berman outlined the following goals of the FY24 Annual Action Plan.

Affordable Housing

Strive to create, preserve, and rehabilitate affordable rental and ownership housing, and provide support to income-eligible first-time homebuyers. The HOME program's main focus is the rehabilitation and production of affordable units and to provide tenant-based rental assistance. Ms. Berman outlined various projects across the Consortium focusing on the rehabilitation and production of affordable housing. An estimated 30 households will receive tenant-based rental assistance.

Fair Housing

Ms. Berman noted that the City will collaborate with the FHC and HOME Consortium to educate on Fair Housing laws and obligations and will continue to implement the FY21-FY25 Analysis of Impediments report. Policy changes will also be considered relating to the findings of the MAPC parking utilization study. The fair housing testing program has been launched for a 2-year trial in collaboration with the Suffolk University Law Center.

Human Services

Projects that can directly provide housing and economic stability to Newton's low- to moderate-income population are eligible for financial support. Ms. Berman noted that a request for proposals (RFP) was sent out to the community and the City has identified 15 organizations to receive awards for various projects. (attached)

Supportive Services for Homeless and At-Risk of Homelessness

This program uses ESG funds to provide supportive services for individuals and families that are homeless or at risk of homelessness. It is also a competitive grant program. These funds support projects and programs in the Brookline-Newton-Waltham-Watertown CoC region. In the attached presentation the four ESG components along with the recommended awards are outlined.

The WestMetro HOME Consortium was also awarded approximately \$5 million in one time funds as part of the American Rescue Plan, called "HOME-ARP". These funds are intended to assist individuals and families who are experiencing or are at risk of homelessness. The Consortium developed the HOME-ARP Allocation Plan that was recently submitted to HUD for final approval. The attached presentation details the allocation approved by the Consortium. In response to a Councilor question, Ms. Berman stated that this funding is for the whole Consortium and that the amount received by Newton will depend on the projects awarded funding.

Architectural Access

Five percent of FY24 CDBG funds will be allocated to continue citywide efforts to remove material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons. Specifically, the Plan proposes \$42,000 to be used for exterior access improvements to City Hall and \$48,210 to other architectural access projects.

Discussion

The Chair asked Ms. Berman to elaborate on barriers to achieving affordable housing and what Newton and other communities are doing to overcome them. These barriers can be found on page 69 of the [draft plan](#). She noted that the number one barrier cited in the Action Plan is restrictive zoning policy. The Ms. Berman noted that many communities are focused on MBTA Communities and zoning amendments to increase affordable housing. There is a stronger regional push that has also been helpful in overcoming these barriers.

When asked what happens with unused funds, Ms. Berman stated that the unused funds are put in a communal pool for the Consortium and Newton has contributed to this pool once in the time Ms. Berman has been with the City. Newton has benefitted greatly from this pool and will routinely fund projects using this money.

Councilors voted 8-0 on a motion to approve authorization from Councilor Danberg.

Chair's note: *This week discussion will continue to focus on the various metrics we may wish to amend for version 2 VCOD, including incentivizing affordable units and other standards. In addition, we will discuss how other ordinances control "by-right" development.*

#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 described that tonight's discussion will first strive to achieve consensus around the proposal to further incentivize affordable housing, presented at the 03-27-23 Zoning & Planning Committee Meeting ([03-27-23 Zoning & Planning Report](#)) and then discuss how other ordinances, as well as the proposed design standards within the VCOD, control by-right development. Councilors can also ask outstanding questions prior to the release of Version 2.0 of the draft maps and zoning text at the late April meeting.

Affordability Incentive

Zachary LeMel, Chief of Long Range Planning, outlined that this incentive would only apply to the Village Center 3 (VC3) and Village Center 2 (VC2) districts. The Planning Department

worked with Landwise consultants and the Newton Housing Partnership to develop two economically feasible options to consider. For both of these options, the required affordable units are a minimum and developers can have a higher percentage of affordable units. In response to Councilor questions Mr. LeMel noted that the additional height and footprint would not count towards MBTA Communities compliance and reiterated that such development must still comply with all other metrics.

Option 1: 25% affordable to 65% AMI*

This option would allow for a one-story height bonus and a 2,500 sf building footprint bonus with a requirement that a minimum of 25% of units be affordable at an average of 65% AMI (Average Median Income). If developing option 1 in VC3, the maximum height would be 5.5 stories, and maximum building footprint 17,500 sf. In VC2 the maximum height would be 4.5 stories and the maximum building footprint would be 12,500 sf. During the discussion (7) seven committee members voiced support for option 1 in the VC3 district with 6 of them supporting option 1 in the VC2 district.

Option 2: 30% affordable to 65% AMI*

Option 2 would allow for a two-story height bonus and a 2,500 sf building footprint bonus with a minimum requirement that 30% of units be affordable at an average of 65% AMI. If a development would take advantage of option 2 the maximum height would be 6.5 stories and a maximum building footprint of 17,500 sf in VC3. In VC2 the maximum height would be 5.5 stories and the maximum building footprint would be 12,500 sf. 5 Councilors supported option 2, but only in select locations and/or with additional rules for setbacks to VC1 and existing residential zones.

One Councilor proposed a step down if the parcel is abutting a VC1 or Residential district. This was met with broad support. Another Councilor also proposed that both options be available to a developer who can decide between them.

One Councilor suggested that the by-right scale of the building without the bonus be reduced for VC2 and VC3, prior to accepting the affordable bonus. Mr. LeMel stated that the Planning Department has spoken to developers and that development to the maximum by-right allowance would be atypical. The Chair further added that an economic feasibility analysis was conducted to determine the initial metrics and noted that clear expectations can help a project not get stalled.

Design Standards

Jennifer Caira, Deputy Director of Planning, described how over time things that had been (and continue to be) conditions in special permits have been codified into the City's Ordinances. (See [4/10/23 Planning Memo](#) for description of all design standards and controlling ordinances) Items that have been codified within the ordinances act as additional design standards that also control what would be built in the Village Center Overlay District (VCOD). The NewGOV system has also enabled these requirements to be built into the permitting

process. In addition, for certain energy and sustainability requirements, the MA Stretch code, and the optional Specialized code that Newton adopted, will apply as well to all new construction, whether by-right or

Ms. Caira also said that many of the items controlling construction operations that are routinely put into the special permit conditions, are required by the Inspectional Services Dept. (ISD) for all projects. But that the requirement for a CMP to be approved by ISD can also be put into the VCOD. Certain items, like hours of operation are covered in the noise ordinance. A rodent control, dust control, and vibration control plan are required elements of a CMP, as are staging, parking and security plans, for example. Planning Staff are working with Inspectional Services Dept (ISD) to develop a standardized construction management plan (CMP) Form. When Councilors asked about the release of the standardized form, Ms. Caira stated that the items that will be on the form are still required by ISD. The standardized form will help streamline processes within the Inspectional Services Department.

A Councilor inquired about requiring that 10% of commercial space in mixed-use development be allocated for local businesses at a reduced rate, as was done for the Trio project in Newtonville. Mr. LeMel responded that the Planning Department can speak with developers regarding feasibility. The Chair also asked if the Planning Department is looking at allowing for a greater increase in maximum building footprint for conversion of an existing building in the VC1 district for larger-sized lots. The Planning Department is considering this for Version 2. Multiple Councilors also raised questions regarding incentivizing historic preservation and Ms. Caira stated that the Planning Department is working with the Law Department on developing this section.

Conclusion

When asked about the financial impact of additional housing enabled via the VCOD and/or MBTA communities Mr. LeMel stated that he could provide data on this topic. The Chair also noted an economic analysis of existing housing and mixed use projects across Newton, produced by Kathy Pillsbury. It shows all projects provide economic benefit to the city after netting out related costs, before factoring in local economic stimulus. Ms. Pillsbury recently shared her analysis with Council; it can be found [here](#).

The Planning Department will be presenting Version 2 of the draft zoning text and maps at the 04-24-23 meeting. Councilors voted 8-0 on a motion to hold from Councilor Krintzman. The meeting adjourned at 9:57pm.

Respectfully Submitted,

Deborah J. Crossley, Chair