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Barney S. Heath
Director

MEMORANDUM

DATE: September 22, 2023
TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee
FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Joe Iadonisi, Planning Associate
RE: **#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)
#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)
MEETING: September 26, 2023
CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer
Alissa Giuliani, City Solicitor

Village centers have traditionally served Newton as centers of commerce, places to meet for a coffee or a meal, where one can catch a train or bus to Boston or elsewhere, and great places to live. And locating housing density near businesses and close to transit makes perfect sense (and cents) for both the residents and village center businesses in terms of their health. But the current zoning in and around our village centers is not at all conducive to this historically beneficial model of having mixed-use areas, convenient and efficient, to live, work, shop, and play. The zoning for village centers has been in place since 1987, when the ability to build multi-family housing and mixed-use development was drastically reduced or eliminated.

The Village Center Overlay District (VCOD) is a proposed set of zoning regulations for the commercial centers and immediately surrounding residential areas of 12 of Newton's village centers, covering about 3% of the city. As an overlay district, a property owner only gains options. They may choose to build under the existing zoning or opt into the VCOD. The VCOD includes three sub-districts with maximum heights between 2.5 and 4.5 stories, applied to each village center uniquely, unlike the current zoning, which has the same set of requirements for all village centers. The VCOD zoning is consistent with city-wide goals to:

- I. Increase housing options – Easier to build housing of varying types and sizes
- II. Support local businesses – Simplify rules for opening and growing a business
- III. Reduce greenhouse gas emissions – Fossil free development per the forthcoming Electrification Ordinance
- IV. Create more affordable/accessible housing – Smaller units and more inclusionary affordable units

The VCOD zoning would also bring Newton into compliance with the requirements of the MBTA Communities Law, which requires cities and towns served by the MBTA to zone for by-right multi family housing capacity near transit. Newton’s deadline for compliance is December 31, 2023. The latest version 3.0 of the draft VCOD zoning maps and ordinance can be found here:

<https://www.newtonma.gov/government/planning/zoning-redesign/village-centers/version-3-0-draft-maps>

How We Got Here

This zoning proposal follows more than two years of community engagement, numerous proposals and analyses, and months and months of meetings and presentations with the City Council Zoning and Planning Committee (ZAP). Along with City staff, experts in urban design and the economics of development have assisted in testing and shaping this proposal to achieve our community goals. More details about this multi-phased effort can be found on the *Community Engagement* page of the Newton Planning website:

<https://www.newtonma.gov/government/planning/zoning-redesign/community-engagement-2>

VCOD Updates from Version 2.0 to 3.0

Since opening the public hearing at the end of June 2023, the City Council Zoning and Planning Committee (ZAP) met in July, August, and September to consider amendments and hold straw votes to revise the previous version 2.0. In addition, Planning staff and the Law Department have worked to refine the zoning text so that it fully achieves the intended outcomes and is legally sound. The major revisions are summarized here:

- I. Increasing protections for village center adjacent residential neighborhoods –
 - a. Removal of the Affordable Housing Bonus, Option 2, which would have allowed 6.5 story buildings.
 - b. Reduction in the maximum allowed height for buildings with pitched roofs by 4 feet.
 - c. Increasing the side and rear setbacks for village center development to 20 feet when abutting a residential district.
 - d. Further reducing the overall building height by Increasing the upper floor setback from 7 feet to 10 feet.
- II. Ensuring additional open space is provided in the Multi-Residence Transit (MRT) Zone –
 - a. Incorporated a 35% minimum open space requirements.
 - b. Increased front setbacks from “10 feet or average” to “20 feet or average”.

- c. Increased side setbacks from 7.5 feet to 10 feet.

III. Eliminating the Village Center 1 (VC1) zoning district from the proposal.

All changes to the VCOD text proposal can be found here in the redline text:

<https://www.newtonma.gov/home/showpublisheddocument/111008/638302922590670000>

In addition to the text amendments, ZAP approved updates to the VCOD map over three Committee meetings. The major revisions are summarized here:

- I. Auburndale
 - a. Properties reduced to MRT and VC2 from VC2 and VC3
- II. Eliot / Route 9
 - a. Removal of the VC1 zone and either removed entirely or changed to MRT
 - b. Properties reduced from VC2 to MRT
- III. Four Corners
 - a. Properties added or changed to VC2 and MRT
 - b. One large property removed from the proposal
- IV. Lower Falls
 - a. No proposed changes
- V. Newton Centre
 - a. Properties changed from VC2 or MRT to VC3 along Centre Street and Beacon Street
 - b. Change properties from MRT to VC2 along Centre Street and Beacon
 - c. Removal of properties from the proposal that were zoned VC3
 - d. Removal of properties from the proposal that were zone MRT
- VI. Newton Corner
 - a. Reduction of properties from VC3 to VC2
 - b. Reduction of properties from VC2 to MRT
 - c. Addition of two VC2 properties at Washington Street and Nonantum Place
- VII. Newton Highlands
 - a. Removal of properties from the proposal that were zoned MRT
- VIII. Newtonville
 - a. Properties reduced or added to VC2 from VC3
 - b. Properties reduced to MRT from VC3
 - c. Clean up to make a previously subdivided property, now one parcel, VC3

- IX. Nonantum
 - a. Addition of properties to MRT along Watertown Street
 - b. Change 4 properties from VC2 to VC3 along the north side of Watertown Street
- X. Thompsonville
 - a. Change of one property from MRT to VC2
- XI. Upper Falls
 - a. No proposed changes.
- XII. Waban
 - a. Properties changed from VC2 to VC3
 - b. Windsor Club property removed from the proposal
- XIII. West Newton
 - a. Border street properties removed from the proposal
 - b. Second Church added to VC3

All changes to the VCOD map proposal can be found here in the redline map:

<https://www.newtonma.gov/home/showpublisheddocument/111010/638302922600670000>

Outreach Leading to the Continued Public Hearing

Planning staff have notified the new property owners and tenants added to the VCOD proposal in version 3.0. Also, the City has coordinated postings in the local newspapers and assisted with newsletters announcing the continued public hearing.

Version 3.0 and MBTA Communities Compliance

The VCOD Version 3.0 proposal does not meet the minimum MBTA compliance requirements without the incorporation of a mixed-use district. Thanks to the lobbying efforts of many, including the Newton administration and City Council, [updated State guidelines from August 2023](#) allow unit capacity within mixed-use districts to count towards an MBTA community's minimum requirements. The tables (rounded) below highlight the changes from Version 2.0 to 3.0 with the various State requirements.

MBTA Compliance Summary – Multifamily District Only DOES NOT meet MBTA Compliance

MBTA Requirements (min.)		Version 2.0 - VCOD	Version 3.0 - VCOD
Unit Capacity	8,330 units	10,000 units	7,300 units
Aggregate Gross Density	15 units/acre	35 units/acre	33 units/acre
% of District in Station Area	90%	100%	100%
% of Contiguous Land for Multi-Family Zoning District(s)	50%	69%	64.5%

MBTA Compliance Summary – Multifamily and Mixed-Use Districts DOES meet MBTA Compliance

	Requirements		Results	
	MBTA Multifamily District (min.)	Mixed-Use District (max.)	Version 3.0 VCOD Mixed-Use Districts	Version 3.0 VCOD Multifamily Districts
Unit Capacity	8,330 units	25% of MBTA Unit Capacity	2,020	7,300 units
Total Unit Capacity	8,330 units		9,320 units	

Next Steps

Following the closing of the public hearing, ZAP will incorporate any changes that they approve of before voting it out of Committee. The Planning Board will also need to close their public hearing and vote on a formal recommendation to the City Council on the VCOD as well as a determination regarding the voting threshold that the City Council should employ for their consideration of the VCOD ordinance. This will allow the City Council the opportunity to vote before the end of 2023, which is the deadline for Newton to comply with the State Law.

Attachments and Additional Links

Attachment A Version 3.0 Zoning Text – Clean

<https://www.newtonma.gov/home/showpublisheddocument/110958/638301396732800000>

Attachment B Version 3.0 Zoning Text – Redline

<https://www.newtonma.gov/home/showpublisheddocument/111008/638302922590670000>

Attachment C Version 3.0 Zoning Map (Citywide and Individual VCs) – Clean

<https://www.newtonma.gov/home/showpublisheddocument/110960/638301396738430000>

<https://www.newtonma.gov/home/showpublisheddocument/111318>

Attachment D Version 3.0 Zoning Map (Citywide and Individual VCs) – Redline

<https://www.newtonma.gov/home/showpublisheddocument/111010/638302922600670000>

<https://www.newtonma.gov/home/showpublisheddocument/111320/638308904643630000>

Attachment E Version 3.0 VCOD Property List

Attachment F Version 2.0 Proposed Amendments (map and text)