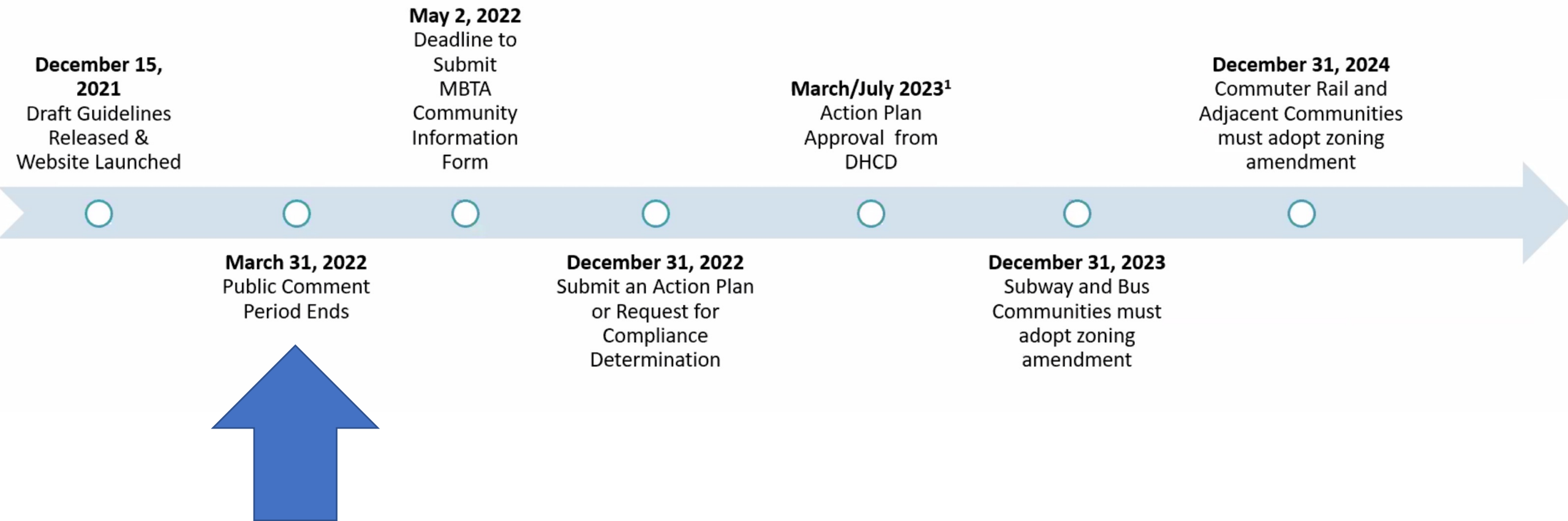


WAC Zoning Update

March 10 2022



MBTA Communities Timeline, as outlined in Draft Guidelines



Committee of the Whole Agenda

Monday, March 7, 2022, 6:45 pm

#174-22 Discussion with the Planning Department regarding the MBTA Communities Act

THE PLANNING DEPARTMENT requesting a discussion with the City Council to inform it about the MBTA Communities Act, section 3A c. 40A.

Compliance Timeline for MBTA Communities

Confirm dates and information at [Mass.gov Info for MBTA Communities](https://www.mass.gov/doc/mbta-communities-cohort-designations-and-capacity-calculations/download)

Which Transit Category is My Community? https://www.mass.gov/doc/mbta-communities-cohort-designations-and-capacity-calculations/download	Rapid Transit Community	Bus Service Community	Commuter Rail Community	Adjacent Community
Deadline for Public Comments Public Comment Form (Due March 31, 2022)	3/31/2022	3/31/2022	3/31/2022	3/31/2022
Deadline to Submit Community Information Form (Required) Community Information Form (Due May 2, 2022)	5/2/2022	5/2/2022	5/2/2022	5/2/2022
Deadline for Interim Compliance To remain in interim compliance with Section 3A: i. Apply for a determination of compliance as set forth in section 9.a of the Guidelines*, or ii. Notify DHCD that there is no existing multi-family district that fully complies with these guidelines as described in Section 9.c of the Guidelines <i>*Application Form will be available when Guidelines are Final</i>	12/31/2022	12/31/2022	12/31/2022	12/31/2022
Deadline for DHCD Approval of Action Plan (See Section 9.b.i of the Guidelines) <i>Sample Action Plan will be available when Guidelines are Final.</i> <i>Please note that the deadline is for DHCD Approval, NOT Submittal</i>	3/31/2023	3/31/2023	7/1/2023	7/1/2023
Deadline for Adopting New Zoning (See Section 9.b.iii of the Guidelines)	12/31/ 2023	12/31/2023	12/31/ 2024	12/31/2024
Deadline to Apply for Determination of Compliance (See Section 9.b.iv) <i>*Application Form will be available when Guidelines are Final</i>	3/31/2023	3/31/2023	3/31/2024	3/31/2024

Created by the Massachusetts Housing Partnership based on information from the Massachusetts Department of Housing and Community Development 1/27/2022

Preliminary discussion
of the implementation and implications
of the MBTA Communities Act
for Waban and Newton



Relevant Section from the Economic Development Bill:

Chapter 358 of the Acts of 2020

SECTION 18. Said chapter 40A is hereby further amended by inserting after section 3 the following section:-

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

Newton is defined as a MBTA Community with Subway/Light Rail Service

Newton is required to provide a Zoning capacity of 25% of its 2020 Census
Housing Stock = 8,330 dwelling units.

DHCD December 2021 Draft Guidelines

Reasonable Size

New guidelines define reasonable size as both a minimum land area and a unit capacity:

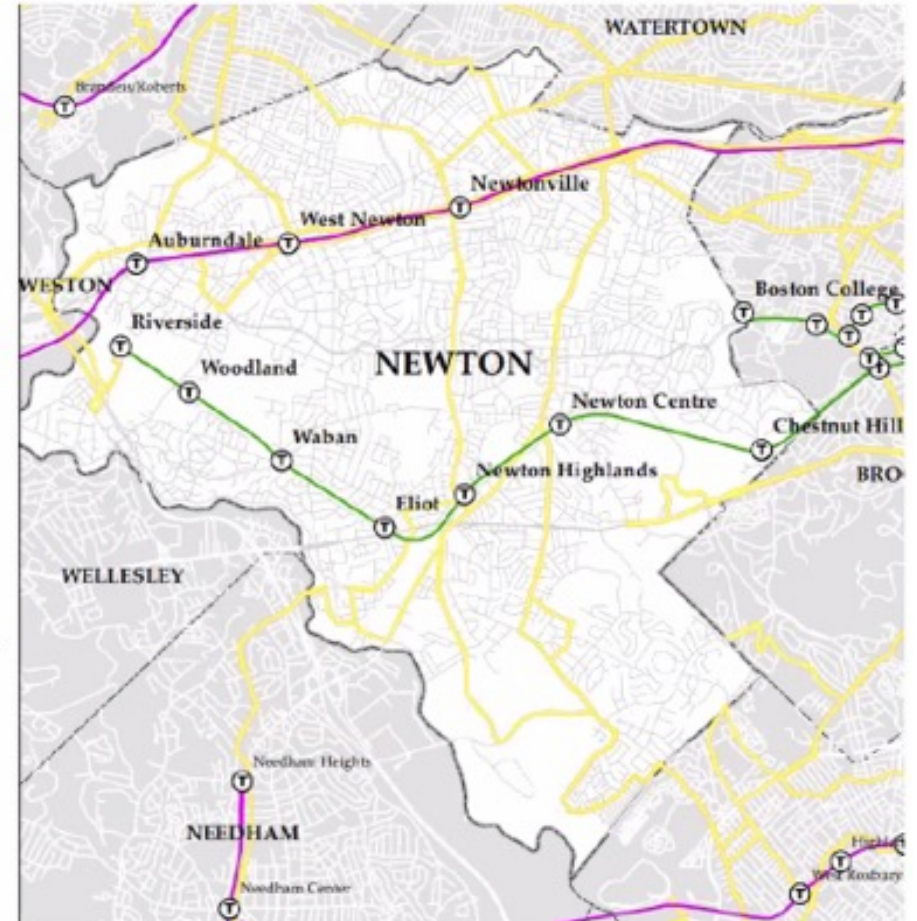
- Multi-family districts must comprise at least 50 acres
 - An overlay district is acceptable as long as at least one area is at least 25 contiguous acres of land and all other areas at least 5 contiguous acres
 - At least half of the zoning district must be within $\frac{1}{2}$ mile of a transit station
 - Unit capacity is set as a percentage of community's housing units
 - Unit capacity percentage varies based on level of transit service
-

DHCD December 2021 Draft Guidelines

Location

Statute requires the transit district to be located within 0.5 miles of a transit station:

- Newton has 11 transit stations – Commuter Rail and Green Line
- Up to 50% of the district may be more than 0.5 miles from a transit station, as long as it is easily accessible to a transit station
- An overlay district could include areas around more than one transit station



DHCD December 2021 Draft Guidelines

Gross Density

Overall district must have a gross density of at least 15 units/acre:

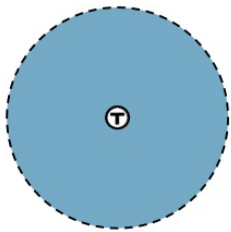
- Gross density calculation includes land occupied by public rights-of-way and any recreational, civic, commercial, or other non-residential uses
- Ex: if 25% of a 50-acre district was public rights-of-way, the developable parcels would need a minimum density of 20 units/acre to achieve a district-wide density of 15 units/acre
- Current zoning allows densities of 36.3 units/acre in business zones and 43.5 units/acre in Mixed Use 4 zone



If Newton is required to zone
for a unit capacity of 8,330 units
with a minimum density of 15 units/acre
then a by right MF zoning district
would be a minimum of 694 acres
(including 25% land area for public rights-of-way).

Land Areas surrounding MBTA Transit Hubs

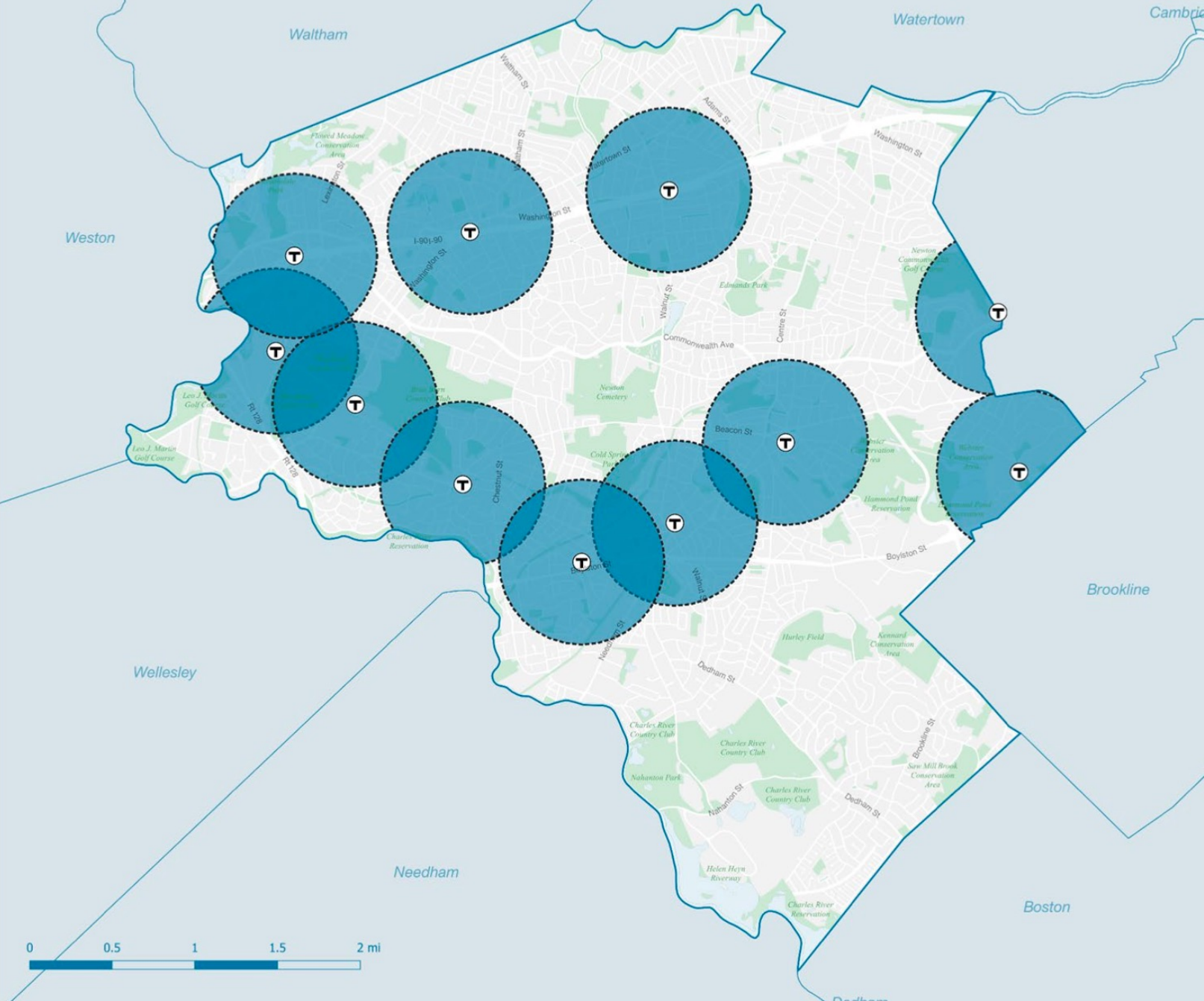
4,340 acres



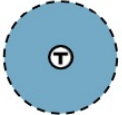
1/2 mile around transit stop

Newton does not need to rezone all land within 0.5 miles of transit to comply.

Many transit stops allow for greater flexibility to comply.

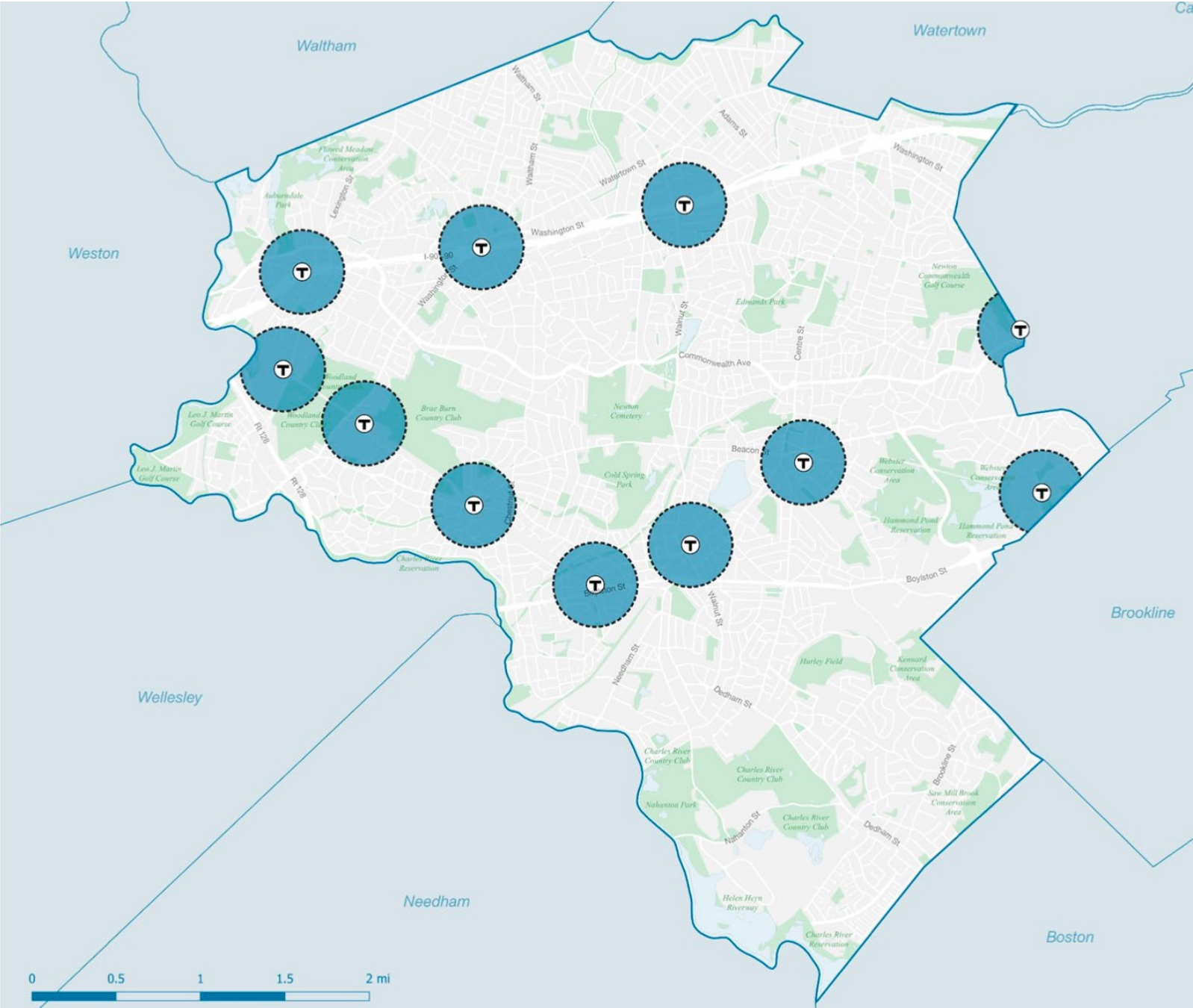


1,260 acres



1/4 mile around transit stop

Even within 0.25 miles, Newton has more land than is needed for compliance.

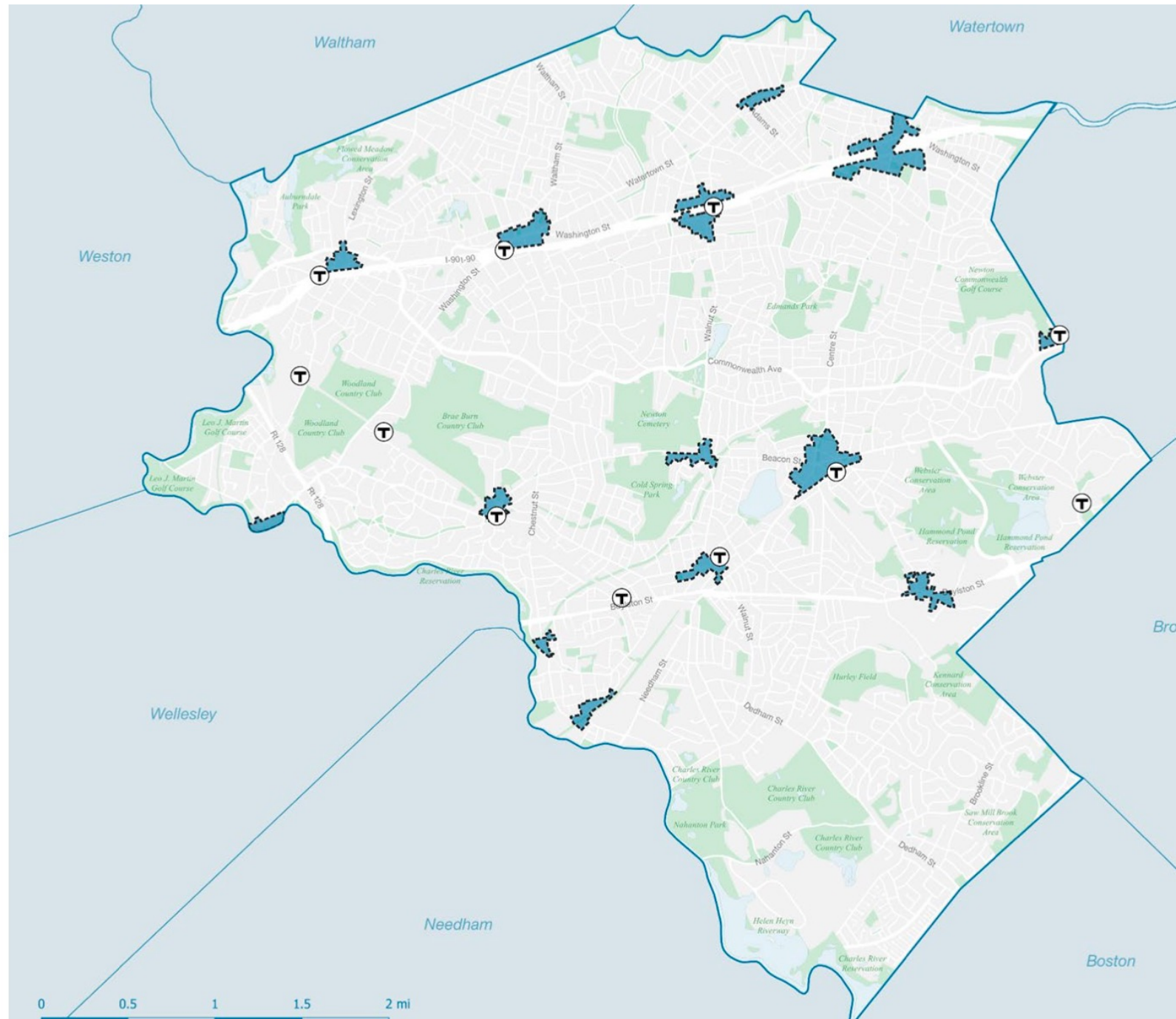


240 acres



Village Center
boundaries from
pattern book

Hypothetically, allowing multi-family within the village centers only could bring Newton into compliance.





Waban

Green Line & Commuter Rail Residential (SR/MR) Lot Analysis

- 0.25 Miles - Residential Lots - Green Line (1,406)
- 0.5 Miles - Residential Lots - Green Line (3,600)
- 0.25 Miles - ResidentialLots - Commuter Rail (674)
- 0.5 Miles - ResidentialLots - Commuter Rail (2,359)
- GreenLine_Buffer_0.25
- GreenLine_Buffer_0.5
- Commuter_Buffer_0.25
- Commuter Buffer 0.5

Future Analysis: Density

- 1. Unit density at the lot scale and neighborhood scale**
2. Unit capacity allowed under current zoning (*future meetings*)
3. Compliant zoning scenarios (*future meetings*)

Looking at individual lots is not an apples to apples comparison since the unit density must be calculated at the district level, including rights-of-way, streets, etc. Additional analysis will look at Newton and other regional neighborhoods at the block level as case studies visualizing potential compliance.

Future Analysis: Current Zoning

1. Unit density at the lot scale and neighborhood scale

2. Unit capacity allowed under current zoning

Planning and Utile are developing an analytic process to understand the current potential unit capacity under current zoning in multifamily zones.

- Identifying calculable zoning constraints and applying them to each individual parcel:
 - Lot area per unit, minimum lot size
 - Height maximums, FAR (floor-area ratio) maximums
 - Mixed-use constraints, lot coverage maximums, and usable open space minimums.

Future Analysis: Zoning Scenarios

1. Unit density at the lot scale and neighborhood scale
2. Unit capacity allowed under current zoning

3. Compliant zoning scenarios

With additional input from the state and City Council, Planning and Utile can develop 3-4 zoning scenarios that comply with the MBTA communities requirements:

- Locations and distribution of districts
- Multi-family building types and unit densities

Next Steps

- Send any additional questions to Planning by March 25th
- Planning to transmit comments to DHCD by March 31st
- Submit Community Information Form by May 2nd
- Continue to provide updates and additional analysis to ZAP

