




Village Center Rezoning

November 16, 2023
Councilor John Oliver



What is Zoning?

Zoning is a set of rules that control what may be built in each part of a community.

Zoning divides land into different districts and regulates allowable building area and volume on a lot, determines which uses are allowed or prohibited in each district, and establishes additional guidelines for growth and development.

Key dates in Newton Zoning

- 1922 first zoning ordinance in Newton
- 1940 updated ordinance; add lot size
- 1953 our present ordinance based on this version
- 1987 updated
- 2015 Phase I, reformatted, easier to read
- 2018 Phase II: completed Accessory Apts, short term rentals, inclusionary zoning, climate zoning, and marijuana ordinance


Background

- **2020:** Newton begins “Village Center Overlay District” Rezoning (VCOD)
 - This Overlay ‘sits on top of’ current zoning
 - Either can be chosen moving forward
- **2021:** MBTA Communities Law requires by-right zoning around public transit stations; 8330 units for Newton
- **2023 :** Planning Dept + Zoning + Planning Committee have chosen to combine VCOD+MBTA. Must be passed by 12/31/23

Facilitating Vibrant and Active Village Centers

Intended Outcomes

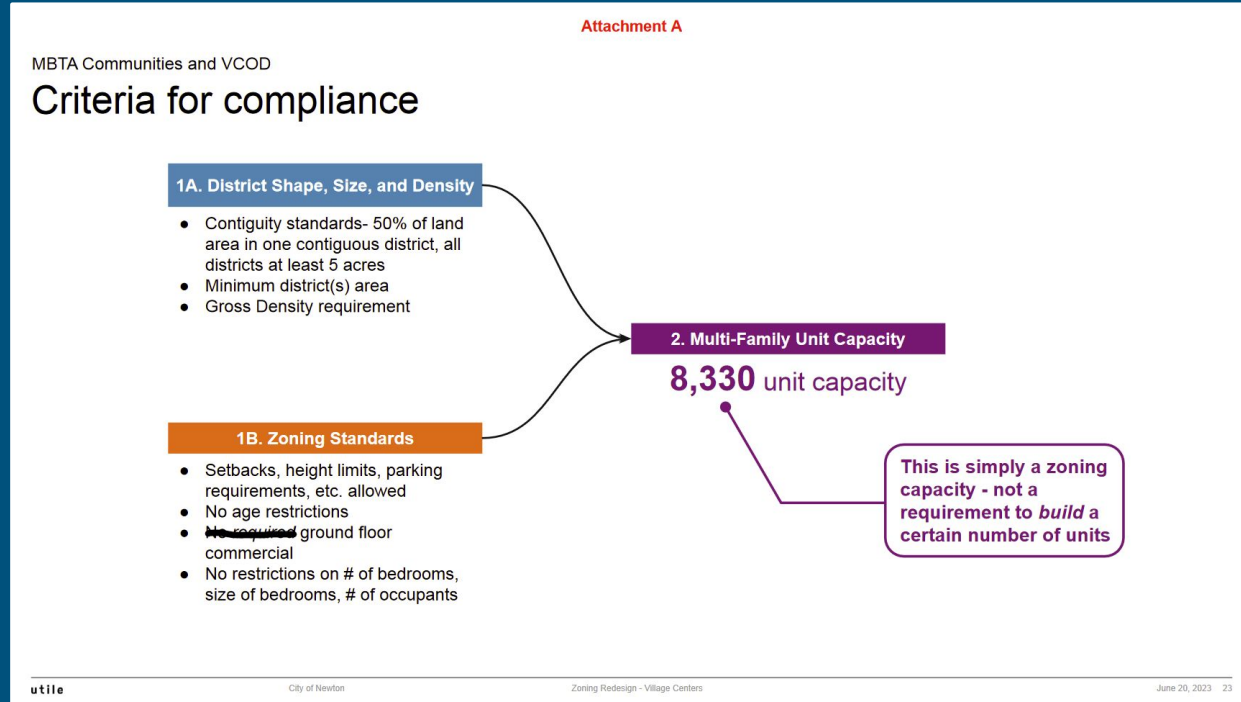
- Diverse housing options
- New local businesses
- Active gathering spaces
- Safe sidewalks / streets
- Sustainable / accessible buildings



uttlie City of Newton Zoning Redesign - Village Centers October 24, 2023 9

Implications for Newton

- Multi-family unit capacity (8,330)
- Density minimum (15 units/acre)
- Centered on transit stations (Green Line, Commuter rail)
- 50% Contiguous area
- Relies on Newton's IZ (Inclusionary Zoning)

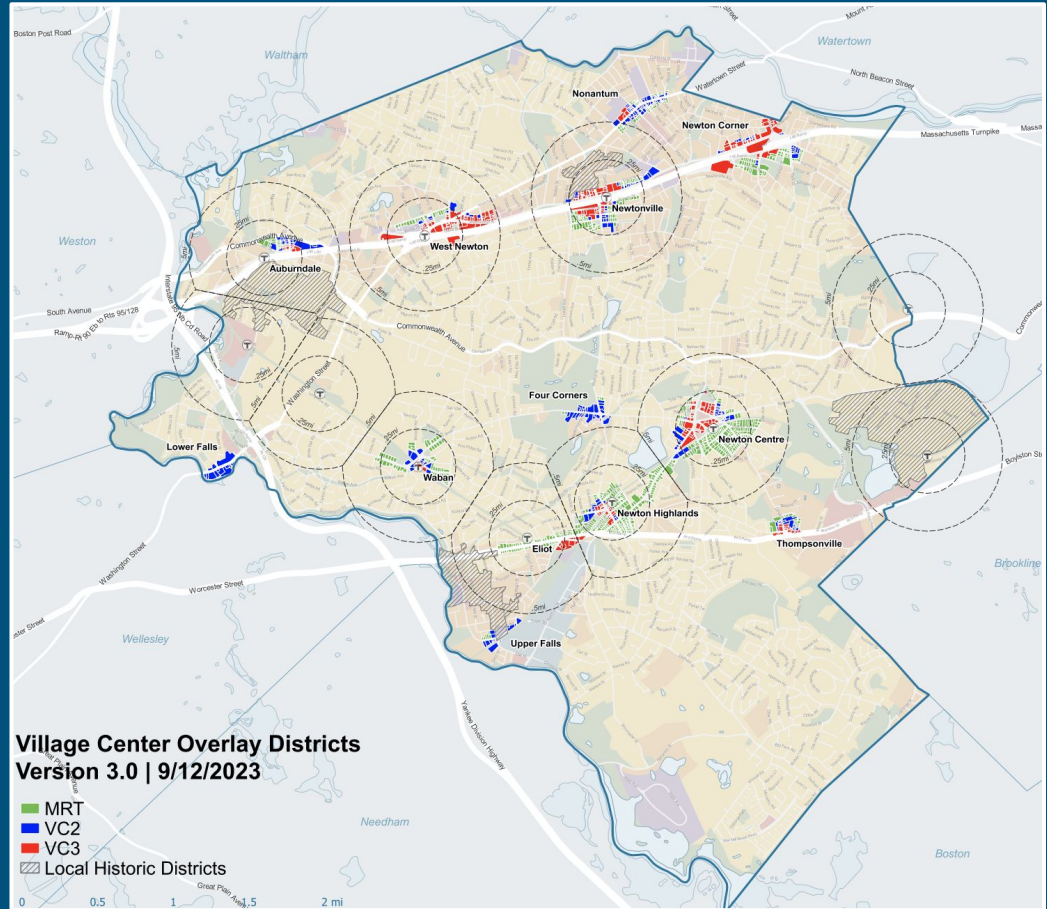


Full city map

Introduces 3 new zones in the VCOD

- VC3
- VC2
- MRT

Newton is required to pass MBTA compliant zoning by 12/31/23



VC 3

Building Height

- Pitched Roof: 5 stories tall, 71'
 - Within 50' of lot line abutting Residential: 4 stories, 58'
- Flat Roof: 5 stories tall, 69' with top floor setback
 - Within 50' of lot line abutting Residential: 4 stories, 56'

Building Footprint 15,000 sf + bonus 2500 sf

Parking

- No requirements for commercial or residential units



Source: *Historic Newton*

VC 2

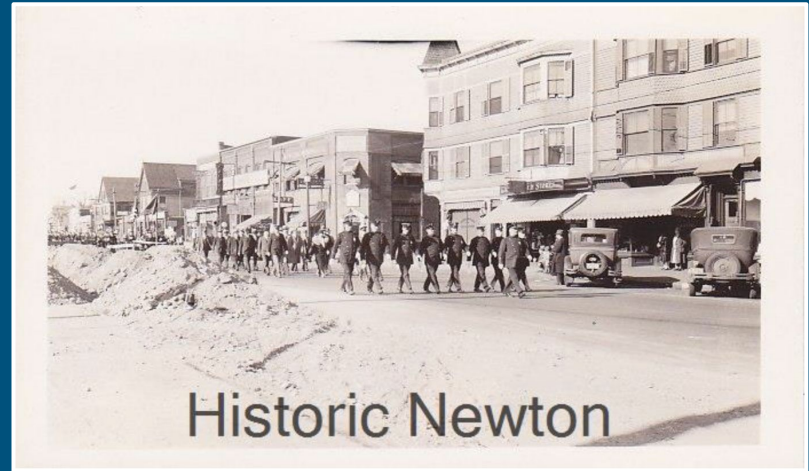
Building Height

- Pitched Roof: 4 stories tall, 58'
- Flat Roof: 4 stories tall, 56' with 10' top floor setback in front and rear

Building Footprint 10,000 sf + bonus 2500 sf

Parking

- No requirements for commercial or residential units



Source: Historic Newton

MRT (Multi Residential Transit)

Building Height

- Pitched Roof: 2.5 stories, 40'
- Flat Roof: 2 stories, 24'

Dwelling Units

- Minimum = 3; Maximum = 4; new build 1500 sf footprint max
- “**Adaptive Reuse**” provision when preserving an existing building: can build up to 6 units by-right, increase the building footprint 50%, add multiple 1500 sf footprint 3 or 4 unit buildings on the lot

Affordability

- Inclusionary Zoning Ordinance applies to 7+ units

Parking

- Only for new buildings: 1 parking space per unit



Source: *Historic Newton*

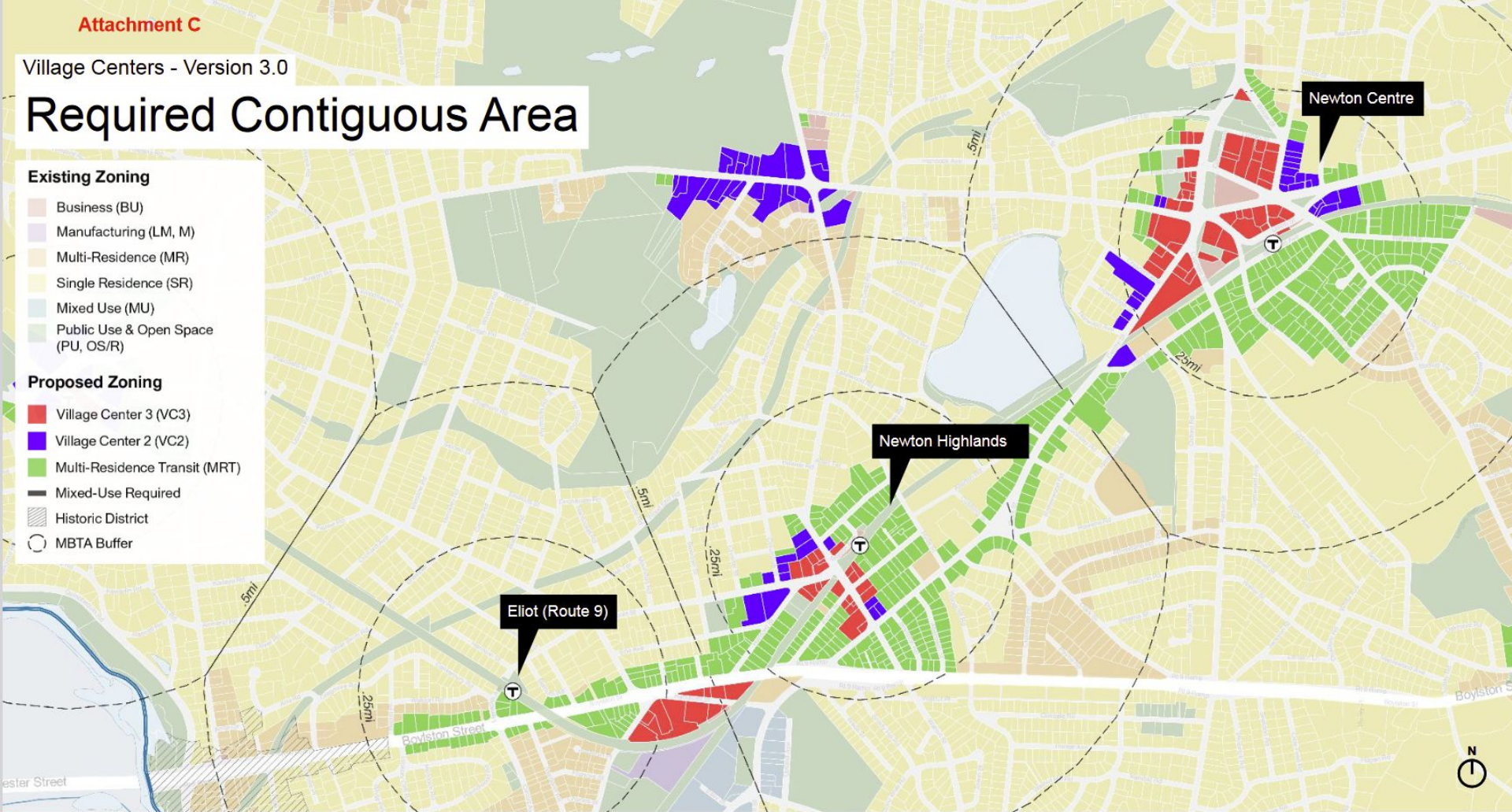
Required Contiguous Area

Existing Zoning

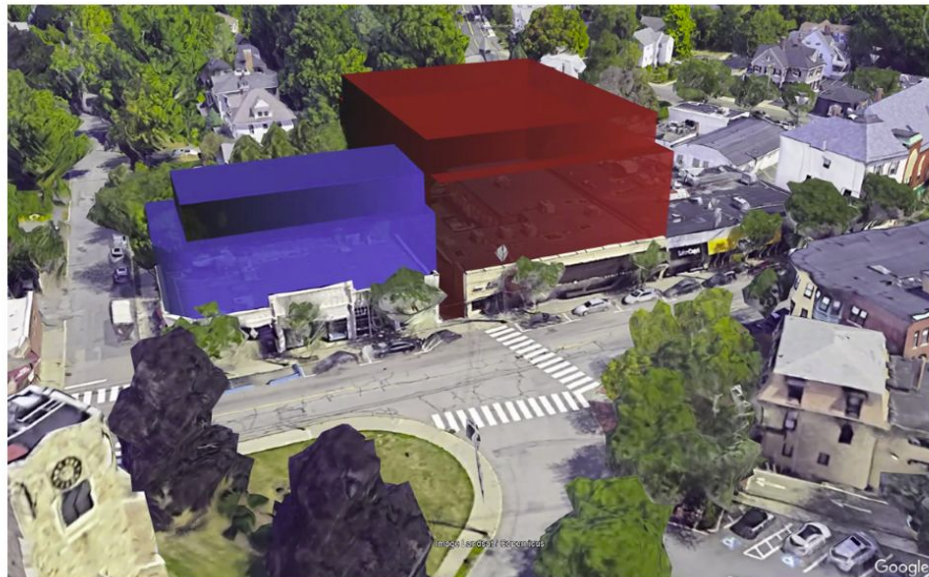
- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)

Proposed Zoning

- Village Center 3 (VC3)
- Village Center 2 (VC2)
- Multi-Residence Transit (MRT)
- Mixed-Use Required
- Historic District
- MBTA Buffer



VC2 and VC3 Building Envelopes in Newton Highlands on 6968 sf and 15,000 sf lots respectively



VC2 without bonus

4 stories

56' max flat roof

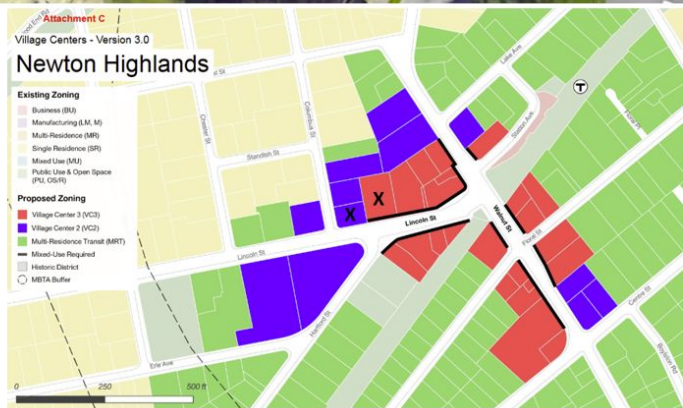
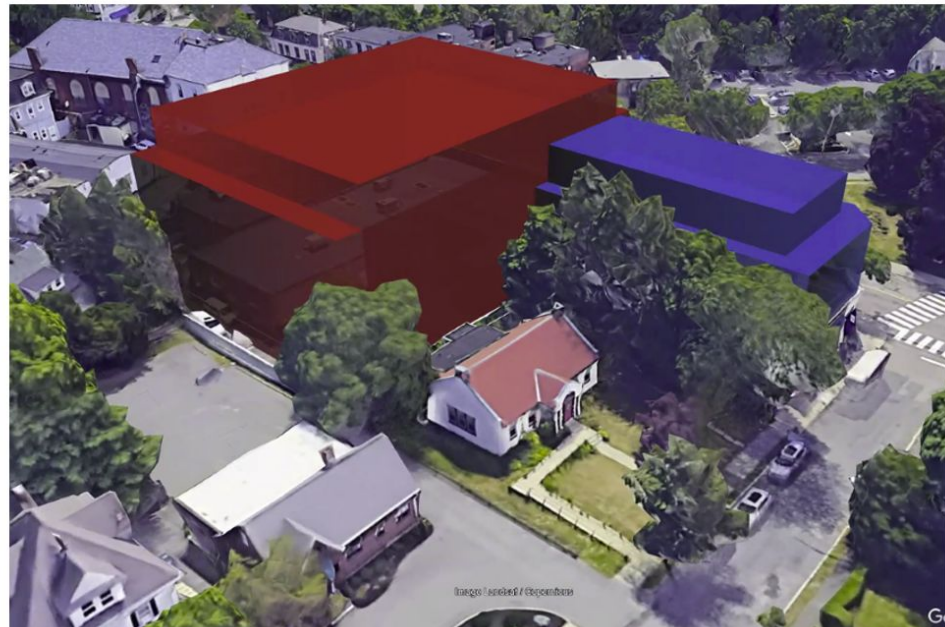
10,000 sf max footprint

VC3 without bonus

5 stories

69' max flat roof

15,000 sf max footprint





Lincoln St, Newton Highlands

Affordable Housing Bonus

There is an optional additional floor available, should the owner or developer choose

- Additional floor (+13 feet) in VC2 and VC3
- Additional footprint allowance of 2500 sf

In Return

- 25% total rental units must be affordable at 50% to 80% Area Median Income (AMI), or
- 25% total ownership units must be affordable at 80% AMI

However ...

Unit capacity:

- MBTA Compliant : 9,565
- Other VCs : 5,052

Only required zoning capacity: 8,330 units

* This does not include the following:

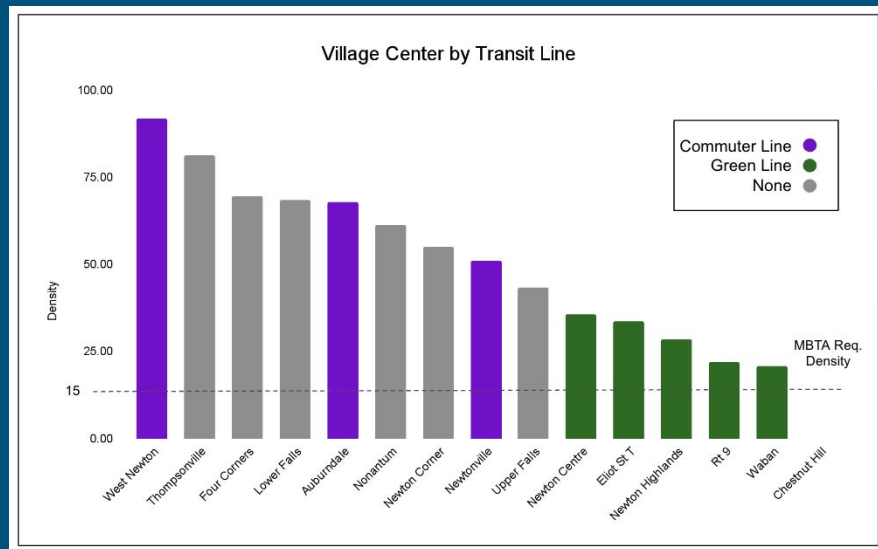
- Multiple buildings on a lot
- Add or divide lots to maximize units
- Only 4 units on MRT lot
- Adaptive reuse on MRT lot maximum 6 units plus additional 4 unit buildings by right (a 10,000 sf lot could hold 10 units)

<i>Village</i>	Adjusted MBTA units	Adjusted non MBTA units	TOTAL
Auburndale	0	591	591
Chestnut Hill	0	0	0
Eliot St T	691	0	691
Four Corners	0	739	739
Lower Falls	0	269	269
Newton Centre	2,553	108	2,661
Newton Corner	0	1,397	1,397
Newton Highlands	1,475	72	1,547
Newtonville	1,796	55	1,851
Nonantum	0	568	568
Rt 9	68	0	68
Thompsonville	0	866	866
Upper Falls	0	256	256
Waban	598	25	623
West Newton	2,384	106	2,490
Grand Total	9,565	5,052	14,617

However ...

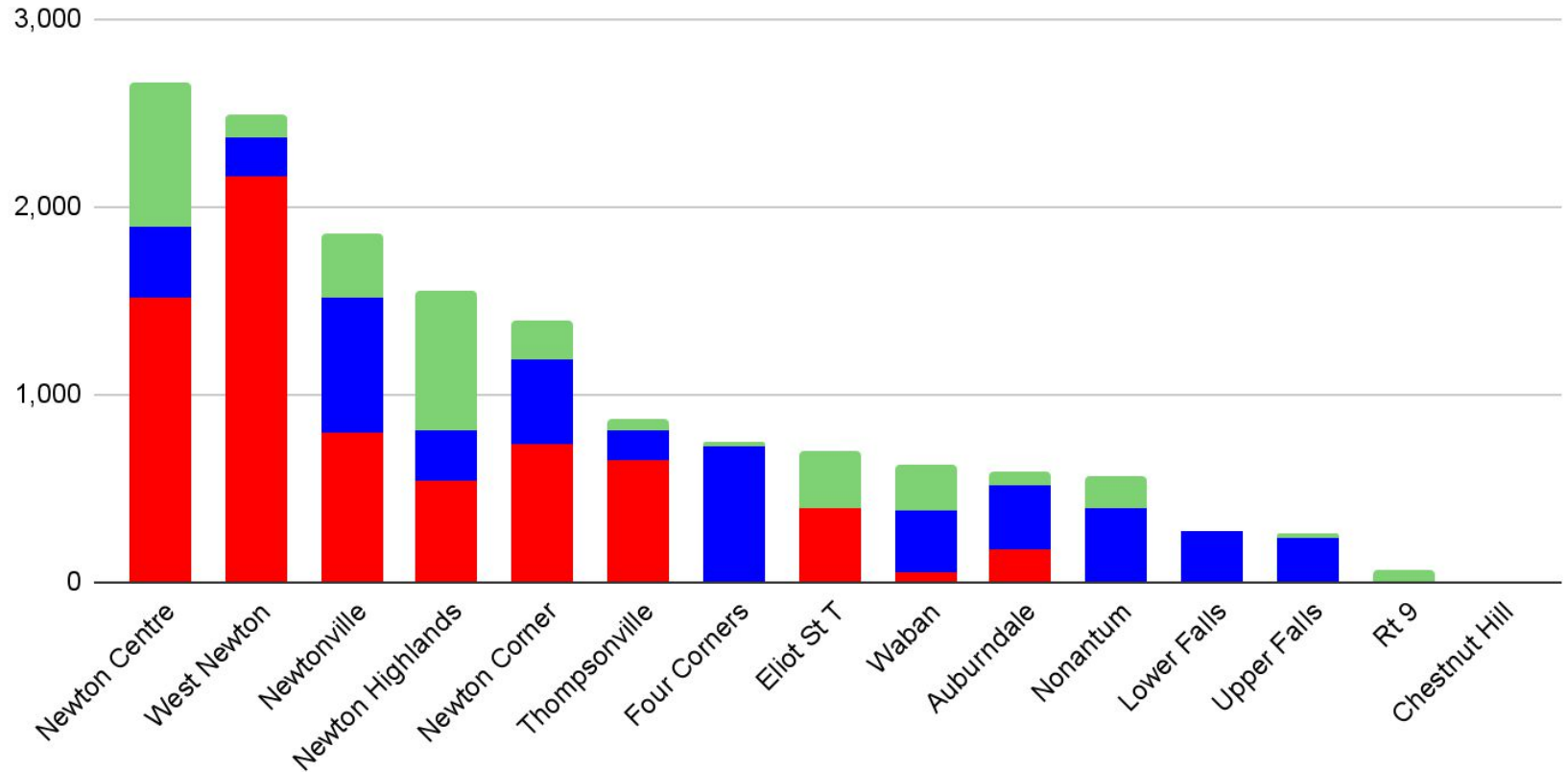
The proposal is not supporting Newton's stated intent, nor goals of the MBTA Communities Act

- Does not focus housing, density around transit stations - Either Commuter Rail or the Green Line
- Waban has only 1 lot zoned for VC3 (and is owned by the MBTA)



Units by Zone, by Village

MRT VC2 VC3



Existing Local Business

Incentivizing development in the Village Centers will have positive impacts

- Increase opportunities (revenue, new customers)
- Add 'foot traffic'

And will put a strain on some business owners

- No new parking requirements (developer decides to build parking)
- Property ownership is a major determining factor
 - ~90% of business owners in Nonantum + Newtonville do not own the building their business is located in

What's Next

ZAP Chair has stated that this is only the first phase of three:

Phase I : Village Center (VC) re-zoning

Phase II : Re-zoning of Newton's primary corridors (Rt. 9, Needham and Washington St)

Phase III : Residential neighborhoods

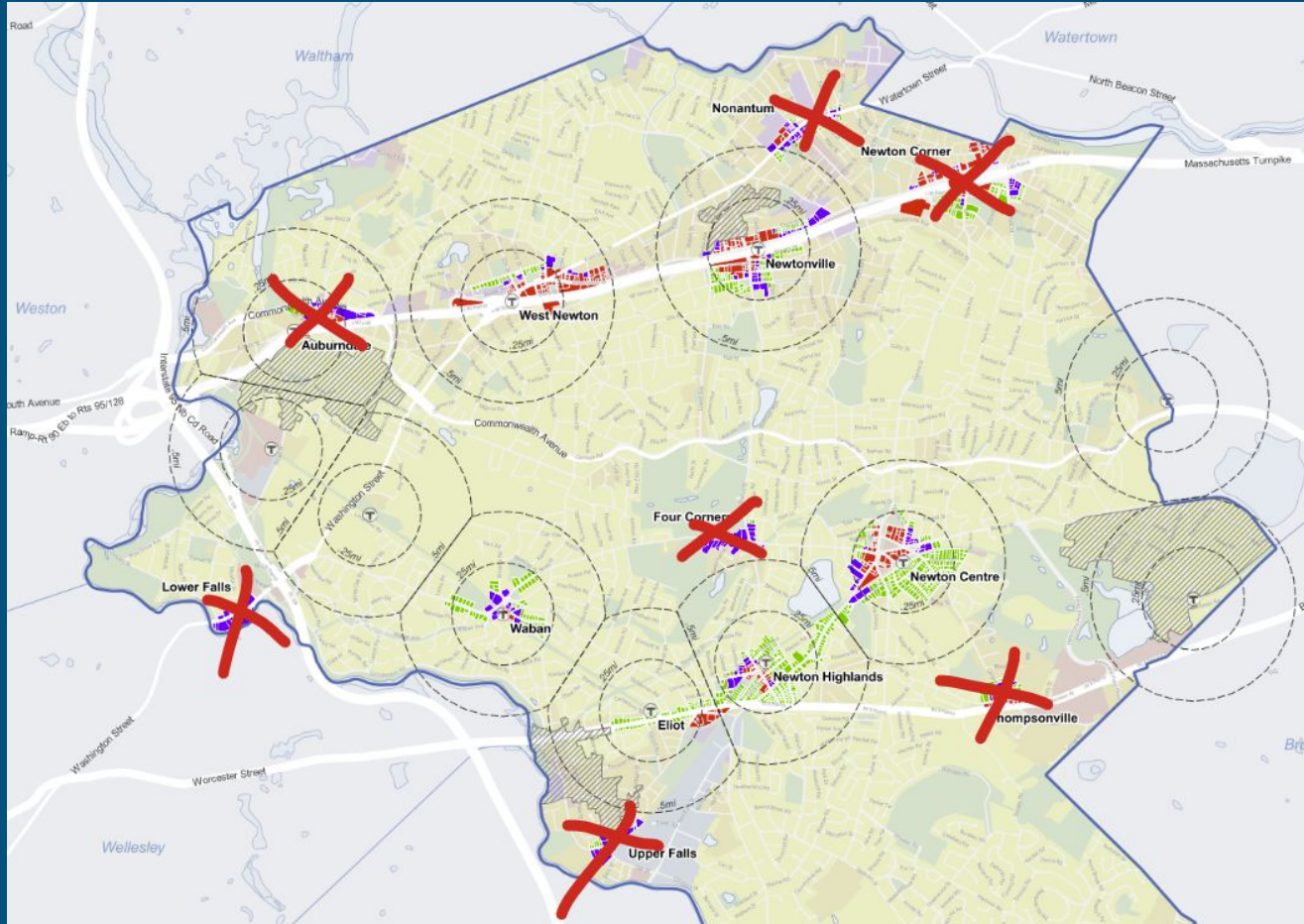
End

2484 Multifamily units not completed

Less than 20% in the VCOD

Multifamily projects	Residential units	Multifamily projects	Residential units
Total	2,484	106 River St	9
Riverdale	204	416-418 Langley	6
Northland/Needham St	800	1114 Beacon	34
Riverside	550	136-144 Hancock (Walker)	16
Dunstan East	292	120 Norwood	4
Walker & Washington St.	28	1 Jackson St	6
West Newton Armory	43	20 Clinton St	4
300 Eliot St.	4	71 Comm Ave	6
50 Highland Ave.	4	77 Hartford St	4
145 Warren St.	5	283 Melrose	16
386-394 Watertown St.	10	432 Cherry	3
667 Boylston St.	4	15-21 Lexington	24
1092-1094 Chestnut St.	4	280 Newtonville	18
1149-1151 Walnut St.	25	956 Walnut	7
Mr. Sushi/ 383 Boylston	12	160 Stanton Ave	68
Craft St senior Living	185	264 Pearl	3
24 Wilson Cir	5	20 Kinmouth	24
63-65 Broadway	3	34 Prescott St	4
Santander Bank (50)	50		
within MBTA village centers	488		
outside MBTA villages	1,996		

Two 40B projects soon to be approved outside of Village Centers: additional 568 Units



Newton's Inclusionary Zoning

Rental Projects: Number of Inclusionary Units Required

EFFECTIVE January 1, 2021

Tier Level	7-20 UNITS	21-99 UNITS	100+ UNITS
Tier 1: 50%-80% AMI	15%	15%	15%
Tier 2: 110% AMI	0%	2.5%	5%
Total	15%	17.5%	20%

Illustration: Rental Projects Calculation Methodology

Example Project: 31-unit rental development

*15% at Tier 1 = $0.15 \times 31 \text{ units} = 4.7 \text{ units}$
Total: 5 units at Tier 1 (round up)*

*2.5% at Tier 2 = $0.025 \times 31 \text{ units} = 0.8 \text{ units}$
Total: 1 unit at Tier 2 (round up)*

TOTAL UNITS = 6 deed-restricted affordable units

Ownership Projects: Number of Inclusionary Units Required

EFFECTIVE January 1, 2021

Tier Level	7-16 UNITS	17-20 UNITS	21-99 UNITS	100+ UNITS
Tier 1: 80% AMI	15%	10%	10%	10%
Tier 2: 110% AMI	0%	5%	7.5%	10%
Total	15%	15%	17.5%	20%

Illustration: Ownership Projects Calculation Methodology

Example Project: 52-unit ownership development

*10% at Tier 1 = $0.10 \times 52 \text{ units} = 5.2 \text{ units}$
Total: 5 units at Tier 1 (round down)
plus fractional cash payment*

*7.5% at Tier 2 = $0.075 \times 52 \text{ units} = 3.9 \text{ units}$
Total: 4 units at Tier 2 (round up)*

TOTAL UNITS: 9 deed-restricted affordable units

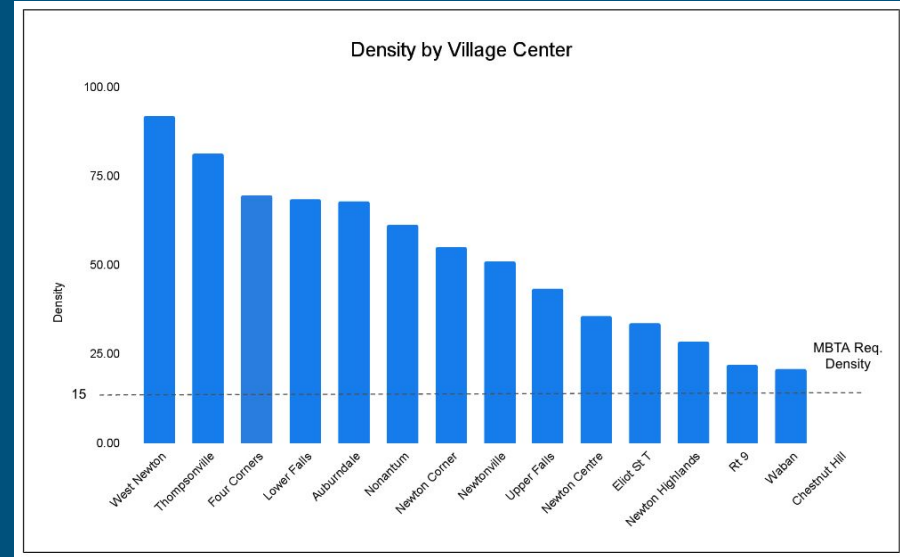


- Any lot with mixed-use priority street frontage must provide ground story active use for the entire width of the front elevation of the building facing the priority street.
- Active uses include:
 - Retail
 - Restaurant / bar / craft beverage
 - Specialty food service
 - Place of amusement
 - Personal service
 - Gallery / arts studio
 - Live/work space
 - Community use space
- Banks permitted on 2nd floor only

However ...

The proposal is not supporting Newton's stated intent, nor goals of the MBTA Communities Act

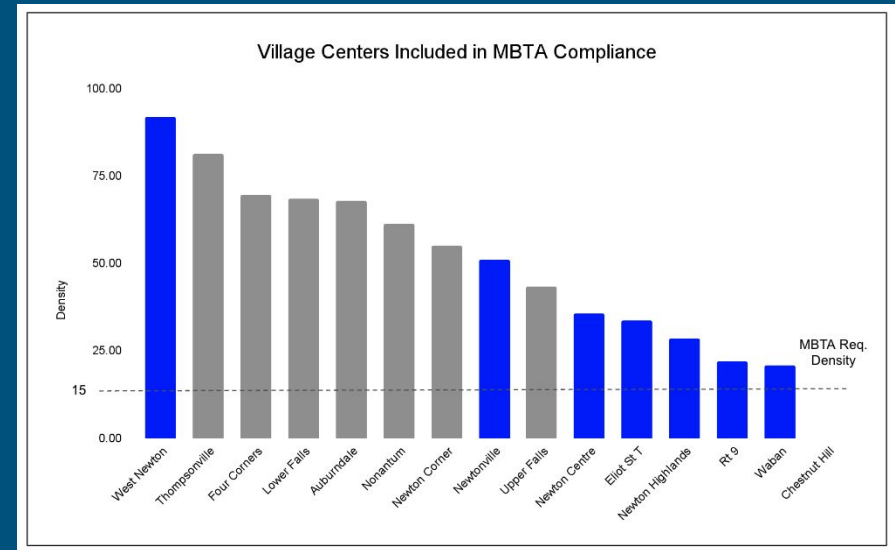
- Inequitable distribution of resulting density
- Outcomes are far beyond MBTA Act requirements (+67%)
- Does not treat each VC as a unique asset



However ...

The proposal is not supporting Newton's stated intent, nor goals of the MBTA Communities Act

- Upzoning proposed across the city in VCs that do NOT contribute to our compliance with MBTA Act
- Why not adhere to state guidance and focus on 25% growth in capacity???



Newton Centre

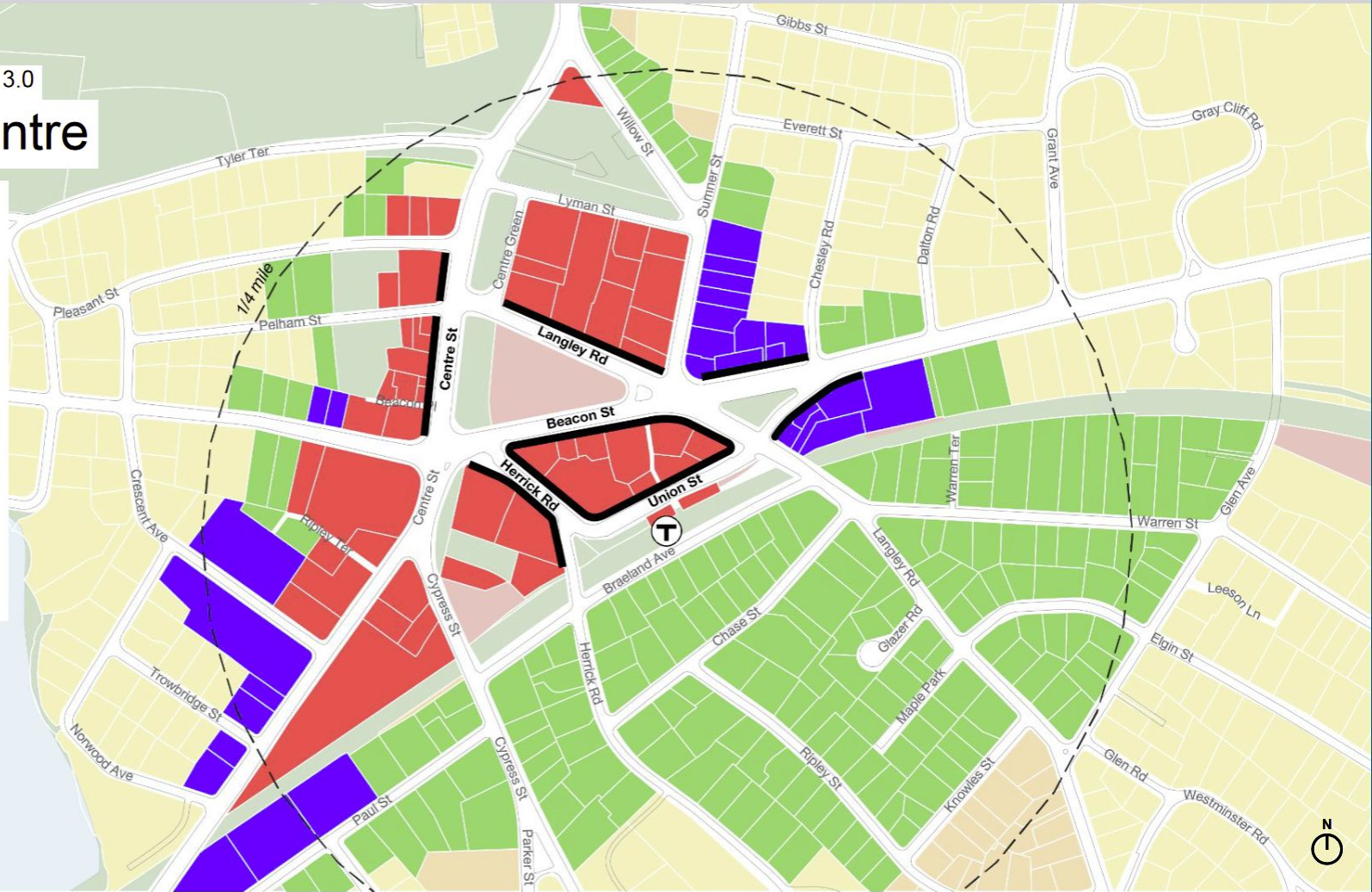
Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)

Proposed Zoning

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- Village Center 2 (VC2)
- Multi-Residence Transit (MRT)
- Mixed-Use Required
- Historic District
- MBTA Buffer

0 250 500 ft



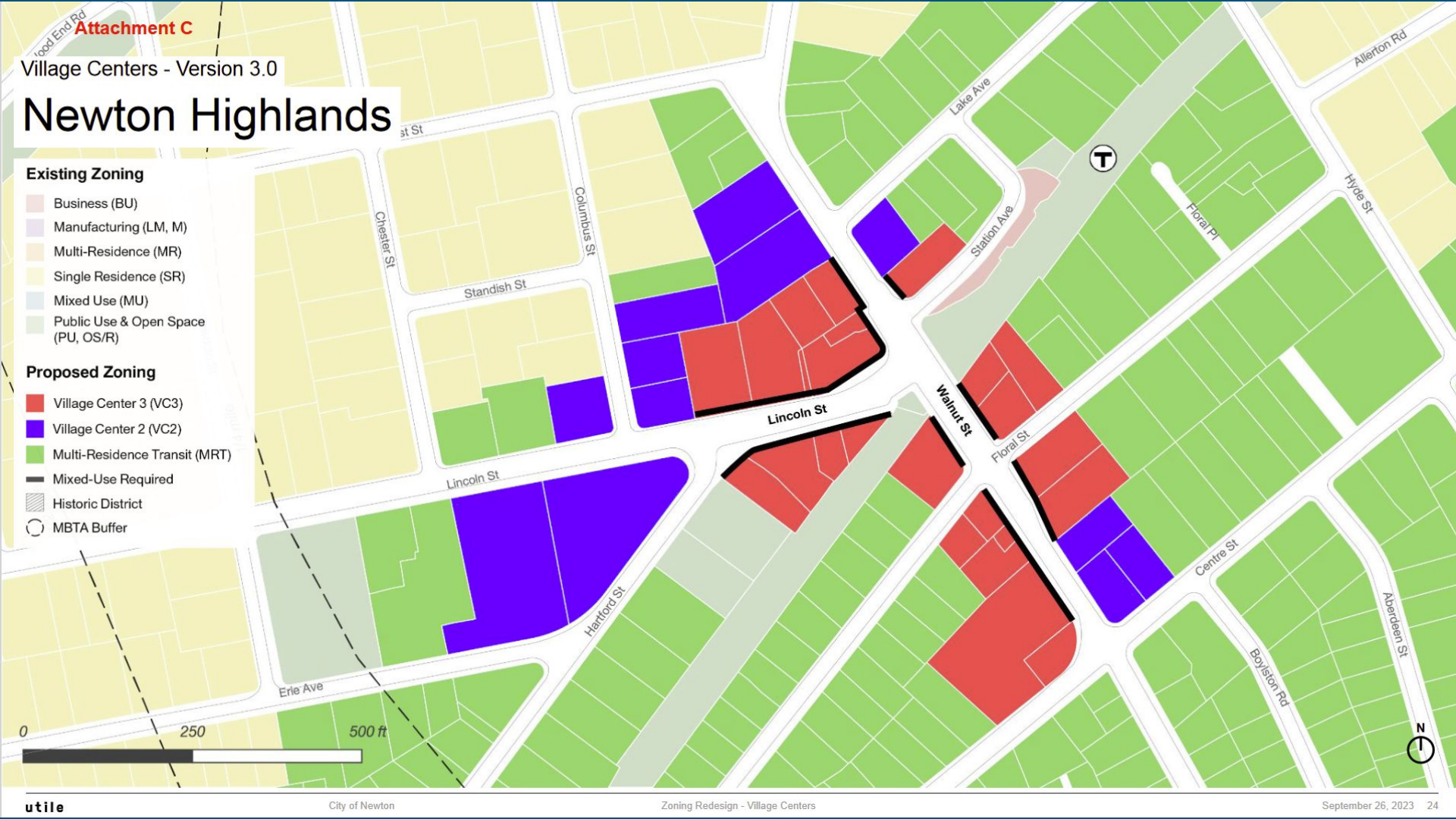
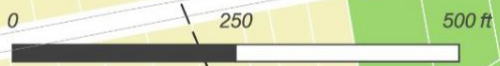
Newton Highlands

Existing Zoning

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- Manufacturing (LM, M)
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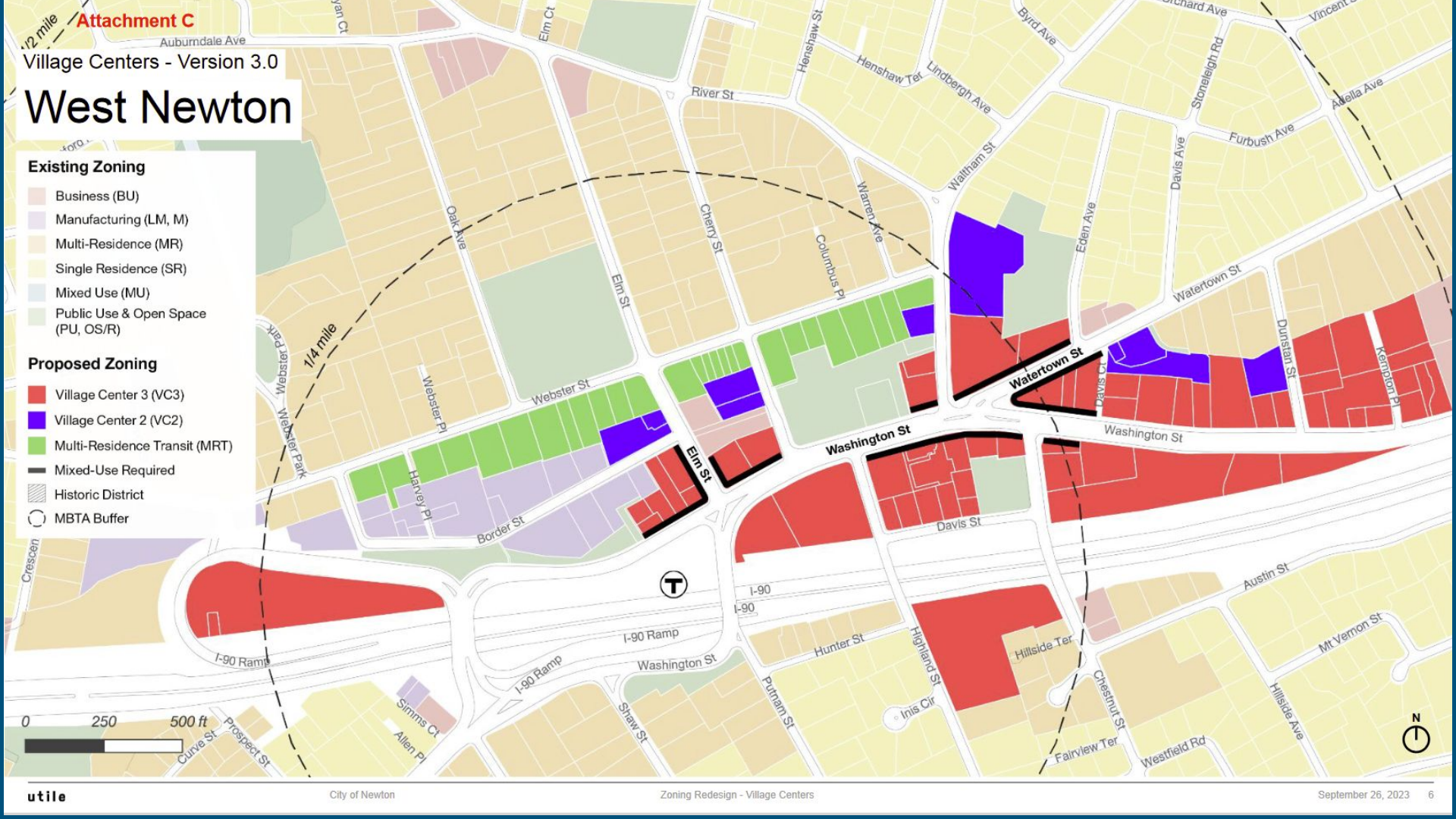
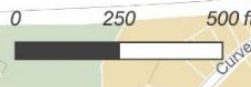
West Newton

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
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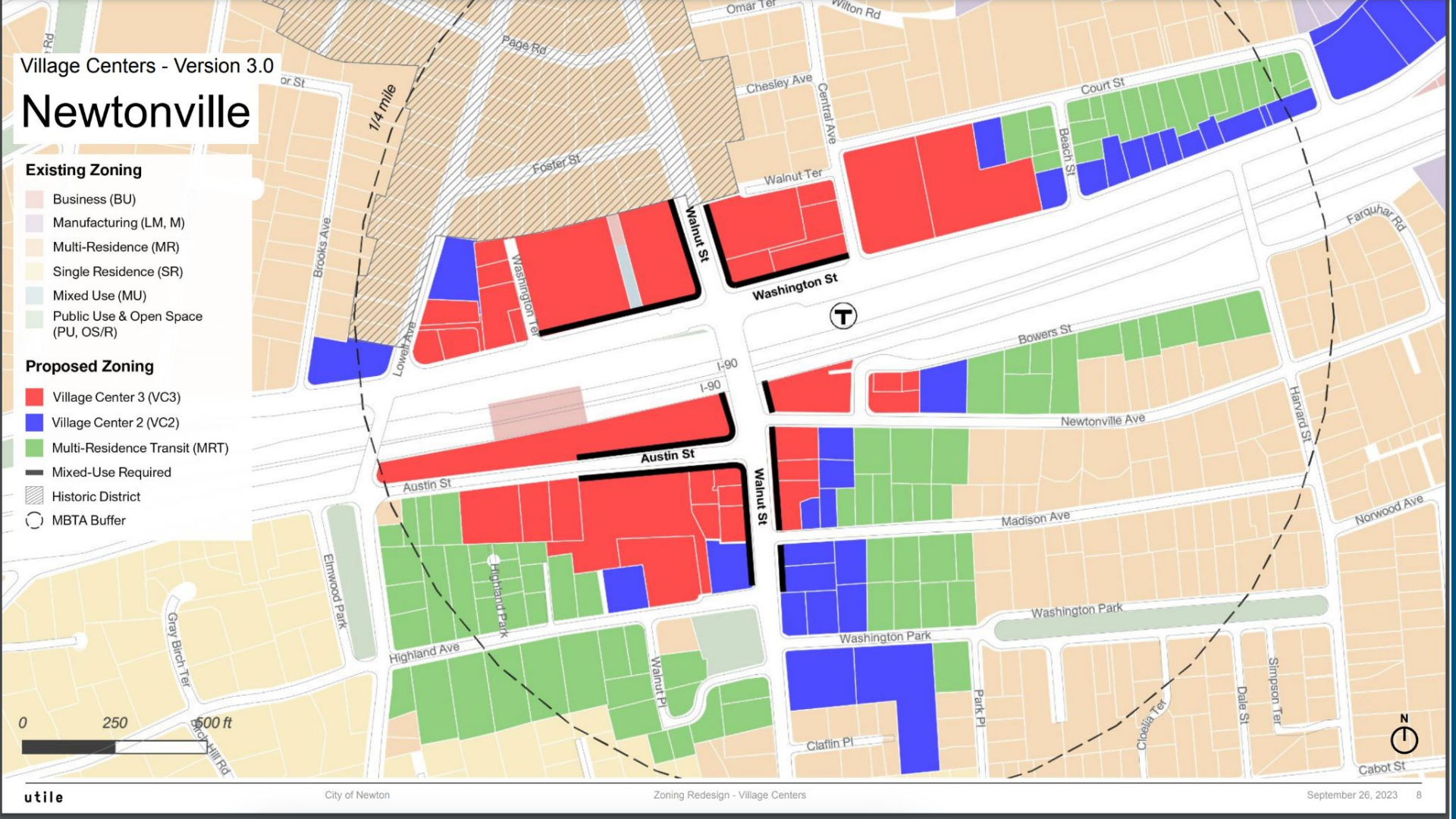
Newtonville

Existing Zoning

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Village Centers - Version 3.0

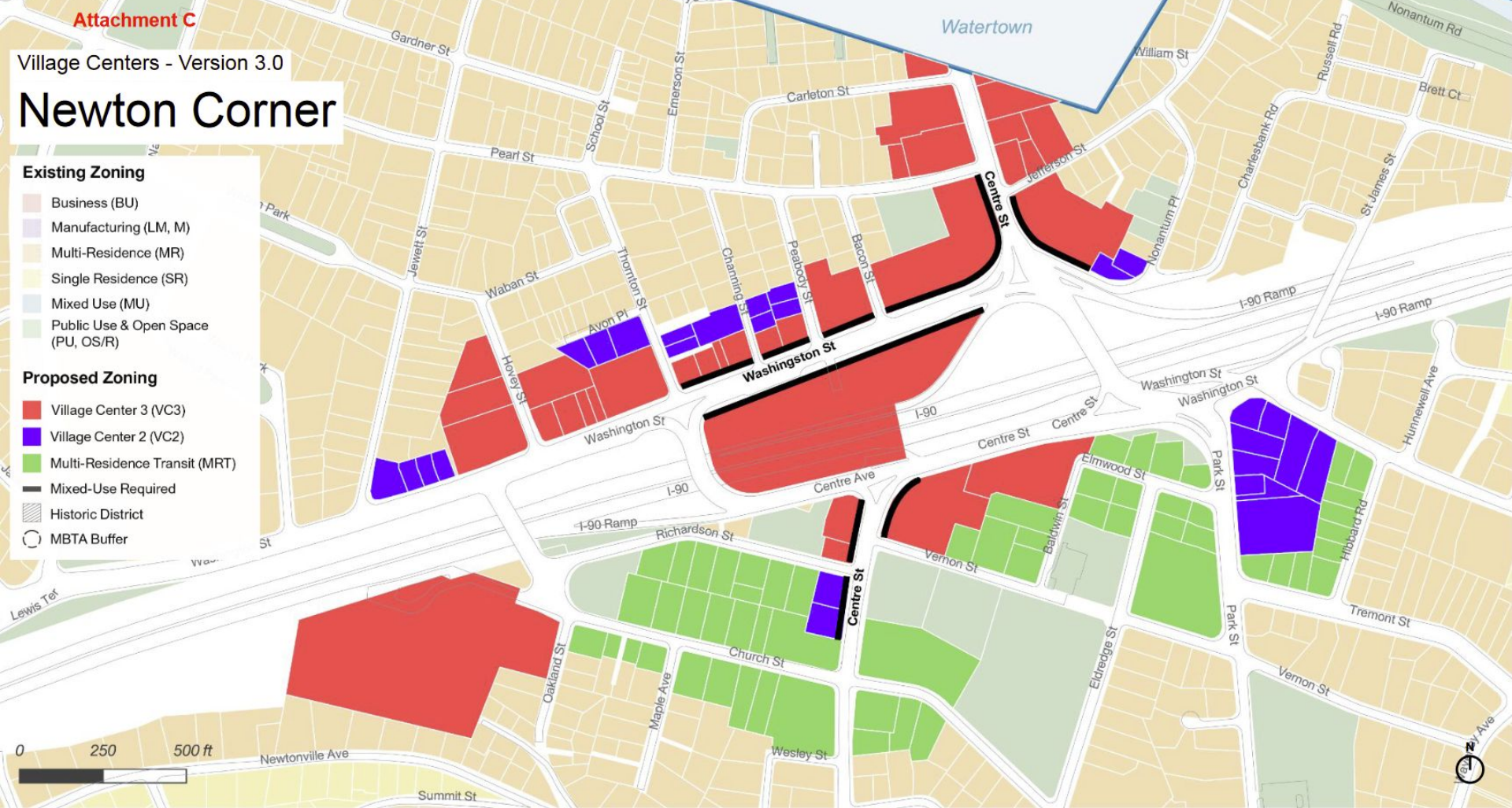
Newton Corner

Existing Zoning

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- Single Residence (SR)
- Mixed Use (MU)
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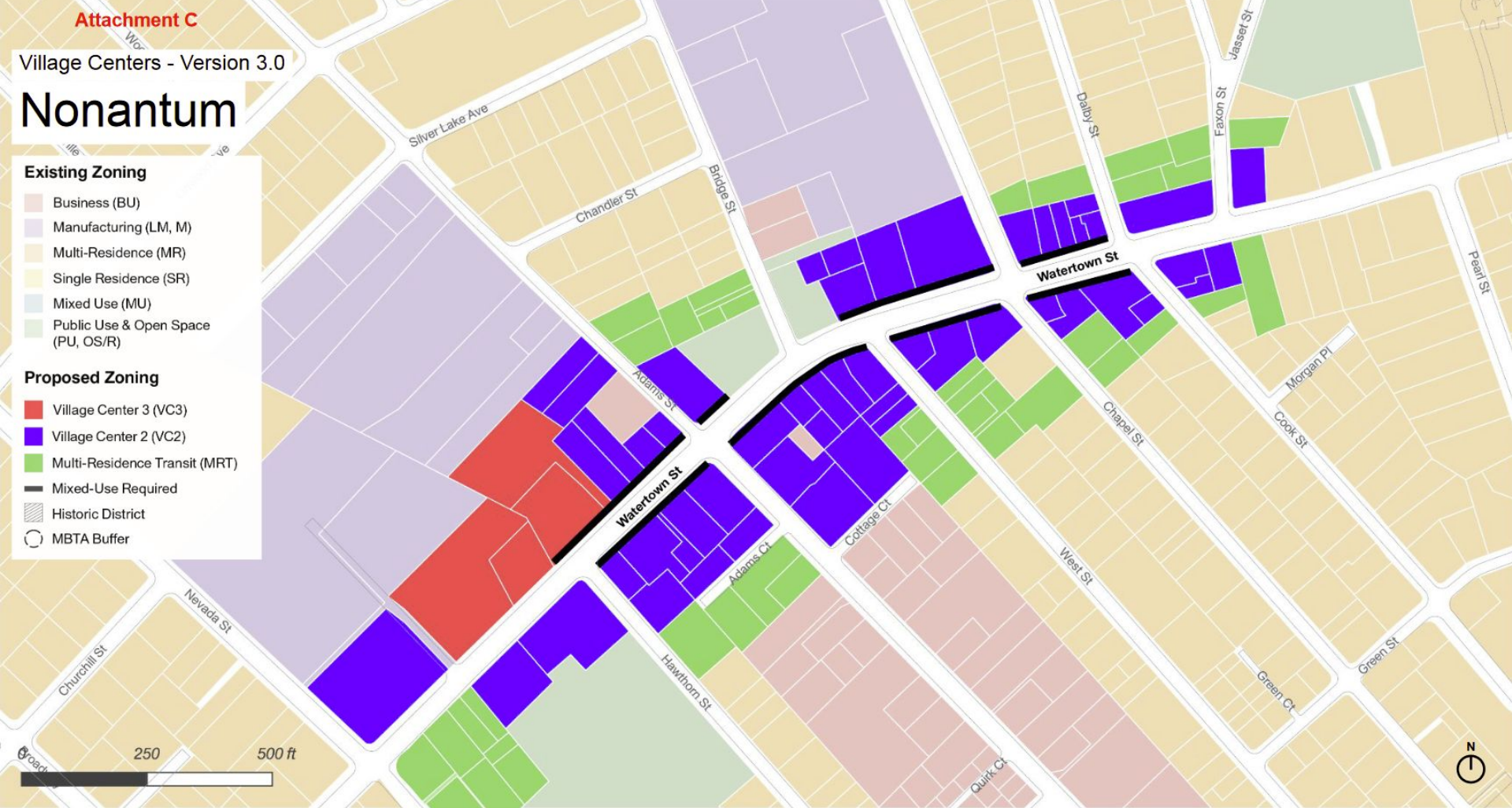
Nonantum

Existing Zoning

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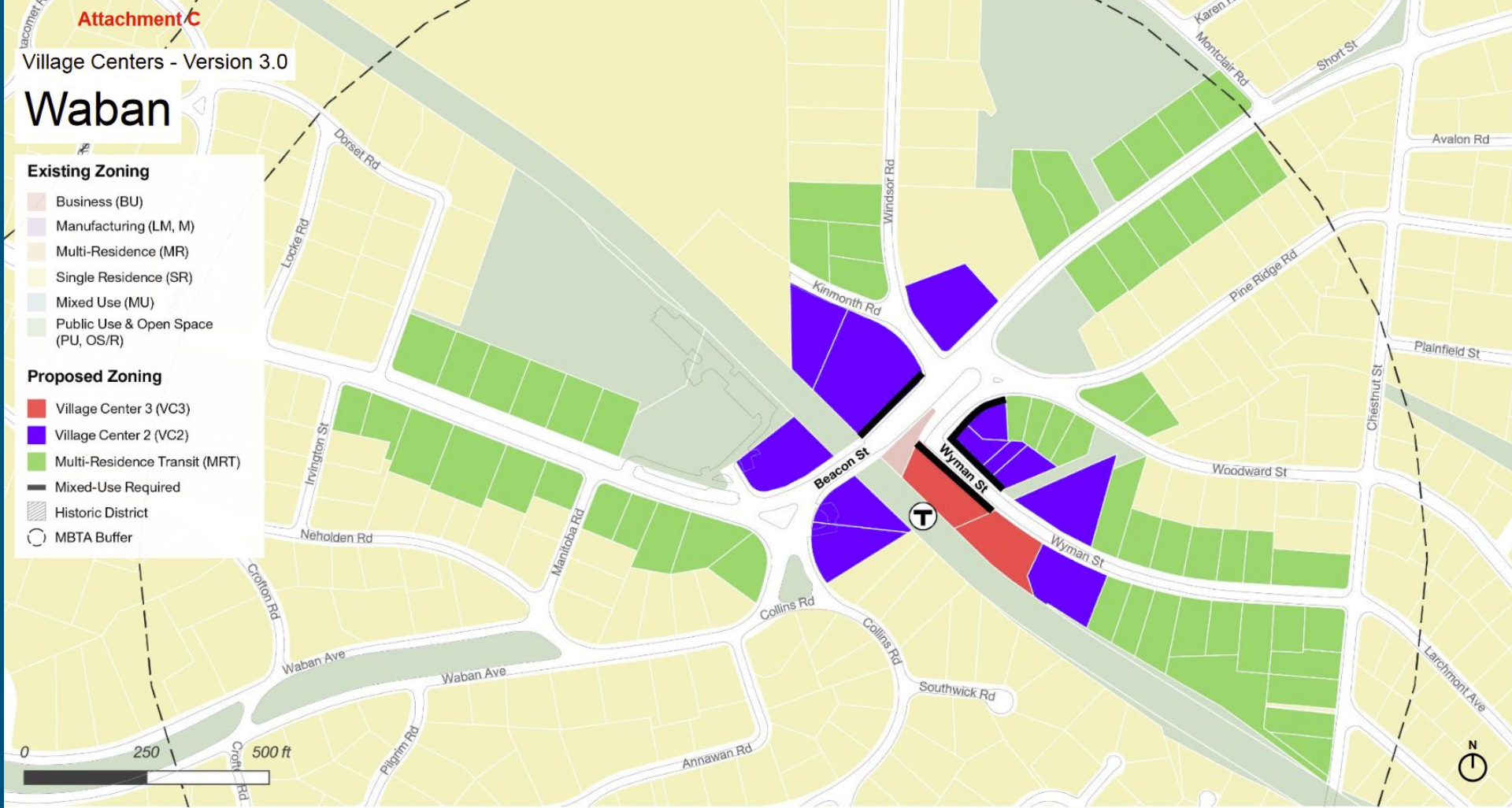
Waban

Existing Zoning

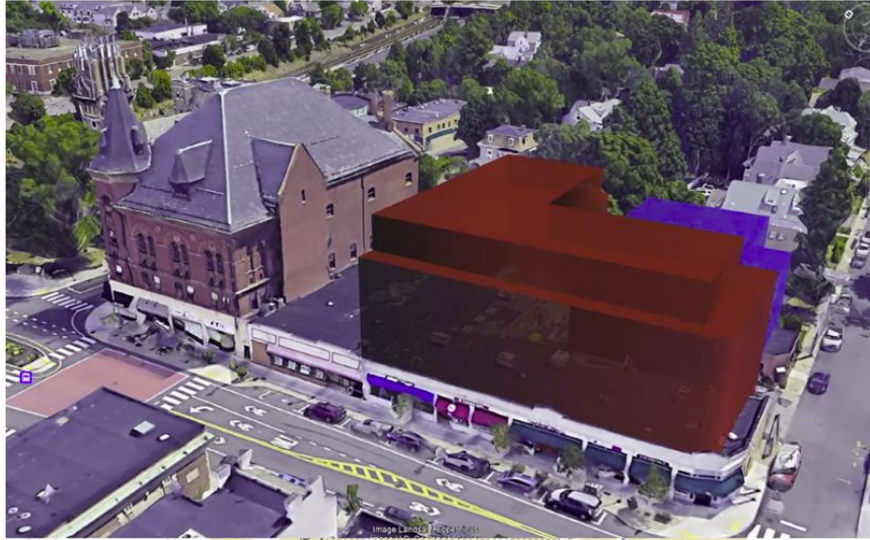
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- Mixed-Use Required
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VC2 and VC3 Building Envelopes in Newtonville on 3865 sf and 11,658 sf lots respectively



VC2 without bonus

4 stories

56' max flat roof

10,000 sf max footprint

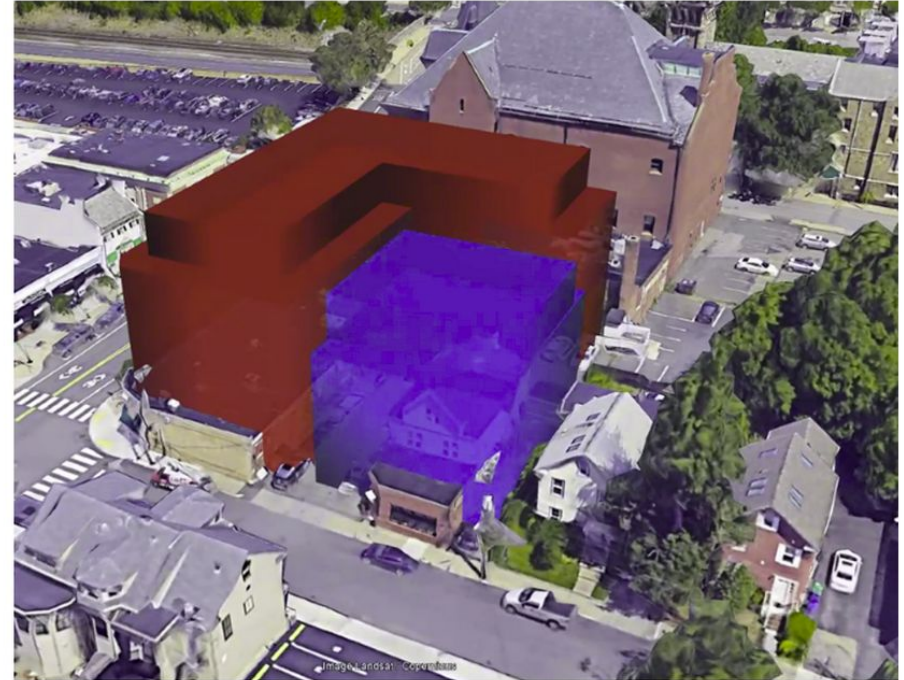
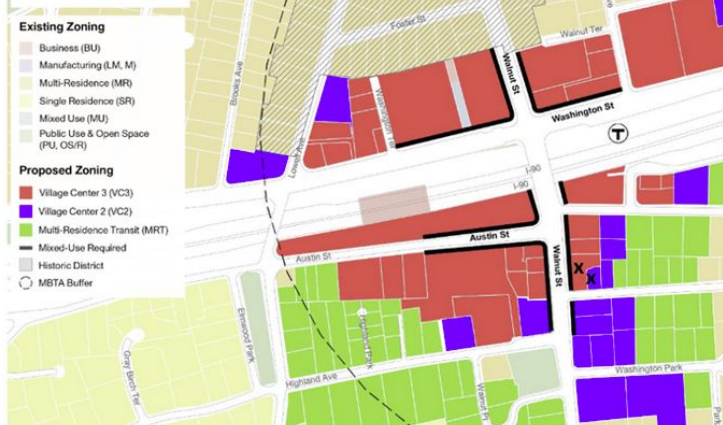
VC3 without bonus

5 stories

69' max flat roof

15,000 sf max footprint

Newtonville



Walnut St, Newtonville: Existing



Existing Street View

Existing Context

Uses: single-story small retail; two-story bank; three-story function hall with ground story retail



Walnut St, Newtonville: Potential Development

Design Standards

- Building Placement:**
When development occurs on any lot abutting a sidewalk that is <12' in total width, inclusive of the Furnishing Zone, buildings must be set back an additional distance such that a paved area meeting City sidewalk standards of at least 12' width is provided, inclusive of the Furnishing Zone.
- Building Entrances:**
Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning or Canopy, to signal building entry and provide adequate protection from the elements.
- Architectural Features: Canopy**
A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.
- Fenestration:**
For ground story fenestration, glazing must have a min. 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR) as indicated by the manufacturer.
- Number of Stories:**
A pitched roof may be composed of roof planes with different slopes. The slope of any pitch must not be greater than 14:12 (49 degrees). The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than 2' above the finished floor of the half-story.
- Half-Story Step-Back:**
A required distance that certain upper stories of a building must be recessed from the plane of the facade of the stories below.
- Parking Lot Access:**
Access to parking lots and structures parallel to the Front Elevation is prohibited when access along another lot line is available.



Introduction to the Statute

- Also known as “Section 3A” (*Mass. General Laws c.40A §3A*)

- Requires communities with MBTA access to have at least one zoning district which permits **multi-**

3+ units ← **family** development **as of right**

→ “development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval”

- Site plan review may be required ... within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.
(<https://www.mass.gov/info-details/section-3a-guidelines>)

MBTA Communities and VCOD

Version 3.0 **DOES** meet MBTA Compliance **WITH** Mixed-Use

Unit capacity of the multifamily and mixed use districts meets the minimum requirement

MBTA Compliance Summary - Multifamily and Mixed-Use Districts (rounded)

	Requirements		Results	
	MBTA Multifamily (min.)	Mixed-Use District (max.)	Version 3.0 VCOD Multifamily District	Version 3.0 VCOD Mixed-Use Districts*
Unit Capacity	8,330 units	25% of MBTA Multifamily Unit Capacity	7,300	2,000 units**
Total Unit Capacity	8,330 units		9,300 units	

Notes:

* Unit capacity of mixed-use districts within village centers submitted for MBTA compliance

** These mixed-use units existed in Version 2.0

Our own calculations closely match those from Planning (9,596), but we also included all maps (+5,650)

This does not include the following:

- Multiple buildings on a lot
- Combining or splitting lots to maximize units
- More than 4 units on MRT lot;
- Adaptive reuse on MRT lot maximum 6 units plus additional 4 unit buildings by right (a 10,000 sf lot could hold 10 units)

Village	SUM of VC1 Units	SUM of VC2 Units	SUM of VC3 Units	SUM of MRT Units	TOTAL
Auburndale	0	351	168	72	591
Chestnut Hill	0	0	0	0	0
Eliot St T	0	0	387	304	691
Four Corners	0	715	0	24	739
Lower Falls	0	269	0	0	269
Newton Centre	0	379	1,525	768	2,672
Newton Corner	0	453	720	216	1,389
Newton Highlands	0	271	519	744	1,534
Newtonville	0	627	892	344	1,863
Nonantum	0	1,008	0	172	1,180
Rt 9	0	0	0	68	68
Thompsonville	0	168	640	56	864
Upper Falls	0	232	0	24	256
Waban	0	300	104	240	644
West Newton	0	210	2,155	120	2,485
Grand Total	0	4,983	7,110	3,152	15,245

Village	SUM of adjusted total MBTA units	SUM of Adjust total non MBTA units	TOTAL
Auburndale	0	591	591
Chestnut Hill	0	0	0
Eliot St T	691	0	691
Four Corners	0	739	739
Lower Falls	0	269	269
Newton Centre	2,567	105	2,672
Newton Corner	0	1,389	1,389
Newton Highlands	1,465	69	1,534
Newtonville	1,808	55	1,863
Nonantum	0	1,180	1,180
Rt 9	68	0	68
Thompsonville	0	864	864
Upper Falls	0	256	256
Waban	616	28	644
West Newton	2,381	104	2,485
Grand Total	9,596	5,650	15,245

What's Next

- Rezoning village centers (VCOD) + MBTA units will be voted on by the end of the year
- Next, in the new year, rezoning the corridors - Washington St, Needham St and Route 9
- Amendments to existing MR districts to follow

Questions?

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Pam Wright, pwright@newtonma.gov



