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Barney S. Heath
Director

MEMORANDUM

DATE: March 11, 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

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)

MEETING: March 13, 2023

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer

Village Center Zoning

At the upcoming Zoning and Planning Committee (ZAP) meeting Planning will continue the guided discussion on a series of recommended updates to the Village Center Overlay District (VCOD) [zoning text – Version 1.0](#). Comments provided by the ZAP Committee will be incorporated into Version 2.0 of the VCOD zoning text and maps.

The items to be worked through with ZAP on Monday:

1. Reduce residential parking requirements in village centers (continued discussion)
2. Eliminate special permits for additional building height or footprint
3. Apply consistent policy to zoning of City-owned parcels
4. Revise VC1 to reduce the allowed footprint for new construction while at the same time providing a strong incentive for the preservation of existing properties by offering a conversion option.

Materials for all items can be found in the updated VCOD Version 2.0 Framework originally shared for the February 27, 2023 meeting (Attachment A). The updated attachment includes additional parking data and the VC1 proposal.

Revise VC1 by reducing the allowed new construction footprint and incentivizing the preservation of existing properties

Feedback on version 1.0 of the VCOD zoning text and maps largely centered around getting the metrics right for the VC1 district. The VC1 district typically surrounds the commercial core of the village centers and is an opportunity to provide additional housing near transit and in walkable village centers, while also furthering our progress towards the MBTA Communities unit capacity requirement. Version 1.0 of the text permitted a building with a 4,000 square-foot footprint and a total height of 2.5 stories, and we heard concerns that this might incentivize tear down of existing homes and the resulting buildings would be out of scale. Version 1.0 also contemplated the ability to allow some limited commercial uses in VC1 by special permit. The intent of the revised zone is to reflect the residential nature of this district and to incentivize conversion of existing homes to multiple units over demolition and new construction. The new VC1 would limit new construction to a 1,500 square-foot footprint and a maximum of four units and would not permit any commercial uses. Existing buildings could convert to up to six units and could add an additional 400 square-foot footprint addition as long as the addition was set back from the front façade and met all setback requirements. The revised VC1 would also require a pitched roof for the half story rather than allowing a flat roof with a setback from the front façade.

Next Steps

At the March 27, 2023 meeting, Planning and Utile will present on the remaining proposals:

- Incentivize additional affordable housing. Planning is working with representatives of the Newton Housing Partnership as well as consultants Utile and Landwise to determine the feasibility of allowing a by-right bonus for additional height and building footprint in exchange for additional affordable housing, above and beyond Newton’s inclusionary zoning requirements.

At the March 29, 2023 meeting, Planning and Utile will present on the remaining proposals:

- Maximize MBTA Communities compliance. The focus on new zoning for village centers was started in advance of and has continued in parallel with the state requirements for zoning for multi-family housing near transit stations. As we have received further guidance from the state Planning and Utile have begun to analyze the VCOD zoning against the MBTA Communities requirements to determine how far it could take Newton towards compliance. Once this information is available the Committee can consider how best to maximize compliance as part of the VCOD zoning.

From all of these working meeting with ZAP, and previous input received since releasing Version 1.0, Planning and Utile will prepare Version 2.0 of the VCOD zoning text and map for review in April. Planning will also put together a concurrent timeline toward achieving MBTA Communities compliance by the end of the year.

Attachments

Attachment A VCOD Draft Version 2.0 Framework (updated)

1. Zoning Proposal: Focus on design standards

Comparison to Version 1.0:

	Design Standards
Version 1.0	Version 1.0 of the proposed zoning text incorporated many design standards into the zoning ordinance and included a proposed set of discretionary design guidelines meant to guide site plan and special permit review.
Proposed	Focus on incorporating all non-discretionary design elements into the zoning and revisit design guidelines in the future as a tool for Planning Board and City Council.

What?

- Design standards are built into almost every section of the VCOD zoning in order to ensure new by-right development positively contribute to Newton’s village centers. Design standards are non-discretionary and must be complied with just like any other zoning requirement, such as maximum height or minimum setbacks.
- Design guidelines are a useful tool to provide additional guidance to developers and decision makers however they are not necessary at this time given the strength of the design standards.
- The proposed design standards regulate the placement of the building on the site, the size and shape of the building, the public space created, and many architectural features of the building. See attached list of design standards by category. A version of the proposed zoning text with design standards highlighted can also be found [here](#).

Why?

- The focus at this time should be on crafting zoning that ensures quality outcomes for by-right projects. Design guidelines can be revisited at a future date as part of a tool to be used by the Planning Board and City Council during review.

Additional Resources

Below is a table listing the design standards by category followed by rendered perspectives of three streets across the village centers with the incorporated design standards identified.

Zoning Framework 2.0

Design Standards

Shaping the Building

Building Footprint (area in square feet)

Building Height (number of stories*)

Half-Story

- Height, max. (in feet)
- Stepback (7', min.)

Pitched Roof Slope (max. pitch 14:12)

Ground Story Height, min./max. (in feet)

Ground Story Active Uses

- Front Elevation width (100%)
- Fenestration (% of Front Elevation area)
- Glazing Standards (% VLT, % VLR)

Facade Articulation (max. continuous facade length)

Architectural Features, controlled by dim. standards

- Awnings
- Canopies
- Bays
- Balconies

Building Entrances (number, location, and articulation)

Roof Features (list of allowed features)

Mechanical Equipment

- Roof Screening and Setbacks (10', min.)
- Location of wall-mounted equipment

*max height capped in feet

Building Placement

Building Setbacks (distance in feet)

Building Separation (distance in feet)

Building Placement

- Facade Build-Out Ratio, min. (% of lot width)
- Sidewalk width (12', min.)

Site Standards

Usable Open Space, lots greater than 30k sf (% of lot)

Parking Placement

- Parking Setbacks (distance in feet)
- Access (allowed location)

Curb Cuts and Driveways

- Access (allowed location)
- Width, max. (in feet)
- Number per street frontage
- Distance from intersection (in feet)

Surface Parking Lot Design

- Landscaped strip, controlled by dimensional standards
- Screening requirements

Loading

- Access (allowed location)
- Screening requirements

Service Areas

- Location
- Screening requirements

Lincoln St, Newton Highlands



- 1. 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.
- 2. 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.
- 3. Architectural Features: Bay**

A bay is a window assemble extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. Parking Lot Access:**

Access to parking lots and structures parallel to the Front Elevation is prohibited when access along another lot line is available.

Washington St, Newton Corner



- 1. 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.
- 2. 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.
- 3. Architectural Features: Canopy**

A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. Parking Lot Access:**

Access to parking lots and structures parallel to the Front Elevation is prohibited when access along another lot line is available.

Walnut St, Newtonville



1. 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.

2. 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.

3. Architectural Features: Canopy

A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.

4. 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.

5. 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.

6. 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.

7. Parking Lot Access:

Access to parking lots and structures parallel to the Front Elevation is prohibited when access along another lot line is available.

2. Village Center Zoning Proposal: Identify Mixed-Use Priority Streets

Comparison to Version 1.0:

	Mixed-Use
Version 1.0	Mixed-use and residential allowed by-right in VC3 and VC2 zones. Mixed-use incentivized in VC3 by allowing 4.5 stories for mixed-use and 2.5 stories for all residential. Some limited commercial uses allowed by special permit in VC1.
Proposed	Prioritize certain streets (see maps below) in the VC3 and VC2 districts for mixed-use development by a combination of incentives and requirements. Require at least 75% of the ground floor frontage be dedicated to active commercial uses. Allow ground floor residential in these areas by special permit. Limit VC1 to residential uses only.

What?

- Focus mixed-use incentives/requirements street by street where ground floor commercial uses are critical to the long-term vitality of the village center. Allow mixed-use or fully residential development in other areas of VC3 and VC2.
- Utilize incentives for mixed-use in village centers near the commuter rail or green line stations to comply with MBTA communities and require mixed-use, unless waived by special permit, elsewhere.
- Allow ground floor residential uses along Mixed-Use Priority Streets by special permit

Why?

- Current business zones require a special permit to locate residential uses on the ground floor in lieu of commercial uses. It is important to preserve active ground-floor commercial uses on key streets in the core of village centers.
- MBTA Communities does not allow zoning that requires mixed-use, however mixed-use can still be permitted or even incentivized.
- Version 1.0 focused on the VC3 district and incentivized mixed-use by allowing 4.5 stories in lieu of 2.5. This approach included some areas where ground floor commercial is less critical and ignored some key commercial streets in the VC2 districts, such as Watertown Street in Nonantum.
- The attached maps take a finer grained approach by designating mixed-use priority streets

Additional Resources

The maps below represent an initial draft of the Mixed-Use Priority Streets (identified by a black line). The maps do not represent any other changes anticipated in version 2.0 at this time.

Existing Zoning

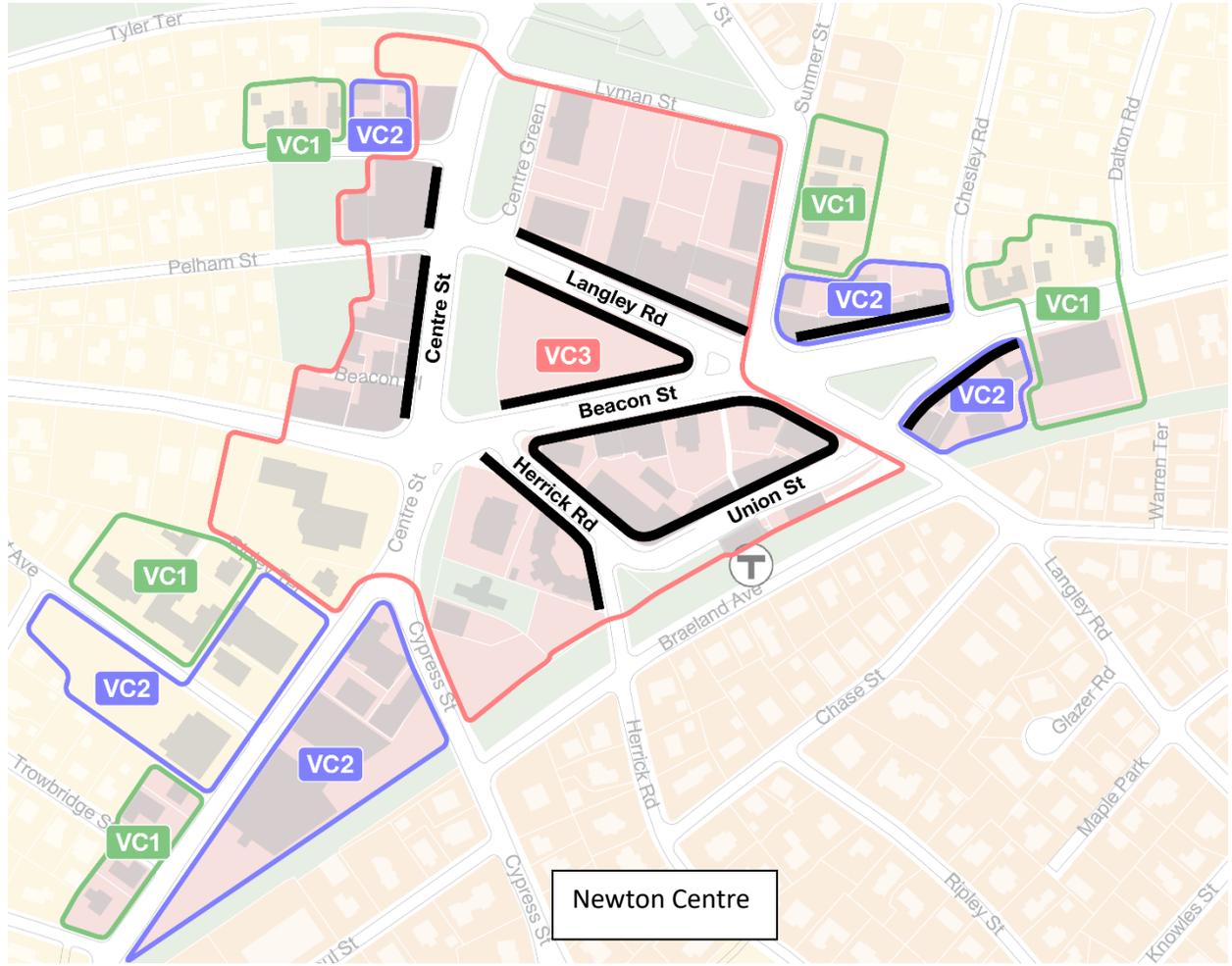
- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)

Proposed Zoning

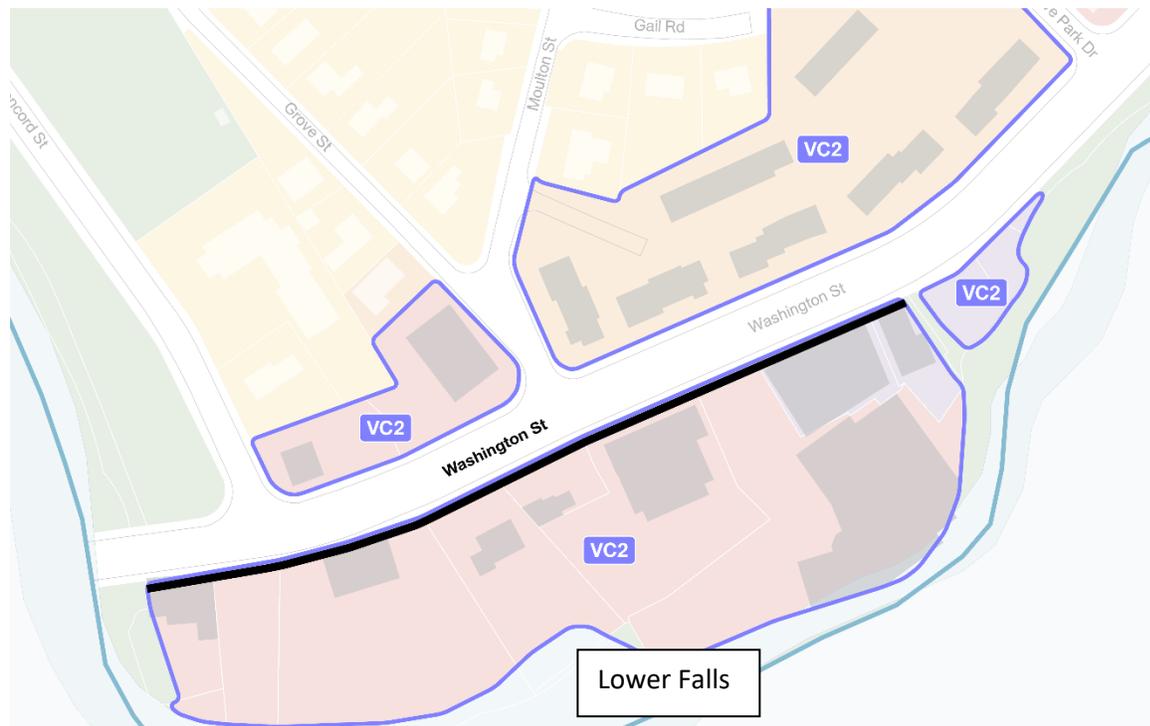
- Village Center 3 (VC3)
- Village Center 2 (VC2)
- Village Center 1 (VC1)
- Mixed-Use Required



Village Center Overlay District V2.0 Framework – Updated 3/10/2023 (Parking and VC1)

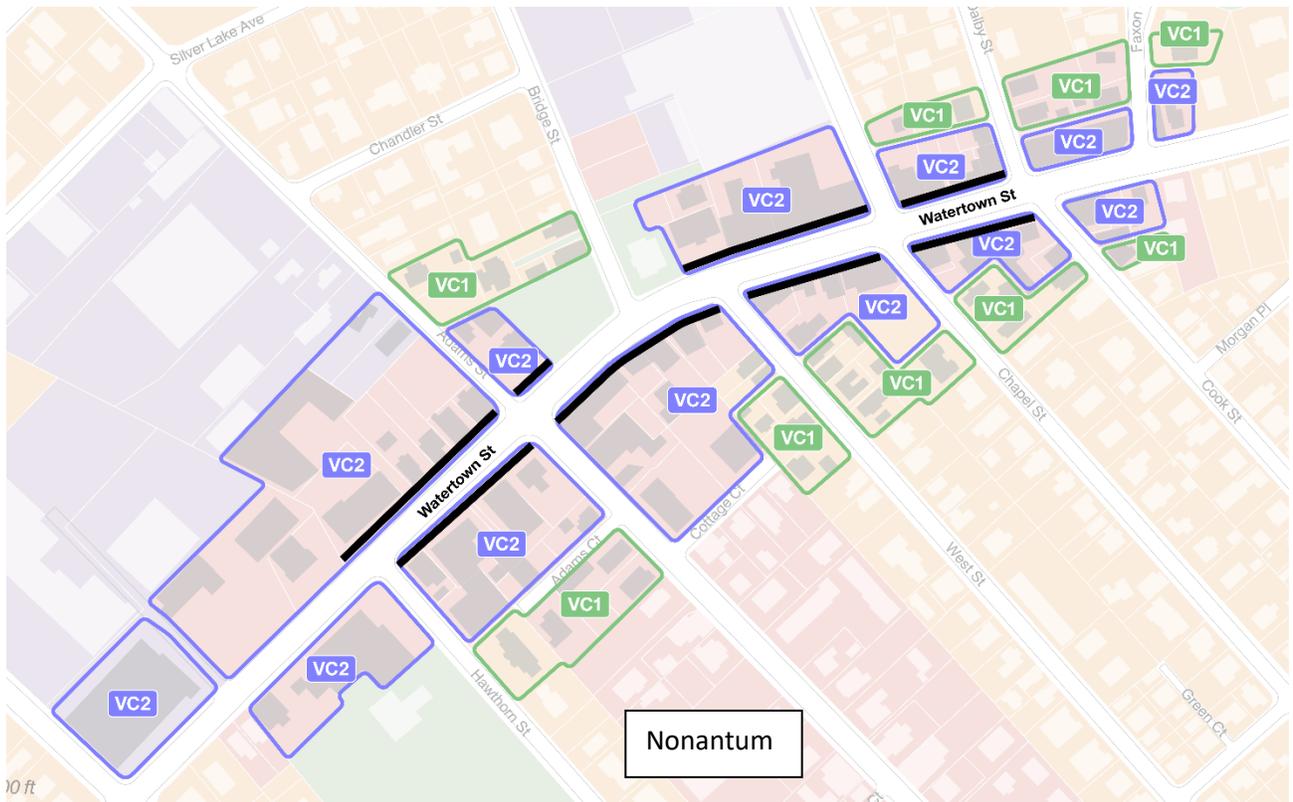
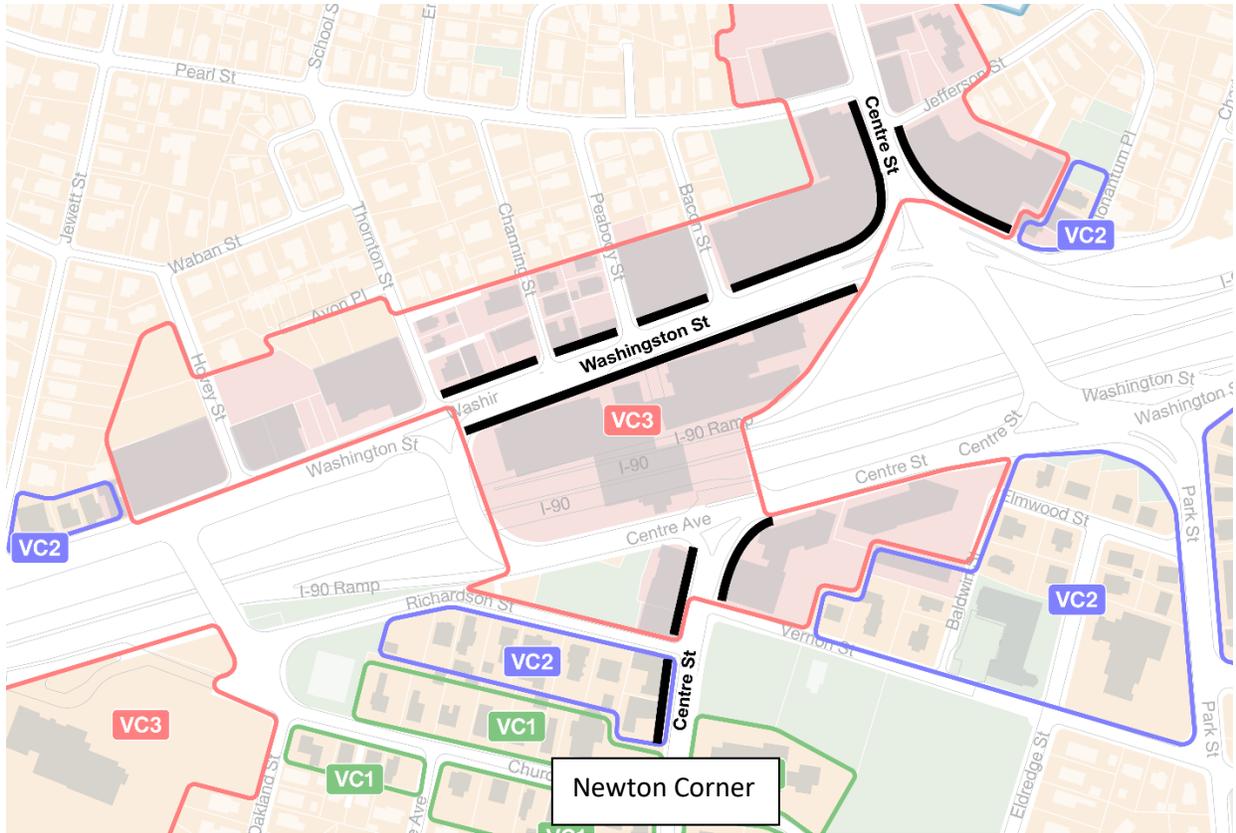


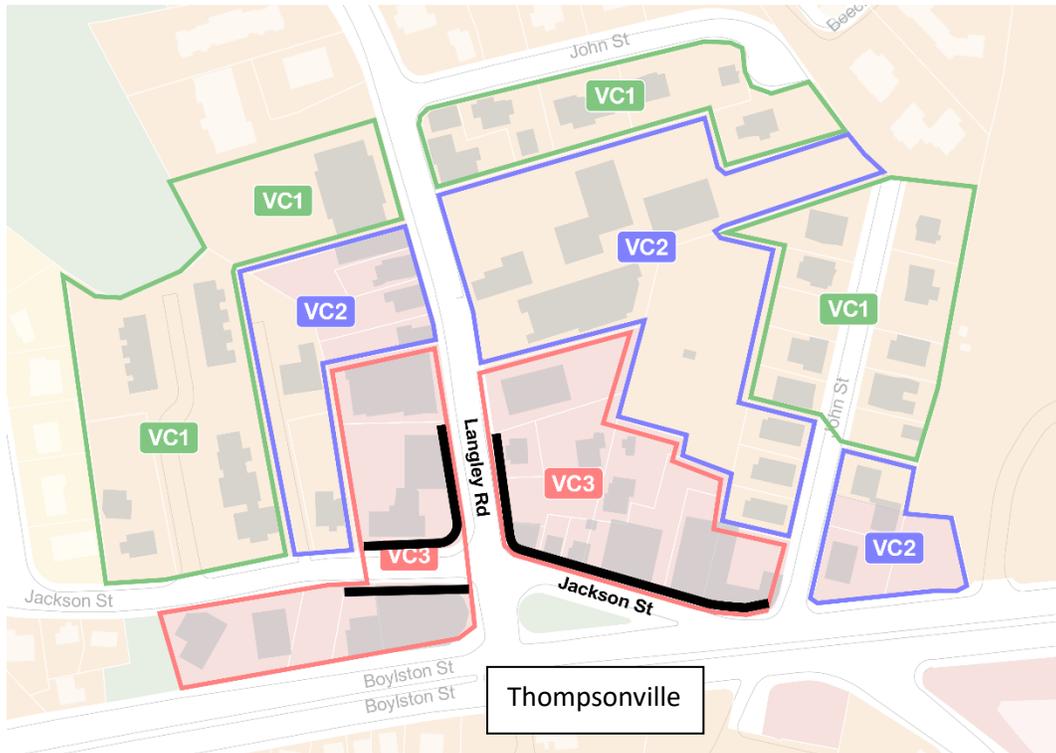
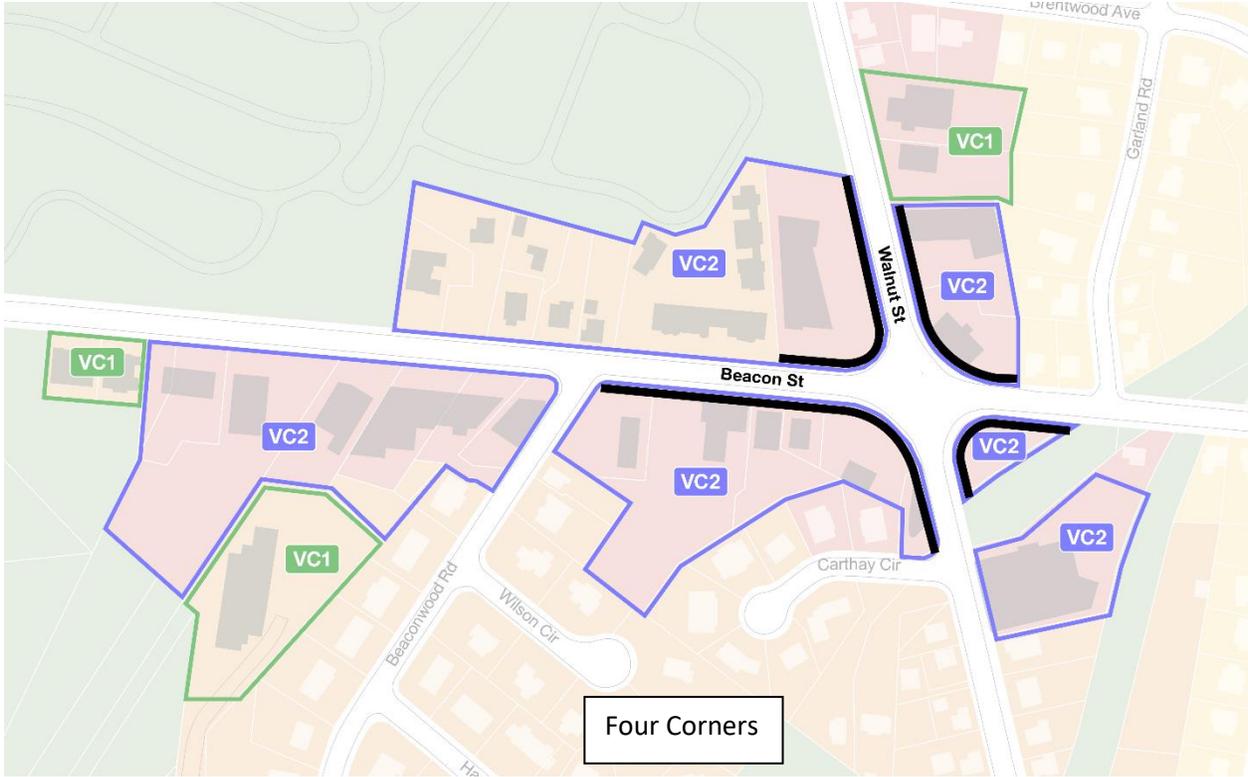
Newton Centre



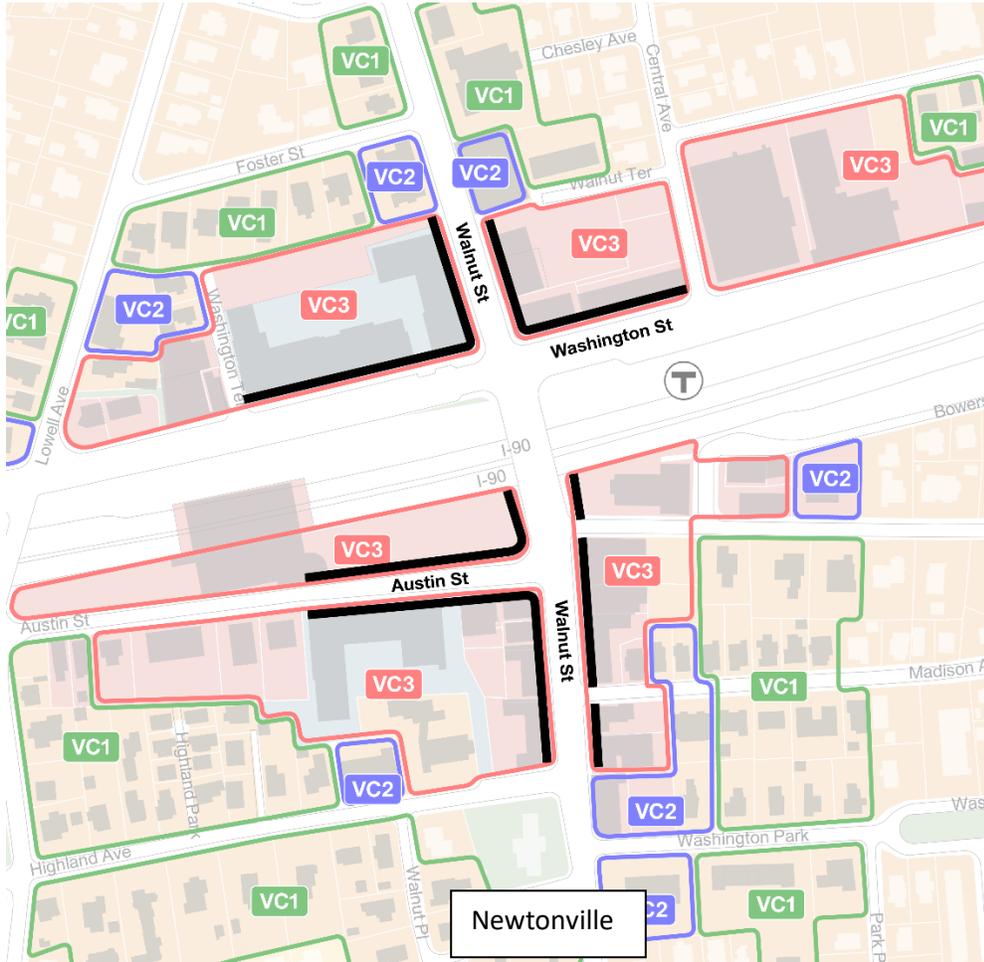
Lower Falls

Village Center Overlay District V2.0 Framework – Updated 3/10/2023 (Parking and VC1)

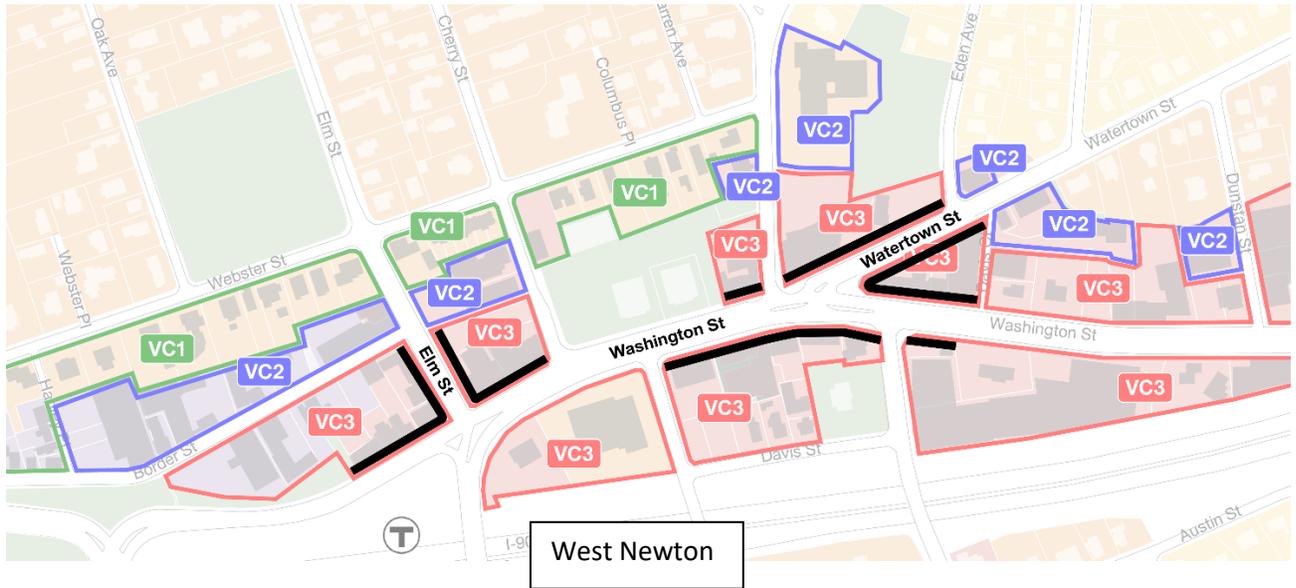
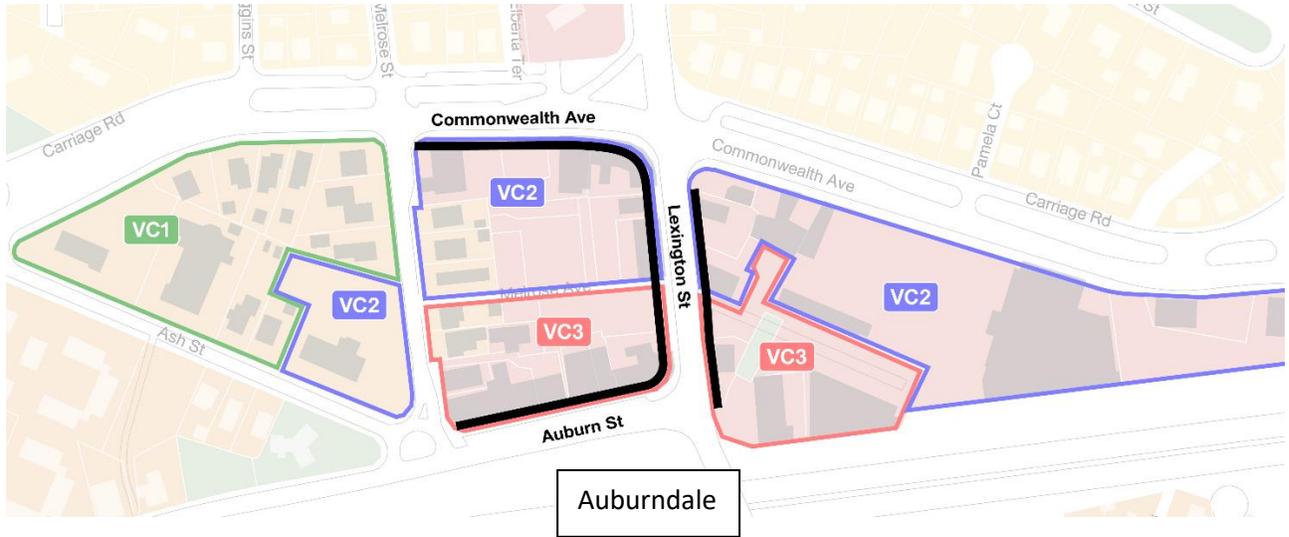




Village Center Overlay District V2.0 Framework – Updated 3/10/2023 (Parking and VC1)



Village Center Overlay District V2.0 Framework – Updated 3/10/2023 (Parking and VC1)



3. Village Center Zoning Proposal: Prioritize historic preservation

Comparison to Version 1.0:

	Local Historic Districts	Adaptive Reuse
Version 1.0	Some minimal overlap with Newtonville and Upper Falls local historic districts	Section reserved
Proposed	Remove properties within local historic districts from VCOD boundaries	Incentivize reuse of pre-1940 buildings in the VC2 and VC3 districts by exempting certain zoning requirements such as parking and open space if building is retained

What?

- Revise maps to remove properties in local historic districts from proposed VCOD boundaries
- Include incentives for reuse of existing pre-1940s buildings in VC2 and VC3 districts by exempting certain zoning requirements if the building is preserved. Incentives include:
 - Building footprint bonus for additions (new construction portions must still comply with height and setback requirements)
 - Exempt from parking requirements
 - Exempt from open space requirements
 - Site plan review for parcels over 30,000 sf in lieu of a special permit
- Identify landmarks on VCOD maps

Why?

- Existing zoning requirements can create a hurdle to the adaptive reuse of existing buildings as they were often built prior to zoning requirements. Existing buildings are often non-conforming related to zoning requirements such as height, floor area, setbacks, uses, and parking. Allowing for some modest expansion and changes in use without triggering zoning requirements allows for easier preservation of existing buildings and disincentivizes demolition.
- Allows for more options for the preservation and reuse of churches that may have dwindling congregations. Under existing zoning religious uses are exempt from most zoning requirements, however conversion of the space to new uses triggers zoning requirements such as parking.

4. Village Center Zoning Proposal: Reduce residential parking requirements in village centers

Comparison to Version 1.0:

	Residential	Residential w/in 0.25 miles of transit station	Adaptive Reuse
Version 1.0	1 per unit	1 per unit	1 per unit
Proposed	0.5 per unit	0 per unit min 1 per unit max	None

What?

- Reduce residential parking requirements for all residential uses in VCOD and remove parking requirement for residential units within a quarter mile of transit and for adaptive reuse of existing buildings.
- Set a parking maximum of 1 space per unit for residential uses within a quarter mile of transit stations.

Why?

- Utile/Landwise analysis found that parking minimums had significant negative impact on site design and overall financial feasibility
- Parking mandates drive up the cost of housing and encourage vehicular use, contributing to traffic and carbon emissions
- Recent data from multifamily and mixed-use buildings across Newton and the region supports reducing or eliminating parking minimums and setting maximums
- Only approximately 50% of existing multifamily parking spaces in Newton are actually being used
- The average number of vehicles per unit across 10 multifamily developments in Newton is 0.8 per unit
- At 28 Austin Street, 95 underground parking stalls are provided for 68 units, at an estimate cost of \$75,000 to construct each space, and an overnight count only found 44 vehicles utilizing the parking
- MAPC’s analysis found that parking supply per unit was the dominant factor associated with parking demand. Each additional parking space per unit is associated with an increase of 0.24 parked cars per household.
- MAPC recommends moving from parking minimums to maximums, reducing parking ratios, unbundling parking from housing costs, and exploring strategies for shared parking

- Aligns with MBTA Communities multifamily zoning guidelines

Other Considerations

- Should the parking exemption be extended beyond a quarter-mile radius from transit?
- Should the zoning include parking maximums beyond a quarter-mile radius from transit?

Additional Resources

See MAPC presentation on parking analysis across Metro West [here](#) (starting on page 23).

Local data from MAPC study:

Address	Number of units	Rental/ Ownership	Total parking spaces	Utilized parking spaces	Utilized spaces per unit	Parking included in unit cost
28 Austin St	68	Rental	95	44	0.65	No
Trio	140	Rental	210	128	0.91	No
Woodland Station	180	Rental	268	173	0.96	1 space
Avalon Newton Highlands	294	Rental	537	325	1.11	1 space
Avalon Chestnut Hill	204	Rental	419	236	1.16	No
429 Cherry St	14	Ownership	25	12	0.86	1-2 spaces
192 Lexington St	10	Ownership	26	18	1.80	2 spaces
Myrtle Village	7	Rental	12	4	0.57	1 space
Pelham House	10	Rental	5	0	0	0.5 space

5. Village Center Zoning Proposal: Eliminate special permits for additional building height or footprint

Comparison to Version 1.0:

	VC1		VC2		VC3	
	By-Right	Special Permit	By-Right	Special Permit	By-Right	Special Permit
Version 1.0	2.5 stories 5,000 sf footprint	3.5 stories 7,500 sf footprint	3.5 stories 10,000 sf footprint	4.5 stories 12,500 sf footprint	4.5 stories 15,000 sf footprint	5.5 stories 17,500 sf footprint
Proposed	2.5 stories 4,000 sf* footprint	N/A	3.5 stories 10,000 sf footprint	N/A	4.5 stories 15,000 sf footprint	N/A

*Planning and Utile are working on a further revision to VC1

What?

- When the framework for Version 1.0 of the VCOD was presented in June of 2022 and when the first drafts of the proposed maps were released each proposed district listed a by-right height and footprint and a height and footprint allowed by special permit.
- The version 1.0 draft text did not include the ability to increase height by special permit.
- Planning proposes removing the option to increase height and/or footprint by special permit.

Why?

- The by-right zoning parameters were informed by economic analysis to ensure that they allowed for feasible development.
- Feedback during engagement around the version 1.0 maps and draft text included concerns that most developers would seek and be granted the extra height and footprint.

6. Village Center Zoning Proposal: Apply consistent policy to zoning of City-owned parcels

Comparison to Version 1.0:

	Zoning for Publicly Owned Parcels with Municipal Buildings	Zoning for Publicly Owned Surface Parking Lots
Version 1.0	Mix of VCOD districts and Public Use	Mix of VCOD districts and Public Use
Proposed	Public Use	VCOD districts

What?

- Rezone City-owned surface parking lots as part of VCOD. Ensure all City-owned parcels containing municipal buildings are zoned Public Use.

Why?

- Existing zoning for City-owned properties should be cleaned up as part of this process.
- There was feedback during the engagement process that it would make sense to rezone the City-owned surface parking lots to signal what might be feasible if the City chooses in the future to partner with a developer to build on these lots, similar to 28 Austin Street.
- City-owned land will still need to go through the disposition process and the Real Property Reuse committee of City Council

7. Village Center Zoning Proposal: Revise VC1 by reducing the new construction footprint and incentivizing the preservation of existing properties

Comparison to Version 1.0:

New Construction		
	Version 1.0	Proposed
Building Footprint (max.)	4,000 square feet	1,500 square feet
Number of Units (min. / max.)	N/A	3 / 4
Number of Stories	2.5 – pitched roof 2.5 – flat roof	2.5 – pitched roof 2.0 – flat roof
Setbacks (min.)	Front – 10 feet Side – 10 feet Rear – 15 feet	Front – 10 feet Side – 7.5 feet Rear – 15 feet
Parking Requirement (min.)	1 per unit	0.5 per unit 0 min. / 1 max. (< 0.25 mi from transit)
Open Space (By-Right – min.)	0%	TBD*
Multiple Buildings on a Lot	By-Right	Special Permit**

*Planning and Utile are analyzing lot sizes that can accommodate a 1,500 square foot footprint, parking, and meet setbacks to determine if open space is required and what percentage

**A special permit may be appropriate to ensure buildings are predominantly oriented to the street and the site layout provides adequate open space.

Conversion of Existing Buildings		
	Version 1.0	Proposed
Building Footprint (max.)	N/A	+ 400 square feet of existing*
Number of Units (min. / max.)	N/A	2 / 6
Setbacks (min.)	Front – 10 feet Side – 10 feet Rear – 15 feet	Front – 10 feet Side – 7.5 feet Rear – 15 feet
Parking Requirement (min.)	1 per unit	None
Open Space (By-Right – min.)	N/A	None
Multiple Buildings on a Lot	By-Right	Site Plan Review**

* 400 square feet additions only allowed on the rear/side elevations and must be at least 20 feet from the front elevation

**A streamlined process would incentivize preserving an existing building while adding another building to the rear

What?

- New Construction
 - Reduce footprint maximum for new buildings
 - Reduce height/story allowance for flat roof buildings
 - Introduce open space requirement for by-right development (TBD)
 - Four units maximum
- Conversion of Existing Buildings
 - Increase existing building footprint (no matter existing) up to 400 square feet
 - No additions allowed along the Front Façade
 - No open space and parking requirements
 - Six units maximum

Why?

- Revised VC1 standards better reflect feedback from public input sessions, online feedback form, and ZAP deliberations.
- Updated standards strongly encourage preservation and adaptive reuse of existing buildings.
- New construction in scale with existing neighborhood homes.
- Units allowed by new construction count towards MBTA Communities compliance.