



Date: October 23, 2023
To: Members of the Zoning & Planning Committee
Cc: Mayor Ruthanne Fuller; City Council; City Clerk Carol Moore; Planning Director Barney Heath
From: Councilors Lenny Gentile, Marc Laredo, Tarik Lucas, Julia Malakie, Chris Markiewicz, Emily Norton, John Oliver, and Pam Wright
Re: MBTA Communities Act and Proposed Village Center Zoning

Memorandum

It is our understanding that the Zoning and Planning Committee will take its final vote on Village Center Overlay Design (VCOD) at tonight's meeting. **We have changes to urge the committee to make before the final vote.**

We appreciate that many months of work by Councilors and city staff have gone into getting us to this point.

In an August 11, 2023 memo, several of us urged the ZAP Committee to focus on compliance with the MBTA Communities Law, and not zone for more housing units than we are required to do at this time. As we pointed out, the 8,330 additional by-right units from the MBTA Communities Law will be in addition to the thousands of units that are or will be built: Riverside, Riverdale, Northland, Dunstan East, Crafts Street, and California Street, as well as the additional 40B projects 528 Boylston Street and Charlemont that have been proposed.

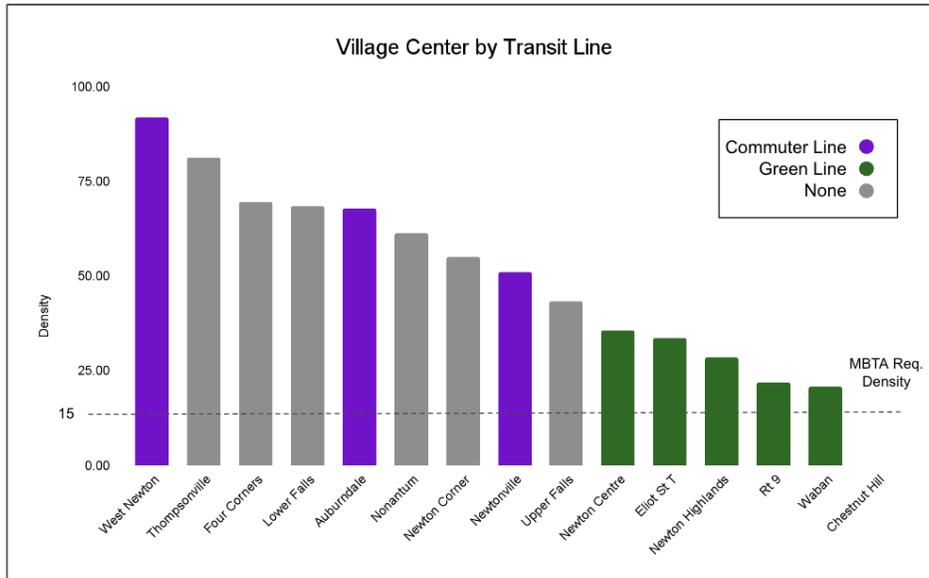
The MBTA Communities Law was approved by our state legislature, including the Newton delegation of Sen. Creem and Reps. Balsler, Khan, and Lawn. They left it to the DHCD (now EOHLC) to determine the number of new by-right housing units they thought was fair for each of the 177 MBTA communities, and their formula came up with 8,330 for Newton. That is 25% of our current number of housing units, and as the Boston Globe put it, "as a rapid transit community, Newton has a high level of obligation under the state mandate." We have nothing to be embarrassed about for complying with the law, and not making further zoning changes at this time, especially considering the additional units in the projects noted above. That is what we have been asked to do, and that will be doing our part to address the regional housing supply shortage.

For that reason we strongly urge the ZAP Committee to take two steps:

- 1) Vote only on the village centers to be included for MBTA Communities compliance. That way those of us who believe we should be complying with state law and not going further than that can vote along with what we think is right for the City, without having to vote against the entire proposal.
- 2) Remove the village centers that do not contribute to MBTA Communities Law compliance, i.e. Auburndale, Upper Falls, Lower falls, Newton Corner, Four Corners, Thompsonville, and Nonantum.

Removing those villages would leave the following villages: West Newton, Newtonville, Newton Center, Newton Highlands, Waban, and also the area around the Eliot T stop.

We are disappointed that the VCOD proposal under consideration places the burden of added density disproportionately along the north side of the city, which is served by the Commuter Rail, even though the MBTA Communities Law clearly directed communities to site more by-right housing near subway lines. Communities with both subway and commuter rail, like Newton, must zone for a 25% increase in by-right housing, whereas communities with only rail must zone for a 15% increase in by-right housing. For this reason, it is illogical that Newton is placing the burden of increased density along the Commuter Rail rather than along the Green Line.



The above graph illustrates (based on VCOD proposal 3.0) the resulting capacity for density for each Village Center. The purple and green bars represent where the Commuter Rail and Green Line stations (respectively) are located.

Individual Councilors have proposed additional amendments as well, which we look forward to the ZAP Committee taking up for consideration.