



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Monday, March 9, 2020

Present: Councilors Crossley (Chair), Danberg, Leary, Ryan, Krintzman, Albright, Wright

Absent: Councilor Baker

Also Present: Councilors Laredo, Downs, Bowman, Greenberg, Kelley

Planning Board: Kevin McCormick

City Staff: Barney Heath, Director of Planning; Gabriel Holbrow, Community Engagement Specialist; Zachery LeMel, Chief of Long-Range Planning; Andrew Li, Assistant City Solicitor; Jonathan Yeo, Chief Operating Officer; Nathan Giacalone, Committee Clerk

Referred to Zoning & Planning Committee

#88-20 **Discussion and review relative to the draft Zoning Ordinance**

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

Action: **Zoning and Planning Held 6-0 (Councilor Leary not voting)**

Notes: Items #30-20, #38-20, #148-20, and #88-20, which pertain to residential districts, were read into the record and discussed simultaneously.

The Chair introduced the item noting that the Planning Department memo was sent on Friday, February 28, including the draft revised Article 3, and reading assignments in Articles 2 (which describes house types and dimensional requirements allowed within the various districts) and 9, for this session. She reminded the public that the ongoing practice will continue to be providing reading material pertaining to zoning redesign a full week in advance of each Zoning & Planning committee meeting.

Barney Heath, Director of Planning, and Zachery LeMel, Chief of Long-Range Planning, began the presentation on Article 3 zoning redesign. The PowerPoint presentation is also attached to this report.

The objective of this presentation was to continue the “deeper dive” into the Article 3 material to ensure the upcoming zoning redesign workshops are as effective as possible. The overall goal remains to create a clear and predictable set of rules for Newton’s residents and builders to follow. Further objectives continue to be to: - minimize the vulnerability to teardowns, simplify the renovation and permitting process, and allow for a more controlled neighborhood evolution, with greater consistency of scale and massing. Key Elements from the presentation are as follows:

Buildings types A, B, C, D, two-unit, 3-unit, townhouse section, civic building, and 4-8 unit are defined. For each building type, a maximum square footage is described for its footprint by-right as well as a maximum number of stories by-right. Residential districts may allow one or more building types. The proposed Zoning Ordinance would organize Newton's Residence Districts into five zoning districts (R1, R2, R3, R4, and N), with each district allowing different combinations of by-right construction and special permit construction.

The Chair clarified that the goal at this stage is to make sure that all understand the concepts within the proposed ordinance and how it works to address key issues of concern identified in many previous sessions before comparing drafts of the proposed versus sections of our current ordinances. She noted that comparisons will not be line by line or paragraph by paragraph as there are new ideas, changes in format, and new sections proposed. However, through specific case studies the Planning Department will present comparisons of the standards and mechanisms between the proposed and current ordinances as appropriate.

The draft city map intends to draw district lines to reflect consistent development patterns identified in the Pattern Book, as well as to recognize areas proximate to village centers and public transportation as places where targeting higher densities may be desirable. Therefore, proposed districts do not align exactly with existing districts.

The R1 district comprises SR1 and parts of SR2 current districts. R1 lots are typically larger and have larger homes. The R1 district would allow for building types A, B, C, and D as well as civic buildings. The only new construction permitted is single-family homes in this district.

The R2 district comprises most of current zones SR2 and SR3, with smaller amounts currently zoned MR1 and MR2. The R2 district would allow for building types B, C, and civic buildings by-right with a special permit required for House D. House type A would not be permitted in R2. Like R1, the only new construction R2 would permit is single-family homes.

The R3 district would comprise mostly MR1 and MR2, with smaller amounts of SR2, SR3, MR3, and BU. R3 is intended for areas close to mass transit and village centers. R3 allows building types B, C, two-unit, and civic buildings. Three-unit buildings in R3 would require a special permit.

The R4 district is a newly created district following the February 2019 build out analysis and designed to further aid the transition from village centers to the rest of the city. Current zoning districts that make up the proposed R4 district are MR1, MR2, BU1, and BU2. It consists mostly of multi-unit construction, as well as smaller single-family housing. Multi-unit construction would be allowed by-right. Therefore, building types allowed by-right are B, C, two-unit, three-unit, and civic buildings. Four to eight-unit buildings would require a special permit.

Finally, the Neighborhood General (N) district is also meant to assist the transition from village centers to neighborhoods in the rest of the city and would allow by-right building types B, C, two-unit, three-

unit, townhouse section, four to eight-unit, shop house, small shop, and civic buildings. Small multi-use buildings would require a special permit in this district. Of the proposed residential districts, N has the smallest amount of coverage in the city.

The proposed ordinance would also change lot frontage, lot coverage, and setback requirements. Under the current ordinance, there are only minimum requirements to lot frontage, but the proposed ordinance would add maximums. The proposed would also include maximum lot coverage area equal to that of all impervious surfaces. A maximum front setback would also be required of each district in the proposed ordinance to make a contextual front setback the standard. This means that the front setback would be allowed within the range of setbacks existing on adjacent properties. In addition, side setback requirements would be increased from what was proposed in the October 2018 draft ordinance to further aid in the reduction of speculative tear downs.

Alternative building types and design approaches proposed in the new ordinance include creation of a rear lot which would allow only the smallest building type (House Type C) a multi-unit conversion of House Type A and civic buildings allowed by special permit. Courtyard clusters would be allowed by Special Permit in all Residence Districts, with the standards varying between each district. The Planning Department explained that courtyard clusters could serve as a design solution to the problems with the currently allowed single-family attached dwellings, which have been previously discussed in this committee.

Case Studies:

The development at 1-19 Elm Street, where two lots were granted special permits a few years ago, was compared to what would be allowed per the proposed ordinance, which would place this address within an R3 district. Currently this is the site of a townhouse development (single-family attached). In the new ordinance, there would be smaller building footprints that relate to the scale of the nearby buildings. As a courtyard cluster style development, this project would have smaller, separate buildings placed around a central courtyard with landscaped screened driveways and parking toward the back of the lot.

The Planning Department addressed questions and ideas submitted from councilors and requested feedback from Councilors: whether frontage standards were on target, whether the encompassing lot definition and setback standards would meet other city goals. Planning also discussed including incentives for additions with historic preservation and the special permit criteria for each listed special permit.

Next steps will feature case studies on building types and sizes at the March 23rd Zoning & Planning meeting. Councilors have submitted photos of existing developments, which will be assessed to show what would be allowed under the proposed ordinance. Ward tours will also continue, and councilors were asked to continue study of Article 3 building types and the measurement standards of Article 2.

The Chair reminded all that written comments and questions are welcome throughout this process, which must be sent to Nathan Giacalone, the Committee Clerk, for distribution via the Friday packet.

Throughout the presentation, the following comments and questions were raised:

Are garage square feet included in the total footprint area calculation?

Yes, garages are covered more in detail in the building components section of the proposed ordinance. See Section 2.5.1 in the proposed ordinance for the specific language.

A request was made for a side-by-side comparison of buildings allowed between the current ordinance and the proposed ordinance.

Is the R2 district eliminating the neighborhood ranch-style house?

No. House Type D, mostly associated with ranch-style houses, is allowed by Special Permit. However, many existing ranch-style houses within the proposed R2 zoning district fall under House Type B because of the smaller footprint. This is one of the reasons the Planning Department uses more general “House Type” language for the proposed Building Types. Examples can be found in the northern parts of Ward 3. For example, a prospective property owner can build a new one-story House Type B with a 1,400-sf footprint by-right if they would like to match the neighboring ranch-style houses. The building types and maximum by-right floor heights do not require construction up to the maximums.

Sometimes a single-story type B house may not be big enough for the homeowner’s needs such as if they are elderly or have disabled individuals in the home, which the proposed ordinance accounts for by allowing an increased House Type B footprint of 2,000 sf by Special Permit.

Could the reasoning behind not wanting too many sprawling ranch houses be restated?

Energy efficiency is better in a more compact home, even if it has more than one story. In addition, large footprint homes like a ranch-style house increase impervious surface, limiting stormwater infiltration and further taxing the City’s infrastructure.

It was noted that the issue of single-story construction will need further discussion in the future.

If R3 districts are clustered around public transit and village centers, should they allow for higher number of units constructed than what is proposed?

Request to speak more on housing objectives and walkability and specify when the City can explore higher density options.

How is building perimeter being measured now? Are stoops and porches included in this measurement?

No, they are not included. The perimeter is only the foundation of the house (all enclosed spaces). Things like stoops and porches are measured as building components, and there is a set amount of building components that each house may have by code.

The Planning Department should continue to solicit input from the building professional group.

Further study and illustration of certain building types would be helpful, especially three-deckers and attached rowhouses in the limited neighborhood general districts.

Concerns were raised over the potential to buy multiple lots for cluster development.

Are the neighborhood businesses proposed in the N district economically viable?

Councilor Danberg moved hold which carried 6-0 (Councilor Leary not voting). A memorandum submitted by Councilor Baker regarding his desire that the Committee begin comparing drafts of the proposed changes to the existing ordinances is attached to this report. A memorandum submitted by Councilor Wright regarding several items of zoning redesign she would like to see further discussion on along with supporting slides is also attached to this report.

#30-20 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages
COUNCILOR ALBRIGHT requesting amendment to Chapter 30 of Newton's Zoning Ordinance, section 3.4.4 on garages (delayed implementation until July 1). This ordinance has been delayed five times.

Action: Zoning and Planning Held 6-0 (Councilor Leary not voting)

Notes: Items #30-20, #38-20, and #148-20 were discussed simultaneously with #88-20 and voted on together.

#38-20 Request for discussion relative to single-family attached dwellings
COUNCILOR LAREDO requesting a review of the zoning requirements for single-family attached dwelling units.

Action: Zoning and Planning Held 6-0 (Councilor Leary not voting)

Notes: Items #30-20, #38-20, and #148-20 were discussed simultaneously with #88-20 and voted on together.

#148-20 Request to amend Chapter 30 to eliminate parking minimums
COUNCILORS ALBRIGHT, AUCHINCLOSS, BOWMAN, CROSSLEY, DANBERG, DOWNS, GENTILE, GREENBERG, KALIS, KELLEY, LIPOF, MARKIEWICZ, NOEL, KRINTZMAN, AND RYAN seeking amendments to Chapter of the Revised City of Newton Ordinances to eliminate mandated parking minimums to improve vitality of local businesses, reduce the cost of housing, and support the climate action goals.

Action: Zoning and Planning Held 6-0 (Councilor Leary not voting)

Notes: Items #30-20, #38-20, and #148-20 were discussed simultaneously with #88-20 and voted on together.

#149-20 **Reappointment of David Morton to the Newtonville Historic District Commission**
HER HONOR THE MAYOR reappointing David Morton, 148 Edinboro Street, Newtonville, as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2021. (60 days: 05/01/20)

Action: **Zoning and Planning Approved 6-0 (Councilor Leary not voting)**

Notes: Councilor Albright moved approval which carried 6-0 (Councilor Leary not voting).

#150-20 **Reappointment of Jim Gross to the Newtonville Historic District Commission**
HER HONOR THE MAYOR reappointing Jim Gross, 80 Highland Avenue, Newtonville, as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2023. (60 days: 05/01/20)

Action: **Zoning and Planning Approved 6-0 (Councilor Leary not voting)**

Notes: Councilor Albright moved approval which carried 6-0 (Councilor Leary not voting).

#151-20 **Reappointment of John Martin to the Newtonville Historic District Commission**
HER HONOR THE MAYOR reappointing John Martin, 12 Simpson Terrace, Newtonville, as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2023. (60 days: 05/01/20)

Action: **Zoning and Planning Approved 6-0 (Councilor Leary not voting)**

Notes: Councilor Albright moved approval which carried 6-0 (Councilor Leary not voting).

#152-20 **Reappointment of Nancy Grissom to the Newtonville Historic District Commission**
HER HONOR THE MAYOR reappointing Nancy Grissom, 7 Orris Street, Auburndale, as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2021. (60 days: 05/01/20)

Action: **Zoning and Planning Approved 6-0 (Councilor Leary not voting)**

Notes: Councilor Krintzman moved approval which carried 6-0 (Councilor Leary not voting).

#153-20 **Reappointment of Barbara Wales to the Newtonville Historic District Commission**
HER HONOR THE MAYOR reappointing Barbara Wales, 5 Rotherwood Road, Newton Centre, as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2022. (60 days: 05/01/20)

Action: **Zoning and Planning Approved 6-0 (Councilor Leary not voting)**

Notes: Councilor Danberg moved approval which carried 6-0 (Councilor Leary not voting).

The meeting adjourned at 9:15pm.

Respectfully Submitted,

Deborah J. Crossley, Chair

Article – 3 Residence Districts

Overview

03.09.20 – ZAP Committee

Presentation Tonight

- **Deeper dive into Article 3 and supporting Zoning text**
- **Begin the workshops all on the same page**

Agenda

Intent & Purpose

Article Overview

Questions & Ideas

Next Steps

Intent & Purpose

Intent

To provide a clear and predictable set of rules for development in Newton's residential neighborhoods.



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Background

- **Began with the Pattern Book**
 - Ongoing refinement
 - Time for policy questions to be resolved
- **Looks to balance competing interests**

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Goals

- Easy to use
- Minimize tear down vulnerability and reduce non-conformities
- Simplify process for minor modifications
- Allow for neighborhood evolution in a controlled and consistent manner

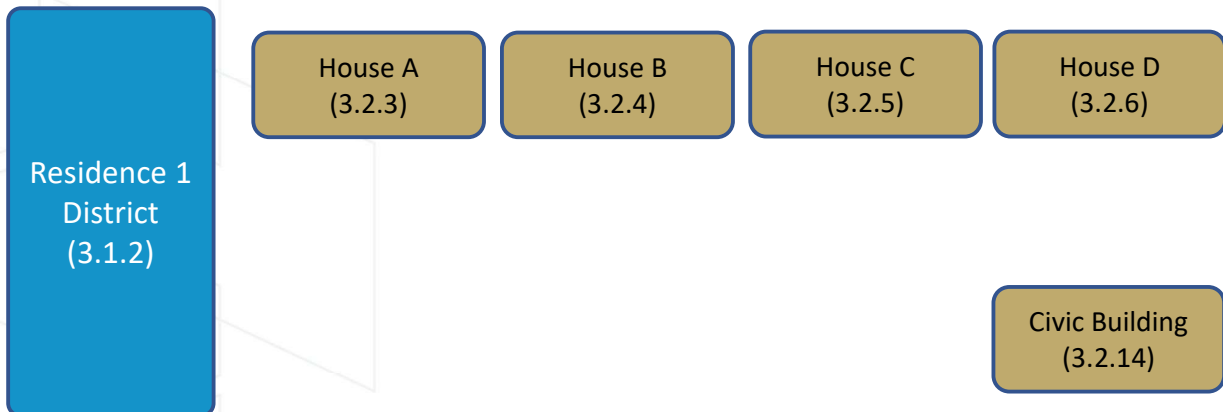
Residential Districts

Building Types

Building Type	By-Right Building Footprint Max. Square Feet	By-Right Number of Stories Max.
A	2,400	2.5
B	1,400	2.5
C	1,200	1.5
D	3,500	1
Two-unit	2,000	3
3-Unit	1,600	2.5
Townhouse Section	1,500	3
4-8 Unit	2,500	3

Districts and Building Types

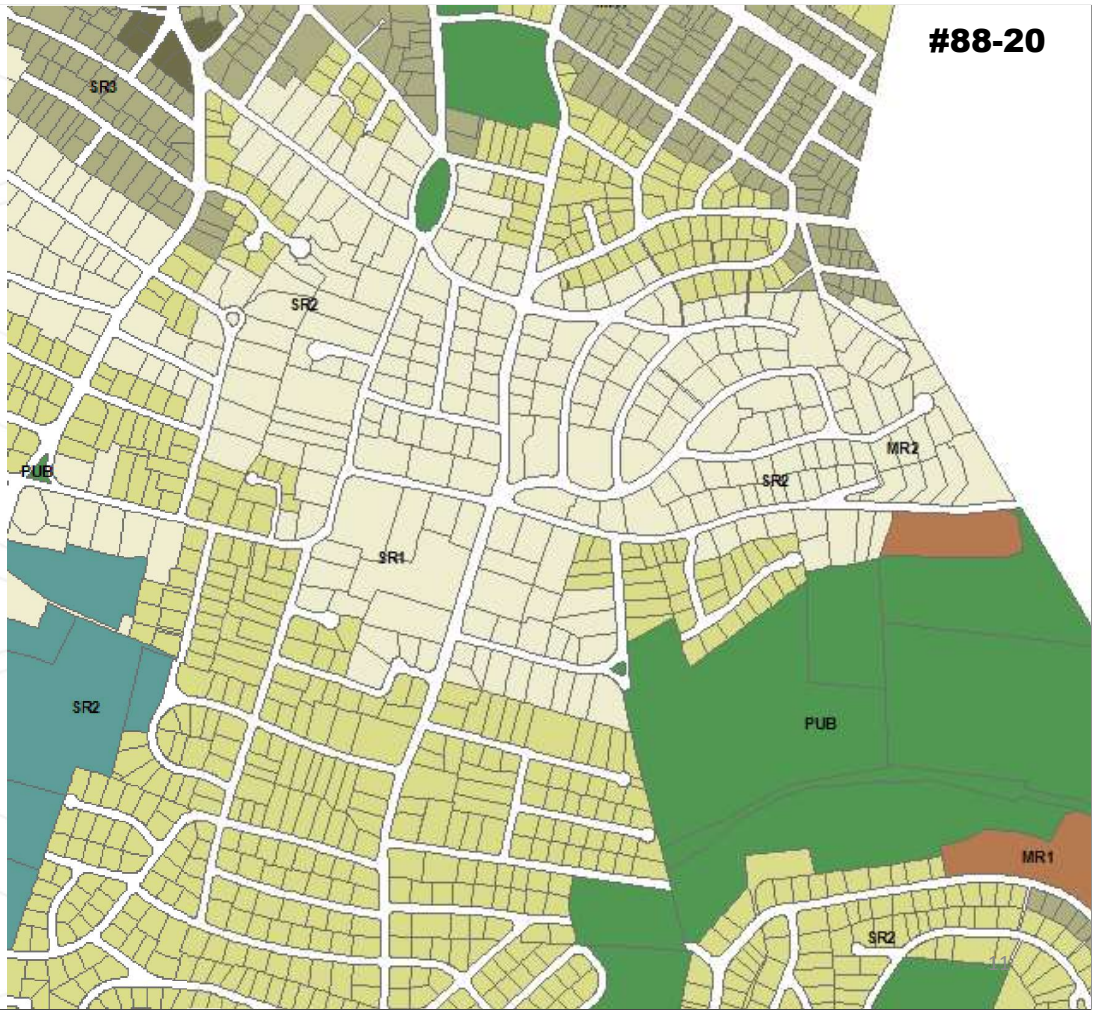
By-Right



R1



#88-20



Districts and Building Types

Residence 1
District
(3.1.2)



Districts and Building Types

Residence 1
District
(3.1.2)



Districts and Building Types

Residence 2
District
(3.1.3)

By-Right

Special Permit

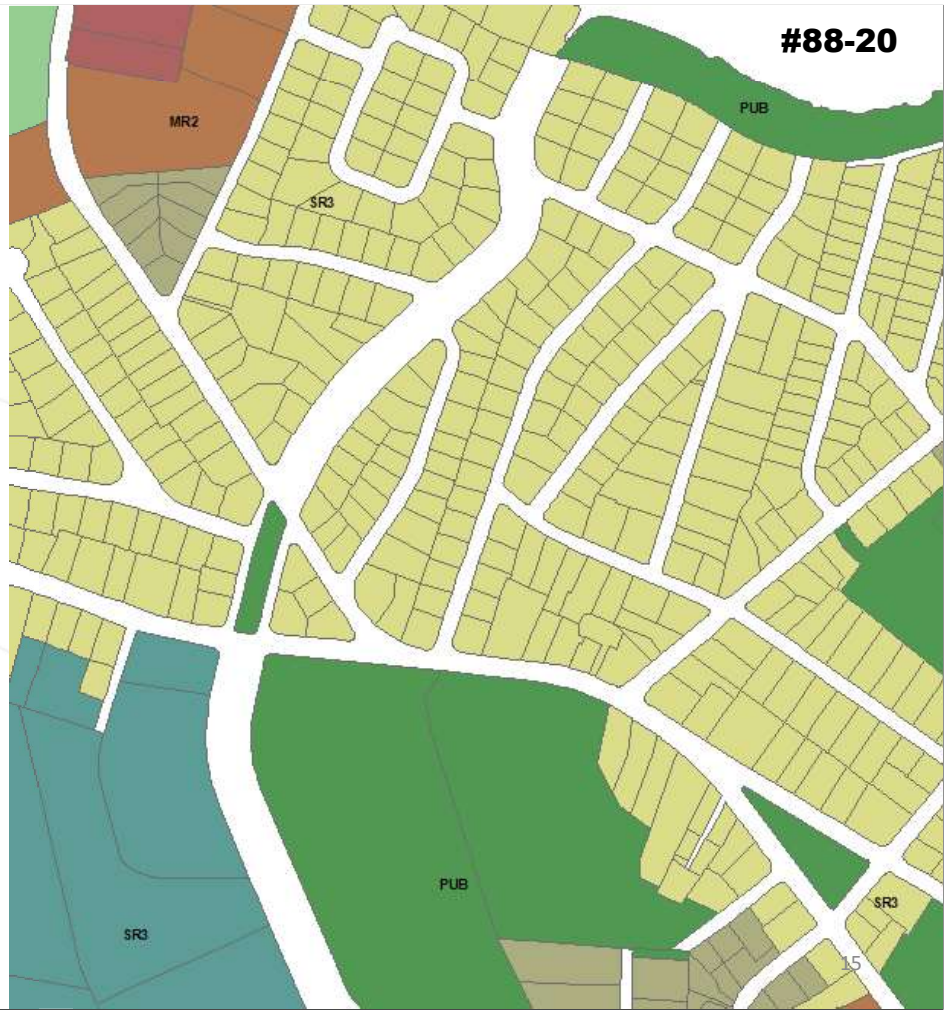
House B
(3.2.4)

House C
(3.2.5)

House D
(3.2.6)

Civic Building
(3.2.14)

R2



Districts and Building Types

Residence 2
District
(3.1.3)



Districts and Building Types

Residence 2
District
(3.1.3)



Districts and Building Types

Residence 3
District
(3.1.4)

By-Right

Special Permit

House B
(3.2.4)

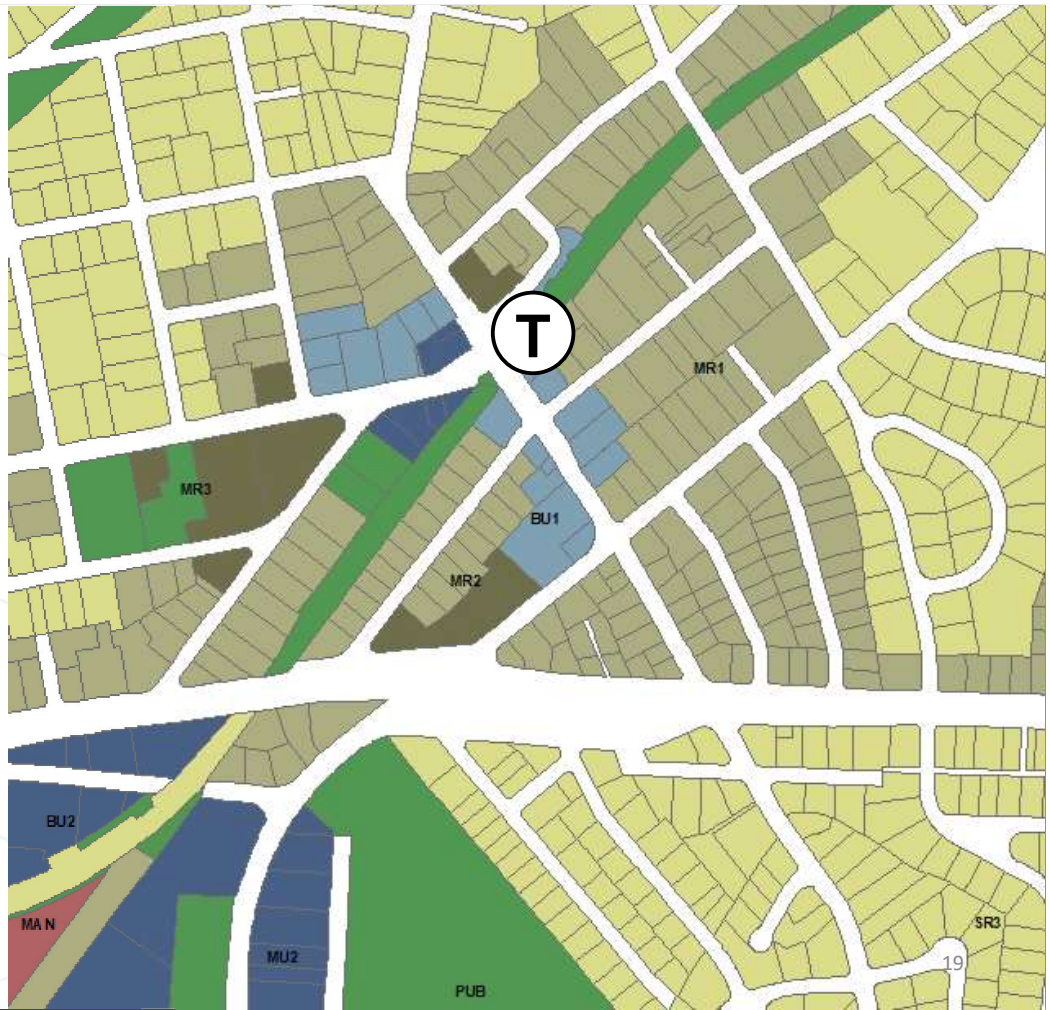
House C
(3.2.5)

Two-Unit
Residence
(3.2.7)

3 Unit Building
(3.2.8)

Civic Building
(3.2.14)

R3



Districts and Building Types

Residence 3
District
(3.1.4)



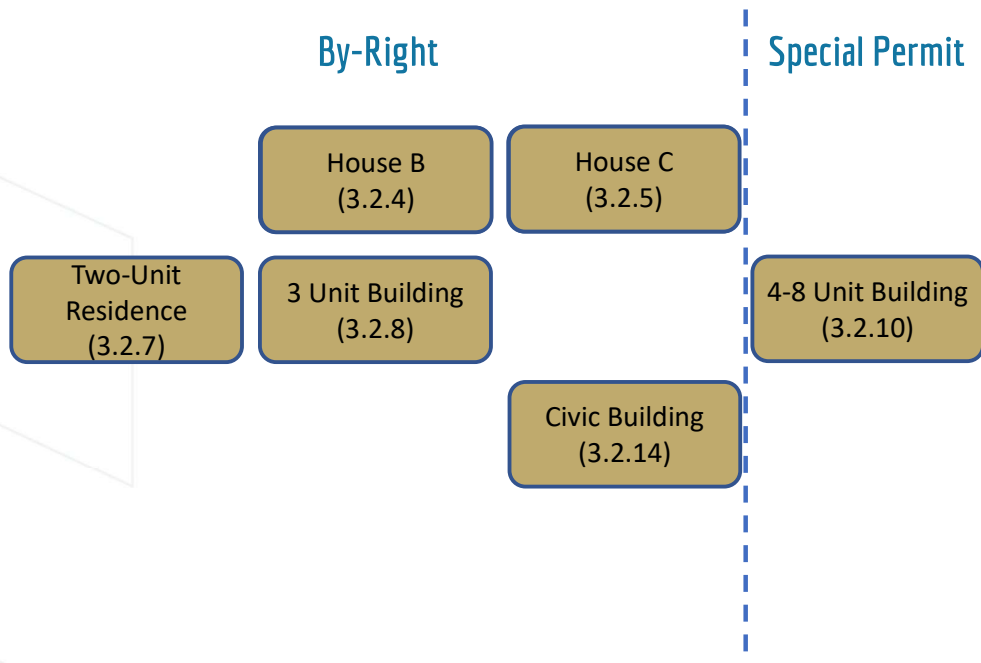
Districts and Building Types

Residence 3
District
(3.1.4)

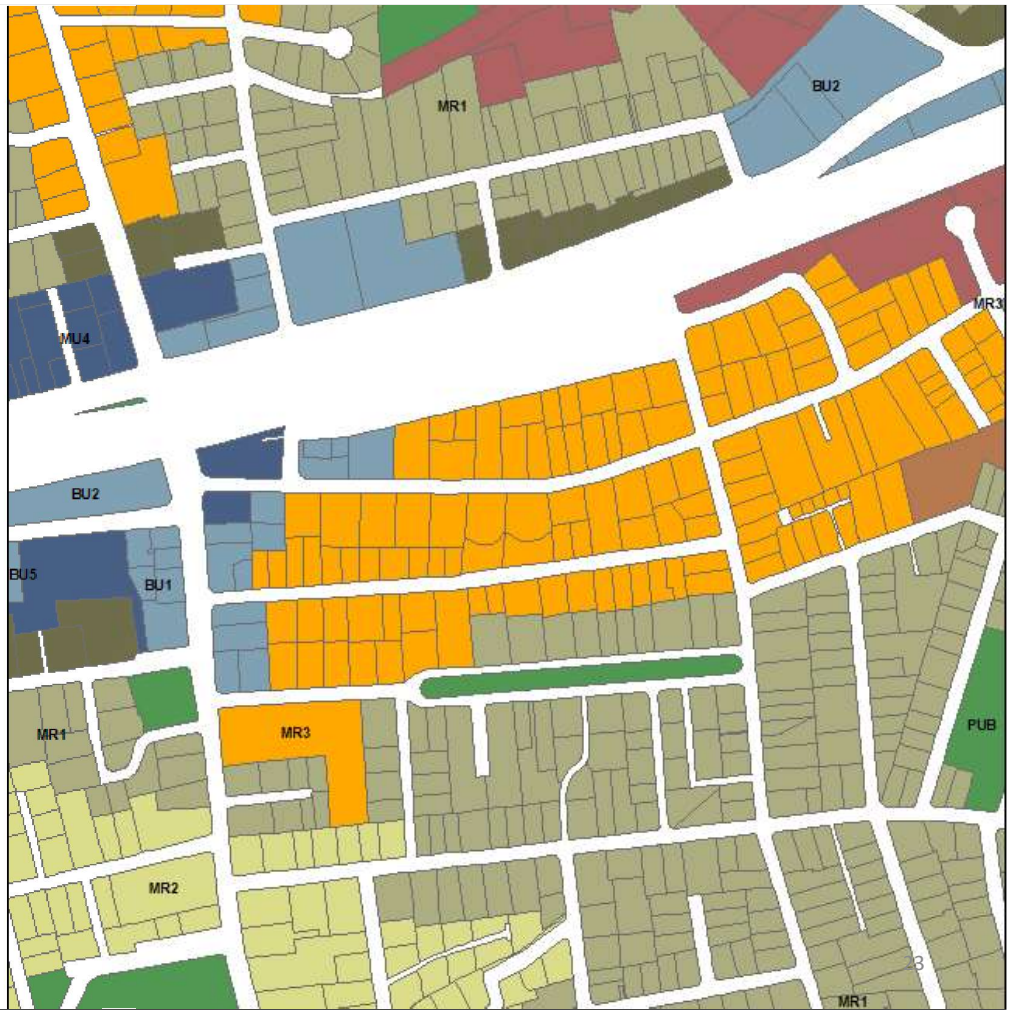


Districts and Building Types

Residence 4
District
(3.1.5)



R4



Districts and Building Types

Residence 4
District
(3.1.5)



Districts and Building Types

Residence 4
District
(3.1.5)

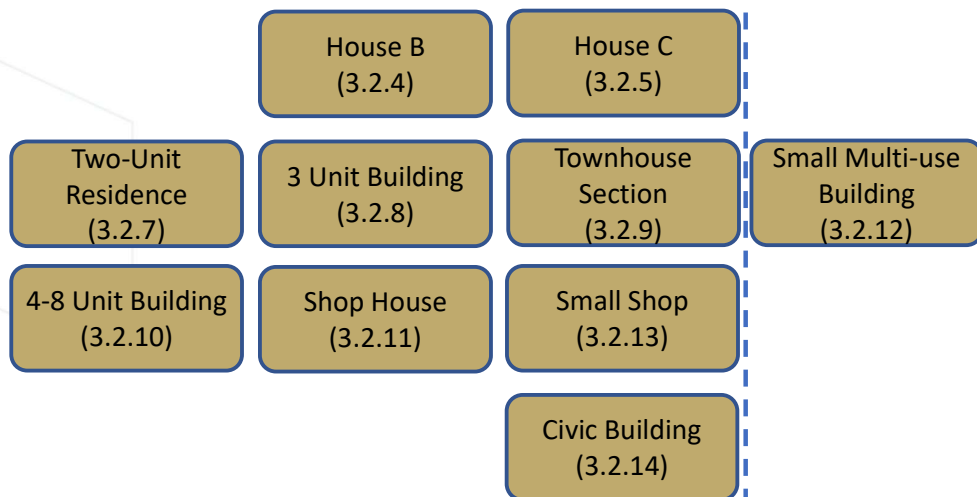


Districts and Building Types

Neighborhood
General
District
(3.1.6)

By-Right

Special Permit



N



Districts and Building Types

Neighborhood
General
District
(3.1.6)



Districts and Building Types

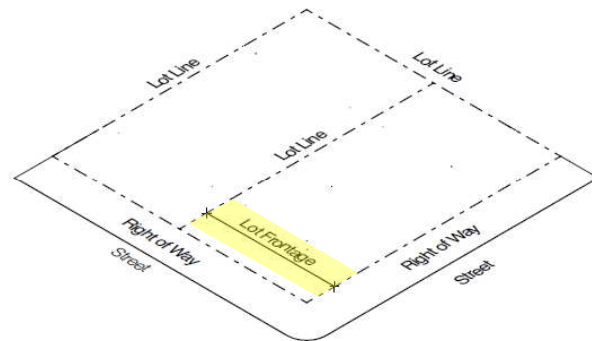
Neighborhood
General
District
(3.1.6)



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Lot Characteristics

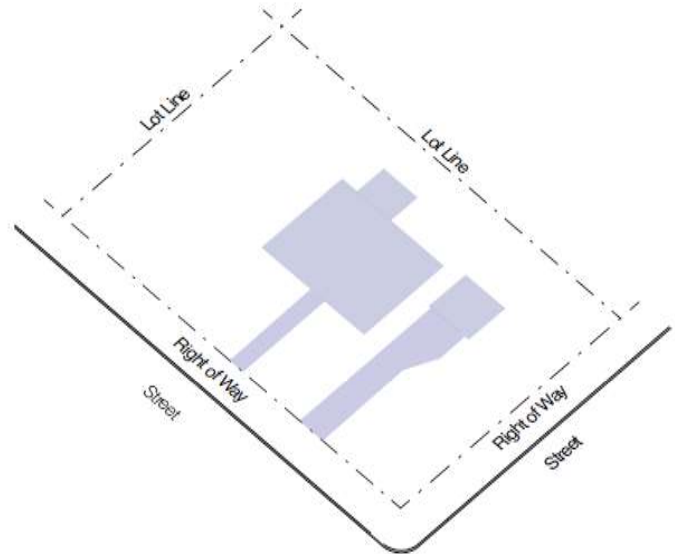
- **Lot Frontage (sec. 2.3.1)**
 - **Proposes minimums and maximums**
 - **Current ordinance only has minimums**
 - **Current ordinance also requires minimum lot area**



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Lot Characteristics

- **Lot Coverage (sec. 2.2.1)**
 - **Includes all impervious surfaces**
 - **Decks**
 - **Driveways,**
 - **Walkways**



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Lot Coverage

- **Existing (sec. 1.5.2.D)**

“The percentage of the lot area which is covered by buildings, including accessory buildings.”
- **Proposed (sec. 2.2.1)**

“The percentage of lot area that is covered by structures, impermeable surfaces, paving, pavers, and decking...Any area used for parking, no matter the surface material is counted in the lot coverage.”

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45 Beethoven Ave

SBL 44029 0010

District:

- Current SR3
- Draft R2

Demonstrated Features:

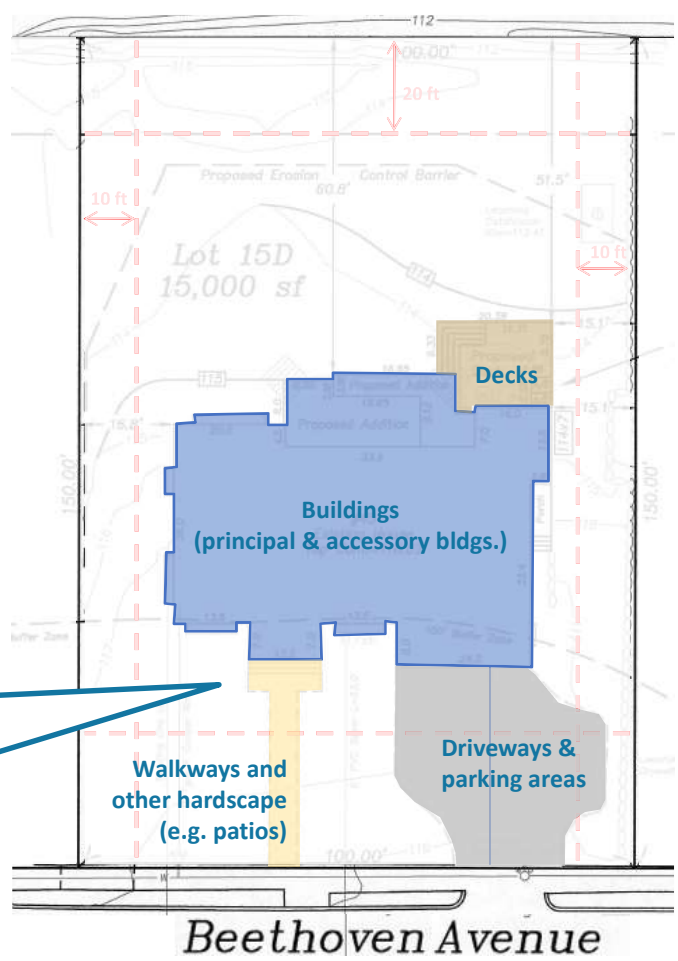
Features:

- Contextual front setback
- Footprint size
- Lot coverage elements
- Garage placement

Lot Coverage includes all "built" features

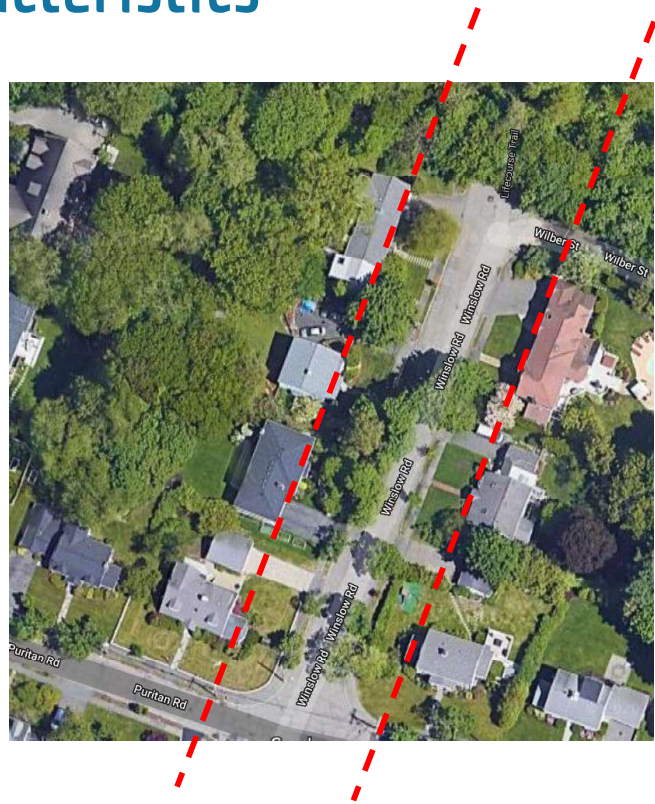
Inverse is "unbuilt" landscaped areas

Should decks, patios, pools, and tennis courts be exempted from in lot coverage?

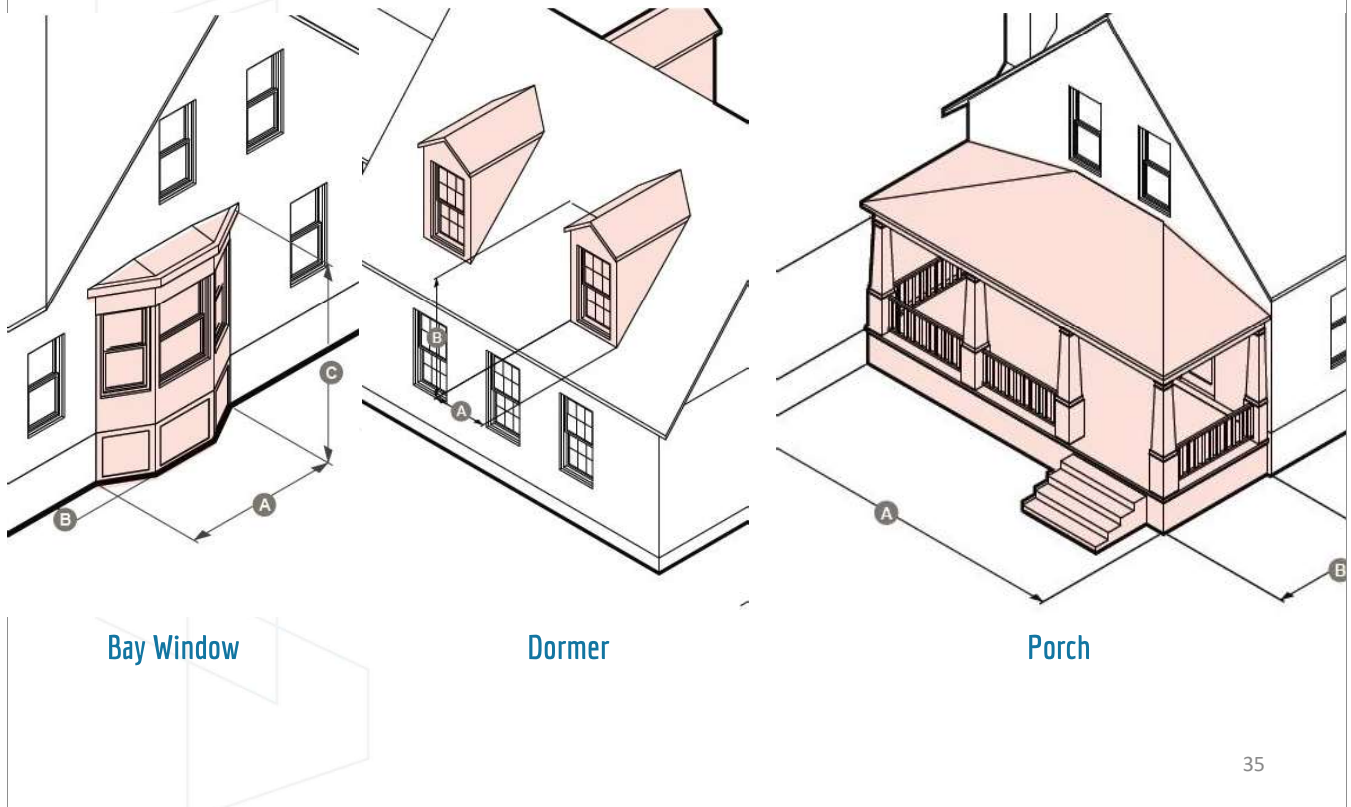


Lot Characteristics

- **Setbacks (sec. 2.3.3)**
 - Front setback maximum proposed per district
 - Contextual front setback is the standard (sec. 3.4.1.A)
 - Existing ordinance only has minimum setback and contextual setback is optional



Building Components (sec. 3.3)



Alternative Buildings / Design Approaches

Overview

- To offer alternative layouts that preserve value for larger lots and create alternatives that can promote preservation of existing buildings.

Rear Lots (sec. 3.5.1)

- Creation of a rear lot requires a Special Permit
- Only smallest building type is allowed
- Sec. 3.1.10 in current ordinance



Multi-Unit Conversion (sec. 3.5.2)

- Requires a special permit and limited to House Type A and Civic Building
- More units allowed in larger buildings (sec. 2.8)
- Sec. 3.1.11 in current ordinance



Courtyard Cluster (sec. 3.5.3)

- Allowed in all Residence Districts, but with modified smaller building type footprints
- Replaces single-family attached in R1-R3 Districts



1-19 Elm St

Townhouses vs. Courtyard Cluster

an R3 District Example

1-19 Elm St

SBL 33023 0009
33023 0016B

District:

- current **MR2, MR1**
- 1st draft **R3**



2007, 2015– Approved townhouse development

	Current Ordinance		First Draft Ordinance	
	Required	Approved Project	Required	Approved Project
Frontage	80 ft	120 ft and 185 ft	40 - 100 ft	120 ft and 185 ft – nonconforming
Lot Coverage*	25%	22.3%	60%	48.5%
Setbacks				
Front (Elm St)	25 ft	26 ft	12-52 ft	26 ft
Side (north)	25 ft	25.5 ft	7.5 ft	25.5 ft
Side (south)	25 ft		7.5 ft	
Rear	25 ft	28.4 ft	15 ft	28.4 ft
Lot Size	10,000 sf	57,266 sf	Min 32,670 sf for courtyard cluster	57,266 sf
Min. Open Space*	50%	86.1%	-	-
Frontage Buildout	-	-	12 ft	
Footprint	-	-	Townhouses not allowed in R3	
Height (Max Stories)	2.5 stories	2.5 stories	Townhouses not allowed in R3	
FAR	FAR doesn't apply		-	-

1-19 Elm St

SBL 33023 0009
33023 0016B

Allowed Building Types & Alternative Lot Configurations:

By Right Options

- House B or C (1 unit household living)
- Two-Unit Residence
- Civic Building (civic institution)

Special Permit Options

- Larger footprints
- Apartment House
- Small Apartment Building
- **Courtyard Cluster**
- Rear Lot



Courtyard Cluster:

- Central courtyard
 - Must meet lot standards
 - Separate buildings with smaller than typical building footprints
 - In the R3 district the following building types are allowed:
 - House C
 - House B
 - 2-Unit Res.
- (all limited to 1200 sf footprints in R3)*

1-19 Elm St

SBL 33023 0009
33023 0016B

Example Courtyard Cluster:

- Setbacks:
 - Front: contextual 12-52 ft max 35 ft
 - Sides: 7.5 ft
 - Rear: 15 ft
- Central courtyard



1-19 Elm St

SBL 33023 0009
33023 0016B

Example Courtyard Cluster:

- Setbacks:
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1-19 Elm St

SBL 33023 0009
33023 0016B

Example Courtyard Cluster:

- Setbacks:
 - Front: contextual 12-52 ft max 35 ft
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- Central courtyard
- Separate buildings with smaller than typical building footprints
- In the R3 district the following building types are allowed:
 - House C
 - House B
 - 2-Unit Res.

(all limited to 1200 sf footprints in R3)
- Driveway must not be between the buildings and the courtyard and parking must be screened



Multi-Building Assemblage (sec. 3.5.4)

- Only allowed in the Neighborhood General District
- By-right if less than 8-units or 8,000 square feet of commercial, Special Permit if higher

Questions & Ideas

Lot Standards

- **Are the Min.-Max. Frontage standards on target?**
- **Does the encompassing lot coverage definition meet City goals?**
- **Are Setback standards meeting goals?**

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Building Type Standards

- **Footprint**
 - Should we allow the footprint to increase by Special Permit?
- **Clearly defining basements and attics (sec. 2.6.3)**
 - FAR focused on living area, building types focus on design.
 - Gamesmanship occurs around basements and attics
 - Draft defines basements and attics from a design perspective within the building type standards, allows flexible use of the interior space.
- **Simpler but sometimes different measures**
 - Architects will need to provide new measurements, e.g.:
 - Fenestration percentage for the front elevation of commercial spaces
 - Roof pitch
- **Need for additional building types**

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Other Topics

- **Incentives for Additions with Historic Preservation**
 - Should the lot standards be relaxed for projects that involve historic preservation? Which standards (e.g. just setbacks or also lot coverage)?
 - 1st draft incentivizes preservation in multiunit conversion and courtyard clusters sections
- **Special Permit Criteria for each listed Special Permit**
 - Each Special Permit has listed criteria specific to that permit
 - Tracking if there needs to be stricter/more flexible criteria for each one
 - Clarify standards for special permits and focus attention on key issues
- **Uses**
 - Adaptive reuse, accessory uses, etc.
- **Map**

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Next Steps & Schedule

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Next Steps

March 23th Meeting – Case studies on building types and sizes (reducing speculative tear-downs)

Continue with Ward tours

Homework

Focusing on the building types in Article 3 and the standards of measurement in Article 2



Thank You!

Memorandum



To: Councilor Deborah Crossley, Chair, Zoning and Planning Committee
 From: Councilor Lisle Baker
 Subject: #88-20: Residential Design component of the proposed zoning ordinance
 Date: March 9, 2020
 Cc: City Council, (and those named on the Planning Department memo dated February 28, 2020)

I have read the February 28, 2020, Planning Department memorandum setting out a proposed framework for amending Newton's zoning ordinances for residential districts. As I will be away on Monday the 9th, I thought I should provide some comments in advance of the discussion which I hope will be helpful.

First, as someone who was actively involved in zoning amendments over many years, this is one of the first memoranda I can recall seeing which references a new zoning amendment proposal, including modifications in it in red-line form, without explicit comparisons to the same provisions of our existing ordinance. While I understand that prior presentations may have made those comparisons, and some reference to changes are in the 2/28 memo, they are not clear in the attached proposed language. Until we are clear about what our current ordinance provides and how it compares to what is proposed, as I had requested in January, how can we responsibly choose to make a change?

For example, I recommend that the Planning Department provide to the Committee some simple tables like the one below using our existing zoning as a guide, based, for instance, on the tables found in of our current ordinances. The Council would benefit from similar tables for each of the zoning controls, both existing and proposed, recommended for revision. (Both can then be tested on specific sites.) Here is an example for just frontage and minimum lot size. It should be possible to see a spreadsheet with a more elaborate tabulation designed to highlight differences and their rationales.

Zoning District	Street Frontage required	Minimum Lot Size to build	LB Commentary
SR1 current	140 feet	25000	
R1 zone proposed	80 feet	None	How many unbuildable lots will now become buildable with these reduced limits? And what is rationale behind these proposed numbers?
SR2 current	100 feet	60 feet	Same
R2 proposed	60 feet	50 feet	Same
[Continue with other districts]			

Second, we have previously identified elements of our current residential zoning which are most problematic such as the encouragement of teardowns or garage front dominant dwellings. While possible solutions may be implicit in the amendments proposed, they are not highlighted in the proposed ordinance. (I understand teardowns will be discussed at the next meeting.) It would be helpful to understand how these issues might be helped by interim action, rather than wait.

Third, there are changes in the residential ordinance which are made without being explicitly highlighted which mark a major shift in our zoning policy, e.g., removing the Council from most special permits, or removing minimum parking requirements. For example, this latter change would make providing parking up to the property owner and essentially assumes that year-round on-street parking is available and wise. (Our current ordinance is designed to have each property absorb the parking on site that it may require, a better practice, in my view.) In any event, these are major changes which should be debated on their merits and obtain a full Council vote on their own, not just marbled into a larger proposed new draft.

I realize that this is challenging work, but I believe that such clarity will aid our discussions. Thank you.

Memorandum



To: Councilor Deborah Crossley, Chair, Zoning and Planning Committee,
From: Councilor Pam Wright
Subject: Zoning Redesign - Article 3: Residential Districts
Date: March 11, 2020
Cc: City Council, Barney Heath, Planning Director, Jennifer Caira, Planning Deputy Director

I have read the February 28, 2020, Planning Department memorandum on Newton's proposed zoning ordinances for residential districts. As we continue our review of Article 3, Residential districts I would like further discussions on the following seven items. Included are a few slides providing additional information.

One, a table documenting the changes from our current zoning and proposed zoning. Page 2 has a sample. This would come from the planning department and has been requested many times from different councilors. I know it's comparing apples to oranges but comparisons can still be made. Having the information in one chart will be helpful for all to get their heads around the proposed changes. This table could be completed for all the districts from SR1 to BU5 to MU4 and everything in between. Also, showing what each district will be changing to will be helpful too. For example, SR1 to R1, SR2 and SR3 to R2 and so forth.

Two, I would like further discussion and the reasoning behind why 2 unit buildings are 50% larger than 3 unit buildings. See page 3. Many of the present 2 family homes in Newton were built between 1900-1930 and are typically 2200 to 3000 sf. Allowing 2 unit buildings to be 6000 sf by right seems very large.

Three, more discussion on courtyard clusters. Courtyard clusters are allowed everywhere in the city. The density appears to greatly increase starting at R2. One suggestion would add a cap to the number of buildings per acre. I would like further discussions on the subdivision of lots. Two examples are in the attached document pages 4 and 5. 473 Waltham St in R3 is currently listed for \$2.4m for the 2 lots. Doing the math and assuming a perfectly shaped lot, 473 Waltham could possibly be redeveloped to 14 - 3600 sf 2 families with 28 units or 16 - 3000 sf 3 families with 48 units. Now it's an L-shaped lot and my rough calculations do not include hardscape so my calculations need to be confirmed by the Planning Dept but they are in the ballpark. A similar build out could potentially happen everywhere in the city.

Four, I still don't see in the documentation how this proposed context based zoning will save the cape neighborhoods. Councilor Ryan's 1100 sf cape could be replaced by a 3500 sf home "by right". I would like to understand what is preventing the teardowns of these homes. See page 6.

Five, I have a concern with the removal of parking requirements for all 1 and 2 unit buildings and allowing on-street parking counted towards the parking requirement. Does this eliminate the overnight winter parking ban? I would like further discussion. See page 7.

Six, I have a concern with an appointed body, the planning board, approving all special permits except for lots with greater than 20 units or 20,000 sf of floor space. I would like further discussion. See page 8.

Seven, not included in the slides. Newton is large with many different lot sizes. The present 7 zoning districts: SRs and MRs have a sliding FAR scale applied dependent on lot area so basically, we have 132 zoning districts. I know many people dislike FAR but it helps control house size on the very different lot sizes. The proposed zoning is reducing the 132 zoning districts into 4. I would like further discussion.

I included at the end of the slides many of the ZAP councilors' homes and what is the maximum home size that can be built now and in the proposed zoning. I also included an exercise of someone building courtyard cluster homes near them. See pages 9-13. One may argue that a builder couldn't get owners to sell their property to amass the minimum land area. But we now have a developer buying property at two to three times assessed value for his projects. I believe that would motivate many people to sell.

ZAP meeting 3/9/20 on
Residential Districts Article 3 in
the draft zoning ordinance

Need to compare present zoning to proposed zoning in table (SR, MR, BU, MU, MAN) – sample below

		minimums										
	District	frontage	lot size sf	front setback	side setback	rear setback	lot coverage	FAR	max house size by right/ by SP	No. units per lot	NOTES: all current lots are standards for new lots (post 1953) and lot coverage defined differently in each	
current	SR1	140'	25,000	40'	20'	25'	15%	0.26	6500	1	FAR .26 on 25,000 sf lot	
proposed	R1	80'		25'	20'	40'	25%	na	6000/7500	1-10**	** multi unit conversion and courtyard cluster allows 10 1800 sf house C on 1 acre	
current	SR2	100'	15,000	30'	15'	15'	20%	0.33	4950	1	max house on 15,000 sf lot	
proposed	R2	60'		20'	12.5'	30'	30%	na	3500/6000	1-14**		
current	SR3	80'	10,000	30'	10'	15'	30%	0.41		1		
proposed	R2	60'		20'	12.5'	30'	30%	na	3500/6000	1-14**	** multi unit conversion and courtyard cluster allows 14 3000 sf house B on 1 acre	
current	MR1	80'	10,000	30'	10'	15'	30%	0.48		2		
proposed	R3	50'	3000*	10'	10'	20'	50%	na	6000/6600	1-18**	*assuming 30x30 home footprint, lot size minimum 3000 sf which result in 2700 sf 2 family; 6000 sf house on minimum 4900 sf lot; **multi unit conversion and courtyard cluster allows 18 3600 sf 2 family homes on 1 acre	
current	MR2	80'	10,000	25'	10'	15'	30%	0.53				
proposed	R3	50'		10'	10'	20'	50%	na	6000/6600			
current	MR3	80'	10,000	15'	7.5'	15'	30%	0.53				
proposed	R4?	40'		5'	7.5'	15'	60%	na	6000/6600			
current	MR4	80'	10,000	15'	10'	15'	30%					
proposed	R4?	40'		5'	10'	15'	60%	na	6000/6600			

2 unit buildings are larger than 3 unit building

Article 3 in 3.2.7 and 3.2.8

2 unit Building Dimensional Standards.

6000 sf by right; 6600 sf SP

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	2,000 sf SP: 2,200 sf	3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

3 unit Building Dimensional Standards.

4000 sf by right; 5400 sf SP

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	1,600 2,500 sf SP: 1,800	2.5 3 stories SP: 3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

Courtyard Cluster configuration has dense units in R2 and higher article 3 in 3.5.3

Courtyard Cluster Standards

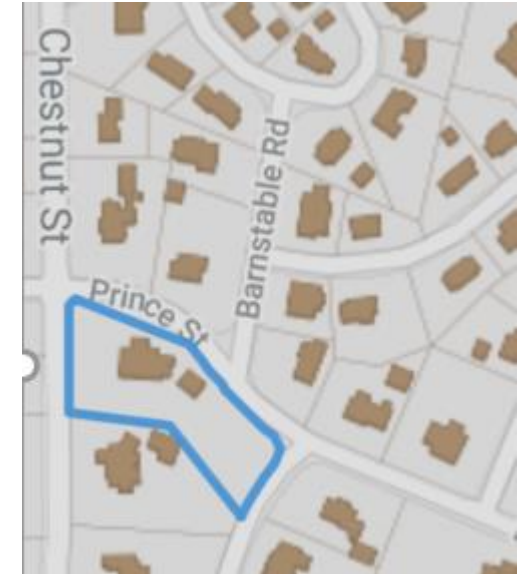
district	home type	lot size sf	lot coverage	foot print sf	building size max, sf	No. of structures on acre	No. on 3/4 acre
R1	C	43,560	30%	1200	1800	10.9	na
R2	B	43,560	40%	1200	3000	14.5	na
R3	2 fam	32,670	50%	1200	3600	18.1	13.6
R4	2 fam	32,670	60%	1200	3600	21.8	16.3
NG	2 fam	32,670	60%	1400	4200	18.7	14
NG	3 fam	32,670	60%	1400	3500	18.7	14

* More houses can be built on lot with smaller footprint homes

Lots can be subdivided or turned into courtyard clusters

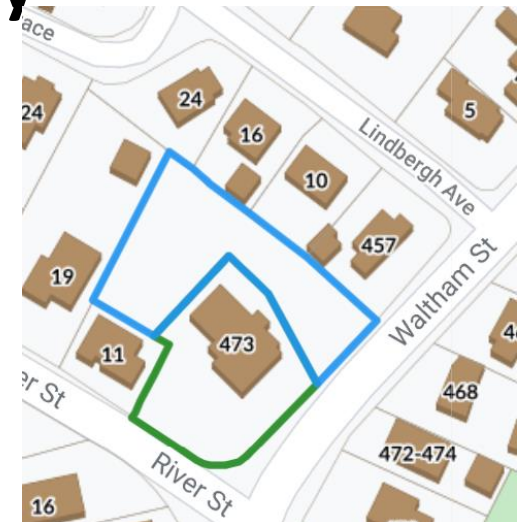
221 Prince St R1 67,460 sf, 445' frontage

- Allowable courtyard cluster homes 16.9
- Subdivided into five 13.5K sf lots with 6000 sf homes by right or 7500 sf homes by Special Permit



473 Waltham St, R3, 33,719 sf, listed \$2.4M, 3 family

- Allowable courtyard cluster homes 14 3600 sf
2 unit buildings with 28 units total in R3
- Allowable courtyard cluster homes 16 3000 sf
3 unit buildings with 48 units total in R4



Unsure how context determines unit size in proposed zoning

R2 allows home B 3500 sf by right and 6000 sf by Special Permit on a conforming 6667 sf lot

How does the proposed Zoning protect the historic Cape neighborhoods?



PARKING:

- > No parking requirements for 1 and 2 unit buildings
- > Allow on street parking to be counted towards parking requirement. Article 3 in 3.7.1.A

1. 1- and 2-unit residential buildings are exempt from the requirements of Sec. 3.7.3.
5. One on-street parking space, where permitted, for every ~~twenty~~20 feet of lot width may be counted toward any minimum parking requirement.

Planning Board approves all special permits except for > 20 units or > 20,000 sf of floor area

	Scale at which the Planning Board <u>is the</u> Special Permit Granting Authority	Scale at which the City Council is the Permit Granting Authority
Number of Residential Units on the Lot	Up to 20 units	21 units or more
Square footage of Commercial Space on the Lot	Up to 20,000 sf of floor area	More than 20,000 sf of floor area
Varying the dimensional standards of a building type (i.e. SP for additional story, additional footprint)	Up to 10,000 sf of additional floor area	More than 10,000 sf of additional floor area
Increase in Lot Coverage	Up to 10,000 sf of additional lot coverage	More than 10,000 sf of additional lot coverage

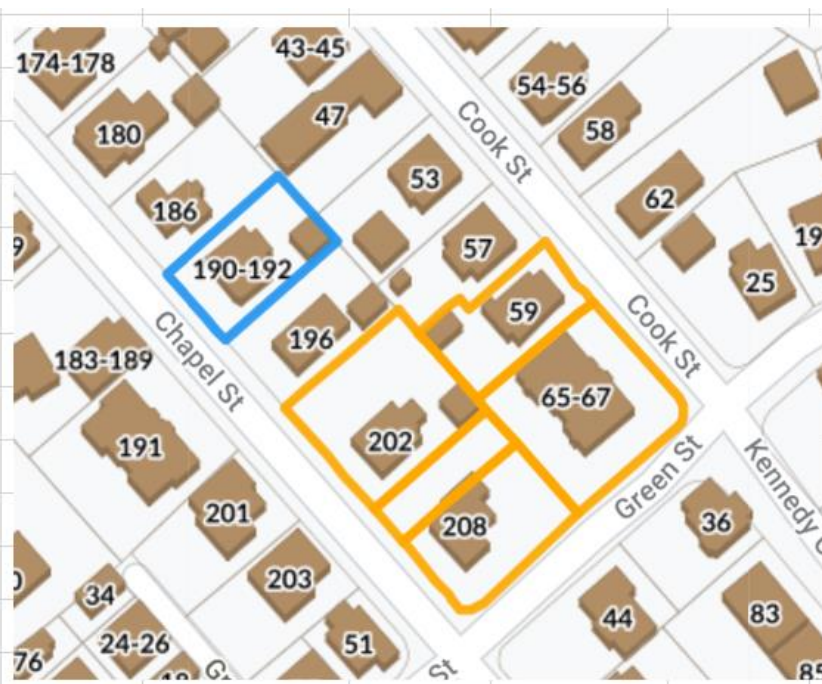
Current zoning and what can be built under proposed zoning

							proposed zoning		
	Address	zone	house type	lot size, sf	house size, sf	home by right today, sf	Max sf	Max SP sf	Rx
Alison	192 Chapel	MR2	2 family	6018	2243	3189	6000	6600	R3
Susan	1075 Comm Ave	MR1	colonial	9654	3152	4634	3500	6000	R2
Josh	77 Crehore Dr	SR3	cape	8414	2293	3450	3500	6000	R2
Deb	26 Circuit Ave	MR2	3 story	3830	1932	2030	5745/6K	5745/6.6K	R3?
Vicki	30 Chase St	MR1	Victorian	30095	6006	14,445	6000	6600	R3?
	26-28 Chase	MR1	2 family	8285	1320	3977	6000	6600	R3?
Holly	21 Avery Path	SR3	ranch	7000	1116	2870	3500	6000	R2

Courtyard Cluster

						Courtyard Cluster		
	Address	lot size sf	house size sf	zone	Rx	type	Max no. homes	size sf
Alison	192 Chapel	6018	2243	MR2	R3	2 fam	13.9	3600
Susan	1075 Comm Av	9654	3152	MR1	R2	house B	15.9	3000
Josh	77 Crehore Dr	8414	2293	SR3	R2	house B	17.7	3000
Deb	26 Circuit Ave	3830	1932	MR2	R3?	2 fam	15/19	3K/3.6K
Vicki	30 Chase St	30095	6006	MR1	R3?	2 fam	16/19.2	3600
	26-28 Chase	8285	1320	MR1	R3?	2 fam		
Holly	21 Avery Path	7000	1116	SR3	R2	house B	15.8	3000

1 acre = 43,560		lot size sf
0.75 acre = 32670	Alison	33485
blue - councilor home	202 Chapel	8748
orange - proposed CC	208 Chapel	9302
	65 Cook	9945
	59 Cook	5490



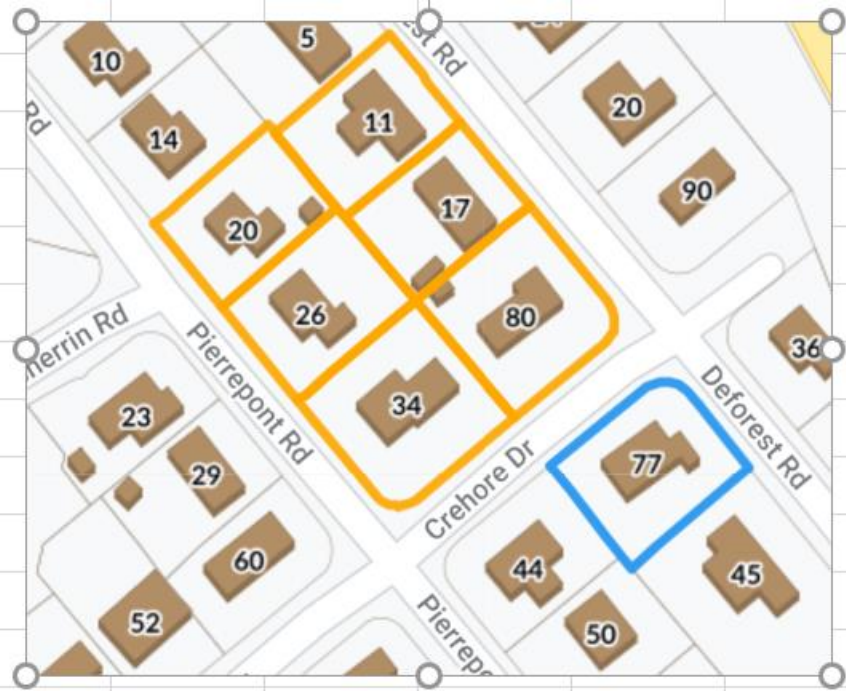
Courtyard Cluster (orange)		
type	no.	size sf
2 fam	13.9	3600

		lot size sf
	Susan	47724
	1071Comm	9600
	1063 Comm	12996
	159 Beaumont	15028
	151 Beaumont	10100

Courtyard Cluster (orange)		
type	no.	size sf
house B	15.9	3000



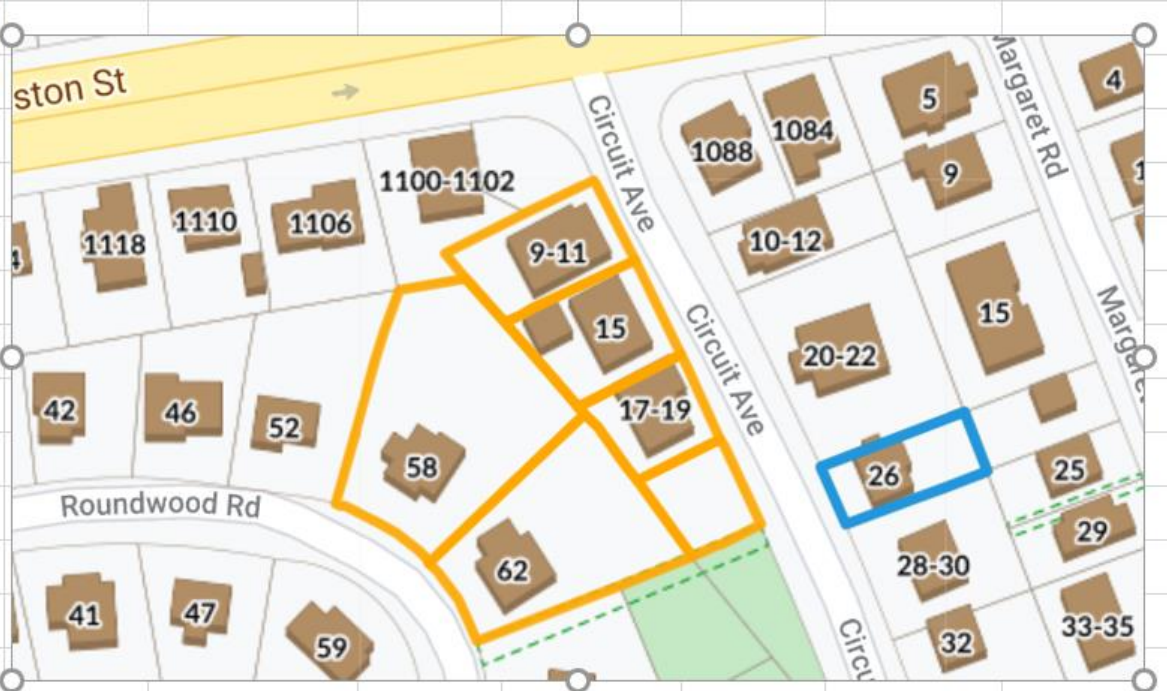
		lot size sf
Josh		53264
80 Crehore		14000
34 Pierrepont		9914
26 Pierrepont		8000
17 Deforest		7000
20 Pierrepont		7000
11 Deforest		7350



Courtyard Cluster (orange)

type	no.	size sf
house B	17.7	3000

		lot size sf
Deb		45982
9-11 Circuit		5182
15 Circuit		5299
17-19 Circuit		4096
Circuit		3305
62 Roundwood		11950
582 Roundwood		16150



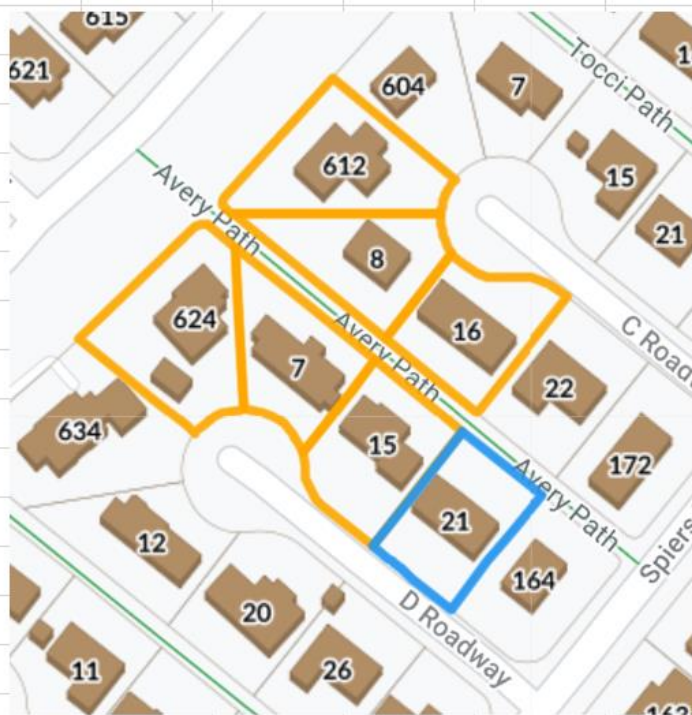
Courtyard Cluster (orange)

type	no.	size sf	
house B	15.3	3000	R2
2 family	19.2	3600	R3

Vicki's 2 lots is large enough for courtyard cluster

Holly's courtyard cluster would not have Avery Path thru it; this is just for illustration

		lot size sf
Holly		47444
15 Avery Path		7031
16 Avery Path		7096
7 Avery Path		7004
8 Avery Path		7071
624 Saw Mill Brook		10798
612 Saw Mill Brook		8444
Courtyard Cluster	(orange	
type	no.	size sf
house B	15.8	3000



	lot size sf
Vicki	38380
30 Chase	22915
26-28 Chase	8285
Chase St rear	7180

Courtyard Cluster			
type	no.	size sf	
2 family	16	3600	R3
2 family	16.4	4200	R4

