



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone: **#448-20**
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: January 15, 2020

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
Nevena Pilipović-Wengler, Community Engagement Manager
Cat Kemmett, Planning Associate

RE: **#448-20 Discussion and review relative to the draft Zoning Ordinance**
COUNCILOR CROSSLEY, on behalf of the Zoning & Planning Committee proposing to amend Chapter 30, City of Newton Zoning Ordinances, by repealing Ordinance No. A-78 and amending the regulation of garages in residential zoning districts as set forth in Chapter 30, Section 3.4. The objectives are to prevent garages from dominating the streetscape, improve safety along the public way for all modes of travel and achieve consistency with climate action goals.

MEETING: January 25, 2020

CC: City Council
Planning Board
John Lojek, Commissioner of Inspectional Services
Neil Cronin, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

Background

In June 2016, the City Council voted to adopt a Garage Ordinance (Ordinance A-78) following complaints about the negative impact of new development due to prominent and out-of-scale garages. To view this version of the Garage Ordinance, see Sec. 3.4.2.B, 3.4.3.4, and 3.4.4 of the [current zoning ordinance](#). To limit the impact of garages on the streetscape the Garage Ordinance sought to regulate the placement and scale of garages in residential districts. After adoption, residents and members of the building professional community raised concerns that it went too far and proved too restrictive for some properties. In response to these unintended consequences, in October 2016 the City Council voted to defer implementation of the Garage Ordinance until resolving those issues. Since then, the City Council has deferred implementation of the Garage Ordinance several times. Implementation is currently

deferred until April 1, 2021, and if City Council takes no action, the 2016 version of the Garage Ordinance will go into effect on that date.

Since 2016, garage standards as well as other separate considerations related to garages have been discussed as part of the comprehensive Zoning Redesign effort. These related topics include curb cuts, driveway regulations, and sustainability standards, and are not addressed in the text of the Garage Ordinance proposed here. In October 2020, City Council voted to pursue a revised version of the Garage Ordinance separate from the Zoning Redesign process. Should the City Council decide to adopt the new Garage Ordinance, these related topics that are not addressed under this ordinance will still be evaluated and discussed in the future as part of Zoning Redesign.

Planning staff have since created a substantially revised Garage Ordinance based on feedback from the 2016 ordinance, ZAP Committee discussion, and close collaboration with building professionals and city staff (Law department, Current Planning, and the Commissioner of the Inspectional Services Department). Staff also analyzed a sample of garages built over the past two years to test whether the proposed regulations would appropriately limit the prominence of garages without creating substantial barriers for the construction of new or altered garages. Based on this analysis, the majority of garages built in the past two years would comply with the proposed ordinance, but some of the particularly wide garages and a substantial percentage of the garages attached to two-family homes would not comply. However, in most cases, non-compliant buildings could still have comparable garages with minor design changes. The full results of this analysis can be viewed in the [December 10, 2020 ZAP memo](#).

The revised Garage Ordinance (#448-20) has been discussed, reviewed, and edited in several Zoning and Planning Committee meetings. The materials from these meetings can be viewed on the [Garage Ordinance page](#). In the previous ZAP meeting on December 14, 2020, the Committee set a public hearing date for this item on January 25, 2021. ZAP provided general support for the draft ordinance text, while acknowledging that further revision of a few particular elements, discussed below, may still be required.

This memo provides an overview of the standards that are proposed in the Garage Ordinance to replace the currently deferred zoning language from 2016 (A-78).

Current Zoning

Currently, the Zoning Ordinance regulates Garages in a few significant ways. Garages are limited to 700 square feet in total ground floor area, may have provision for no more than 3 automobiles, and only 1 Garage is allowed per single-family dwelling unit except by special permit (Sec. 3.4.2.B.1 of the current ordinance). Because Garages are accessory buildings, they are also subject to the accessory building requirements outlined in Sec. 3.4.3.A.

Garage placement on the lot is limited in the Zoning Ordinance only by setback requirements. There are no restrictions on Garage Door width, overall garage width, or fenestration requirements. Under the current ordinance, there are no categories to differentiate garages with different orientations on the lot.

Proposed Garage Ordinance Standards

Highlighted below are some of the key mechanisms and standards in the proposed Garage Ordinance.

Garage Width

A central goal of the Garage Ordinance is to limit the prominence of Front Facing Garages, which can have a significant visual impact on the streetscape. By establishing standards that regulate the width of these garages, relative to the total width of the structure, the ordinance can limit the overall impact of a Front Facing Garage. The total Garage width is measured as the sum of the width of all Garage Doors on a Front Facing Garage. This proposal limits the width of Front Facing Garages to 45% of the total Front Elevation if providing only Single Garage Doors (Sec. 3.4.4.C.1.a) or 40% if providing a Double Garage Door (Sec. 3.4.4.C.1.b).

It should be noted that under this proposal, when calculating the Front Elevation of a building, any part of the Front Elevation set back more than 10 feet from the front of the house would be excluded from that total (Sec. 3.4.4.B.6). Those elements are excluded because portions of the elevation set back are less visible from the street and therefore less effective at mitigating the visual impact of a Garage.

Garage Size

As in the current Zoning Ordinance, a Garage is limited to a maximum of 700 square feet in total ground floor area and 3 automobiles, except by Special Permit. In the current Zoning Ordinance, only one Garage is allowed per dwelling unit except by Special Permit. The proposed ordinance would allow residential buildings with one unit to have up to 2 garages, one attached and one detached, on a lot by-right. Those structures would still be limited to a total of 700 square feet in total ground floor area and provision for up to 3 cars (Sec. 3.4.4.E.1).

The proposed ordinance introduces additional standards for residential buildings with two-units. As proposed, the ordinance establishes a maximum Garage footprint for each unit in a two-unit residential building of 500 square feet per unit, and limits each Garage for two-unit buildings to 2 automobiles each (Sec. 3.4.4.F).

Door Width

Garage Doors play an important role in how a Garage relates to the neighborhood. Very large Garage Doors can look out of scale with surrounding structures, and draw attention away from the main entrance and living space of a house. To ensure that Garage Doors are limited to a reasonable size, the ordinance proposes limiting the width of each individual Garage Door for Front Facing Garages and Side Facing Garages. Single Garage Doors may be up to 9 feet (3.4.4.C.2 and 3.4.4.D.2), and Double Garage Doors may be up to 16 feet wide (3.4.4.C.3 and 3.4.4.D.3). These door width maximums apply only to Front Facing Garages and Side Facing Garages.

Placement

One element of the Garage Ordinance that evolved over the course of discussions at ZAP was how the placement of garages on a lot would or would not be regulated. Many members of the Committee and the community have shared concerns about some garages built in recent years where the Garage is set forward of the main elevation of the house, emphasizing the car entrance rather than the main living area entrance. Previous drafts proposed a setback for Front Facing Garages to address this concern, in order to ensure differentiation in the facade and that the living space would be more prominent than the Garage. After discussion and analysis of this setback requirement at ZAP, a majority of members

opposed adding in this provision. Though the sentiment was not unanimous, the Committee expressed a general consensus that by limiting overall width of Front Facing Garages and limiting the Garage Door size, the ordinance will be able to limit the impact of Front Facing Garages without an additional setback requirement.

Side Facing Garages are allowed to be located forward of the main elevation of a house, but not within the front setback, as long as there is a minimum of 10% fenestration on the Garage Wall elevation facing the Primary Front Lot Line (3.4.4.D.1.A) This will ensure there is some visual interest on the side of the Garage that faces the street.

Additionally, at the request of the Commissioner of the Inspectional Services Department, a new requirement has been added under 3.4.3, Accessory Buildings. Section 3.4.3.A.2 would require that no portion of any accessory building could be less than 5 feet from any point on any principal building on the subject lot. Previously there was no definitive standard for this separation, so this addition provides greater clarity moving forward. Accessory buildings are only required to be set back 5 feet from the side and rear property lines (they must meet the full front setback for a principal structure however). Without a minimum separation requirement some accessory buildings and detached garages are only minimally offset from the house, giving the appearance of being attached while not having to meet the larger setbacks required for an attached building.

Special Permits and Exemptions

As proposed, the ordinance includes three exemptions. Garages located 70 feet or more from the Primary Front Lot Line would be exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D). A Front Facing Garage that is set back more than 10 feet from the Front Elevation is exempt from the standards for Front Facing Garages (Sec. 3.4.4.C). Garages located on Rear Lots are exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D).

The proposed draft carries forward the same ability in the current Zoning Ordinance to seek a Special Permit for a Garage providing space for more than 3 cars or over 700 square feet in area, and also allows more than 2 garages by Special Permit (Sec. 3.4.4.H.1). This Special Permit allowance is limited to residential buildings with one unit.

Garages that Become Non-Conforming

If the Garage Ordinance is adopted, some garages that comply with current zoning rules will become non-conforming. However, this is likely to have little impact on most homeowners. These new regulations only apply to new garages and renovations of existing garages. A use or structure is considered non-conforming, as opposed to noncompliant, if the use or structure was legally permitted prior to zoning changes. A non-conforming structure or use can remain in perpetuity in its current state and may be granted an extension of the nonconformity from the City Council if it is not considered substantially more detrimental than the existing condition. For more details about the options available to property owners who own garages that might be made non-conforming by the Garage Ordinance, see the [October 30, 2020 Planning memo](#).

Text Changes Since Setting the Public Hearing

Staff have made several updates to the proposed ordinance since presenting the last draft before ZAP. Most of these changes are technical clarifications and refining some wording. All changes can be viewed in Attachment B, which includes a redlined comparison between the version discussed in December 2020 and the latest draft. Changes made include:

- Amended Sec. 3.4.3.A.2 to change the required separation between accessory buildings and principal buildings from 6 feet to 5 feet.
- Removed the placeholder definition for Rear Facing Garage. Staff determined that this definition is not necessary. Garages that face the rear of a property, or lie at an angle that does not fall under the definitions of a Side or Front Facing Garage, will be allowed under the definition of a Garage.
- Updated the definitions for Front Facing Garages and Side Facing Garages to clarify how to measure the angle that determines the Garage type for curved or otherwise not straight Primary Front Lot Lines (Sec. 3.4.4.B.3 and 3.4.4.B.2).
- Clarified how the Primary Front Lot Line will be determined for properties where the main entrance does not face a street or right of way (Sec. 3.4.4.B.8).

Effective Date

Staff recommend setting April 1, 2021 as the effective date of the Garage Ordinance, should it be adopted by City Council. This would allow homeowners and building professionals time in between adoption and implementation to make any necessary changes to planned garages.

Attachments

Attachment A	Updated draft zoning text and diagrams
Attachment B	Redlined zoning text comparison

3.4.3. Accessory Buildings

- A. Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:
 - 1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.
 - 2. No portion of any accessory building shall be less than 5 feet from any point on any principal building on the subject lot.
 - 3. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.
 - 4. The ground floor area of an accessory building shall not exceed 700 square feet.

3.4.4. Garage Design Standards

A. Applicability

Garage Design Standards apply in all Residence Districts

B. Definitions

- 1. **Garage.** An attached or detached structure, or portion of a structure, that is able to be accessed by an automobile or is used or intended to be used primarily for the storage or parking of 1 or more automobiles. A detached Garage is an Accessory Building (See Sec. 3.4.3).
- 2. **Front Facing Garage.** A Garage with a Garage Door or Doors facing the Primary Front Lot Line at an angle between 0 and 59 degrees perpendicular to the Primary Front Lot Line. The angle shall be measured between the Garage Door or Doors and a line parallel to the Primary Front Lot Line at the midpoint of the Primary Front Lot Line. If there is a curve at the midpoint, the angle shall be measured between the Garage Door or Doors and a line tangent to the curve at the midpoint of the Primary Front Lot Line.

[GRAPHIC TO BE FINALIZED]

- 3. **Side Facing Garage.** A Garage with a Garage Door or Doors facing the Primary Front Lot Line at an angle between 60 and 90 degrees. The angle shall be measured between the Garage Door or Doors and a line parallel to the Primary Front Lot Line at the midpoint of the Primary Front Lot Line. If there is a curve at the midpoint, the angle shall be measured between the Garage Door or Doors and a line tangent to the curve at the midpoint of the Primary Front Lot Line.

[GRAPHIC TO BE FINALIZED]

- 4. **Garage Door.** The door to a Garage that provides access for an automobile. Garage door width is measured from the inside face of the door jambs.
 - a. Single Garage Doors are Garage Doors used for a single automobile to access a Garage.

- b. Double Garage Doors are Garage Doors used for 2 automobiles to access a Garage side-by-side.
- 5. **Garage Wall.** Any wall enclosing a Garage including that wall containing the Garage entrance.
- 6. **Front Elevation.** The exterior wall of a principal building oriented in whole or in part toward the Primary Front Lot Line. The Front Elevation does not include any exterior wall of a building more than 10 feet behind the frontmost exterior wall oriented in whole or in part toward the Primary Front Lot Line.

[GRAPHIC TO BE FINALIZED]

- 7. **Primary Front Lot Line.** The lot line abutting a street or right of way. Where there are multiple lot lines abutting streets or rights of way, the Primary Front Lot Line shall be the one the main entrance faces. Where there are multiple lot lines abutting streets or rights of way and the main entrance does not face a street or right of way, the Primary Front Lot Line shall be determined by the Commissioner of Inspectional Services or their designee.
- 8. **Fenestration.** The openings in a Garage Wall facing the Primary Front Lot Line, including windows and doors. Fenestration is measured from the inside face of the jambs on any window or door trim.

C. **Standards for Front Facing Garages***

- 1. The sum of the width of all Garage Doors on a Front Facing Garage may be up to the following:
 - a. 45% of the total width of the Front Elevation, when a Front Facing Garage includes only Single Garage Doors.
 - b. 40% of the total width of the Front Elevation, when a Front Facing Garage includes a Double Garage Door only, or both a Double Garage Door and a Single Garage Door.
- 2. A Single Garage Door may be up to 9 feet wide.
- 3. A Double Garage Door may be up to 16 feet wide.

[GRAPHIC TO BE FINALIZED]

D. **Standards for Side Facing Garages**

- 1. A Side Facing Garage may be located in front of the Front Elevation, but not within the front setback, if it meets the following:
 - a. A minimum of 10% Fenestration on the Garage Wall facing the Primary Front Lot Line as measured from the exterior.
- 2. A Single Garage Door may be up to 9 feet wide.
- 3. A Double Garage Door may be up to 16 feet wide.

[GRAPHIC TO BE FINALIZED]

E. **Standards for residential buildings with one unit**

1. There may be no more than 700 square feet in total Garage area on a lot providing for no more than 3 automobiles. A lot may contain no more than one attached Garage and one detached Garage.

F. **Additional Standards for residential buildings with two-units**

1. Parking spaces in Garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached.
 - a. For each residential unit, there shall be no more than 500 square feet in total Garage area, no more than one Garage and each Garage shall provide for no more than 2 automobiles.

G. **Exemptions**

1. Garages located 70 feet or more from the Primary Front Lot Line are exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D).
 - a. Where there are multiple lot lines abutting a street or right of way, Garages must be located 70 feet or more from all such lot lines to be exempt.
2. A detached or attached Front Facing Garage that is set back more than 10 feet from the Front Elevation is exempt from the standards for Front Facing Garages (Sec. 3.4.4.C).
3. Garages located on Rear Lots are exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D).

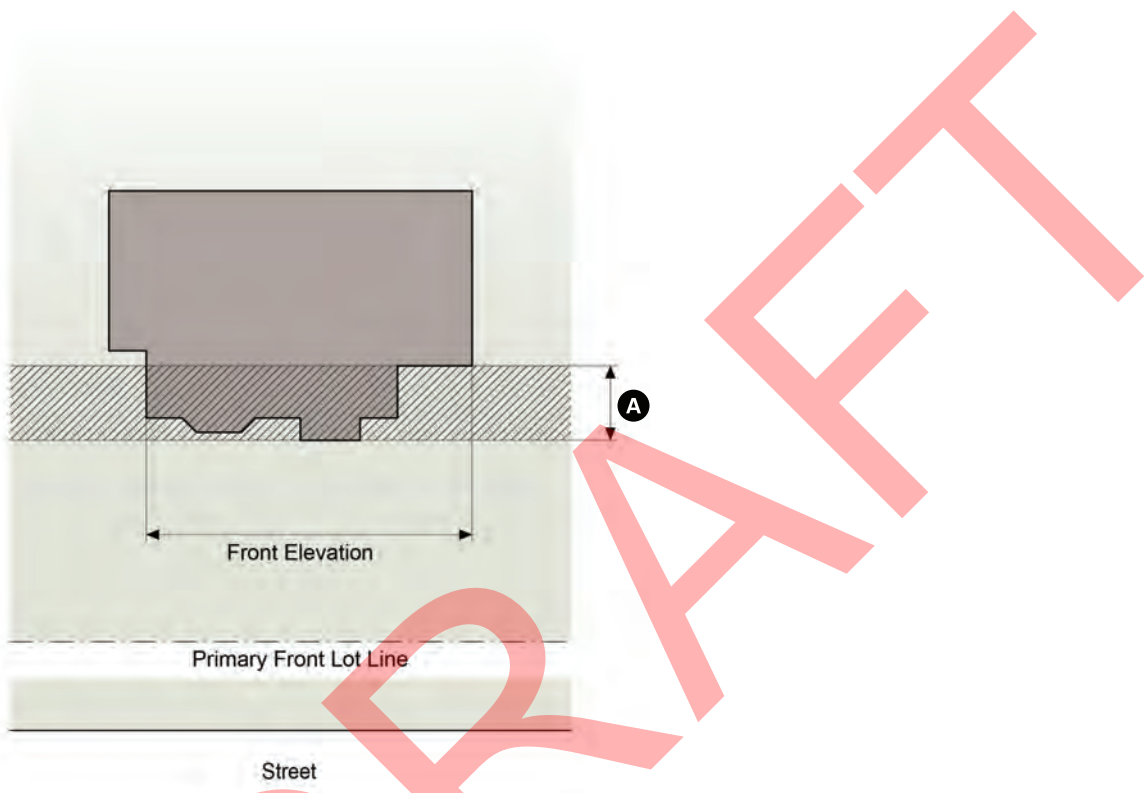
H. **By Special Permit**

1. For residential buildings with one unit: a Garage with provision for more than 3 automobiles, or a Garage of more than 700 square feet in area, or more than 2 Garages.

*** The following is not part of the ordinance text.** NOTE: The Zoning and Planning Committee may discuss the possibility of amending Section 3.4.4.C to add a requirement that Front Facing Garages be set back from the Front Elevation.

3.4.4.B.6

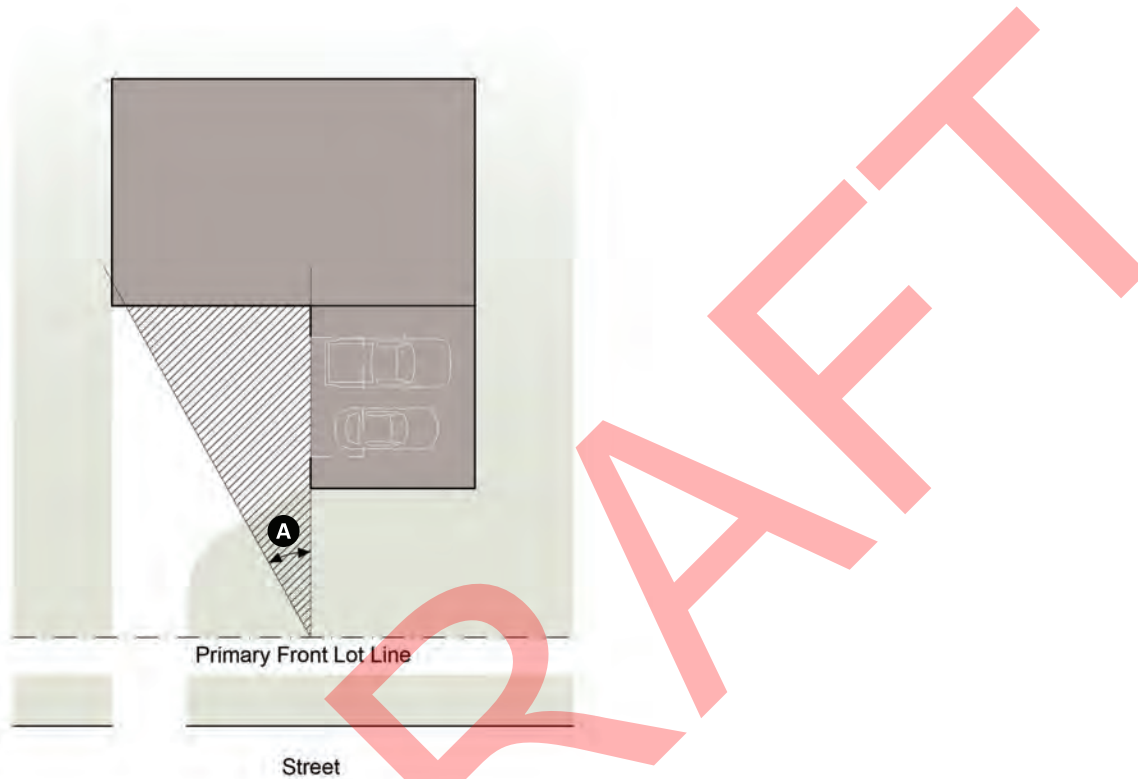
Front Elevation. The exterior wall of a principal building oriented in whole or in part toward the Primary Front Lot Line. The Front Elevation does not include any exterior wall of a building more than 10 feet behind the frontmost exterior wall oriented in whole or in part toward the Primary Front Lot Line.



Front Elevation	min	max
A Depth from frontmost exterior wall		10 ft

3.4.4.B.3

Side-Facing Garage. A Garage with a Garage Door or Doors facing the Primary Front Lot Line at an angle between 60 and 90 degrees. The angle shall be measured between the Garage Door or Doors and a line parallel to the Primary Front Lot Line at the midpoint of the Primary Front Lot Line. If there is a curve at the midpoint, the angle shall be measured between the Garage Door or Doors and a line tangent to the curve at the midpoint of the Primary Front Lot Line.

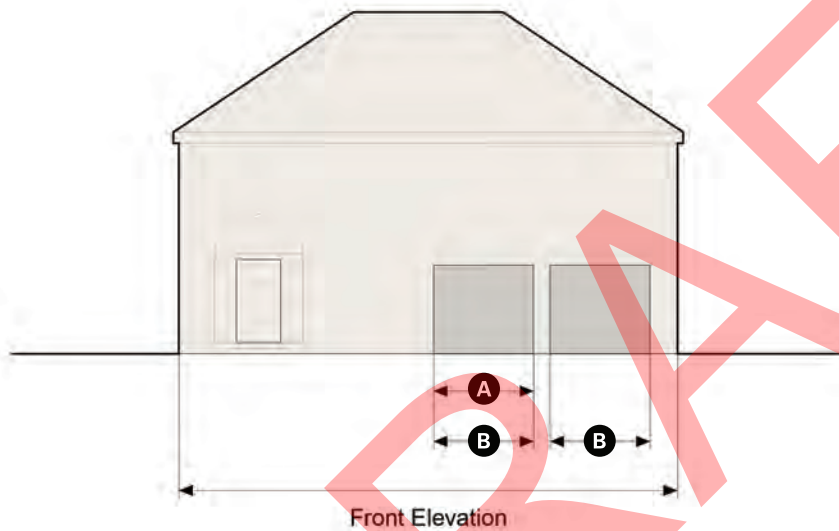


Side-Facing Garage Door Location	min	max
A Angle allowed within (angle from Primary Front Lot Line)	60 degrees	90 degrees

3.4.4.C.1.a

Standards for Front-Facing Garages.

1. The sum of the width of all Garage Doors on a Front Facing Garage may be up to the following:
 - a. 45% of the total width of the Front Elevation, when a Front Facing Garage includes only Single Garage Doors.
 - b. 40% of the total width of the Front Elevation, when a Front Facing Garage includes a Double Garage Door only, or both a Double Garage Door and a Single Garage Door.
2. A Single Garage Door may be up to 9 feet wide.
3. A Double Garage Door may be up to 16 feet wide.

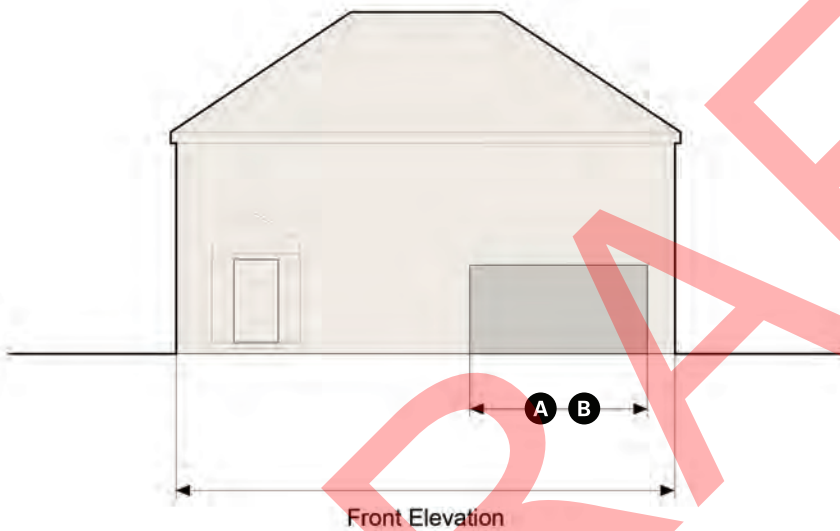


Front-Facing Garage - Single Garage Doors	min	max
A Width of an Individual Single Garage Door		9 ft
B Sum of Width of Single Garage Door(s)		45% of Front Elevation

3.4.4.C.1.b

Standards for Front-Facing Garages.

1. The sum of the width of all Garage Doors on a Front Facing Garage may be up to the following:
 - a. 45% of the total width of the Front Elevation, when a Front Facing Garage includes only Single Garage Doors.
 - b. 40% of the total width of the Front Elevation, when a Front Facing Garage includes a Double Garage Door only, or both a Double Garage Door and a Single Garage Door.
2. A Single Garage Door may be up to 9 feet wide.
3. A Double Garage Door may be up to 16 feet wide.



Front-Facing Garage - Double Garage Door	min	max
A Width of an Individual Double Garage Door		16 ft
B Sum of Width of Double Garage Door		40% of Front Elevation

3.4.3. Accessory Buildings

- A. Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:
 1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.
 2. No portion of any accessory building shall be less than 65 feet from any point on any principal building on the subject lot.
 3. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.
 4. The ground floor area of an accessory building shall not exceed 700 square feet.

3.4.4. Garage Design Standards

A. Applicability

Garage Design Standards apply in all Residence Districts

B. Definitions

1. **Garage.** An attached or detached structure, or portion of a structure, that is able to be accessed by an automobile or is used or intended to be used primarily for the storage or parking of 1 or more automobiles. A detached Garage is an Accessory Building (See Sec. 3.4.3).
2. **Front Facing Garage.** A Garage with a primaryGarage Door or Doors ~~through which automobiles enter the Garage~~ facing the Primary Front Lot Line at an angle between 0 and 59 degrees perpendicular to the Primary Front Lot Line. The angle shall be measured between the Garage Door or Doors and a line parallel to the Primary Front Lot Line at the midpoint of the Primary Front Lot Line. If there is a curve at the midpoint, the angle shall be measured between the Garage Door or Doors and a line tangent to the curve at the midpoint of the Primary Front Lot Line.

[GRAPHIC TO BE FINALIZED]

- ~~3.~~ **Side Facing Garage.** A Garage with a primaryGarage Door or Doors ~~through which automobiles enter the Garage~~ facing the Primary Front Lot Line at an angle between 60 and 90 degrees. The angle shall be measured between the Door or Doors and a line parallel to the Primary Front Lot Line at the midpoint of the Primary Front Lot Line. If there is a curve at the midpoint, the angle shall be measured between the Garage Door or Doors and a line tangent to the curve at the midpoint of the Primary Front Lot Line.

3. Rear Facing

[GRAPHIC TO BE FINALIZED]

4. **Garage Door.** The door to a Garage that provides access for an automobile. Garage door width is measured from the inside face of the door jambs.

- a. Single Garage Doors are Garage Doors used for a single automobile to access a Garage. ~~A Single Garage Door may be up to 9 feet wide.~~
 - b. Double Garage Doors are Garage Doors used for 2 automobiles to access a Garage side-by-side. ~~A Double Garage Door may be up to 16 feet wide.~~
5. **Garage Wall.** Any wall enclosing a Garage including that wall containing the Garage entrance.
 6. **Front Elevation.** The exterior wall of a principal building oriented in whole or in part toward the Primary Front Lot Line. The Front Elevation does not include any exterior wall of a building more than 10 feet behind the frontmost exterior wall oriented in whole or in part toward the Primary Front Lot Line.

[GRAPHIC TO BE FINALIZED]

7. **Primary Front Lot Line.** The lot line abutting a street or right of way. Where there are multiple lot lines abutting streets or rights of way, the Primary Front Lot Line shall be the one the main entrance faces. Where there are multiple lot lines abutting streets or rights of way and the main entrance does not face a street or right of way, the Primary Front Lot Line shall be ~~the one the main entrance faces, determined by the Commissioner of Inspectional Services or their designee.~~
8. **Fenestration.** The openings in a Garage Wall facing the Primary Front Lot Line, including windows and doors. Fenestration is measured from the inside face of the jambs on any window or door trim.

C. **Standards for Front Facing Garages***

1. The sum of the width of all Garage Doors on a Front Facing Garage may be up to the following:
 - a. ~~A 45% of the total width of the Front Elevation, when a Front Facing Garage that includes only Single Garage Doors may be up to 45% of the total width of the Front Elevation.~~
 - b. A 40% of the total width of the Front Elevation, when a Front Facing Garage that includes a Double Garage Door alone only, or both a Double Garage Door and a Single Garage Door,
2. A Single Garage Door may be up to 9 feet wide.
3. A Double Garage Door may be up to 40% of the total width of the Front Elevation. 16 feet wide.

[GRAPHIC TO BE FINALIZED]

D. **Standards for Side Facing Garages**

1. A Side Facing Garage may be located in front of the Front Elevation, but not within the front setback, if it meets the following:
 - a. A minimum of 10% Fenestration on the Garage Wall facing the Primary Front Lot Line as measured from the exterior.
2. A Single Garage Door may be up to 9 feet wide.
3. A Double Garage Door may be up to 16 feet wide.

[GRAPHIC TO BE FINALIZED]

E. Standards for residential buildings with one unit

1. There may be no more than 700 square feet in total Garage area on a lot providing for no more than 3 automobiles. A lot may contain no more than one attached Garage and one detached Garage.

F. Additional Standards for residential buildings with two-units

1. Parking spaces in Garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached.
 - a. For each residential unit, there shall be no more than 500 square feet in total Garage area, no more than one Garage and each Garage shall provide for no more than 2 automobiles.

G. Exemptions

1. Garages located 70 feet or more from the Primary Front Lot Line are exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D).
 - a. Where there are multiple lot lines abutting a street or right of way, Garages must be located 70 feet or more from all such lot lines to be exempt.
2. A detached or attached Front Facing Garage that is set back more than 10 feet from the Front Elevation is exempt from the standards for Front Facing Garages (Sec. 3.4.4.C).
3. Garages located on Rear Lots are exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D).

H. By Special Permit

1. For residential buildings with one unit: a Garage with provision for more than 3 automobiles, or a Garage of more than 700 square feet in area, or more than 2 Garages.

** The following is not part of the ordinance text. NOTE: The Zoning and Planning Committee may discuss the possibility of amending Section 3.4.4.C to add a requirement that Front Facing Garages be set back from the Front Elevation.*



Zoning Redesign

Learnings from 'Zoning Redesign: Where We Are Now'

+

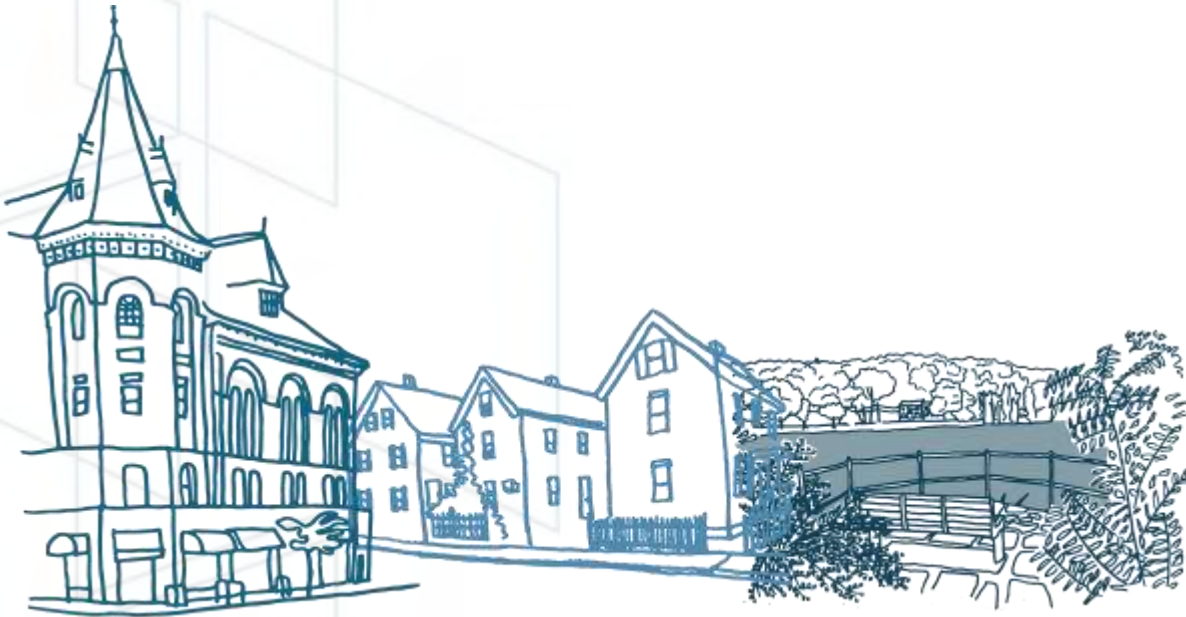
Future Workflow & Community Engagement

ZAP - January 25, 2021



Learnings from
**'Zoning Redesign:
Where We are Now'**

'Zoning Redesign: Where We Are Now'



- December 2 & 3 Virtual Zoom Events (~500 attendees)
- Questions submitted through RSVP Form (169 questions)
- Survey (343 submissions)
- Community engagement planner building relationships through meeting with 28 entities

'Zoning Redesign: Where We Are Now'

Commissions/ Committees

Commission on Disability

Community Preservation Committee

Conservation Commission

Transportation Advisory Group

Urban Design Commission

Youth Commission

Neighborhood Area Councils

Newtonville

Newton Highlands

Upper Falls

Stakeholders

350Mass Newton Node

Bike Newton

Chinese American Association of Newton (CAAN)

Defund Newton Police

Engine6

Families Organizing for Racial Justice (FORJ)

Green Newton

Green Newton - School Connections

League of Women Voters - Newton

Newton Center for Civic Engagement

Newton Interfaith Clergy Association (NICA)

Newton Lower Falls Improvement Association

Newton Neighbors Helping Neighbors

NNHS NextGen Voices

Right-Size Newton

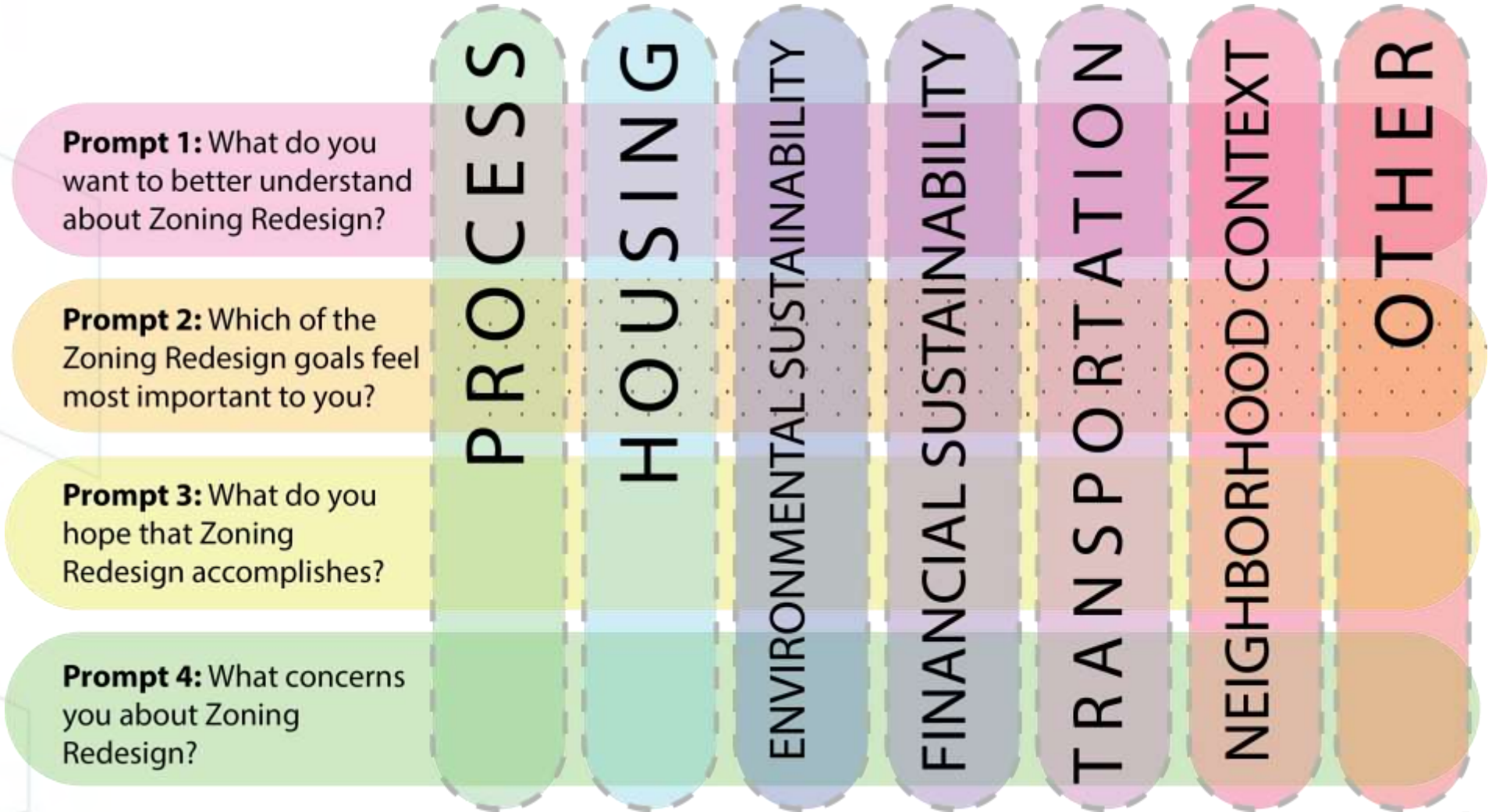
Safe Routes to School

Temple Emanuel Social Justice Group

Understanding Our Differences

West Suburban YMCA

'Where We Are Now' Recap



Process (~283)

- Why is the city doing a complete overhaul versus. Incremental change?
- Why is Zoning Redesign needed?
- Can there be a referendum?
- How is the city considering a socioeconomic equity lens?



Housing (~283)

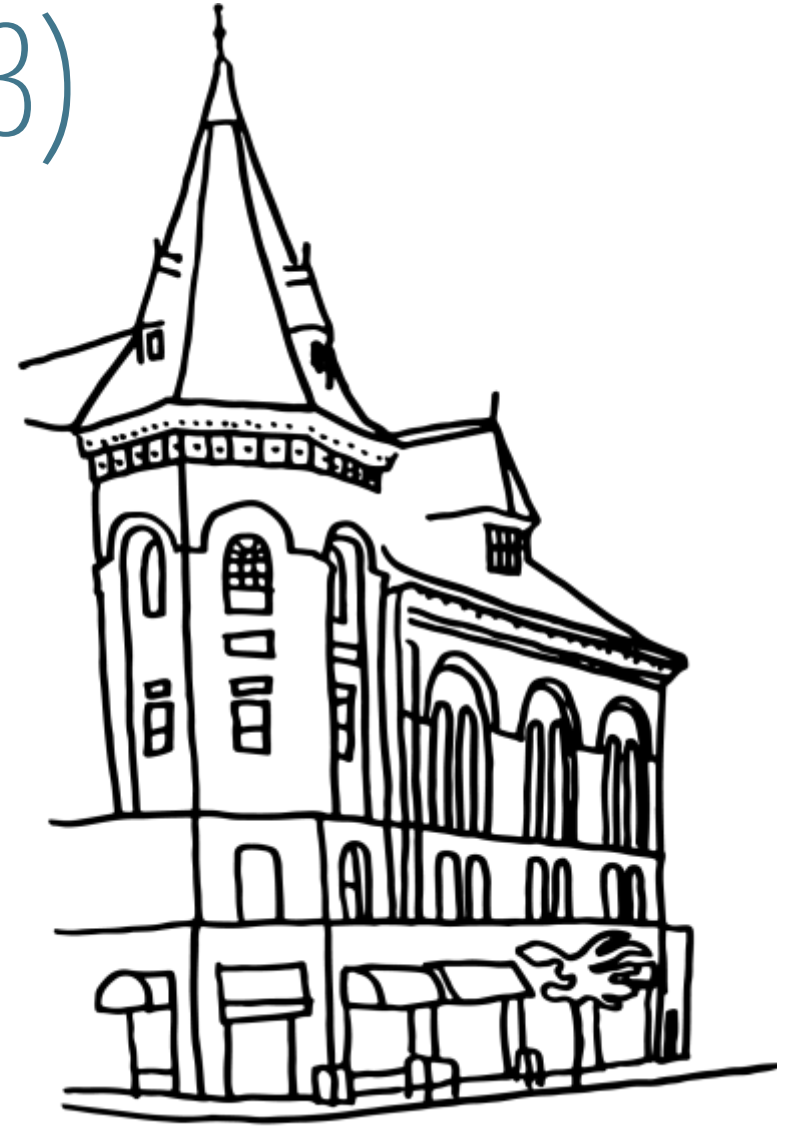
- How to address current tear downs?
- How to truly diversify and increase affordability of Newton's housing supply? (And how is the city defining 'affordable'?)
- Considering Universal Design?
- Wide array of questions/opinions on Single Family vs. Multifamily Zoning



Houses in Nonantum

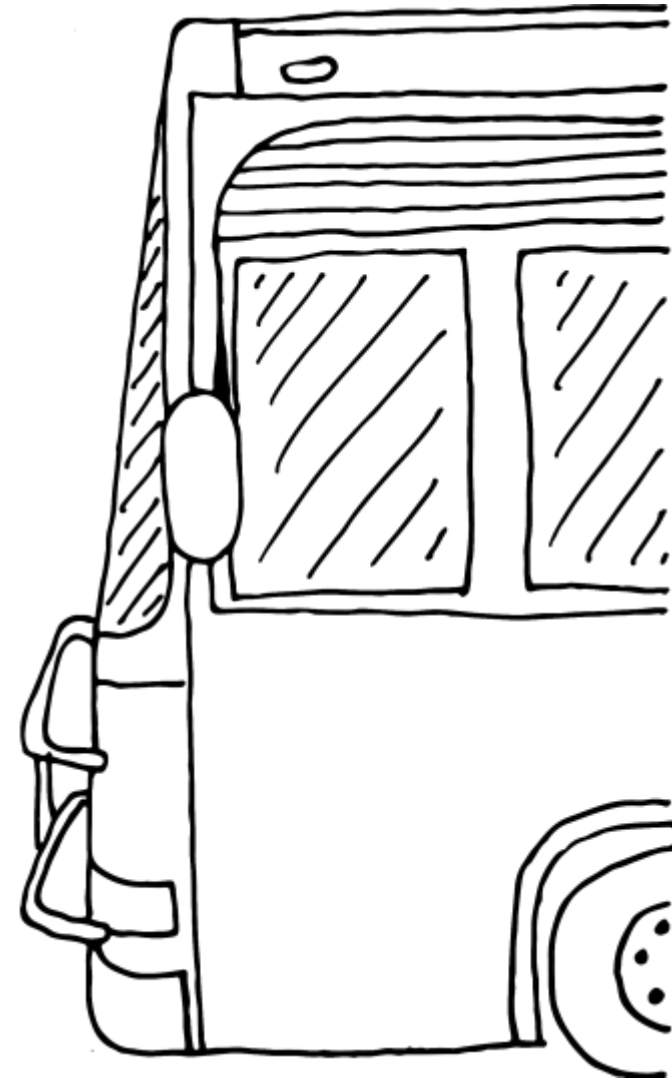
Neighborhood Context (~73)

- How will a design review be incorporated?
- How will increased density affect the way neighborhoods currently feel and function?
- FAR vs. Form-based zoning?



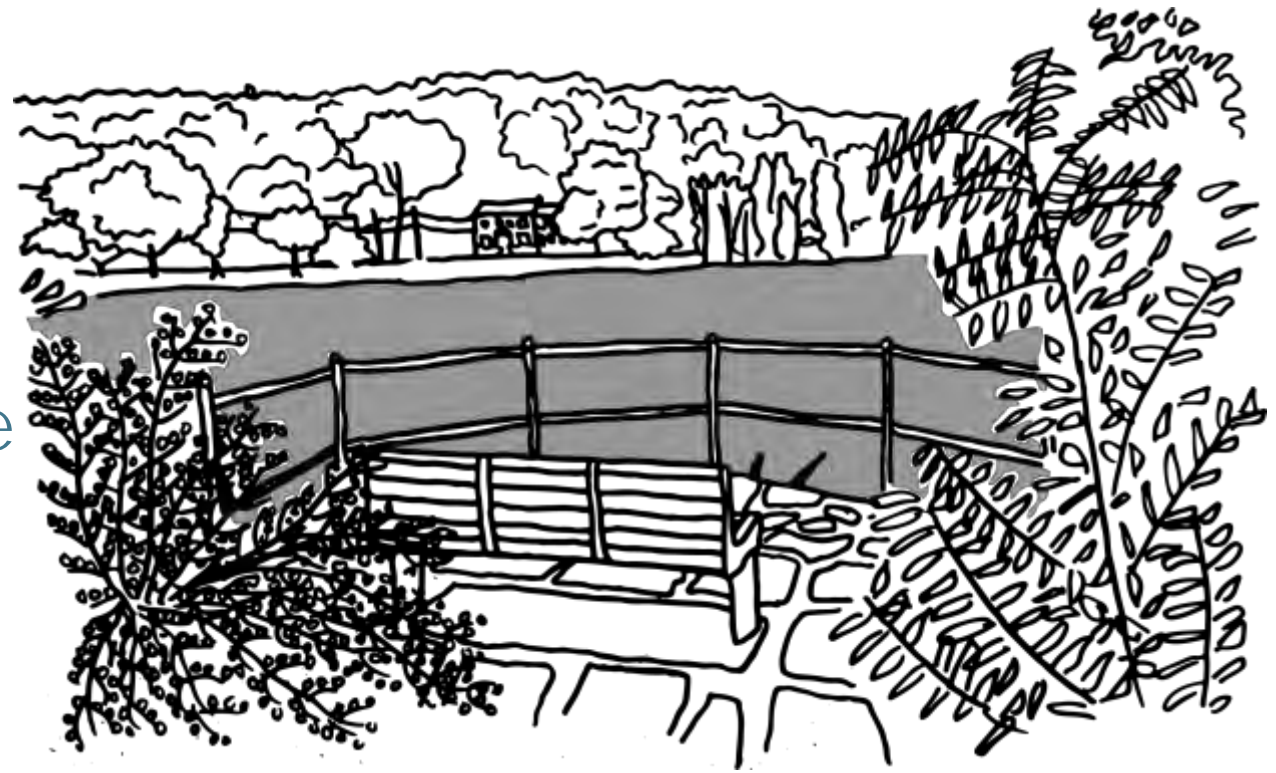
Transportation (~61)

- How is MBTA's updated routes, schedules, and budgets in context of the pandemic being considered for transit-oriented-development?
- Would allowing more multi-family housing by-right increase road and parking congestion and pollution?



Environmental Sustainability (~58)

- How to support the Climate Action Plan?
- How can the city balance housing goals and preservation of open space and tree canopy?



Financial Sustainability (~43)

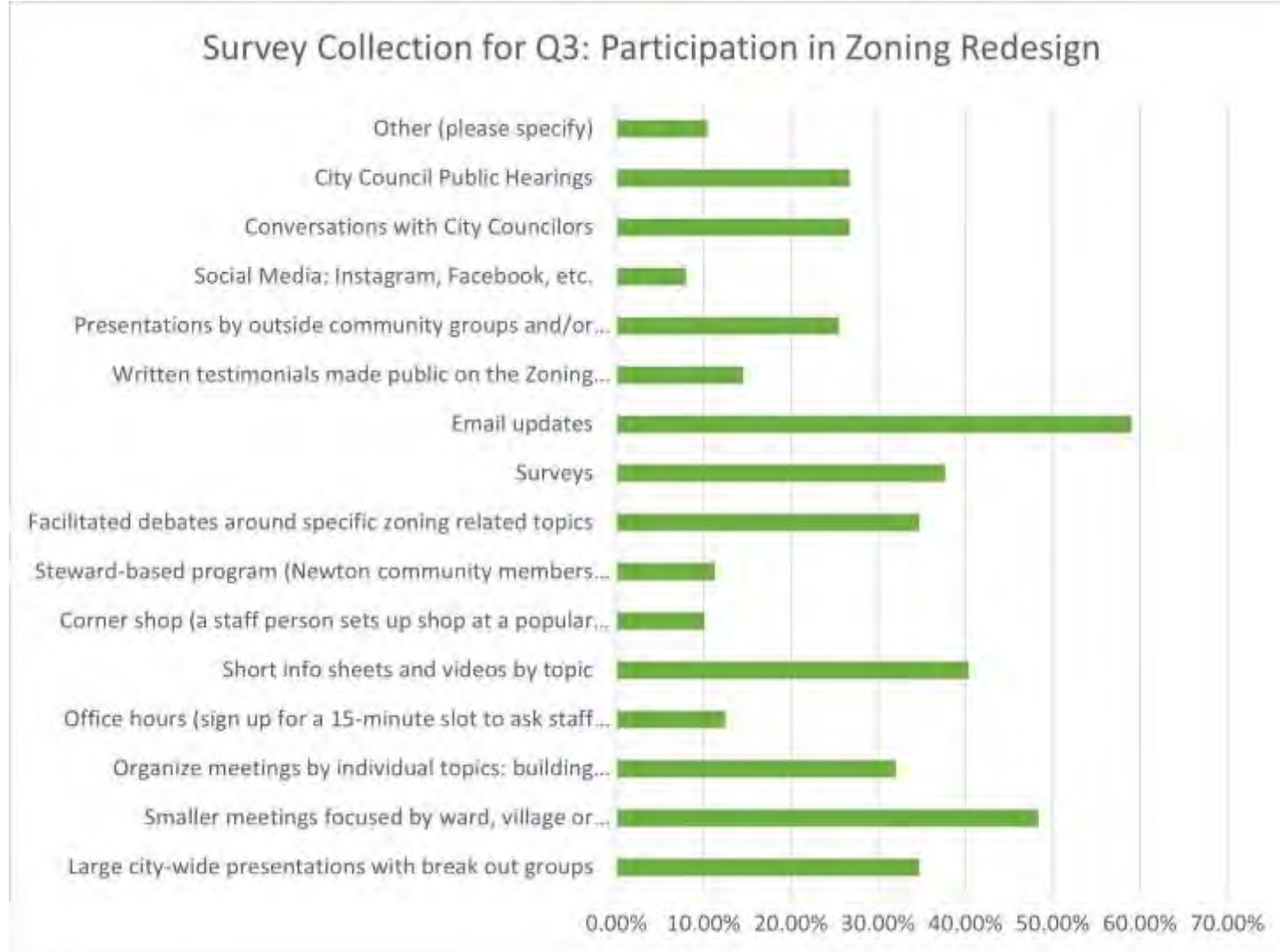
- How would the draft Zoning Ordinance impact real estate values, property taxes, city revenues, the city budget, and business?



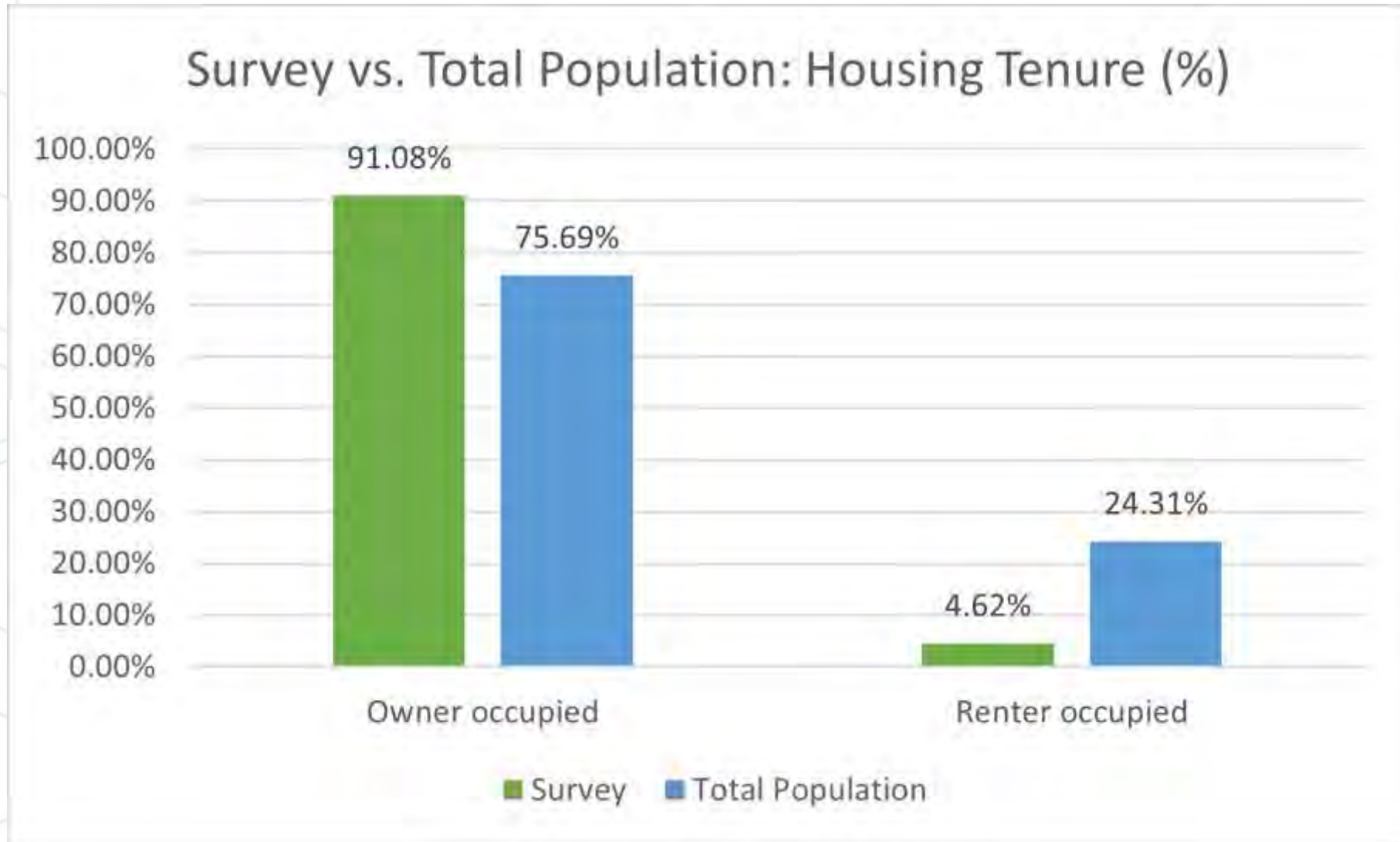
Other (~61)

- Education
- Historic Preservation
- Non-Conforming Properties
- And more

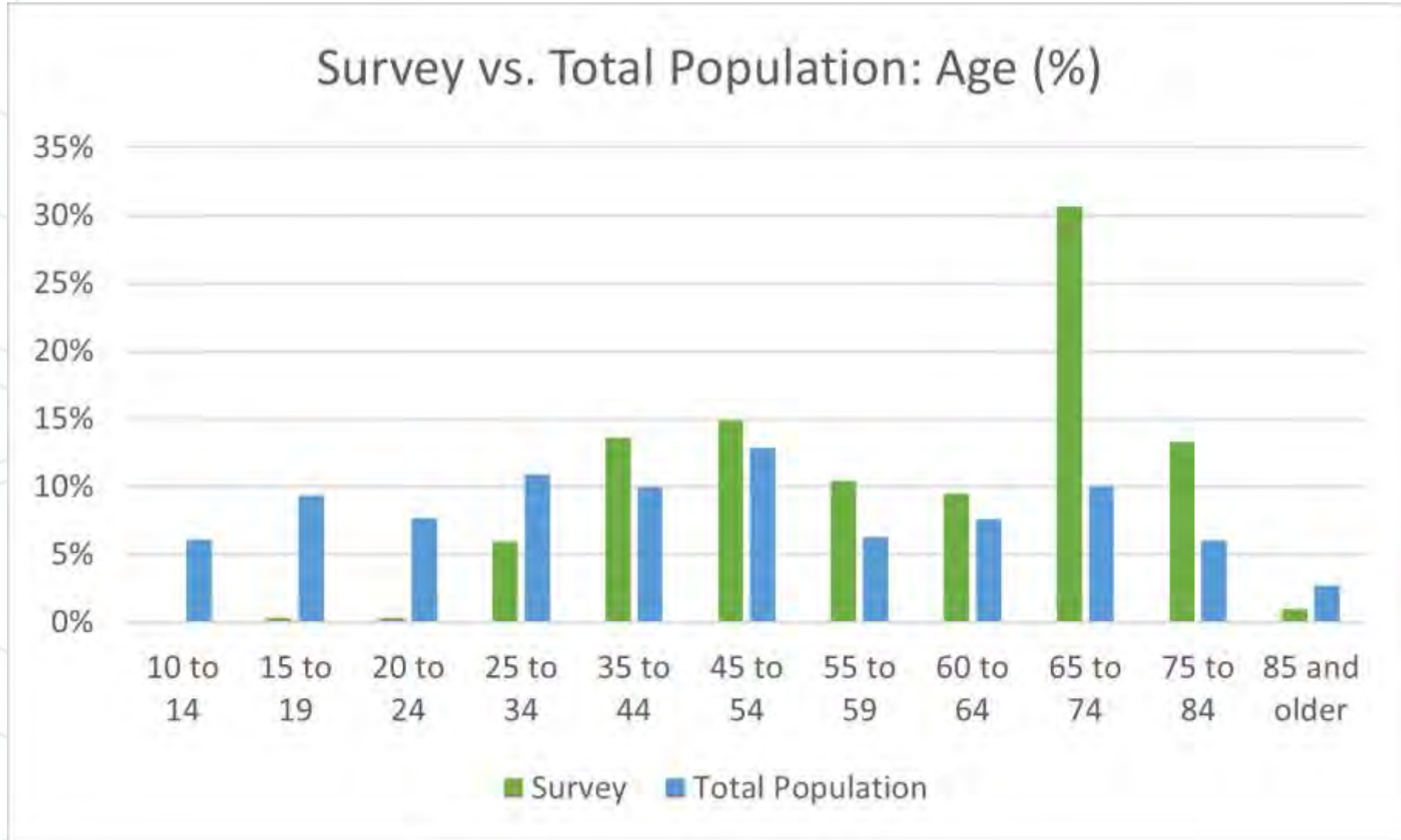
Community Engagement Ideas



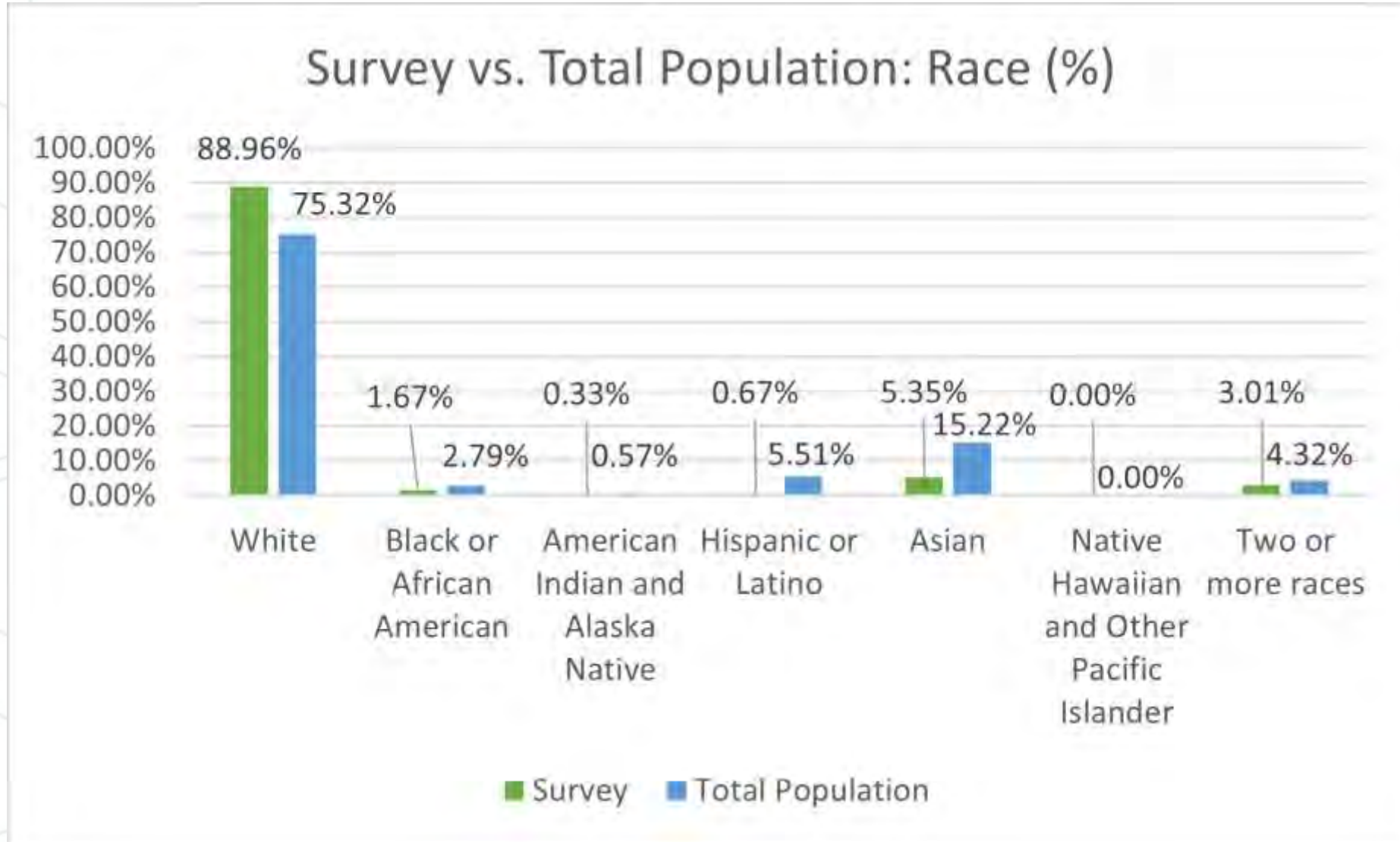
Who We Heard From (Survey): Housing Tenure



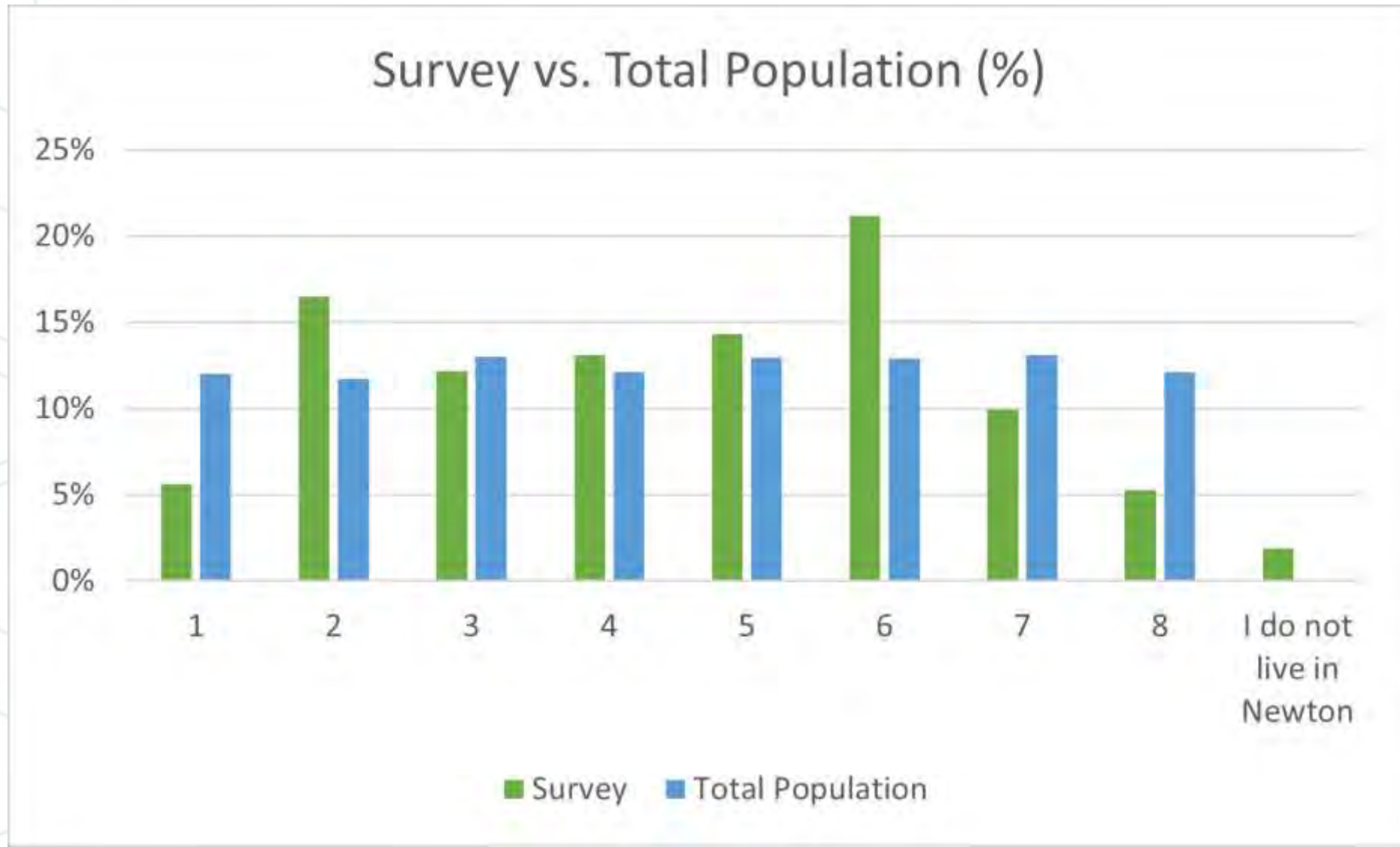
Who We Heard From (Survey): Age



Who We Heard From (Survey): Race



Who We Heard From (Survey): Ward



Based on What We Heard: Community Engagement For Today

We Heard -> What We Can Do Today

- Need a better organized website -> Staff are drafting/improving sections as we speak
- Need more accessible information
 - For newcomers -> staff are drafting a Zoning Redesign 'booklet'
 - To keep everyone updated -> Monthly Newsletters
- Need to increase youth engagement -> Staff are meeting frequently with NextGen Voices and building relationships with young families and NP



Based on What We Heard:

Community Engagement For the Future

We Heard:

- Need more transparency around what data and voices of experts influence Zoning Redesign work
- Need to better understand issues with the current ordinance
- Want more space for (virtual) discussions that ground Zoning Redesign issues in where one lives/works/studies
- Must practice equitable community engagement and utilize a lens of equity across race, class, ability, housing tenure, age, and more for research and analysis



Future Workflow + Community Engagement

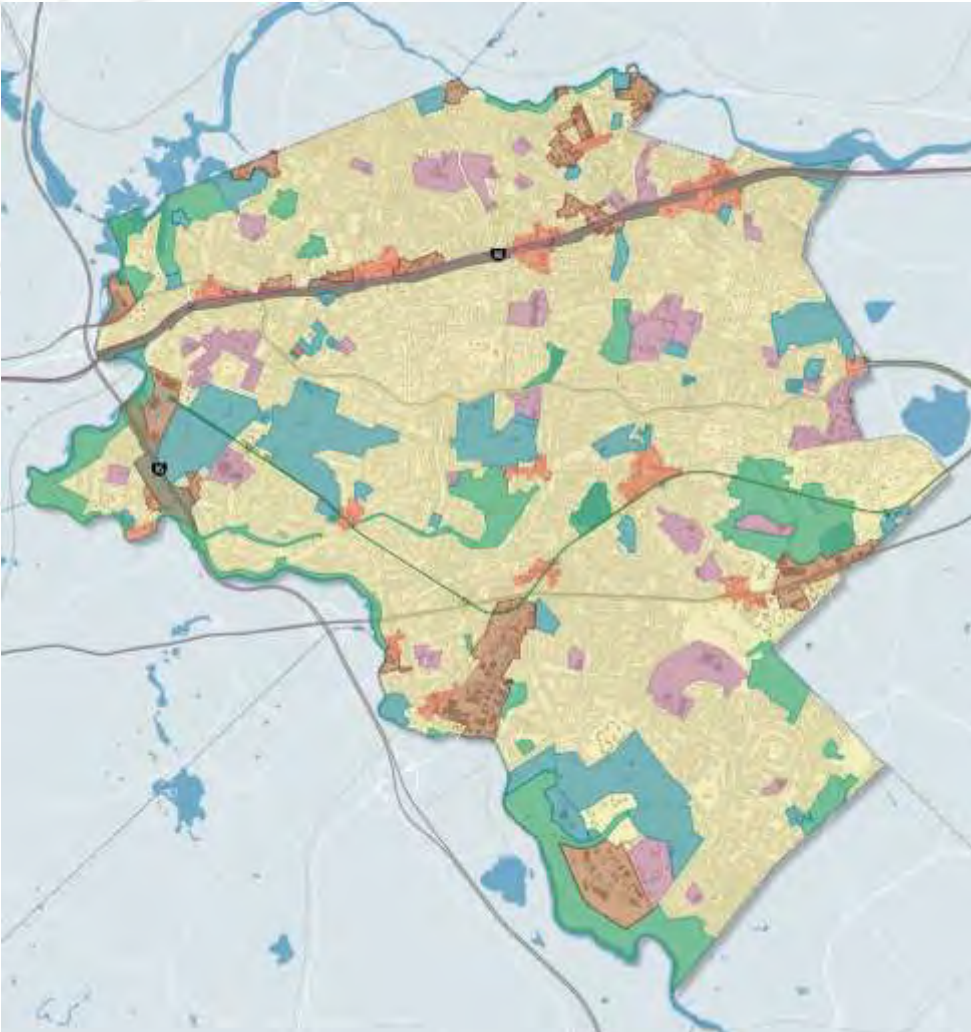
Moving Forward in 2021

- Requires an updated planning framework
- Articulate why Newton is undertaking Zoning Redesign
- Understanding of the current Zoning Ordinance and the 2018 draft
- What zoning can do vs. what zoning cannot do
- Lay out the tools for effectively engaging with the community transparently & inclusively

Synthesizing Past Work in 2020

- Temporarily set down Article 3 – Residence Districts
- Questions remain and additional analysis and engagement is required
- Synthesizing the work to-date
 - Summary memo
 - Annotated draft zoning text
 - Updated draft zoning map
- Plan to review and discuss at the February 22, 2021 ZAP meeting

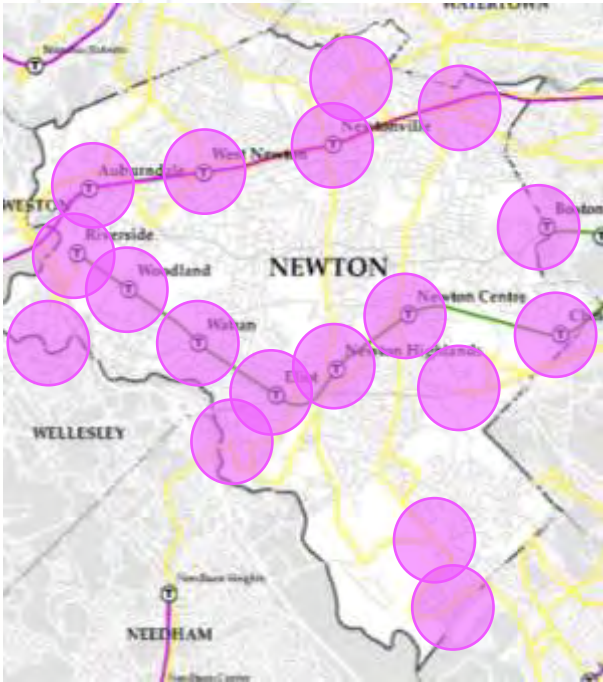
Shifting to a Geographic Based Review



- Address themes laid out in guiding plans, policies, and documents through distinct geographies of Newton
- Begin with geographies that have the greatest opportunity

Geographies

Village Centers
/ Transit Nodes



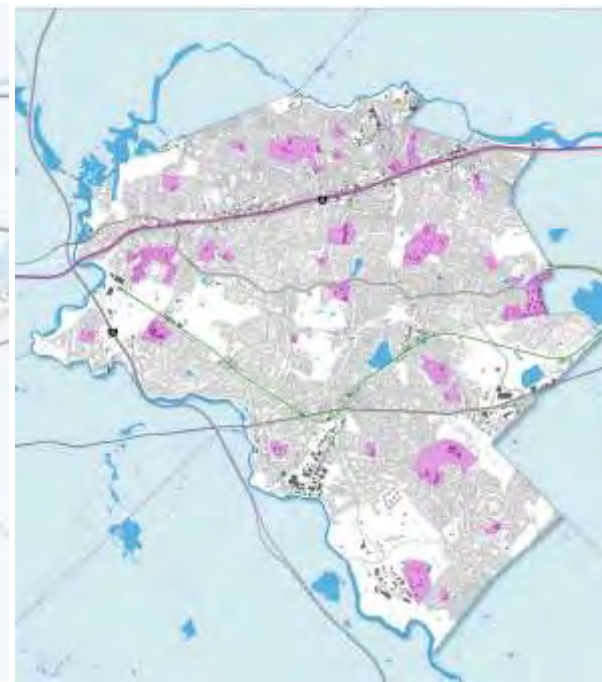
Ex. Newton Centre
/ Woodland T

Corridors



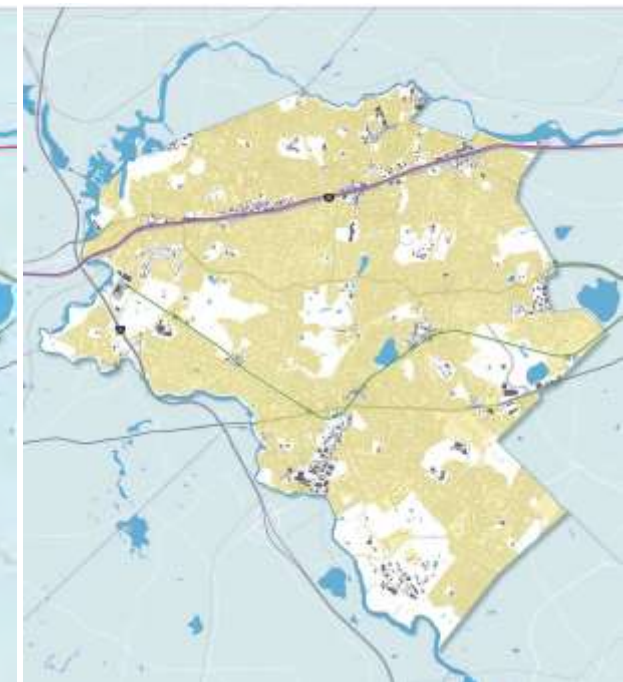
Ex. Route 9,
Watertown St,
Sudbury Aqueduct

Single Purpose



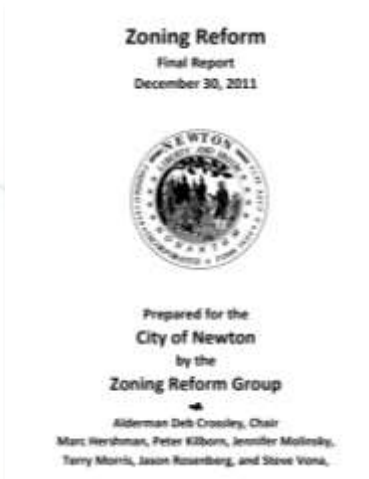
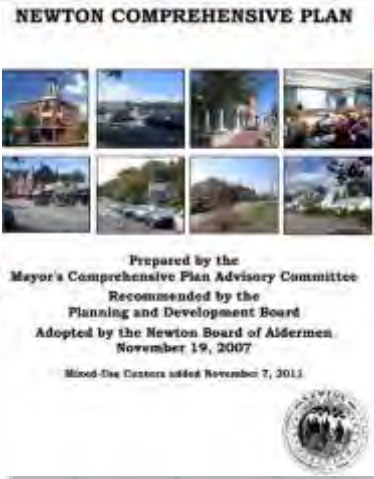
Ex. Newton
Wellesley Hospital,
Wells Ave, Golf
Courses

Neighborhoods



Ex. Predominantly
Residential Areas

Themes Within Each Geography



- Sustainability / Climate
- Housing Opportunity
- Economic Development
- Transportation
- Arts, Culture, and Institutions
- Development Process/Review
- Neighborhood Context

Phases for a Geographic Framework

Phase I



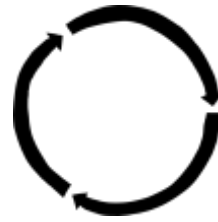
Organize
key data
and
analysis

Phase II



Gather
community
input

Phase III



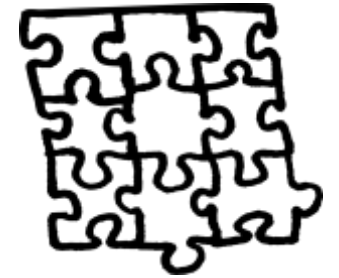
Conduct
Research

Phase IV



Test
solutions
with the
community

Phase V



Finalize
solutions

Organize Key Data and Analysis (1.5 months)



- Goal: Zoning that facilitates more housing near transit and village centers
 - If/how do the current/proposed Zoning Ordinances achieve this goal?
 - Has recent development aligned with this goal?
 - What is the connection with the recent Housing Choice legislation?

Gather Community Input (2 months)

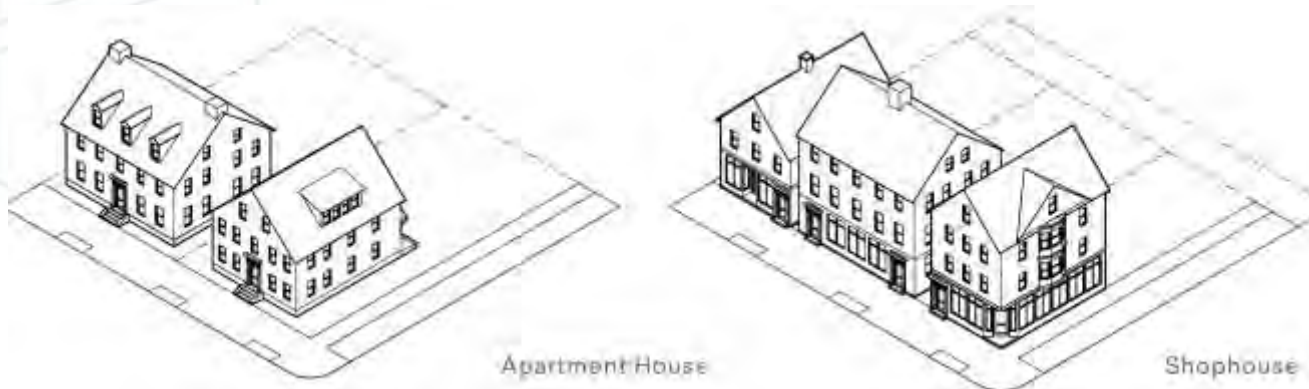


- Neighborhood walks
- Small focus-group meetings
- Pop-up events
- Social media
- Structured debates

Conduct Research (3 months)



- Conduct the necessary research and test proposals before discussing at ZAP
- Example: What building types provide housing necessary to support local businesses, public transit, connect to the surrounding neighborhoods, etc.?

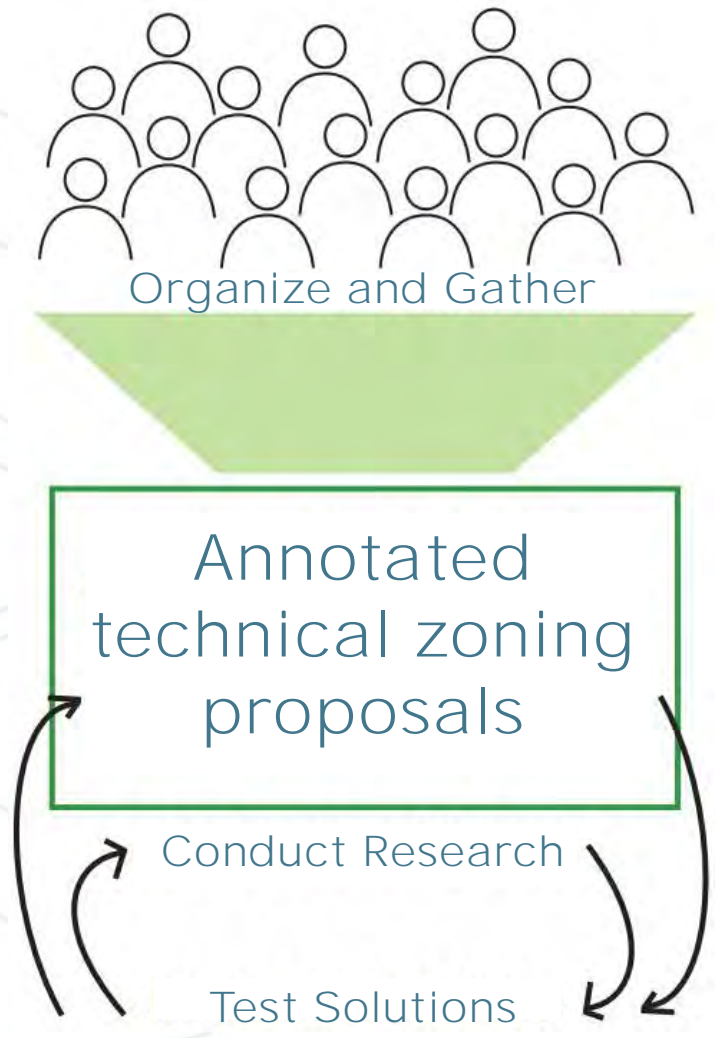


Test Solutions with the Community (2 months)



- Determine impact
- Prioritize
- Discuss tradeoffs

Finalize Solutions (1.5 months)



- ZAP meetings with guest speakers
- Committee-of-the-Whole
- Public hearings



Looking Ahead

- Comments and questions from ZAP leading to a refined Zoning Redesign framework

Thank You!





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: January 22, 2020

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
Nevena Pilipović-Wengler, Community Engagement Manager
Cat Kemmett, Planning Associate

RE: **Chair's Note:**
The Zoning & Planning Committee will receive a presentation and report from Community Engagement Planner Nevena Pilipovic-Wengler on the Community Engagement Event held in December. The Committee will also begin a discussion on how to approach the Zoning Redesign work plan for 2021.

MEETING: January 25, 2020

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

December Community Engagement Review

'Where We Are Now' Community Engagement Information

Planning staff have recently completed "Zoning Redesign: Where We Are Now", which included two community engagement events on December 2 and 3, 2020, a survey, and efforts of the Community Engagement Planner (Nevena Pilipovic-Wengler) to meet as many stakeholders as possible. 'Where We Are Now' aimed to establish a baseline understanding of Zoning Redesign, collect the Newton communities' questions, hopes, and concerns for the project, and learn what Newton communities envision for future community engagement.

The qualitative data for 'Where We Are Now' is available for the public to review, linked here:

- ['Where We Are Now' Events on December 2 & 3, 2020](#): 18 break-out discussion room recordings and corresponding Chat boxes (total of ~500 attendees, combined)

- [‘Where We Are Now’ Events RSVP Form](#): Registrants were offered the opportunity to share questions they had regarding Zoning Redesign in their RSVP form (total of 169 comments/questions from 533 registrations)
- [‘Where We Are Now’ Survey results](#): made available from December 8, 2020 to January 10, 2021 (total of 343 submissions)

In addition, Nevena began to build community relationships; after her October 1, 2020 start date, by meeting with or presenting at 6 commission/committee meetings, 3 Neighborhood Area Councils, and 19 stakeholder entities. The commissions and stakeholders included are (listed in alphabetical order):

- Commissions & Committees: Commission on Disability, Community Preservation Committee, Conservation Commission, Transportation Advisory Group, Urban Design Commission, Youth Commission
- Neighborhood Area Councils: Newtonville, Newton Highlands, Upper Falls (Waban was reached out to but have not responded)
- Stakeholders: 350Mass Newton Node, Bike Newton, Chinese American Association of Newton (CAAN), Defund Newton Police, Engine6, Families Organizing for Racial Justice (FORJ), Green Newton, Green Newton – School Connections, League of Women Voters – Newton, Newton Center for Civic Engagement, Newton Interfaith Clergy Association (NICA), Newton Lower Falls Improvement Association, Newton Neighbors Helping Neighbors, NNHS Next Gen Voices, Right-Size Newton, Safe Routes to School, Temple Emanuel Social Justice Group, Understanding Our Differences, West Suburban YMCA

This list continues to grow; these are additional groups that Nevena has reached out to or would like to reach out to and build stronger relationships with: Citizens Commission on Energy, Council on Aging, Economic Development Commission, Human Rights Commission, Newton Housing Authority and Newton Housing Partnership, Waban Neighborhood Area Council, Harmony Foundation, Newton Coalition of Black Residents, Newton Conservators, Post 440 – Nonantum, Waban Improvement Society, Nonantum Neighborhood Association, and Newton PTSO Councils.

ZAP and Newton community members are heartily welcomed to introduce Nevena to any stakeholder groups/representatives.

‘Where We Are Now’ Recap

Newton community members’ responses to the break-out discussion prompts and survey questions traversed a range of nuanced curiosities, personal experiences, and concerns for the wellbeing of Newton. Upon review, the following themes emerged from the breadth of public comment (listed by the rough number of questions/insights that fell into that theme): Process (283), Housing (283), Neighborhood Context (73), Transportation (61), Environmental Sustainability (58), Financial Sustainability (43), and Other (61).

The following recap identifies the most recurring questions for each theme:

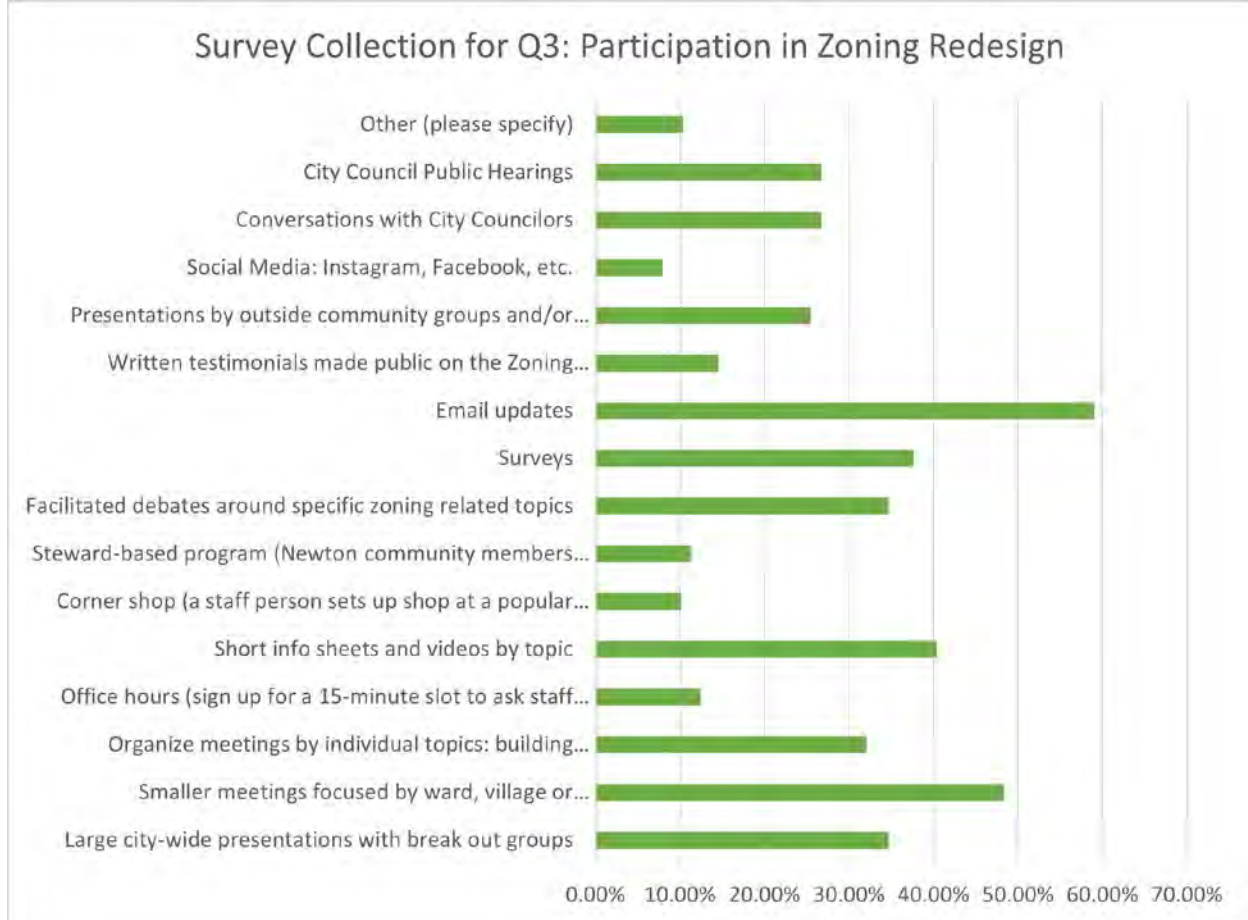
- Process (283): Why are we doing a “complete overhaul” versus incremental changes to the current Zoning Ordinance? Why is Zoning Redesign needed and who determined that? What

research and expertise backs up the issues and the proposals? What are the impacts of proposed changes in the ordinance? Can there be a referendum? How are staff and elected officials considering a socioeconomic equity lens?

- Housing (283): How will the new Zoning Ordinance address the current tear down of reasonably priced homes that are then replaced with larger and expensive homes (happening under the current Zoning Ordinance)? How can Zoning Redesign truly diversify and increase the affordability of the housing supply (and how is 'affordability' being defined)? Is Universal Design being considered for accessibility? And regarding single-family zones and multi-family zones, opinions ranging from one end that worries that more multi-family zoning will "ruin the character or most parts of Newton," while another end finds more multi-family zoning important for "climate proactive, affordable, diversified housing opportunities."
- Neighborhood Context (73): How will a design review be incorporated into Zoning Redesign? How will increased density affect the way neighborhoods currently feel?
- Transportation (61): How is MBTA's updated routes, schedules, and budget cuts in context of the pandemic being considered for transit-oriented-development? Would allowing more multi-family housing by-right result in an increase to road congestion?
- Environmental Sustainability (58): What are the proposals in the draft Zoning Ordinance that supports climate action (and do they factor in carbon commissions)? How do we balance housing goals and preservation of open space and tree canopy?
- Financial Sustainability (43): How would the draft Zoning Ordinance impact real estate values, property taxes, city revenues, the city budget, and business?
- Other (61): Will allowing more multi-family housing by-right impact school enrollment? What are the impacts for historic preservation? Why is adoption of a form-based code necessary? What are the impacts for non-conforming properties?

In addition to gathering the public's overall questions about Zoning Redesign, staff asked those who attended the events or completed the survey for their input on future community engagement. Both the break-out discussions and the survey revealed general support for staff's ideas, listed below in the Survey graphic:

Survey Responses to: “How would you like to participate in Zoning Redesign conversations? (Check all that apply)”



Some community members expressed concern with the extent to which the inability to meet in-person impedes effective dialogue for Zoning Redesign. At the same time, other community members expressed enthusiasm for the Zoom format and overall expressed appreciation for the December 2 and 3 events' format.

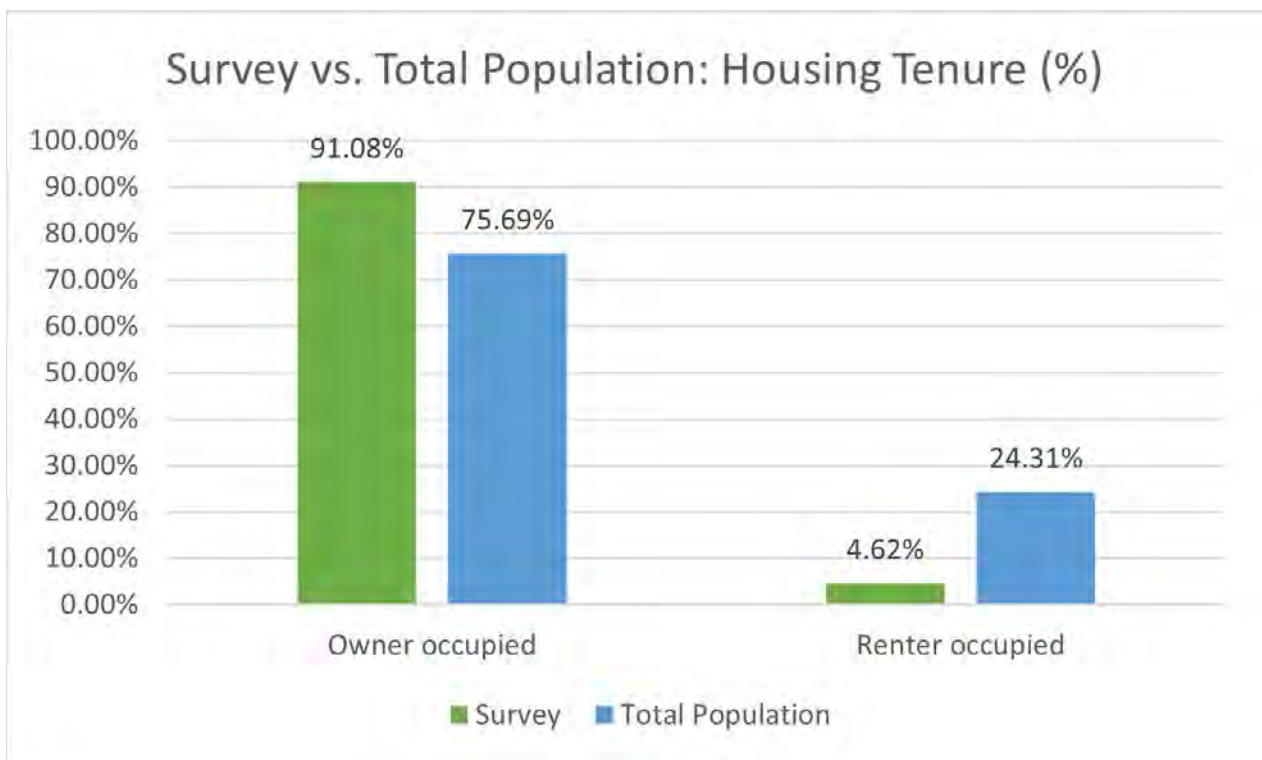
Interestingly, multiple community members highlighted a need for community engagement tactics that do not take place in person, such as better email updates, short easy-to-read info sheets and a “Zoning 101” resource, mailers, and a more organized website. While staff look forward to returning to in-person engagement, based on the responses received, it seems virtual options can provide additional accessibility. Moving forward, staff plan to incorporate in-person and virtual engagement opportunities.

In terms of ideas for community engagement, there has been general support for the ideas listed by staff during the events and in the survey, including smaller (Zoom) meetings focused by ward, village or neighborhood, email updates, and short info sheets and videos by topic. Another idea that surfaced was for staff to focus engagement more on younger people in Newton, and youth from NNHS NextGen Voices and the Newton Youth Commission encouraged the use of social media as a platform to engage.

'Where We Are Now': Who We Heard From

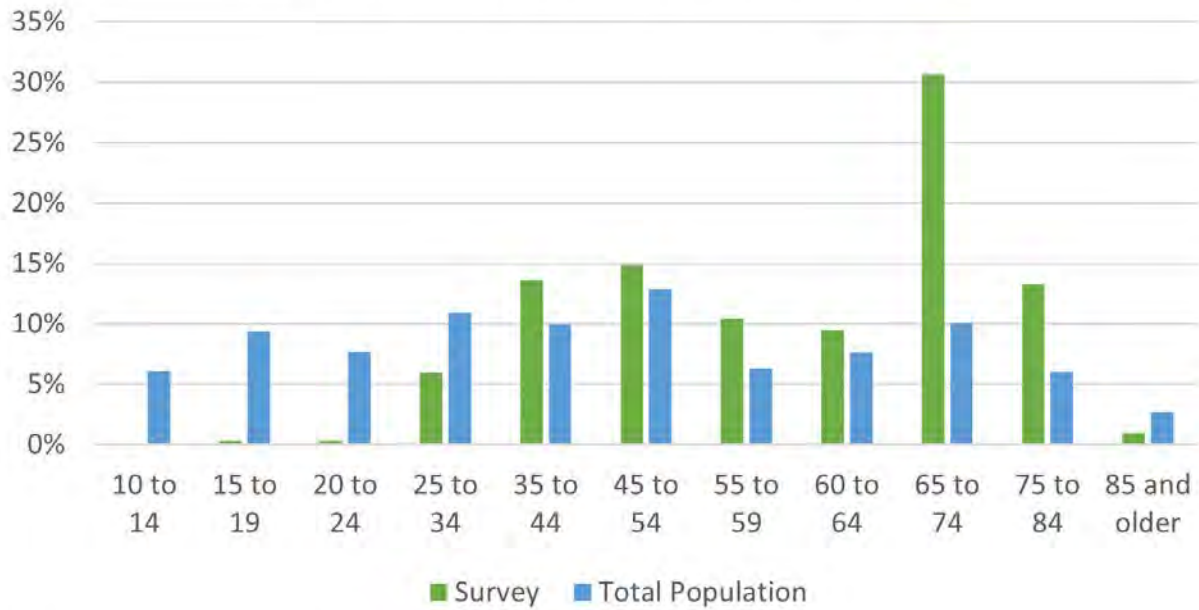
Lastly, the survey helps reveal who currently accesses and participates in Zoning Redesign outreach. When put in juxtaposition to Newton's most recent demographics from the 2019 U.S. Census' American Community Survey, it informs staff of the need to put more effort into reaching out to and engaging the populations of renters, ages 15 to 34 and 85 and older, and Black, Hispanic or Latinx, and Asian communities. Lastly, there was less turnout from Wards 1 and 8, also requiring more attention.

Data and data sources for the following tables are listed at the end of this document (Attachment A). 'Survey' in the titles of the following tables all refer to the Zoning Redesign 'Where We Are Now' Survey offered to the public from December 8, 2020 to January 10, 2021.



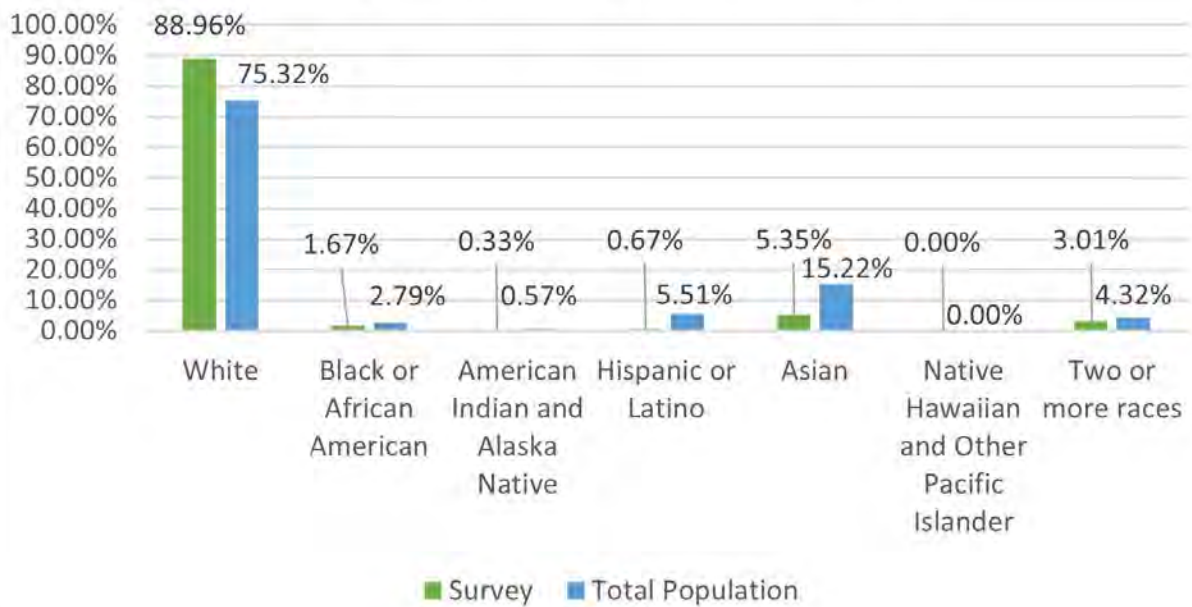
Total Population data pulled from the U.S. Census American Community Survey 2019, 1-year estimate.

Survey vs. Total Population: Age (%)

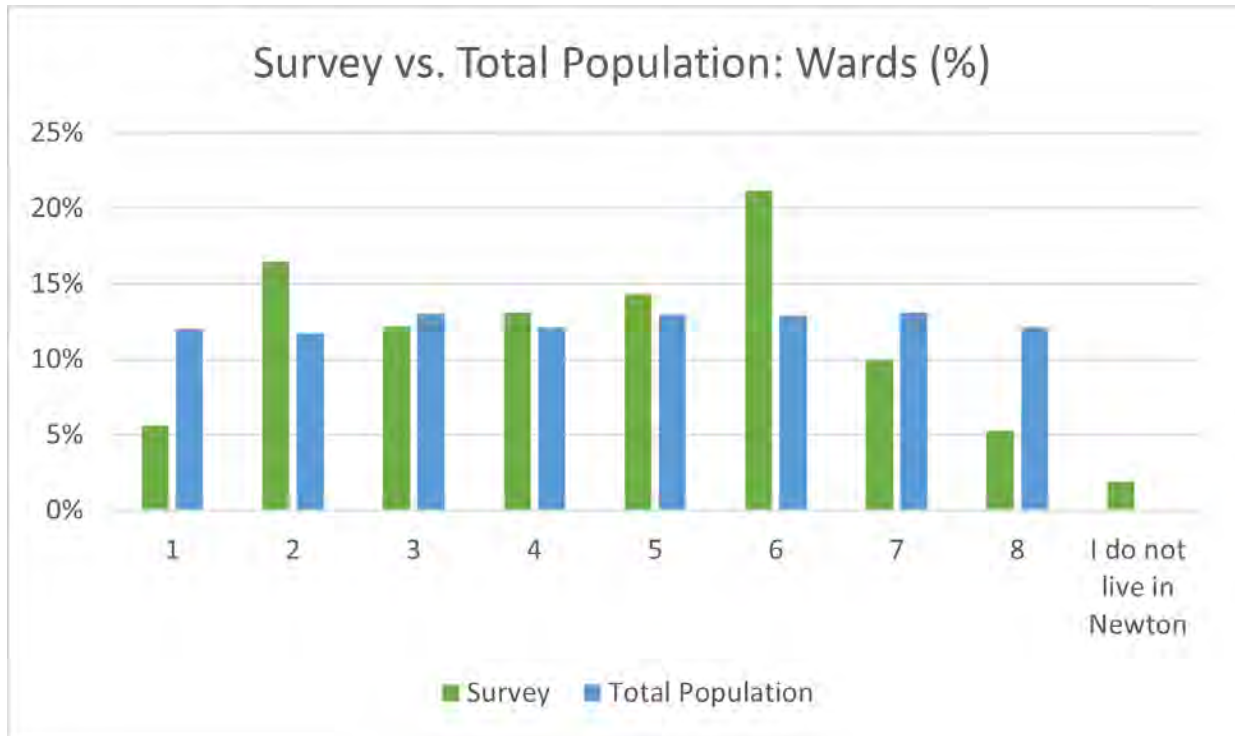


Total Population data pulled from the U.S. Census American Community Survey 2019, 1-year estimate.

Survey vs. Total Population: Race (%)



Total Population data pulled from the U.S. Census American Community Survey 2019, 1-year estimate.



Total Population data pulled from the Newton City Census, last updated October 2020.

Based on What We Heard: Community Engagement We're Considering

Staff have identified ways they can immediately address concerns heard during the 'Where We Are Now' community engagement. Newton community members expressed needs for a better organized website and more accessible Zoning Redesign information both for newcomers as well as for community members to utilize in inviting their neighbors into the conversation. Staff continue to improve the website and are creating a Zoning Redesign 'booklet' that covers the basics of zoning and contextualizes it in Newton (inspired by the Center of Urban [Pedagogy's 'What Is Zoning? Guidebook'](#)) and have committed to releasing monthly Zoning Redesign newsletters that recap ZAP meetings and any updates to the project as well as upcoming events.

As for Zoning Redesign's future community engagement, staff will consider the issues just discussed as well as the additional needs of the public wanting (1) transparency around what data and voices of expertise influence the policy proposals and technical suggestions of the draft Zoning Ordinance, (2) to better understand the specific issues with the current ordinance, and (3) more space for (virtual) discussions that offer opportunities to contextualize the Zoning Redesign deliberations to where they live, work, commute or attend school.

Lastly, it is critical for the City to carry out equitable community engagement. Several Newton community members expressed both through the break-out discussions and through the survey a need for the City to consider zoning through the lens of equity across race, class, ability, housing tenure (whether one owns or rents), age, and more. To do so includes both incorporating such a lens into all research and analysis of policy and technical proposals, along with prioritizing community engagement of those most impacted by these inequities.

Zoning Redesign 2021 Work Plan

Moving Forward in 2021

From these events, and the overwhelming feedback received, it became apparent that moving forward in 2021 requires an updated planning framework that begins with clearly articulating why the City is undertaking Zoning Redesign and lays out the tools to effectively engage the community in a transparent and inclusive process. Planning staff have worked closely with the ZAP Chair and Vice-Chair to develop a draft workflow outlined below. Staff look forward to feedback from the ZAP Committee to refine and improve this proposal.

Synthesizing the Past Work in 2020 (Article 3 - Residence Districts)

Over the past year, ZAP has reviewed and discussed the proposals within Article 3 - Residence Districts. On December 14, 2020, the Committee expressed support for temporarily setting down Article 3, with the understanding that coming to an overall consensus on the proposed zoning language will require additional analysis and community engagement. Staff will synthesize the work to-date in a similar manner to the Newton Charter Commission review process. Specifically, staff plan to compile a cover letter summarizing the work to date, an annotated draft zoning text, and an updated draft zoning map. Staff look forward to sharing this material with Committee members prior to the scheduled February 22, 2021 meeting.

Shifting to a Geographic Based Review

At the beginning of 2020, ZAP set forward to work through the Zoning Redesign proposal Article-by-Article. Looking at the feedback from our recent engagement, this framework has proved challenging. For example, participants expressed confusion over discussions focused on housing opportunities that did not include village centers/transit-nodes. Others expressed using the organizational structure of the Zoning Ordinance as “abstract” or “disconnected” from the guiding goals and objectives, which clearly apply to multiple articles.

To systematically look at the topics and themes laid out by previous policy and planning documents, like the Comprehensive Plan and the Zoning Reform Group report, staff recommend organizing the work into the following geographies:

- Village Centers/Transit-Nodes (ex. Newton Centre/T-stops)
- Corridors (ex. Route 9)
- Single Purpose – institutional/office/recreational/industrial (ex. Newton Wellesley Hospital/Wells Ave/Golf Courses)
- Neighborhoods (ex. predominantly residential areas)

Moving forward by geography is a natural progression from the most recent work on Article 3, which would fall under the Neighborhoods geography. In addition, this lens will put greater emphasis on mapping and visuals from the beginning. The lack of mapping and visuals was a regular criticism of the past Article review approach. Within each geography staff recommend breaking down the work into the key themes and topics identified from the recent community outreach. These themes and topics closely align with those outlined in the City’s guiding plans, policies, and documents:

- Sustainability/Climate

- Housing Opportunity
- Economic Development
- Transportation
- Arts, Culture, and Institutions
- Development Process/Review
- Neighborhood Context

Community Engagement Tactics

Per the feedback and ideas gathered during ‘Zoning Redesign: Where We Are Now,’ staff proposes the following community engagement tactics for this workflow proposal:

- Geography-based community meetings: Smaller discussions organized around the geography in focus (for example, if Village Centers, meetings will be formed around each Village Center.) More description of the purpose and timing of these meetings is described in the workflow process below.
- Focus-groups community meetings: In addition to the geography-based community meetings, holding meetings focused on the voices that have not been as present in previous community engagement, including but not limited to youth, people with disabilities, young families, renters, and ESL (English-as-a-Second-Language) communities.
- Strong communications effort: Monthly email updates, easy-to-access info sheets for each geography-based set of topics, and the finalized ‘Zoning Redesign Booklet’ to help those new to the conversation get familiar and jump in.
- Targeted outreach for equitable engagement: utilizing canvassing, ‘lit-drops’ (leaving information sheets at community members’ doors), on-the-street pop-ups (social distanced), and language translation.
- ‘Zoning Redesign Stewards’ program: where community members volunteer to review Zoning Redesign public material for its accessibility and clarity, help spread word of Zoning Redesign community engagement events, and help staff identify ways to increase equitable outreach.
- Area-specific walks: (social distanced or digital) to understand effects of the current Zoning Ordinance and what changes may be merited.
- Create a social media presence: (Instagram and Facebook), with NextGen’s Zoning Redesign working group offering to help create posts to share with Newton high schoolers.

Phases for a Geographic Framework

A five-phased framework builds from previous efforts in Newton, as well as common problem-solving methodology used by designers, planners, and managers, to identify problems and create informed solutions. The time period can be amended to meet the specific needs of a geography, but the framework stays the same. This framework provides a methodical way to evaluate zoning proposals within the given geography by reestablishing shared goals and problems, determining the appropriate analysis required, and focusing on solutions that address the shared problems and stated goals.

These phases are listed below along with an example that would fall under the village centers/transit-nodes geography. These examples are meant to illustrate the workflow and a more detailed work plan will be developed in collaboration with the committee.

- Phase I - Organize Key Data and Analysis
 - Objective: Identify key community concerns, goals, and values; establish what falls under zoning and what is outside of zoning
 - Example: The Climate Action Plan highlights buildings and transportation as the two sectors contributing to greenhouse gas emissions in Newton (concern). To address this, the plan proposes that the Zoning Ordinance facilitate an increase in housing development near public transit and village centers that utilizes climate friendly construction methods and decreasing dependence on automobiles (goal). Finally, the plan outlines that the chosen development standards must be tailored to the specific neighborhoods (value).
 - Deliverable: Geography scope of work; analysis of the current and proposed Zoning Ordinances as they relate to the concerns, goals, and values; list of questions to be answered and data and analysis needed
- Phase II - Gather Community Input
 - Objective: Develop a shared community vision and set of guiding principles
 - Example: Neighborhood walk around village centers/transit-nodes to develop a visual understanding of how the current ordinance does or does not address the identified concerns, goals, and values
 - Deliverable: Share the compilation of information gathered in Phase I and solicit feedback through a variety of engagement tactics
- Phase III - Conduct Research
 - Objective: Conduct the necessary research and testing of proposals (including those from the 2018 draft as well as new ideas) before bringing proposals to ZAP and the public
 - Example: Determine the appropriate building types and development standards that will facilitate new housing that will be more environmentally friendly, affordable, and better support local businesses
 - Deliverable: Regular check-ins with ZAP and the public; outside voices presenting on their experiences addressing the same issues; draft solutions and proposals
- Phase IV - Test Solutions with the Community
 - Objective: Test preliminary solutions with the community for viability, feasibility, and desirability
 - Example: Bring in outside voices (consultants, other relevant communities, etc.) who have recently created new zoning to facilitate environmentally friendly housing development and draft Newton specific solutions
 - Deliverable: Share the initial findings of Phase III and solicit feedback through a variety of engagement tactics events/workshops
- Phase V - Finalize Solutions
 - Objective: Present the community prioritized solutions along with supporting analysis and research to elected officials
 - Example: ZAP meetings, Committee-of-the-Whole, Public Hearings
 - Deliverable: Annotated technical zoning proposals for the given geography

Again, the examples and deliverables listed above do not represent a complete list. Though these phases provide a framework, each geography will have its own specific work plan and community engagement strategy.

Looking Ahead

Staff will work to refine this proposal following the feedback received at the January 25, 2021 ZAP meeting. In addition, staff plan to share the synthesis of Article 3 - Residence Districts from this past year prior to the scheduled February 22, 2021 meeting.

Attachments

Attachment A Data and Data Sources for Survey Tables

Sources for Graphs

For 'Survey' in all graphs and tables listed below: Zoning Redesign 'Where We Are Now' Survey, administered through SurveyMonkey from December 8, 2020 through January 10, 2021

For 'Total Population' in graphs and tables for Housing Tenure, Race, and Age: U.S. Census Bureau's American Community Survey, 2019 1-Year Estimate

For 'Total Population' in graph and table for Wards: Newton City Census, last updated October 2020

Data for Graphs**Survey vs. Total Population: Housing Tenure**

Housing Tenure	Survey		Total Population	
	#	%	#	%
Total	325	100%	80877	100%
Owner occupied	296	91.08%	61212	75.69%
Renter occupied	15	4.62%	19665	24.31%

Survey vs. Total Population: Race

Race	Survey		Total Population	
	#	%	#	%*
Total	299	100%	88411	105.51%
White	266	88.96%	66595	75.32%
Black or African American	5	1.67%	2463	2.79%
American Indian and Alaska Native	1	0.33%	501	0.57%
Hispanic or Latino (of any race)	2	0.67%	4870	5.51%
Asian	16	5.35%	13453	15.22%
Some other race**	-	-	1581	1.79%
Native Hawaiian and Other Pacific Islander	0	0.00%	0	0.00%
Two or more races	9	3.01%	3818	4.32%

*Total Population is the combination U.S. Census' identification of 'Race' and the count for Hispanic or Latinx (of any race)

** 'Some Other Race' was not offered as an option on the Zoning Redesign Survey but is listed in U.S. Census data.

Survey vs. Total Population: Age

Age	Survey		Total Population	
	#	%	#	%
<i>Total</i>		100.00%	88411	100.00%
Under 5 years	-	-	3989	4.51%
5 to 9 years	-	-	5138	5.81%
10 to 14	0	0.00%	5416	6.13%
15 to 19	1	0.32%	8274	9.36%
20 to 24	1	0.32%	6778	7.67%
25 to 34	19	6.01%	9665	10.93%
35 to 44	43	13.61%	8842	10.00%
45 to 54	47	14.87%	11361	12.85%
55 to 59	33	10.44%	5580	6.31%
60 to 64	30	9.49%	6757	7.64%
65 to 74	97	30.70%	8881	10.05%
75 to 84	42	13.29%	5345	6.05%
85 and older	3	0.95%	2385	2.70%

Survey vs. Total Population: Wards

Ward	Survey		Total Population	
	#	%	#	%
<i>Total</i>	321	100%	80424	100%
1	18	5.61%	9686	12.04%
2	53	16.51%	9434	11.73%
3	39	12.15%	10467	13.01%
4	42	13.08%	9753	12.13%
5	46	14.33%	10416	12.95%
6	68	21.18%	10365	12.89%
7	32	9.97%	10545	13.11%
8	17	5.30%	9758	12.13%
I do not live in Newton	6	1.87%	0	0.00%

Survey response to: How would you like to participate in Zoning Redesign conversations? (Check all that apply)

Community engagement tactic	%*	#
<i>Total</i>	-	337
Large city-wide presentations with break out groups	35%	117
Smaller meetings focused by ward, village or neighborhood	48%	163
Organize meetings by individual topics: building components, housing types, incentives for affordable sustainable housing, financial impact, etc.	32%	108
Office hours (sign up for a 15-minute slot to ask staff questions)	12%	42
Short info sheets and videos by topic	40%	136
Corner shop (a staff person sets up shop at a popular neighborhood corner to hand out Zoning Redesign information and solicit ideas,	10%	34
Steward-based program (Newton community members sign up to be 'Stewards,' where they review material that staff creates for public education, such as flyers, educational pamphlets, or surveys and help engage Newton community members)	11%	38
Facilitated debates around specific zoning related topics	35%	117
Surveys	38%	127
Email updates	59%	199
Written testimonials made public on the Zoning Redesign website	15%	49
Presentations by outside community groups and/or elected officials that have experienced the zoning code being redesigned in their city	26%	86
Social Media: Instagram, Facebook, etc.	8%	27
Conversations with City Councilors	27%	90
City Council Public Hearings	27%	90
Other (please specify)	10%	35

**Because the surveyor could 'check all that apply,' the 'Total' is calculated as the total amount of surveyor responses (vs. the total amount of 'checks') and each percentage of a community engagement tactic is calculated against the 'Total'*

Summary of Housing Provisions in the Economic Development Law ([H.5250](#))



The following slides contain a summary of the housing-related provisions in the Economic Development Bill signed into law by Governor Baker.

The last few slides show which housing-related provisions were vetoed by the Governor and not included in the final legislation.



Housing Choice

Lowers the required vote from a two-thirds majority to a simple majority for passing for the following zoning ordinances or bylaws:

To allow the following as of right:

- Multifamily housing or mixed-use development in an eligible location*;
- Accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or
- Open-space residential development.

* **“Eligible Location” is defined as areas** that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.

Housing Choice

To allow the following by special permit:

- Multifamily housing or mixed-use development in an eligible smart-growth location;
- An increase to the permissible density or population or intensity of a particular use in multifamily or mixed-use development;
- Accessory dwelling units in a detached structure on the same lot; or
- A lowering of the amount of parking required for a residential or mixed-use development.

Housing Choice

The adoption of 40R smart growth zoning districts or starter home zoning districts.

Special permits to approve the following:

- Multifamily housing within 1/2 mile of a commuter rail station, subway station, ferry terminal or bus station with at least 10% of the housing affordable to 80% AMI
- Mixed-use developments in centers of commercial activity with at least 10% of the housing affordable to 80% AMI
- Reducing parking ratio requirements if the reduction will produce additional housing units

Housing Choice

Protesting Housing Choice Zoning Changes: In a municipality with a council of less than 25 members, if the owners of more than half of the land impacted by the zoning amendment or abutting neighbors within 300 feet protest the zoning change, the required vote for any of these ordinances will raise back up to a two-thirds majority.

Effective Date: Goes into effect immediately.

These Housing Choice provisions do not apply to the city of Boston.

Multifamily Zoning in MBTA Communities

Requires communities served by the MBTA to have a zoning bylaw that provides for at least one district of reasonable size in which multi-family housing, without age restriction and suitable for families with children, is permitted as of right.

A reasonable size district must:

- Have a minimum density of 15 units per acre, subject to any further limitations imposed by the Wetlands Protections Act and state Sewer and Septic Regulations;
- Be located within a 1/2 mile from a commuter rail station, subway station, ferry terminal or bus station.

Multifamily Zoning in MBTA Communities

The following municipalities are subject to this provision:

Abington, Acton, Amesbury, Andover, Arlington, Ashburnham, Ashby, Ashland, Attleboro, Auburn, Ayer, Bedford, Bellingham, Belmont, Berkley, Beverly, Billerica, Boston, Boxborough, Boxford, Braintree, Bridgewater, Brookline, Brockton, Burlington, Cambridge, Canton, Carlisle, Carver, Chelmsford, Chelsea, Cohasset, Concord, Danvers, Dedham, Dover, Dracut, Duxbury, East Bridgewater, Easton, Essex, Everett, Fitchburg, Foxborough, Framingham, Franklin, Freetown, Georgetown, Gloucester, Grafton, Groton, Groveland, Halifax, Hamilton, Hanover, Hanson, Haverhill, Harvard, Hingham, Holbrook, Holden, Holliston, Hopkinton, Hull, Ipswich, Kingston, Lakeville, Lancaster, Lawrence, Leicester, Leominster, Lexington, Lincoln, Lynn, Lynnfield, Littleton, Lowell, Lunenburg, Malden, Manchester-by-the-Sea, Mansfield, Marlborough, Marblehead, Marshfield, Maynard, Medfield, Medford, Medway, Melrose, Middleton, Merrimac, Methuen, Middleborough, Milton, Millbury, Millis, Nahant, Natick, Needham, Newbury, Newburyport, Newton, Norfolk, North Andover, North Attleborough, Northborough, Northbridge, Norton, North Reading, Norwell, Norwood, Paxton, Peabody, Pembroke, Plymouth, Plympton, Princeton, Quincy, Randolph, Raynham, Reading, Rehoboth, Revere, Rochester, Rockland, Rockport, Rowley, Salem, Salisbury, Saugus, Scituate, Seekonk, Sharon, Somerville, Sherborn, Shirley, Shrewsbury, Southborough, Sterling, Stoneham, Stoughton, Stow, Sudbury, Sutton, Swampscott, Taunton, Tewksbury, Townsend, Topsfield, Tyngsborough, Upton, Wakefield, Walpole, Waltham, Wareham, Watertown, Wayland, Wellesley, Wenham, West Boylston, West Bridgewater, West Newbury, Westborough, Westford, Westminster, Weston, Westwood, Weymouth, Whitman, Wilmington, Winchester, Winthrop, and Woburn, Worcester, Wrentham.

Multifamily Zoning in MBTA Communities

If a municipality does not comply with this requirement, then the municipality will be ineligible to receive funds from the:

- Housing Choice Initiative
- Local Capital Projects Funds
- MassWorks Infrastructure Development Program

DHCD, the MBTA, and DOT to issue guidelines to determine if an MBTA community is in compliance with these requirements.

Abutter Appeals Reforms

Allows a judge to require a party appealing a decision to approve a special permit, variance, or site plan to post up to a \$50,000 bond to secure the payment of costs if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.

The court shall consider the relative merits of the appeal and the relative financial means of the plaintiff and the defendant.

State Low Income Housing Tax Credit

Increases the annual state low-income housing tax credit program cap from \$20 million to \$40 million.

The increase does not have a sunset date.

The Governor vetoed language that would drop the cap back to \$20 million after January 1, 2026.

Reporting on Housing Choice Initiative

Requires EOHEd to report annually on the Housing Choice Initiative, including progress made towards the production of 135,000 new units by 2025.

The report shall include:

- List **of all cities and towns that qualify as “housing choice”** communities
- List and description of grant funds disbursed to such cities and towns and
- A description of how the funds were used to support the production of new housing.

Changes to Chapter 40R

Makes the following changes to Chapter 40R:

- Permits DHCD to establish smart growth design standards
- Clarifies that mixed use development is allowed
- Places limitations on density bonus payments for housing in districts limited to age-restricted, disabled, or assisted living populations
- Enhances **DHCD's ability to claw back incentive payments if a community repeals 40R zoning**

Regional Development Agreements

- Allows contiguous municipalities to enter into agreements to allocate public infrastructure costs, municipal service costs and local tax revenue associated with the development of an identified parcel or parcels or development within the contiguous communities generally
- Agreements must be authorized bby a majority vote of their legislative bodies, and with the approval of the mayor, board of selectmen or other chief executive officer
- Agreements must be approved by DOR

Housing-Related Capital Authorizations

Transit-Oriented Housing Developments

Authorizes \$50 million in capital grants and loans for transit-oriented housing and the production of high-density mixed-income affordable housing near transit. At least 25% of supported units must be affordable to households earning less than 60% AMI.

Climate-Resilient Affordable Housing Developments

Authorizes \$10 million for sustainable and climate-resilient construction in affordable, multifamily housing developments to better respond to climate change and reduce greenhouse gas emissions. At least 25% of supported units must be affordable to households earning less than 60% AMI.

Housing-Related Capital Authorizations

Neighborhood Stabilization

Authorizes \$50 million for neighborhood stabilization to help return blighted or vacant housing back to productive use.

Gateway Cities Housing Program

Authorizes \$5 million for a Gateway City housing pilot program to support the construction of shovel-ready market-rate housing opportunities. Eligible for projects by non-profit developers in communities that are above 10% on the SHI.

Eviction Record Sealing for Minors

Landlords are prohibited from naming minors in an eviction complaint. If a minor is named, the court must expunge their name from all court records and electronic docket entries.

The Governor vetoed other sections related to no-fault eviction records sealing.

Tenant Appointment Process to Housing Authority Boards

Creates a process for residents of local housing authorities in towns to be appointed to the boards of their housing authority. This process goes into effect 120 days after the Economic Development Bill passes.

- The tenant member is to be appointed, not elected, by the Board of Selectmen from a list of candidates submitted by local tenant organizations, similar to the long-standing process in cities. If there is no tenant organization, residents can nominate themselves.
- If there is a vacancy on the board as of the effective date of the legislation, it shall be filled by the appointed tenant within 90 days of these provisions going into effect.

Tenant Appointment Process to Housing Authority Boards

- If there is no vacancy on the board as of the effective date of these provisions, in order to reduce the number of elected members from 4 to 3, the seat that has expired or the next seat to expire or become vacant shall be filled by the appointed tenant member.
- A housing authority may request a waiver from the requirement of appointing a tenant if there is currently an elected or appointed tenant on the board, or there is no tenant eligible and willing to serving. The waiver will be for only 1 year and can be renewed for successive 1-year periods until the **current tenant member's term expires or a seat is vacated.**
- If there is no vacancy on the board on the effective date of these provisions, it is the first seat to expire at least 60 days after the effective date of these provisions that becomes the tenant seat on the date that it expires.

VETOED – Tenant Opportunity to Purchase

Creates a local option establishing a tenant’s right of first refusal and outlines a process by which tenants occupying a residential property may purchase said property prior to its sale or foreclosure. The following property sale are not subject to the tenant opportunity purchase requirements:

- Government takings/eminent domain
- Sales that would preserve affordability
- Any housing subject to Chapter 40T
- Rental units in skilled care facilities and hospitals
- Recovery housing
- Transitional housing
- Federal and state public housing
- Owners with less than 6 units in the particular municipality and who lives in Massachusetts
- Any unit held in trust for a person with a disability
- Any student housing owned by colleges/universities

VETOED – Eviction Record Sealing

- Tenants with no-fault evictions have the legal right to petition the court to seal their record any time after the conclusion of the case. Tenants do not need to give parties to the original action a notice that they are filing the petition.
- Tenants with non-payment evictions have the right to petition the court to seal after paying off a judgment. Tenants do not need to give parties to the original action a notice that they are filing the petition.
- Landlords who obtain a money judgment in an eviction action must within 14 days after a tenant has paid off the judgment file a notice of satisfaction with the court.
- Consumer reporting agencies are prohibited from reporting a sealed record or using it when scoring a tenant.
- Applications used to screen tenants for housing or credit must include a statement that **tenants may answer “no records” if their eviction record is sealed.**

VETOED – Housing Development Incentive Program

Requires at least 10% of HDIP unit to be affordable for people whose income is not more than 60% AMI or owner-occupied units for those whose income is not more than 80% AMI. Also amends the HDIP program to increase transparency and equity through additional reporting requirements.