



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