

**Memorandum**

To: Councilor Deborah Crossley, Chair, Zoning and Planning Committee

From: Councilor Lisle Baker

Subject: #88-20, #30-20, #38-20, and #148-20: Residential design in the proposed zoning ordinance; tear downs

Date: March 23, 2020

Cc: City Council, Planning Board, John Lojek, Alissa O. Giuliani, and Jonathan Yeo

I have read the March 20, 2020, Planning Department memorandum exploring how the proposed ordinance might address teardowns. As we are meeting remotely, I thought I should raise some questions in advance of the discussion to allow the Planning Department to respond, as well as to inform our colleagues in case they had similar concerns. I hope to elaborate on these in more detail when we convene, but they essentially involve asking for more clarity about what exists compared to what is proposed involving teardowns, and whether some adjustments to our current ordinance might help in the meantime. Let me explain.

As Newton has relative few undeveloped lots, our zoning largely involves redevelopment, either by restoration, expansion or demolition of existing structures. (A few homes may actually shrink in size but that is not my understanding of the recent pattern.) It is more the last case that concerns us tonight – teardowns. As I have mentioned before as a general matter, and specifically here, it is important to understand how the existing ordinance compares with the new one to fully understand the implications of the proposed changes to remedy this problem.

For example, what I understand is that the proposal essentially creates various house types or boxes of volume to replace Floor Areas Ratio and the distinction between old lots and new lots. My understanding is that being an “old lot” owner was an advantage as the property had smaller dimensional limitations than the a “new” lot (created after 1953). Putting two old lots together (after demolishing both structures) made the resulting lot a “new lot” and therefore not as desirable for development unless the owner was willing to absorb more restrictive dimensional controls to gain the larger house.

What would be helpful to know, however, is whether under the proposed ordinance that incentive is reversed, and tearing down two existing structures to gain a larger lot becomes more attractive in constructing other buildings, rather than less so, and if so, how, especially if those replacement structures can be built as of right under the new ordinance. If we are not careful, we can accelerate rather than retard the demolition of smaller, older homes which might otherwise be more affordable, relatively speaking. For instance, if two or more lots are combined after teardowns, can a Courtyard Cluster replace the older homes as of right under the proposed ordinance? Also, would eliminating parking minimums implicitly encourage larger structures as the space would now be available for construction?

Those issues aside, the proposed house size limits could be usefully clarified. For example, a house B and C could be built as narrow as 15 and 12 feet respectively, with maximum depths of 90 and 80 feet respectively. After a teardown, that could be a very narrow house, and a departure from the house designs typical of Newton, so it would be helpful to understand where those numbers come from and whether other limits might make more sense.

Also, in terms of interim remedies for teardowns, might limiting the size of a replacement structure through FAR or otherwise under the current ordinance be a speedier alternative to what is proposed in the new one? I would ask that we explore that as well, as the Department’s research on what are the tipping points favoring house demolition under our current ordinance might be instructive.

In summary, it would therefore be helpful to me, and I anticipate others seeking to understand what is proposed and its implications, to have the side by side, before and after, clearly explained when we convene remotely night. (While a link back to prior work may be helpful, I expect many of us, including me, have been occupied by news and social distancing involved in responding to the virus, as well as its impacts on our other lives than as City Councilors.) In any event, my experience is that we need to see and compare existing to proposed in real time, with an opportunity for questions, which is what I understand you intend. Thank you.