



Ruthanne Fuller  
Mayor

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

**#88-20**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** April 17, 2020

**TO:** Councilor Deborah Crossley, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
Zachery LeMel, Chief of Long Range Planning

**RE:** **#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.  
**Other docket items to be taken up within the context of Zoning Redesign include #30-20, #38-20, and #148-20**

**MEETING:** April 27, 2020

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

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At the last ZAP meeting (April 13, 2020) the Planning Department held the second *workshop* on Article 3 – Residence Districts, continuing to focus on Building Types (sec. 3.2) and Alternative Lot Configurations (sec. 3.5). In addition, the first part of the presentation focused on map and table comparisons between the residential zoning districts found in the current ordinance those found in the proposed ordinance. The main takeaways from these comparisons include:

**Proposed=Existing:** Using data collected from the Pattern Book, the Planning Department created the proposed residence districts, and the standards, from the pattern and form that make-up Newton’s existing residential neighborhoods. In other words, matching like with like.

**Citywide Comparison is Best:** There is no direct comparison between the make-up and standards of Newton’s current and proposed Residence Districts. This means districts like SR1 (current) and R1 (proposed) do not equal each other. Trying to make a side-by-side comparison is like comparing apples to oranges.

**Ongoing Refinement is Needed:** The proposed residence districts are drafts. Staff will rely on engagement with the public and City Council to determine inaccuracies and to help determine

areas where the districts should alter from the existing pattern to better achieve Newton's goals around things like equity and sustainability.

Moving forward on working through Article 3, staff plan to focus the upcoming ZAP discussion on Building Components (sec. 3.3), Garage Design Standards (sec. 3.4.2), and Driveway Access (sec. 3.7.1.E). Staff will organize the discussion around a deeper dive into the goals/outcomes achieved by these ordinances, the technical elements underlying them, and the ongoing questions we have with the proposed draft.

## **Goals & Outcomes**

### *Building Components*

Building Components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building facades and are permitted as indicated for each building type. Unless otherwise specified, Building Components may attach to other Building Components to create assemblies of components.

Like Building Types, Building Components allow for a greater ease of use and level of predictability when it comes to new development and redevelopment of existing residences. This is true not only for homeowners and neighbors, but also for architects designing within the regulations and City Staff who enforce them.

For additional background, the Committee may find it helpful to review the material from the June 8, 2015 ZAP Committee meeting where George Proakis, Planning Director for the City of Somerville, presented and the June 16, 2015 ZAP Committee meeting where additional time was given to discussing Mr. Proakis' presentation and its relevance for Newton. Slides 92-98 (Attachment A), towards the end of section three of Mr. Proakis' full presentation, discuss building components.

1. June 8, 2015 at ZAP
  - a. Presentation/Transcript  
[http://www.newtonma.gov/civicax/filebank/documents/66869/06-08-15 City of Somerville Presentation.pdf](http://www.newtonma.gov/civicax/filebank/documents/66869/06-08-15%20City%20of%20Somerville%20Presentation.pdf)
  - b. ZAP Report  
[http://www.newtonma.gov/civicax/filebank/documents/66811/06-08-15 Zoning & Planning Report.pdf](http://www.newtonma.gov/civicax/filebank/documents/66811/06-08-15%20Zoning%20&%20Planning%20Report.pdf)
2. June 16, 2015 at ZAP
  - a. Presentation/ZAP Report  
[http://www.newtonma.gov/civicax/filebank/documents/67505/06-16-15 Zoning & Planning Report.pdf](http://www.newtonma.gov/civicax/filebank/documents/67505/06-16-15%20Zoning%20&%20Planning%20Report.pdf)

### *Garage Design Standards and Driveway Access*

Building from the previous work of the ZAP Committee on garages, the proposed ordinance seeks to achieve:

1. To prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent feature of the front facade.

2. Enhance public safety by preventing garages from blocking views of the street from inside the residence.

There is a long history with working to update the current garage ordinance, with an update currently deferred last in November 2019 and set to go into effect in June 2020. Attachment B provides the last ZAP memo regarding the deferred garage ordinance, the deferred garage ordinance itself, and the current garage ordinance in place today.

### **Technical Elements**

For a productive meeting Staff advises the committee to read and familiarize themselves with the following sections of the proposed ordinance:

1. Section 3.3 – Building Components
2. Section 3.4.2 – Garage Design Standards
3. Section 3.7.1.E – Driveway Access
4. Section 2.5 – Building Footprint
5. Section 2.6 – Height and Massing

### **Ongoing Questions**

As with everything presented at ZAP, the current proposed language regarding Building Components, garages, and driveways is a draft. Staff is working on clarifying the current language internally with other City Departments, like ISD, focus groups of architects and builders, the public, and this committee. These include:

1. Section 2.5.1.B determines how to measure building footprint stating that “...this includes building components on the ground story...” Is counting these building components towards building footprint in contrast with the stated goal of these components? Should all building components not count towards building footprint?
2. Does the ordinance need more building components, like *side wings* and *rear additions* that would allow for expanding building sizes but in a more controlled manner?
3. If a property is nonconforming should it be allowed to add on building components by-right? Should this be for all building types or only certain ones?
4. Should all building components be permitted with all building types? Should some components only be permitted by Special Permit?
5. Should Roof Decks (sec. 3.3.3.C) only be allowed on flat roofs?
6. As proposed, Garage Design Standards (sec. 3.4.2) does not apply to R1 districts. Should this section be applied to all residence districts?
7. Do we need one set of setback standards for front facing garages (i.e. cannot extend past the front façade) and other setback standards for side facing garages (i.e. can extend a certain distance past the front façade as long as designed in a certain way)?
8. Should the Garage Design Standards only apply to lots with a certain amount or less of frontage? If so, what should that amount of frontage be?

9. Do developments need 24 feet for two-way access to a parking area or 12 feet for one-way? What is the appropriate balance between driveway access and one of the City's goals to reduce impervious surfaces?

**Looking Ahead**

At the upcoming ZAP Committee meeting Staff will look to the Committee to confirm the stated goals for Building Components, Garage Design Standards, and Driveway Access. In addition, Staff has been working with the City's internal working group and outside consultant to update the proposed sections to read clearer and better achieve the stated goals from the latest draft shared with the ZAP Committee in March. Staff will present these updates by showing updated text alongside previous text and graphic visualizations.

**Attachments**

Attachment A Slides 92-98, George Proakis' Context-Based Zoning Presentation

Attachment B November 22, 2019 – ZAP Memo, Garage Ordinance