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Barney S. Heath
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MEMORANDUM

DATE: August 7, 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
Cat Kemmett, Planning Associate

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: August 13, 2020

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

Reviewing Article 3 – Residence Districts To Date

Zoning & Planning Committee (ZAP)

The latest round of review of the draft Zoning Ordinance began this past March at ZAP. Highlights of the five months of work in Committee include reaffirming the goals and objectives, using detailed case studies to understand how the recommended mechanisms and standards function, and debating on how those recommended mechanisms and standards could be revised to more clearly and simply facilitate the evolution of Newton's residential neighborhoods according to those goals and objectives.

Of course, this latest round of work has taken place in truly unprecedented times. COVID-19 forced all ZAP meetings to move online and required city staff to think of new and creative ways of engaging to ensure that this process is transparent and accessible. Luckily, Committee meeting attendance has only increased since moving online. This is true not only for the public (with regular attendance of 50+ people), but also for non-ZAP City Councilors and the Planning & Development Board. ZAP Committee meetings, when discussing Zoning Redesign, averaged two-thirds of the City Council and the majority of the Planning & Development Board. City staff thank the City Councilors and Boards/Commission

members for their continued involvement and input, which have fully informed the revised Article 3 – Residence Districts draft zoning language shared here (Attachment A).

Additional Engagement & Outreach

In parallel with ZAP Committee meetings, the Planning Department quickly pivoted its engagement & outreach to online as well. Since March, the Planning Department has engaged over 100 residents through bi-weekly public office hours, held four architect and builder focus groups, and participated in numerous one-on-one conversations with various interested parties. Finally, we recently launched an updated Zoning Redesign website that provides all this most recent work, as well as Zoning Redesign work dating back nearly a decade, in a more user-friendly manner. Summaries, and in-depth materials, for all ZAP meeting and additional engagement & outreach events over the last five months can be found on the Current Drafting Status page:

http://www.newtonma.gov/gov/planning/lrplan/zoning_redesign/current/article_3.asp.

Guiding Goals and Objectives for Article 3 – Residence Districts Updates

As previously mentioned, comprehensive efforts on zoning reform (Zoning Redesign) began nearly a decade ago with the Zoning Reform Group (ZRG). From this beginning, the highest organizing principle for Zoning Redesign has been to align Newton’s Zoning Ordinance with the *Comprehensive Plan* (2007). Of course, Newton’s needs and challenges have evolved since 2007 and the City Council’s adopted plans and policy documents following the *Comprehensive Plan* reflect that. This past April the ZAP Committee unanimously reaffirmed the goals and objectives that have informed the revised draft recommendations for Article 3. The recommended mechanisms and standards should always be evaluated on if, and how well, they achieve these goals and objectives:

- Facilitate an increase and diversity of housing opportunities citywide
- Promote economic and environmental sustainability
- Ensure new development, and renovations, respect the physical character and scale of existing neighborhoods and align with adopted visions

Mechanisms and Standards to Achieve the Goals and Objectives

The mechanisms and standards within Article 3 – Residence Districts all work together to facilitate the incremental evolution of Newton’s neighborhoods consistent with these goals. The following list of mechanism and standards encompass the primary recommended updates within the latest draft. All changes can be found within Attachment A provided with this memo.

District Dimensional Standards & Allowed Building Types (Sec. 3.1)

The proposed five residence zoning districts (R1, R2, R3, R4 and N) are the foundation for regulation across Newton’s neighborhoods and roughly correspond to five of the existing residential districts (SR, SR2, SR3, MR1 and MR2). Taken all together, these district can be viewed as a transect that moves from larger lots/less building types (R1, R2, and R3) to smaller lots/more building types (R4 and N). This typically corresponds with Newton’s existing residential development patterns as areas further away from public transit and village centers to areas in much closer proximity to these resources respectively (see Fig 1).

The breakdown of dimensional standards (lot coverage, setbacks, etc.) and allowable building types (House A, Duplex, Small-Multi Use Building, etc.) within each proposed residential districts sets different, but appropriate, prioritization for achieving all the goals and objectives as follows:

Districts	Top Priority	Equal Priority	Priority
R1, R2, R3	Ensure new development, and renovations, respect the physical character and scale of existing neighborhoods and align with adopted visions	Promote economic and environmental sustainability	Facilitate an increase and diversity of housing opportunities
R4, N	Facilitate an increase and diversity of housing opportunities	Promote economic and environmental sustainability	Ensure new development, and renovations, respect the physical character and scale of existing neighborhoods and align with adopted visions

The recommendation of the different districts prioritizes the goals comes from two places. First, the City Council has regularly affirmed, most recently in the Climate Action Plan, that density should be situated near and around village centers and public transit. Second, urban planning and design best practice recommends focusing increased levels of development near areas of resources and amenities. This is often referred to as transit-oriented development (TOD) or [15-Minute Neighborhoods](#) where residents can generally take care of their everyday needs within a 15-minute walk of their homes.

Building Types (sec. 3.2)

Generally, the building types remain similar to what was proposed in the previous draft. However, working closely with Current Planning, ISD, and the architects/builders focus group the Planning Department is recommending changes to the dimensional standards for simpler and easier to use regulation. In particular, the building types no longer have minimum and maximum widths and depths. These numbers were not based on Newton’s existing buildings, as gathered from the Pattern Book. In addition, city staff believed these to be an example of overregulation because the building type footprint, lot coverage, setbacks, lot frontage, frontage buildout requirements, and standard construction practices all work together to ensure appropriate building proportions.

The simpler recommendation is that each building type be regulated by a maximum building footprint, number of stories, and story height. These simpler regulations also better take into consideration the diverse residential building forms across Newton. There are two exceptions, the Townhouse Section (sec. 3.2.9) and the Small Multi-Use Building (sec. 3.2.12), which have a maximum building width in addition to these simpler regulations. This is because the Townhouse Section must be developed as a series and having a maximum width ensure the sections are primarily oriented towards the street. For the Small Multi-Use Building, the maximum width prevents any development from having an overly long, undifferentiated street wall (See Fig. 2).

Another recommended change to the House A, B, and D building types can be found in the Additional Standards section for each type to further the City Council’s goals stated above. Specifically, the Planning Department recommends that new construction of these building types be allowed to have a maximum of two-units, as opposed to a single-unit. Existing House A, B, and D building types may convert into multiple units through the Multi-Unit Conversion (Sec. 3.5.2) regulation, which is discussed later in this memo.

This change would allow, it does not force or require, new construction of these building types to have two-units. Property owners have every right to build or renovate these building types as single-family homes. This would facilitate the advancement of more housing opportunity in building forms that respects the existing physical character and scale of existing neighborhoods because these building types are derived from the residential buildings that make up Newton today (see Fig 3). The table below shows how the maximum building footprints assigned to these building types corresponds to the median footprint size of Newton’s existing buildings:

Building Type	Existing Footprint (median)*	Recommended Footprint (maximum)
House A	2,407 sf	2,400 sf
House B	1,371 sf	1,400 sf
House D	2,314 sf	2,300 sf

***Based on data collected through the Pattern Book**

Because of this recommendation to allow two-units within the building types listed above, some building type names should be changed for clarity. The Planning Department recommends no change to the number of units allowed in these building types. These are:

Section	Building Type (March 2020)	Building Type (August 2020)
3.2.7	Two-Unit Residence	Duplex
3.2.8	3-Unit Building	Triple Decker
3.2.10	4-8 Unit Building	Small Apartment House

Lastly, for both simplicity and to better align building types with the visions set out in Newton’s various adopted plans, the Planning Department recommends the removal Small Shop (sec. 3.2.13) respectively. For the Small Shop, the Planning Department questions why the Zoning Ordinance would encourage new single-story commercial development? Though this form currently exists in Newton, it seems the goals of promoting economic sustainability and increasing housing opportunity warrants new development of this type to have ground floor commercial with residential or office above? Or allow existing buildings that match this form to have an opportunity to build an additional story for residential or office? If so, then this building form is captured in the Shop House (sec. 3.2.11) and is proposed only in the Neighborhood General District immediately adjacent to village centers.

Building Components (sec. 3.3)

Per discussions at ZAP, with city staff, and the architects/builders focus group, the Planning Department recommends updates to building components that allows existing homes to reasonably expand as homeowners needs change and for new development to expand beyond the maximum allowable footprint in a simpler, more predictable, manner. Building Components incorporate the innovative

thinking found in the Current Ordinance *De Minimus* regulation, data on Newton’s existing residential massing, and urban design best practice.

What does this mean? The Planning Department recommends that building components that can modestly increase footprint, Side Wing (sec. 3.3.2.F) and Rear Addition (sec. 3.3.2.G), on the smaller building types (House A – Duplex) be capped at 25% and for the larger building types (Townhouse Section – Small Multi-Use Building) be capped at 10% beyond the maximum building footprint. 25% for the smaller building types is based on data of existing housing stock, which allows a development with an appropriately sized lot to match the majority of existing structures of that building type. Adding such building components requires available lot coverage and space within the established setbacks, which helps ensure such increases are proportional and only occur on appropriately sized lots. Take House B as an example:

Building Type	Existing Conditions in Newton		Zoning Code Proposal		
	Existing Footprint (median)*	80 th Percentile of Existing House B Footprints	Recommended Footprint per Code (maximum)	25% Increase through Building Components	Building Footprint + Components (maximum)
House B	1,371 sf	1,723 sf	1,400 sf	350 sf*	1,750 sf

*Square footage here refers only to the footprint, not the overall square footage

The above table shows that the draft zoning code allows, through building components for new development of a House Type B, or expansion of an existing one, to match in volume 80% of these similar homes in Newton. The Planning Department recommends the 80th percentile is appropriate because a Committee objective is to promote smaller homes as a part of more environmentally sustainable development patterns. The creation of the Side Wing (sec. 3.3.2.F) and Rear Addition (sec. 3.3.2.G) facilitates this and corresponds with the recommendation to remove the Special Permit allowance to increase the Building Type footprint size. The Planning Department recommends that building components offer a simpler by-right mechanism that offer a greater level of controlled flexibility and predictability than a Special Permit.

Alternative Lot/Building Configurations (sec. 3.5)

Alternative lot and building configurations acknowledge that Newton’s neighborhoods have a wide variety of lot shapes and sizes. Each mechanism allows for a different controlled approach to allowing development on these lots in-line with the City Council goals and objectives. The Planning Department recommends adding a purpose & intent statement to each mechanism that links to the goals and objectives. In addition, other key recommendations include:

- Multi-unit conversion (sec. 3.5.2)

Per our discussions at ZAP, a majority of the Committee, additional City Councilors in attendance, and Planning Board members voiced support for Multi-Unit Conversion as a mechanism to incentivize the preservation of Newton’s existing building stock and promoting an increase in diverse housing opportunities throughout the city. From this feedback, the Planning Department recommends expanding the allowed building types that can utilize this mechanism (sec. 3.5.2.A). Second, city staff recommend that Multi-Unit Conversions be allowed by-right if creating six residential units or less. To ensure

the exterior of the building is preserved, and generally limit abuse of this mechanism, additional language has been added from the current ordinance limiting exterior alterations (sec. 3.5.2.B).

- Courtyard Cluster (sec. 3.5.3)

Courtyard Cluster development is a building form that promotes community interaction through compact living clustered around a semi-private shared open space. The smaller than typical residential unit size is meant to provide a non-subsidized form of housing that is generally less expensive. Courtyard Clusters can also provide greater flexibility for families as their needs change over time and alternatives for seniors looking to downsize and remain in Newton. Given the intent of this development type, the Planning Department recommends limiting Courtyard Cluster developments to the R4 and N districts, which are proposed to be adjacent to amenities and resources found in village centers and public transit hubs.

Additional recommended changes

All changes, including the ones mentioned above, can be found within Attachment A provided with this memo. In addition, all the changes to Article 3 made between the draft shared in March 2020 and the latest draft shared here are documented in a changelog (Attachment B). Finally, a draft User's Guide to Article 3 – Residence Districts is provided here (Attachment C). The User's Guide is meant to outline how a property owner would go about using Article 3 to determine what they can and cannot do on their property, and call out the specific sections within Article 3 where more information can be found. Having the User's Guide is also meant to graphically visualize what is possible within each given Residence District. The next iteration of Article 3 will contain detailed graphics and tables that do this directly within the zoning document.

Meeting Objectives and Outcomes

The Planning Department hopes to use the August 13 ZAP meeting to illustrate how the proposed recommendation to Article 3 – Residence Districts better, and more closely, reflect the goals and objectives set forward by the Committee and City Council. To date, the Planning Department has focused on setting the correct mechanisms and standards, the actual zoning language, which will be presented at this meeting. The Planning Department hopes the Committee can come to a consensus on the following general items:

- That the proposed districts, and allowed building types within each district, facilitate future development that aligns with stated goals and objectives. This can be summarized as:
 - Larger lots with less building types, are appropriate for areas further away from village centers and public transit (Districts: R1, R2, and R3)
 - Smaller lots with more building types, are appropriate for areas closer to village centers and public transit (Districts: R4 and N)
- Allowing the option of two-units within the House A, House B, and House D building types ensures that the opportunity for more diverse housing is equitably distributed citywide and appropriately respects existing neighborhood contexts

- Special Permit allowances or requirements have been revised to apply to the forms of development that constitute greater levels of review and are recommended to be removed in instances that simplify and streamline the permitting process (a general Zoning Redesign objective) or would limit the ability to achieve the stated goals and objectives (ex. allowing certain multi-unit conversion by-right)

Looking Ahead

Coming to a general consensus on the proposed Residence Districts mechanisms and standards, and that they generally achieve the Committee/Council goals and objectives, will set up the Committee to discuss the Residence Districts map at the following meeting, on August 31. The Planning Department plans on presenting two data-based map frameworks that build from the 2018 draft zoning map, while more directly responding to the latest goals and objects affirmed in Committee.

Attachments

Attachment A Article 3 – Residence Districts, revised draft

Attachment B Article 3 – Residence Districts, change log

Attachment C User’s Guide to Residence Zoning in Newton, draft

Figure 1: Newton's Residential Districts and Existing Patterns

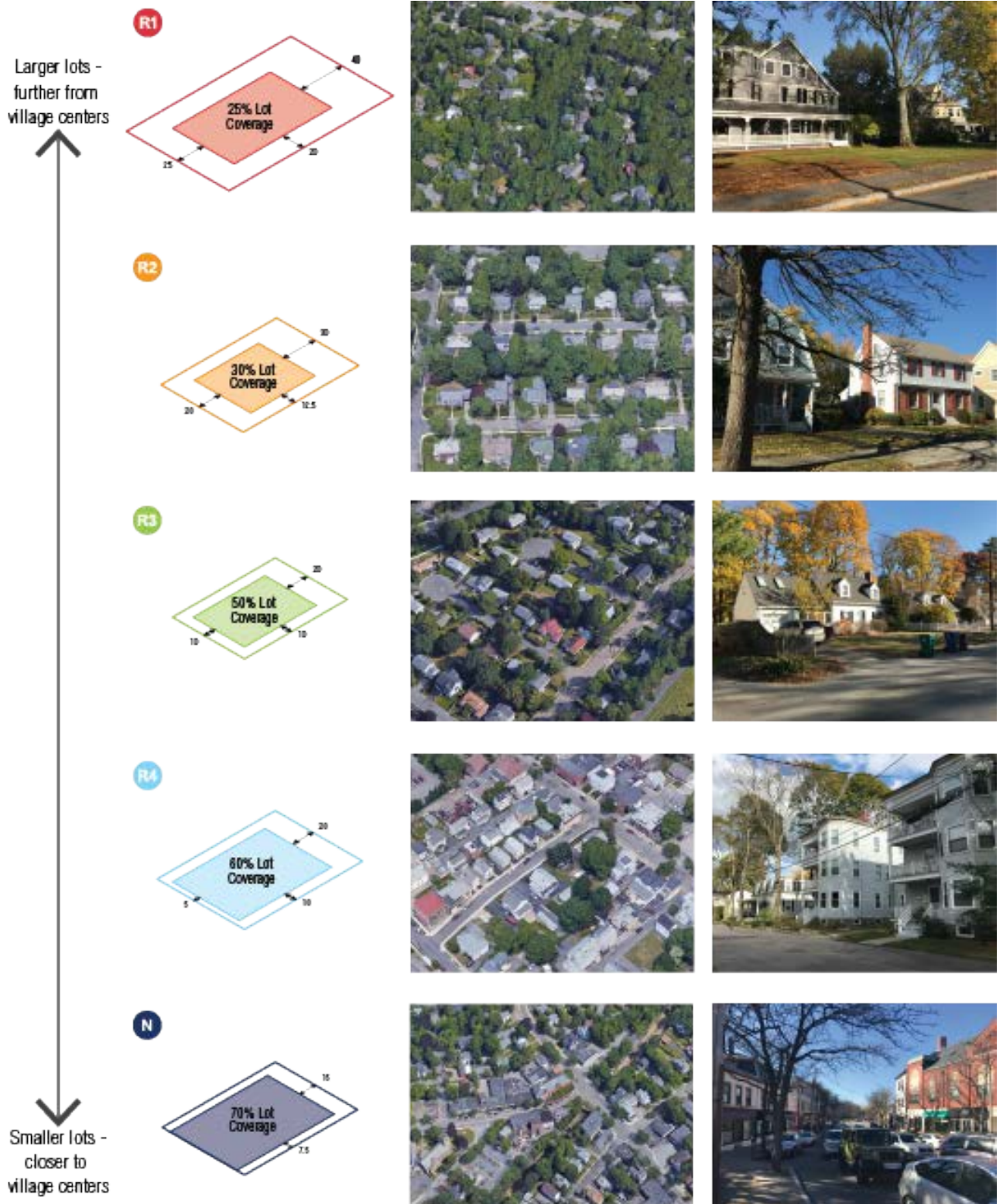
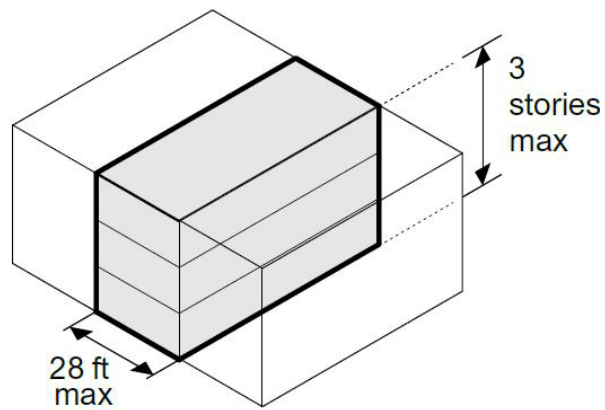
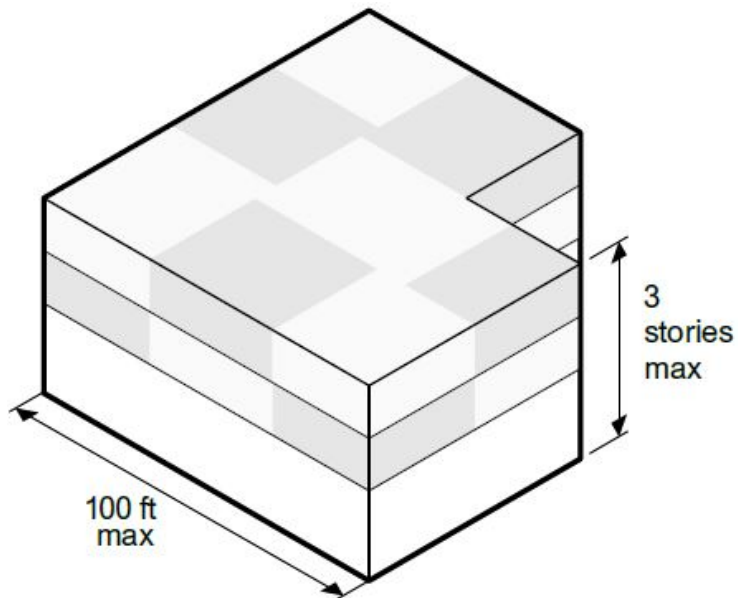


Figure 2: Maximum Width Requirements for Townhouse Sections and Small-Multi-Use Buildings



Townhouse Section

max footprint 1500 sf



Small Multi-Use Building

max footprint 12000 sf

Figure 3: Two-family Development that Respect and Do Not Respect Neighborhood Character



Two-family home in Newton Highlands (closely matches House Type B)



Recently built two-family home in Newton Corner (does not match any House Type)