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Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** August 11, 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

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### Guiding Questions to Review Article 3 – Residence Districts

In preparation for the upcoming ZAP meeting on August 13<sup>th</sup>, the Planning Department has created a series of questions connected to the revisions proposed in Article 3 – Residence Districts. The series of questions is organized in order as they appear within the draft zoning text. The Planning Department suggests this be used to guide the study and review of the draft. It is intention of the Planning Department to fully introduce these draft revisions at the upcoming ZAP meeting, though it will most likely require multiple meetings to have sufficient discussion within the Committee on all items.

### Guiding 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

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### 3.1 Residence Districts

#### *Dimensional Standards & Building Types*

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.

#### Decisions

1. **Do the required district lot and setback dimensional standards, as well as the allowed mixture of building types, facilitate the desired development patterns as explained above?**
2. **Certain building types are only allowed by Special Permit within a given district. Is that appropriate or should they be allowed by-right or not at all?**
  - a. **House D in R2**
  - b. **Triple Decker in R3**
  - c. **Small Apartment House in R4**
  - d. **Small Multi-Use Building in N**

### 3.2 Building Types

#### *Special Permit Allowance to Vary Building Type Dimensional Standards (sec. 3.2.2)*

One of the stated objectives driving the Zoning Redesign process has been to simplify and streamline the permitting and review process. Lowering the administrative burden and streamlining the process could go together with revised rules and regulations that truly reflect the City's goals. Allowing development by-right that conforms to these new rules and regulations can be a predictable way to accomplish this. The proposed building type dimensional standards are either derived from measurements of Newton's existing residential buildings (House A through Duplex) or from urban design best practice (Triple Decker through Small Multi-Use Building). This way, new construction of these building types should respect the existing physical character and scale of neighborhoods.

#### Decisions

1. **Should the draft remove the allowance to increase beyond the maximum building type dimensional standards by Special Permit?**
  - a. **If yes, should certain building component allowances replace the Special Permit as a simpler and more predictable mechanism?**
  - b. **If no, should there be a cap placed on how much a Special Permit increase is allowed for each building type?**

### *Two-units within House A, House B, and House D By-Right*

Within the Additional Standards section for the above building types is a proposal to allow new construction of these building types to have a maximum of two-units. These building type standards are based on corresponding single-family existing residential structures throughout Newton. 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. Allowing this throughout all of Newton's residential neighborhoods could help fairly and equitably distribute housing opportunity within building forms that respect the existing physical character and scale of neighborhoods.

#### **Decisions**

- 1. Should new construction of these building types, based on the existing form of single-family homes in Newton, be allowed to have a maximum of two-units by-right?**
- 2. Should this provision be reserved for single-family zones within a certain distance to public transit (Green, Line, Commuter Rail, Express Bus) and village centers?**
  - a.  $\frac{1}{4}$  mile?
  - b.  $\frac{1}{2}$  mile?

### *Small Shop*

the Planning Department recommends the removal Small Shop (sec. 3.2.13). 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, the draft should allow existing buildings that match this form to have an opportunity to build an additional story for residential or office, which is captured in the Shop House (sec. 3.2.11) and is proposed only in the Neighborhood General District immediately adjacent to village centers.

#### **Decisions**

- 1. Should the new Zoning Ordinance encourage new single-story commercial development through the Small Shop building type, or should it be removed?**

### **3.3 Building Components**

#### *Building type increases through Building Components*

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. 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.

#### **Decisions**

- 1. Should building components have a maximum allowance per building type?**
  - a. If yes, is 25% appropriate for (House A through Duplex) and 10% (Triple Decker through Small Multi-Use Building)?**
  - b. If no, what is the appropriate mechanism to regulate the expansion of each building type to meet the evolving needs of homeowners?**

### **3.4 Design Standards**

#### *Garage Design Standards (sec. 3.4.1)*

Utilizing form-based mechanisms the draft zoning language creates standards to achieve the goals of minimizing the visual impact/dominance of garages within neighborhoods and the public realm. The draft ordinance breaks down how residential building types can provide garages in a variety of configurations that respond to the variety of Newton's lot sizes and layouts, without compromising on these goals. In this way, the new language greatly increasing both the level of predictability and flexibility for developing garages as part of new construction or an addition.

#### **Decisions**

- 1. Should front-facing garages be required to setback from the front elevation of the house unless certain design mitigation measures are met?**
- 2. Should front facing garages with space for two cars be required to be designed with individual doors?**
- 3. Should a home only be allowed to have one attached front-facing garage, regardless of how many units?**

### **3.5 Alternative Lot/Building Configurations**

#### *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).

### **Decisions**

- 1. Should Multi-Unit Conversion be allowed by-right? If yes, what is the appropriate number of units allowed by-right?**
- 2. Should Multi-Unit Conversion be allowed by-right only within a certain distance to public transit (Green, Line, Commuter Rail, Express Bus) and village centers?**
  - a.  $\frac{1}{4}$  mile?
  - b.  $\frac{1}{2}$  mile?
- 3. Are the mechanisms limiting exterior alterations appropriate?**
- 4. Should the development of affordable housing be incentivized through multi-unit conversion? If so, what is the appropriate requirement (50%, 75%, 100%)?**

### *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 close to amenities and resources found in village centers and public transit hubs.

### **Decisions**

- 1. Is it appropriate to limit Courtyard Cluster development to residence districts near village centers and public transit?**

## **3.6 Uses**

### *Adaptive Reuse of Existing Buildings (sec. 3.6.1)*

The adaptive reuse section of the proposed zoning ordinance identifies a limited range of uses that might be allowed in an existing building by special permit to allow for its adaptive reuse. Most commonly, these types of buildings have been converted into museum, arts, or educational uses, including such examples as the Durant-Kenrick House, the New Art Center, and the Allan House. The draft ordinance proposes to expand the menu of potential reuse uses to include other arts related uses, general office space, and restaurant/cafes. This idea expands the opportunities for new commercial space, sensitively incorporated into an otherwise residential area and creating an opportunity for a neighborhood-based restaurant or allowing an expanding home business to stay in location. The idea is in line with how neighborhoods historically evolved, created walkable areas with neighborhood serving

uses, and this provision allows a certain degree of evolution, in a way that is highly controlled, based on the special permit process.

**Decisions**

- 1. Should all adaptive reuse projects require a Special Permit? If not, which should be allowed by-right?**
- 2. Should adaptive reuse be allowed in all Residence Districts?**
  - a. If no, which districts should it be limited to?**
  - b. If yes, are extra controls needed (i.e. Adaptive Reuse is only allowed on arterial/major collector streets)?**

**3.7 Parking Requirements**

The proposed ordinance parking requirements differ in other way by more proactively addressing the transportation impacts of development. The minimum parking requirements are reduced and maximum parking requirements are introduced. This approach derives from the recognition that minimum parking requirements generally have been demonstrated to produce a range of unintended consequences ranging from environmental impacts and increased traffic. These impacts were partly the result of minimum parking requirements creating an environment that favors automobile use over any other mode.

**Decisions**

- 1. Should on-street parking count towards the minimum parking requirement for non-residential uses within the Residence Districts?**
- 2. Should the following buildings be exempt from parking requirements within the Residence Districts:**
  - a. 1- and 2- unit residential buildings?**
  - b. Ground story non-residential uses less than 5,000 sf?**
  - c. Accessory uses?**
- 3. Should parking minimums be removed entirely?**

*Driveway Access (sec. 3.7.1.E)*

Similar to garages, driveways can greatly impact the look and feel of a property as it relates to the neighborhood because it provides access into the property where that property meets the public realm. The draft zoning language on driveways is meant to help Newton achieve its goals around promoting sustainable design and can support greater public safety as well.

**Decisions**

1. Should a maximum driveway width be set at the lot line to reduce paving and enhance public safety (note driveway widths can increase further into the property)? If so, what are the appropriate maximums:
  - a. 10 ft for residential properties with eight-units or less?
  - b. 20 ft for residential properties with nine-units or more?
2. Should a single-family property only be allowed one curb cut?
3. Should a second curb cut require a Special Permit?