

**Attachment A**

**Staff Responses to Questions from 9/14 ZAP Meeting**

**Q:** What is the year used as the baseline for the data in the tables?

**A:** The data used for the tables shared as part of the 9/14 ZAP meeting memo was collected as part of the Pattern Book and goes through the year 2016.

**Q:** In this draft, House B can be over 3800 square feet if you add the maximum of square footage through components, which puts it at risk of a teardown. Why would we allow this if we want less teardowns?

**A:** New construction of a House B, with Building Components, can be built over 3,800 square feet so long as the lot can accommodate it, which not all lots can. The total allowable square footage is one factor used to determine tear down vulnerability, while another factor is the regulatory and permitting process. Under the current code, minor modifications, like those of Building Components, often equal to that of entirely new construction. Through Building Components, the proposed draft lays out a simplified process for existing homes to renovate, by-right, in a controlled, yet flexible, manner. Staff believe this simplified process will make it easier for existing homeowners, and potential developers, to renovate and rehab existing structures. An option that has been raised previously is limiting by-right side wing and rear additions to existing buildings. Planning staff will need to further analyze this with Law and Inspectional Services.

**Q:** Will there be max front setbacks or not? They were removed from the August draft, but put back into the most recent version.

**A:** Maximum front setbacks were not removed from the August draft. They can be found within the Dimensional Standards Tables within each Residence District (Sec. 3.1). A note, R1 never had a maximum front setback, only a minimum. The other districts are set at:

District	Min. Front Setback	Max. Front Setback
R1	25	--
R2	20	40
R3	10	35
R4	5	35
N	0	25

**Attachment A**

**Q:** Is conformity not a driving force behind these standards? Can we get a better sense for the analytical decision-making process here?

**A:** Zoning standards and regulations should facilitate the types of development Newton wants. The mechanisms and standards should reflect the values of the community. Where a standard achieves this, and increases conformity, then conformity can be used as a decision driving metric. As the current zoning standards often do not relate to the actual built environment in Newton, adjusting zoning standards to better relate to the existing scale and proportion of buildings will reduce nonconformities in many cases. In the remaining cases, the non-conformity represents a direct contrast to the City’s desired outcomes. Trying to set a given standard, side setbacks for example, just to eliminate non-conformity would be a violation of what the Council and staff have heard throughout this process (i.e. new development is overly imposing on its neighbors by often building up to the minimum side setbacks).

**Q:** How many unbuildable lots do we have in the city now that could be built on if we got rid of minimums? One estimate put the number at 500 lots but is that right?

**A:** This analysis was performed as part of the February 2019 Build Out Analysis. Though the standards have changed with the latest draft, the ones that would most determine the buildability of a lot have not significantly changed (lot frontage/coverage, side/rear setbacks, etc.).

	Current Ordinance	Feb. 2019 Proposal
# of Unbuildable Lots	868	547

**Q:** Is going to the median for setbacks a mistake? If you allow more things in setbacks, you increase tensions between property owners that could be alleviated by larger setbacks.

**A:** The tables provided within the ZAP memo for the 9/14 meeting highlight the existing conditions for setbacks throughout Newton’s residential neighborhoods. Staff recommend setting the specific setbacks, as well as all standards, to align with goals and objectives laid out by the Committee/City Council.

**Q:** If someone buys a small house with the intention of building a large house on the lot later, is it fair to change the rules on them? People buy into a neighborhood expecting to build what is allowed now and might be mad if it changes.

**A:** It is possible that under this new plan, homeowners will not be able to build as largely as they would under current zoning rules. However, dimensional standards for home buildouts and components are set in such a way that a homeowner will have flexibility and options to alter their home or expand it, even if zoning changes mean that their structure is legally nonconforming.

**Attachment A**

**Q:** If people have a big lot in R2 or R3, why wouldn't we let them build as big as a house in R1?

**A:** The standards that shape Building Types and Residence Districts were set to facilitate development patterns that both fit with the City Council's goals and objectives and relate to the scale and proportion of the features that characterize the built environment that exists in Newton today. Building Types, unlike FAR, recognize that scale and proportion are not only tied to lot size, but also the adjacent buildings along the street or within the larger neighborhood. Under the current ordinance, this determination happens on a case-by-case basis through the Special Permit Process when a homeowner seeks relief. The proposed draft uses a data driven approach to embed these determinations directly into the zoning code to preserve the existing building pattern.

**Q:** Why is the side setback so strict in the R2 district? Many houses that fall under R2 have much smaller setbacks now.

**A:** This setback was increased in part because staff has received a significant amount of feedback from members of the public that new construction or renovations are increasingly being built uncomfortably close to abutting structures. Setting the side setback at 12.5 feet ensures adequate space between buildings will be maintained moving forward, while State Law would protect existing structures that have smaller setbacks as legally non-conforming.

**Q:** Do the architects agree with the side setbacks in this draft? How can we comment on these standards without more information from architects who report that this plan is not workable?

**A:** Staff has consulted with several different local architects and builders in establishing the setbacks and dimensional standards proposed, and will continue to work closely with architects and builders to ensure a final product that responds to their needs and provides a workable framework for future development . Though there is not a universal consensus, a number of these experts have expressed concern that some proposed setbacks, particularly those proposed for the R2 district, could be restrictive and serve as a barrier for some development. If the sentiment of the Committee is that this setback is too restrictive, that number can be amended.

**Q:** Do we have an economic study to back up this proposal? Without one, how can we know the fiscal impacts these changes might have?

**A:** The standards and methods proposed here are based in best planning practices and customized to address Newton's unique needs and characteristics. A build out analysis was presented in early 2019 based upon the draft at that time. The build out analysis showed that while more units could be produced under the proposed zoning, as compared to the existing zoning, the overall square footage of what could be built was reduced. This build out analysis has not been updated at this time as important conversations regarding the ability to locate two units in all house types and the number of units permitted through multi-unit conversion still need to be had by the City Council. It is important to

## Attachment A

remember that any changes will be incremental and gradual and larger projects will still require a Special Permit. The current zoning has been in effect for decades and the city is still far from built out per zoning.

**Q:** Why are we getting rid of the concept of FAR?

**A:** FAR is a formula that is useful in creating a relationship between lot size and building size designed to produce housing units within subdivisions. It works well when it comes to streamlining a process for development yield in an undeveloped area that can be uniformly distributed, but this is not the case in Newton. Where a neighborhood is defined by lots with similar sizes and shapes, FAR will result in predictable and consistent building sizes. The city is built up, with a long history of different housing types and lots of varying sizes and shapes. FAR also inherently leads to unintended consequences when properties try to maximize what does not count as floor area for the purposes of FAR. FAR is a blunt instrument that cannot capture the richness of forms that exist today in Newton. In moving towards Building Types and away from FAR, we are affirming that what matters most is how new buildings relate to existing ones and the public realm, rather than how it relates to the lot itself. Since Building Types are derived from the built environment we already have, we can better ensure that future development will be appropriate in terms of physical form and character.

**Q:** Some of the changes in the draft will allow for more dense development, and therefore less green space on some lots. How can this plan help us address our sustainability goals if this is true? We need to keep bigger frontages and prevent subdivision to keep the open space that suburban development provides.

**A:** The frontage and setback standards put forth in this proposal are based on the built fabric that exists today in the city. Though this plan would allow for a greater diversity of building types and in some instances, for greater density, this does not always correspond to less open space. By allowing for more compact building design, the footprint for some new construction could be smaller, which could allow for more green space. By allowing the creation of smaller units, particularly in areas proximate to public transit, this plan also encourages walkability and the use of alternatives to cars, which helps achieve goals established in the Climate Action Plan.

**Q:** On page 11 in the memo from September 14, multiplex is not defined. Is this a new term?

**A:** No, it refers to a small apartment building. Staff is exploring ways to simplify terms, including Building Types, to make the zoning ordinance as user friendly as possible.

## Attachment A

**Q:** The zoning diagrams in the memo show a minimum front length for buildings. What is the point in having these in R2-N?

**A:** This refers to Frontage Buildout. It ensures that appropriate portions of the building are oriented to the street.

**Q:** Why was 28 feet set as the length for townhouses? Version 2 had a different number for the townhouses in the definition as well- why the change?

**A:** Staff worked with architects to set the width. We changed the minimum number of townhouses because the duplex definition also changed. This better differentiates between the two building types.

**Q:** What about wraparound porches? They are not discussed in the draft, are they allowed?

**A:** We have updated the draft to remove references to “front” in the porch regulations. A porch would be allowed to wrap around, however it could only encroach up to 6 feet into the front setback and would be required to meet side and rear setbacks. Staff is working to clarify this within the text.

**Q:** People like to see smaller homes. Why aren't ranches allowed in more places in the city?

**A:** The allowed number of stories shown in the diagrams is a maximum- that doesn't preclude smaller homes from being built. However, the Planning Department will work with ISD and Law to confirm if additional language is needed to clarify.

**Q:** The old definition of Lot Coverage was more permissive. How do we understand the Table 2 comparison in the latest memo since the measurement method has changed so much?

**A:** Table 2 shows data collected looking at all impervious surfaces on a lot. It shows the inverse of usable open space as defined in the Current Ordinance, which is more in relation to all impervious surfaces. Overall, staff is continuing to work on the proposed definition of lot coverage.

**Q:** When we allow additions by right, do you still need to comply with setbacks and height restrictions?

**A:** All additions need to comply with setback and height restrictions. In some cases, specific building components are allowed within the front setback. These rules are outlined in the draft.

## Attachment A

**Q:** Has ISD commented on this draft?

**A:** They have the full draft, but we have not gotten full comments back yet. Editing and review will be ongoing with ISD.

**Q:** Some councilors have provided feedback. Have any others responded in writing that hasn't been included in the packet?

**A:** Councilors Kalis and Downs have sent in comments that were not included in the packet. Staff can ask them if they want their comments/questions put into the packet.

**Q:** What is housing opportunity?

**A:** It refers to diversity of housing options- different forms, sizes, etc to accommodate different needs and desires within the community.

**Q:** Could you build a 10,000 square foot house under this plan under any circumstances?

**A:** In this plan within the Residence Districts, the biggest single-family house you could build would be in R1, where you could build up to 7,500 square feet by right so long as you can adhere to all dimensional standard requirements.

**Q:** Can you seek a variance if a lot is nonconforming?

**A:** If zoning rules change in such a way that your house is no longer conforming, it will become legally nonconforming. A variance is not necessary if a building or lot is nonconforming. An owner retains the right to maintain that nonconformity and any extension of the nonconformity would require a Section 6 finding. Currently these findings are done by the City Council as Special Permits.

**Q:** Can we get the raw numbers for the tables rather than the deciles? How many lots actually fall under each district designation?

**A:** These are the raw numbers used to create the tables in the memo:

R1: 3683 lots ; R2: 12456 lots ; R3: 5463 lots ; R4: 815 lots ; N: 483 lots