



Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

MEMORANDUM

DATE: March 14, 2020

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

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director of Planning & 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: March 23, 2020

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

One of the most common questions raised throughout the Zoning Redesign effort is, how will the proposed Zoning Ordinance address tear downs and the larger, out of context, buildings created from them? As written, the proposed Zoning Ordinance utilizes Building Types, an element of form-based codes, as the mechanism to regulate development within each zoning district. The Planning Department recommends using Building Types because Newton is almost fully developed, so any new development occurs as infill. This means the highest priority for new development is the compatibility and consistency with the surrounding buildings and neighborhood. For Newton, Building Types are a clear and predictable way to reinforce the City's fabric that residents know and love because the Building Types standards are derived from what currently exists in Newton.

Determining Building Types

The standards (footprint, stories, etc.) that define the Building Types within the proposed Zoning Ordinance derive from the Pattern Book. The data collected mapped what currently exists throughout Newton. The Pattern Book categorized residential development into types such as, Single Family – Medium Traditional and Three Family – Triple Decker/Stacked. The entire list can be found within the Pattern Book, pages 254-261 (see Pattern Book link at end of this memo).

Single Family
Medium Traditional - 2 level, regular



GSF: 1,500 - 2,500
Lot Size: 5,000 - 10,000
Front Setback: 15' - 35'
Lot Coverage: 10% - 30%
Common Features:

- driveway/accessory structure parking

Three Family
Triple Decker/Stacked- 3 level



GSF: 4,000 - 6,000
Lot Size: 7,000 - 10,000
Front Setback: 8' - 15'
Lot Coverage: 20% - 50%
Common Features:

- driveway parking alongside building
- front porches on each level

Excerpts from the Pattern Book, Pg. 254-255

For clarity and usability, the proposed Zoning Ordinance organizes the Pattern Book 16 residential building types into 10 residential Building Types (sec. 3.2.1-12). Essentially these 10 Building Types equate to *boxes*, with a maximum length, width and height, that can be placed on lots within the Residential Districts. Architecturally, property owners have the freedom and flexibility to create a building designed to their preferences in any way they choose within that *box*. In this way Building Types not only better manage predictability as compared to the current Zoning Ordinance, but they also retain creative freedom for the homeowners and architects.

The current Zoning Ordinance more broadly applies generic dimensional standards to all buildings, which often leads to new buildings significantly out of scale with its neighbors. On the other hand, Building Types allow for multiple dimensional standards that differ from one class to another within the same Residence District. This acknowledges the variety of buildings found throughout Newton and ensures any new building appropriately aligns in proportion to buildings nearby.

Utilizing Building Types allows the City to directly regulate one of the top desires heard throughout the Zoning Redesign Process, that the proposed Zoning Ordinance better regulate building size and placement on the lot. As previously discussed, the current ordinance focuses on lot size, which then

determines the building size. By focusing directly on building sizes, frontage (lot width), and setbacks, the proposed ordinance can directly regulate the placement of buildings on a lot. The current lot size-based rules, given Newton’s highly varied physical environment, has resulted in disruptive new buildings in Newton’s Neighborhoods.

This does not mean that lots can be infinitely small. Building Types standards combined with the setbacks and maximum lot coverage for each district result in an effective minimum lot size for every building type allowed by-right in each of the Residence Districts.

Proposed Residential Building Types with Standards

Building Type	Districts Permitted	Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
		Min	Max				Max	Max
A	R1						<i>All Stories</i>	
		25 ft	100 ft	100 ft	2,400 sf SP: 3,000 sf	2.5 stories		
B	R1, R2, R3, R4, N	15 ft	65 ft	90 ft	1,400 sf	2.5 stories		
					SP: 2,000 sf	SP: 3 stories		
C	R1, R2, R3, R4, N	12 ft	65 ft	80 ft	1,200 sf	1.5 stories		
					SP: 1,800 sf			
D	R1, R2*	30 ft	120 ft	100 ft	3,500 sf	1 story		
					SP: 4,000 sf			
Two-Unit	R3, R4, N	20 ft	65 ft	80 ft	2,000 sf	3 stories		
					SP: 2,200 sf			
3-Unit	R3*, R4, N	20 ft	65 ft	80 ft	1,600 sf	2.5 stories		
					SP: 1,800	SP: 3 stories		
Townhouse Section	N	14 ft	28 ft	-	1,500 sf	3 stories		
					SP: 1,800 sf			
4-8 Unit	R4*, N	20 ft	75 ft	90 ft	2,500 sf	3 stories		
Shop House	N	20 ft	40 ft	80 ft	2,000 sf	2.5 stories	Ground Story	Upper Stories
					SP: 2,500 sf		Max: 20 ft	Max: 12 ft SP:14 ft
Small Multi-Use Building	N*	40 ft	100 ft	150 ft	12,000 sf	3 stories	Min: 14 ft Max: 24 ft	Min: 10 ft Max: 14 ft SP: +/1 2 ft

*Building Types permitted by Special Permit within the Zoning District

Defining Building Types in the Residence Districts

House A (sec. 3.2.3)

A one-unit house with a large footprint and up to 2.5 stories. House A building types are common in several Newton neighborhoods like Chestnut Hill, Waban, and West Newton Hill. House A types may have been built in several eras of Newton's development history from the era when Newton was a destination for country estates to the modern development period of the 1980s to the present.

House Type B (sec. 3.2.4)

A one-unit house with a medium footprint and up to 2.5 stories by-right. House B building types can be found throughout Newton. The House B type includes typical midscale Victorian homes close to village centers, and midscale Colonial homes frequently built in the era of suburban infill between Newton's historic village centers.

House Type C (sec. 3.2.5)

A one-unit house with a small footprint and up to 1.5 stories. House C building types are located across Newton and are most typified by the bungalow or cape house style. House C building types are most likely to have been built between the 1920s when the bungalow style gained popularity through the post-war construction boom of the 1950s.

House Type D (sec. 3.2.6)

A one-unit house with a large footprint and no more than 1 story. House D building types are best known as Ranch houses – and are characterized by 1-floor living with or without a basement. The House D building type is most common in southern Newton and is typical of mid-20th century development.

Two-Unit Residence (sec. 3.2.7)

The two-unit residence building type is common in Newton's traditional mill village areas like the Upper Falls and Nonantum, as well as in early commuter neighborhoods near transit like West Newton, Newtonville and Auburndale. Two-unit residence types can be organized with one unit above and one below, two units side-by-side, or a combination as in the case of a "Philadelphia-style" duplex.

3-Unit Building (sec. 3.2.8)

A small multi-unit residential building with a footprint similar to a one-unit house. A 3-Unit Building contains 3 units, no more, no less, but the scale of the structure is similar to 1- and 2-unit building types nearby, just with a few smaller than average units. Apartment houses were commonly built during the industrial revolution, and include the triple-decker, a building type unique to New England communities.

Townhouse Section (sec. 3.2.9)

A series of connected one- to two-unit houses, called townhouse sections, with separate entrances. The townhouse section building type first are seen in Newton in the late -18th century, but most townhouses in Newton date from the late 20th and early 21st century. Traditional townhouses come up to the street with alley access from the rear. Assemblages of 3 or 4 townhouse sections are found in neighborhoods across Newton. Large townhouse complexes are more typically found in southern Newton.

4-8 Unit Building (sec. 3.2.10)

A small multi-unit residential building. Whether built as a stand-alone building or as part of a complex, small apartment buildings typically are no taller than the peak of the roof of houses and apartment houses in the surrounding neighborhood and about the footprint of two mid-large attached house building types.

Shop House (sec. 3.2.11)

A small mixed-use building, typically a house with a ground floor shopfront containing a commercial use. Shop houses typically start as house or townhouse section building types with a shopfront added to the front elevation. Shop houses are commonly found at the edges of Newton’s traditional village centers and can contain a variety of uses.

Small Multi-Use Building (sec. 3.2.12)

A small mixed-use building that has ground floor commercial activity along the frontage and either residential or commercial uses on the upper floors. Small multi-use building types are found in many village centers in Newton.

Buildings Types by Residence District (existing)

Each Residence District has permitted, by-right and through Special Permit, Building Types that specifically relate to the nearby scale and context. Building Types not listed within the specific Residence District are not permitted. Using data gathered through the Pattern Book, and City assessor data, City staff determined the breakdown of Building Types currently found within the proposed Residence Districts.

R1 - Existing Probable Building Types

House Type A	House Type B	House Type C	House Type D	Civic	Other*	Total Lots
64%	16%	2%	16%	0.48%	1%	3683

*Other consists of building types not permitted in R1 Districts

R2 - Existing Probable Building Types

House Type B	House Type C	House Type D*	Civic	Other**	Total Lots
61%	16%	10%	0.39%	12%	12483

*House Type D is permitted only by Special Permit

**Other consists of building types not permitted in R2 Districts

R3 - Existing Probable Building Types

House Type B	House Type C	Two-Unit Residence	3-Unit Building*	Civic	Other**	Total Lots
29%	7%	55%	4%	1%	3%	5358

*3-Unit Building is permitted only by Special Permit

**Other consists of building types not permitted in R3 Districts

R4 - Existing Probable Building Types

House Type B	House Type C	Two-Unit Residence	3-Unit Building	4-8 Unit Building*	Civic	Other**	Total Lots
23%	7%	48%	14%	4%	1%	1%	812

*4-8 Unit Building is permitted only by Special Permit
**Other consists of building types not permitted in R4 Districts

N - Existing Probable Building Types

House Type B	House Type C	Two-Unit Residence	3-Unit Building	4-8 Unit Building	Townhouse Section	Shop House	Small Shop	Small Multi-Use Building*	Civic	Other**	Total Lots
8%	4%	20%	13%	8%	2%	6%	10%	13%	9%	6%	478

*Small Multi-Use Building is permitted only by Special Permit
**Other consists of building types not permitted in N Districts

Tear Down Vulnerability, Building Types and Contextual New Development

City staff updated the Building Types standards to reduce the speculative tear down vulnerability per the analysis of the build out analysis presented in February 2019. To review, the tear down vulnerability analysis compared the maximum potential value and the maximum potential square footage of a property to the existing value and square footage. City staff understands the two criteria a speculative builder looks for: first can they build at least 3800 sf (inclusive of an attached 2-3 car garage) and can the resulting new construction be sold for 2.4-2.5 times the purchase price of the property. Our analysis estimated the value of new construction at approximately \$600/square foot, which comes from the City’s assessing department, and some residents testing the math on recent teardowns in their neighborhoods. The model finds that a speculative teardown occurs when both the 3800 sf and the 2.4 times the final value triggers occur.

As proposed, House Type A is the only single-family Building Type within the Residence Districts that allows for 3800 sf or more by-right. By limiting building size within the Building Types the proposed ordinance curtails one of the main criteria that leads to tear downs. This does not mean the proposed ordinance will stop property owners from tearing down an existing house and building a new one. Rather, the Building Types limitations can encourage property owners to renovate the existing structure. But if the property owner decides to tear down a building, the Building Types ensure the new building will contextually match with the surrounding neighborhood.

Additional Reading

In preparation for the this meeting, and subsequent meetings discussing Article 3, committee members should read this memo, Article 3 Sec. 3.2 and Article 2 Sec. 2.1-2.8, Newton’s Pattern Book pg. 252-261, and the Build Out Analysis Memo dated February 25, 2019. Article 3 and Article 2 have already been shared with the Committee.

Build Out Analysis Memo – February 25, 2019
<http://www.newtonma.gov/civicax/filebank/documents/95483>

Newton’s Pattern Book
<http://www.newtonma.gov/civicax/filebank/documents/92259>

Looking Ahead

City staff is working on case studies to present at the upcoming ZAP meeting that visualize how the proposed Zoning Ordinance, and the use of Building Types, achieve the City’s goal of promoting a diverse array of housing options for Newton’s current and future residents and reduce the vulnerability to speculative tear downs.