



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, April 27, 2020

The Zoning and Planning Committee will hold this meeting as a virtual meeting on Monday, April 27, 2020 at 7:00 pm. To view this meeting, use this link at the above date and time <https://zoom.us/j/599550186>. To listen to the meeting via phone dial 1-646-558-8656 and use the Meeting ID 599 550 186.

Items Scheduled for Discussion:

#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.
Zoning and Planning Held 8-0 on 04/13/2020

A Planning Department memo dated April 17, 2020 was provided to inform this session and is available through the following link: <http://www.newtonma.gov/civicax/filebank/documents/103017/04-17-20%20Planning%20Memo%20#88-20.pdf>

Chair's Note: *The following three items, #30-20, #38-20, and #148-20, are to be taken up within the context of zoning redesign and specifically as they relate to Article 3.*

#30-20 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages
COUNCILOR ALBRIGHT requesting amendment to Chapter 30 of Newton's Zoning Ordinance, section 3.4.4 on garages (delayed implementation until July 1). This ordinance has been delayed five times.
Zoning and Planning Held 8-0 on 04/13/2020

#38-20 Request for discussion relative to single-family attached dwellings
COUNCILOR LAREDO requesting a review of the zoning requirements for single-family attached dwelling units.
Zoning and Planning Held 8-0 on 04/13/2020

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

#148-20

Request to amend Chapter 30 to eliminate parking minimums

COUNCILORS ALBRIGHT, AUCHINCLOSS, BOWMAN, CROSSLEY, DANBERG, DOWNS, GENTILE, GREENBERG, KALIS, KELLEY, LIPOF, MARKIEWICZ, NOEL, KRINTZMAN, AND RYAN

seeking amendments to Chapter of the Revised City of Newton Ordinances to eliminate mandated parking minimums to improve vitality of local businesses, reduce the cost of housing, and support the climate action goals.

Zoning and Planning Held 8-0 on 04/13/2020

Respectfully Submitted,

Deborah J. Crossley, Chair



Ruthanne Fuller
Mayor

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

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Barney S. Heath
Director

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

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

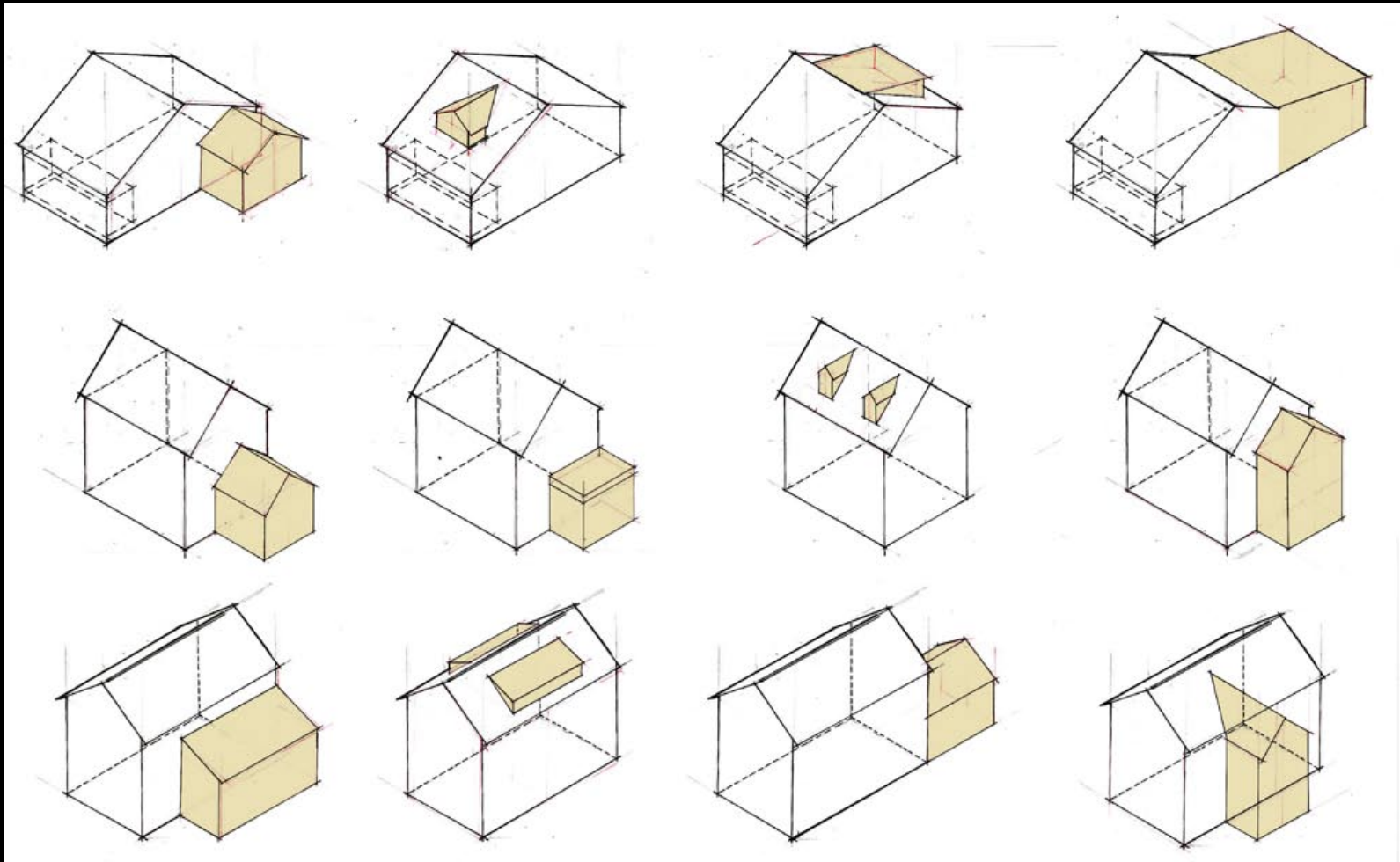
At the upcoming ZAP Committee meeting Staff will look to the Committee to confirm the stated goals for Building Components, Garage Design Standards, and Driveway Access. In addition, Staff has been working with the City's internal working group and outside consultant to update the proposed sections to 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.

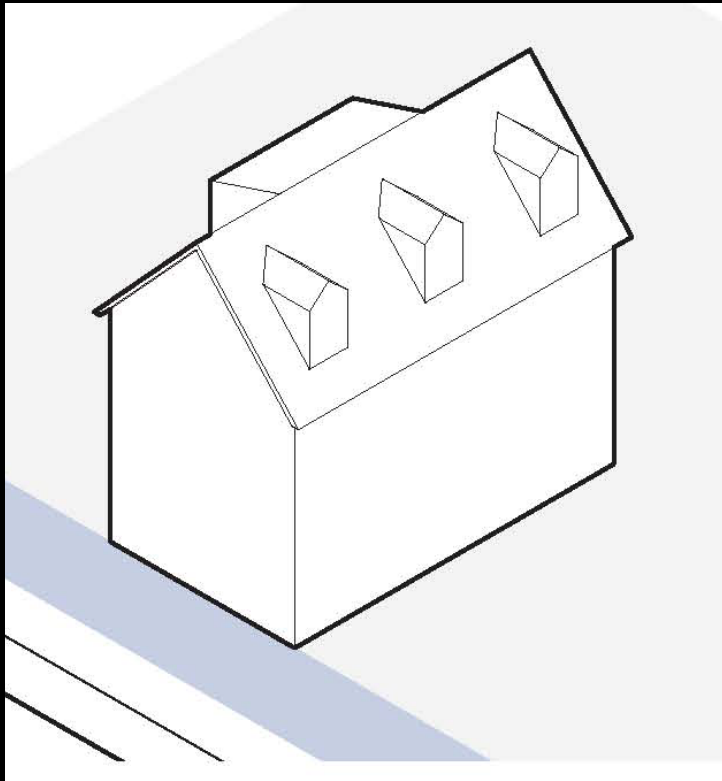
Attachments

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

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

BUILDING COMPONENTS





DIMENSIONS

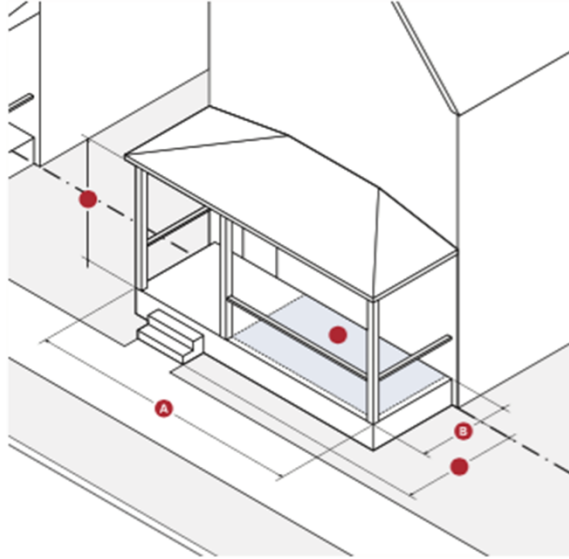
Width (max)	24 feet or 50% of the eave length of the main roof (whichever is shorter)
Front & Rear Wall Setback (min)	3 ft. 6 in.
Side Wall Setback (min)	<u>1 ft. 6 in.</u>
Ridge Line Setback (min)	1 foot
Roof Slope (min)	4:12
Fenestration (min)	50%

STANDARDS

- i. Setbacks are strictly enforced regardless of permitted dormer width.
- ii. The maximum permitted width of a dormer applies to single, multiple, or attached combinations of dormers on each side of a roof.

4. PORCH, PROJECTING

A frontage type featuring a wide, raised platform with stairs leading to the principal entrance of a building. Porches provide outdoor amenity space and may have multiple levels or a roof supported by columns or piers.



DIMENSIONS

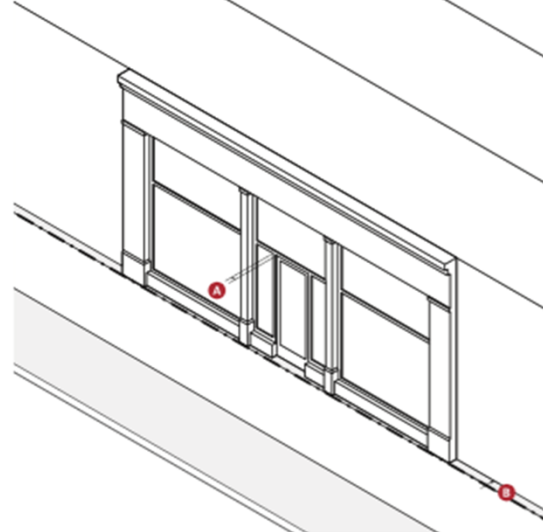
Width (min)	10' or 50% of facade width, whichever is greater
Depth (min)	6 feet
Ceiling Height (min)	8 feet
Furniture Area, Clear (min)	6 feet x 6 feet
Permitted Encroachment (max)	10 feet

STANDARDS

- Paving, excluding driveways, must match the abutting sidewalk unless paved with pervious, porous, or permeable materials.
- Stairs are not permitted to encroach onto any abutting sidewalk.
- Stairs may lead directly to ground level, an abutting sidewalk, or be side-loaded.
- The porch balustrade must permit visual supervision of the public realm through the posts and rails.
- A porch may be screened provided the percentage of window area to wall area is seventy percent (70%) or greater. Permanent enclosure of a porch to create year-round living space is not permitted.

9. STOREFRONT

A frontage type conventional for commercial uses featuring an at grade principal entrance accessing an individual ground story space and substantial display windows for the display of goods, services, and signs.



DIMENSIONS

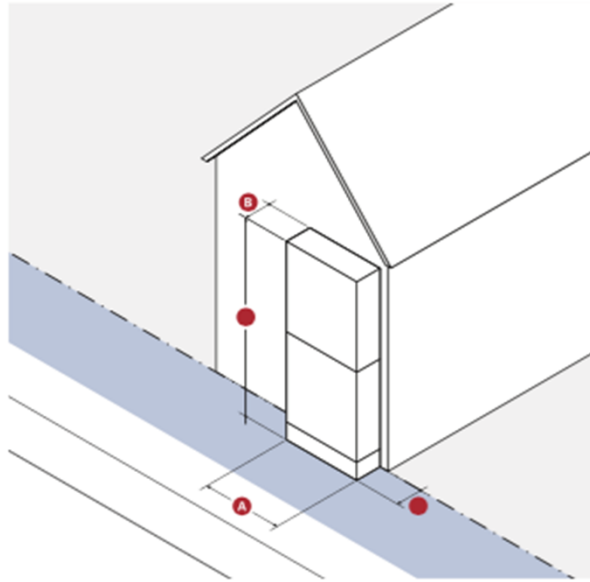
Distance between Fenestration (max)	2 feet
Depth of Recessed Entry (max)	5 feet

STANDARDS

- When storefronts are setback from the front lot line, the frontage must be paved to match the abutting sidewalk.
- Open ended, operable awnings are encouraged for weather protection.
- Bi-fold glass windows and doors and other storefront systems that open to permit a flow of customers between interior and exterior space are encouraged.

4. BAY

A window assembly extending from the main body of a building to permit increased light, multi-direction views, and articulate a buildings facade.



DIMENSIONS

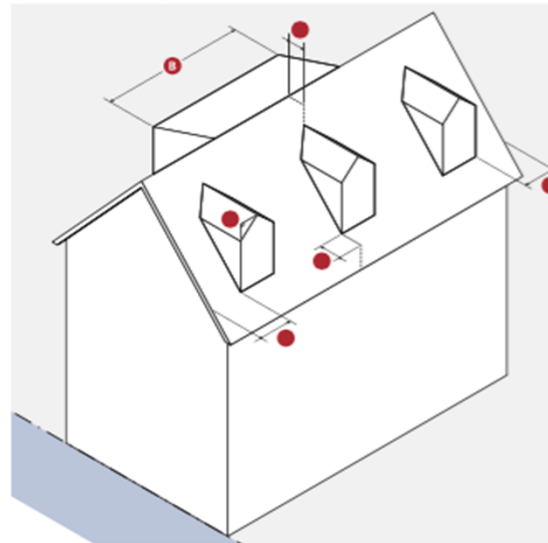
Width (max)	50% of Facade or Elevation
Depth (min/max)	12 inches 3 feet
Fenestration (min)	60%
Height	Height of the building
Permitted Front Encroachment (max)	3 feet

STANDARDS

- i. Bays must have a foundation extend all the way to ground level or be visually supported by brackets or other architectural supports.
- ii. Bays projecting over the sidewalk of a public thoroughfare must have two (2) stories of clearance and require compliance with all City Ordinances.

8. DORMER WINDOW

A window or set of windows that projects vertically from a sloped roof, designed to provide light into and expand the habitable space of a half-story.

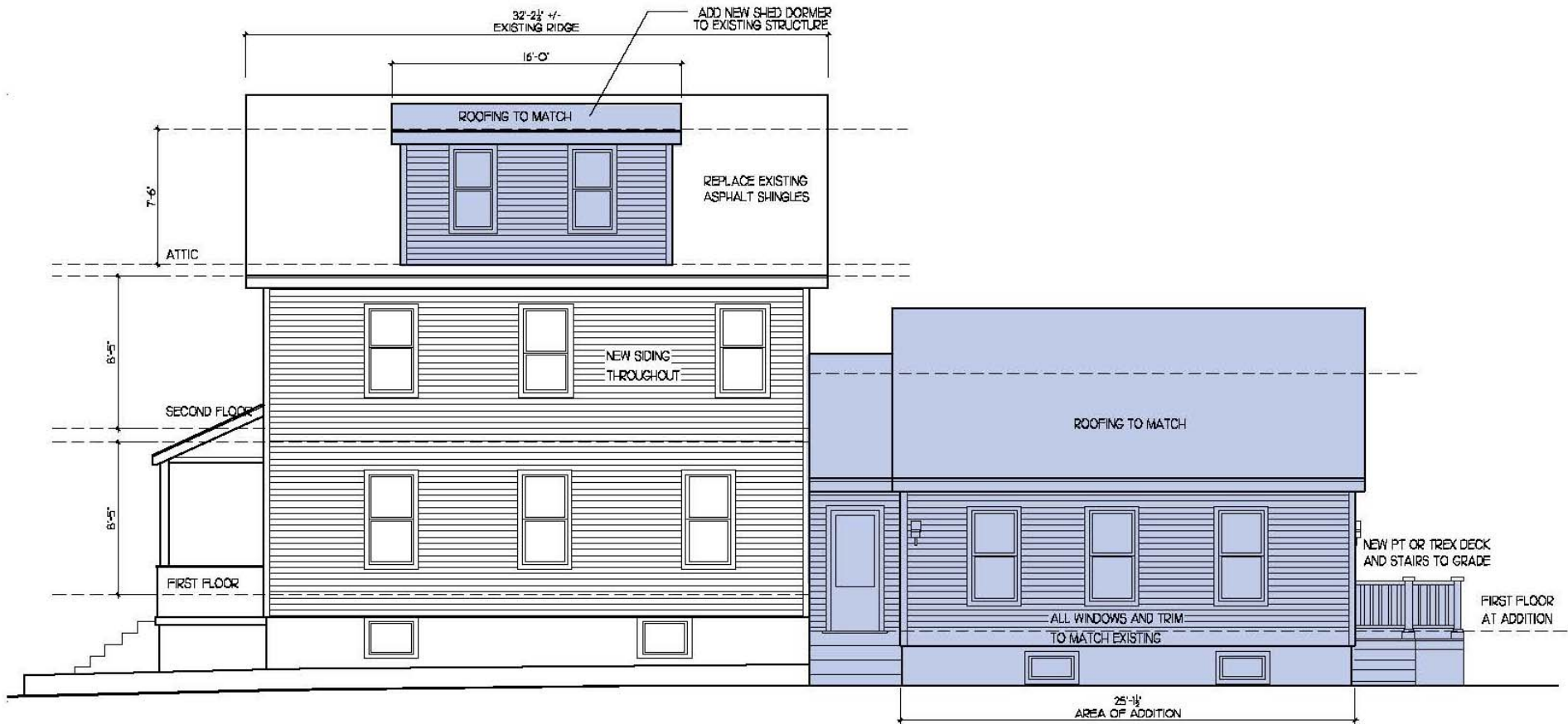


DIMENSIONS

Width (max)	24 feet or 50% of the eave length of the main roof (whichever is shorter)
Front & Rear Wall Setback (min)	3 ft. 6 in.
Side Wall Setback (min)	1 ft. 6 in.
Ridge Line Setback (min)	1 foot
Roof Slope (min)	4:12
Fenestration (min)	50%

STANDARDS

- i. Setbacks are strictly enforced regardless of permitted dormer width.
- ii. The maximum permitted width of a dormer applies to single, multiple, or attached combinations of dormers on each side of a roof.







Ruthanne Fuller
Mayor

Attachment B

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: November 22, 2019

TO: Councilor Susan Albright, Chairman
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director of Planning
Zachery LeMel, Chief of Long Range Planning
Gabriel Holbrow, Community Planner – Engagement Specialist

RE: **#327-19 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages**
COUNCILOR ALBRIGHT requesting that Chapter 30 of Newton’s Zoning ordinance be amended to repeal section 3.4.4 Garages (effective December 31, 2019 after three postponements). Garages will be discussed during Zoning Redesign next term.

MEETING: November 25, 2019

CC: Planning Board

The Council adopted amendments to the zoning ordinance in June 2016 (Ordinance A-78) that regulated the placement and scale of garages in residential districts with the intention of limiting their impact on the streetscape and neighborhood character. After adoption, many residents and professionals in the design community raised concerns that the content of the garage ordinance went too far, causing unnecessary challenges for some properties as well as encouraging design modifications on other properties that could further harm the character of the streetscape and neighborhood.

In October 2016, the Council voted to defer implementation of the garage ordinance until the end of that year. The Council passed further deferrals in December 2016, March 2017, March 2018, and December 2018. Currently, implementation is deferred until December 31, 2019, after which the ordinance will go into effect, unless the Council takes other action before then.

In the intervening years, the intent of the original garage ordinance has been incorporated into the goals of the citywide Zoning Redesign project. At this time, the Planning Department recommends

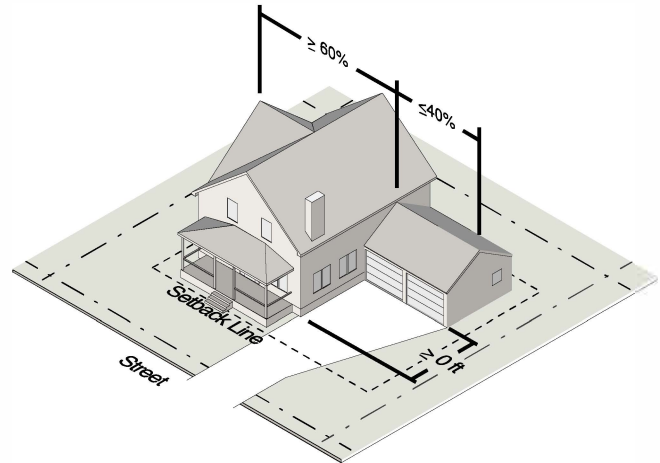
Attachment² B

completely repealing the current (deferred) ordinance, and addressing changes to the regulation of garages in residential districts through Zoning Redesign.

Attachments

- Attachment A – Deferred Garage Ordinance: Chapter 30 Zoning Ordinance sec. 3.4.4 Garages, recommended for repeal
- Attachment B – Garage regulation in effect during deferral and after repeal: Chapter 30 Zoning Ordinance sec. 3.4.2.B.1 and sec. 3.4.3.A.4, highlighted.

Attachment B



The requirements of Section 3.4.4 Garages do not become effective until December 31, 2019.

3.4.4. Garages

A. Defined.

1. An attached or detached structure intended primarily for the storage or parking of one or more automobiles. A detached garage is an accessory building.
2. A garage wall is any wall enclosing a garage including that wall containing the garage entrance.

B. For each dwelling unit there shall be no more than 1 garage and a garage shall provide for no more than 3 automobiles, except by special permit.

C. Where more than one garage is provided as part of a building and they are placed side-by-side, there shall be living area connected by a shared wall above both garages.

D. **Garage setback.** A garage wall may be no closer to the front lot line than the longest street-facing wall of the dwelling unit measured at ground level.

E. Garage Dimensions.

1. The length of a garage wall facing a street may be up to 40 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.

2. On corner lots, only one street-facing garage wall must meet the standard above.
3. The ground floor area of an accessory building containing a garage or an attached garage shall not exceed 700 square feet, except by special permit.

F. Exemptions

1. The Commissioner of ISD, in consultation with the Director of Planning and Development and/or the Urban Design Commission, may grant an exemption, subject to such conditions as he may require, to the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements, where, based on one or more of the following factors, strict adherence to these requirements would be impossible:
 - i. Irregular lot shape;
 - ii. Topography of the lot;
 - iii. Configuration of existing structures on the lot;
 - iv. Protection of the historic integrity of a building; and
 - v. Preservation of mature trees or similar natural features.
2. Any exemption request shall be reviewed relative to the intent of minimizing the amount of building frontage devoted to garage walls and ensuring a clear connection between the front

Attachment B

entrance and living space of a dwelling and the street, meeting the requirements of this section to the greatest extent possible. All exemption requests shall present design features including, but not limited to windows, architectural details, screening, and landscaping and these shall be generally consistent with the remainder of the house.

3. A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.
4. The applicant shall provide written notice of an exemption request and shall provide a copy of the request application to neighboring properties within 300 feet fronting on the same street.
5. Where the house is more than 70 feet from the street, the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements shall not apply.

(Ord. No. A-78, 06/20/16; Ord. No. A-84, 06/20/16; Ord. No. A-95, 12/05/16; Ord. No. A-105, 03/06/17; Ord. No. B-6, 03-19-18)

Attachment B

3.4.2. Accessory Uses Allowed

- A. By Right in All Residence Districts.** Such accessory purposes as are proper and usual with detached single-family dwellings or detached two-family dwellings, including but not limited to:
1. Housing of resident domestic employees;
 2. Renting of rooms for not more than 3 lodgers;
 3. Parking or storage of recreational trailers or vehicles, provided that if not parked or stored within a garage or other enclosed structure, such trailer or vehicle shall not be parked or stored within the area between any front line of the principal building and the street line, or stored within the side or rear setback, and further provided that such trailer or vehicle may be parked in the side or rear setback for a period not to exceed 7 days;
 4. Parking or storing of not more than 1 commercial vehicle per lot, subject to Sec. 6.7.3;
 5. Home businesses subject to Sec. 6.7.3; and
 6. Accessory apartments, subject to Sec. 6.7.1.

B. By Special Permit in All Residence Districts.

The text of section 3.4.2.B.1 is in effect until December 31, 2019. After that date refer to section 3.4.4.

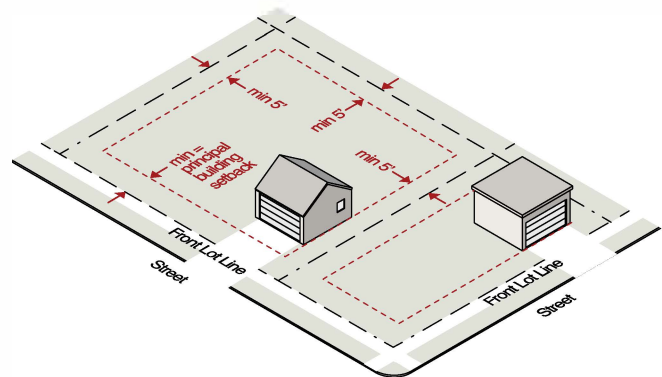
1. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 1 private garage per single-family dwelling;
2. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
3. Home businesses subject to the provisions of Sec. 6.7.3; and
4. Accessory purposes as are proper and usual with the preceding special permit uses and are not injurious to a neighborhood as a place for single-family residences.

(Ord. No. S-260, 08/03/87; Ord.No. S-322, 07/11/88; Ord. No. T-114, 11/19/90; Ord. No. V-274, 12/06/99; Ord. No. A-78, 06/20/16; Ord. No. A-95, 12/05/16; Ord. No. A-99, 01/17/17; Ord. Nol. A-105, 03/06/17)

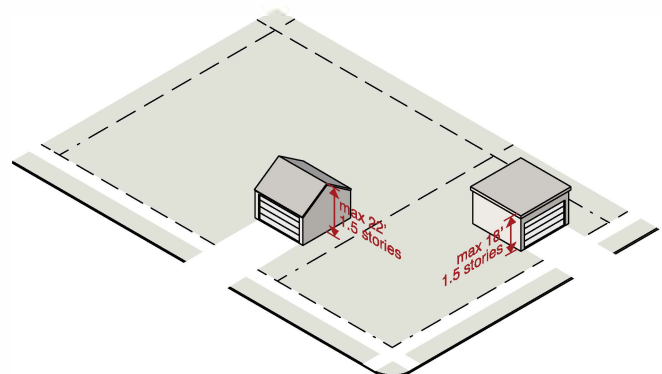
3.4.3. Accessory Buildings

- A.** Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:

1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.



2. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.

The text of section 3.4.3.A.4 is in effect until December 31, 2019. After that date refer to section 3.4.4.

4. If the accessory building is a garage, unless a special permit is granted, for each dwelling unit there shall be:
 - a. No more than 1 garage, wheter or not it is located in an accessory building;

- b. A garage shall provide for not more than 3 automobiles; and
- c. The ground floor area of a garage shall not exceed 700 square feet.

B. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.

(Ord. No. V-273, 12/06/99; Ord. No. Z-91, 06/06/11; Ord. No. A-78, 06-20-16; Ord. No. A-84, 10-17-16; Ord. No. A-105, 03/06/17; Ord. No. B-18, 12-17-18)



Memorandum

To: Councilor Deb Crossley, Chair, Zoning and Planning Committee
From: Councilor Lisle Baker
Subject: #88-20, #30-20, #38-20, and #148-20: Proposed residential zoning ordinance revisions to be discussed on Monday, April 27 at the Committee – clarifying aspects of the proposed changes
Date: April 24, 2020
Cc: City Council, Barney Heath, Zachery LeMel, Planning Board, John Lojek, Alissa O. Giuliani, and Jonathan Yeo

The following questions relate to clarifying aspects of past presentations about the residential components of the proposed new zoning ordinance as well as elements to be presented on Monday evening, such as building components, garage and driveway standards, building footprint, height and massing.

1. Aside from increased neighborhood density, what are some of the implications of proposed changes to facilitate more development on larger lots, as the Planning Department showed in its case study at the last Zoning and Planning Committee meeting? For example, will those parcels now become more valuable to the owners if they can be effectively divided for new building? If so, will they be taxed more than they are today?

2. In its memorandum of April 3, the Planning Department prepared a helpful table comparing some features of the current and proposed ordinance. I would ask that it prepare a similar table comparing the current and proposed building components, garage and driveway standards, building footprint, height and massing. Also, how do such elements relate to overall building mass and paving? (I recall Mr. Freas mentioning in the past that the basic house is a “Mr. Potato Head” which these accessory elements can make bigger.) Also, while the new ordinance is considered, can the Planning Department offer some interim adjustments in our current ordinance to help control “snout houses” – those with garages as the streetscape – such as requiring garage setbacks from the front of the house itself and requiring that the garage front be less than the house front width?

3. Floor area ratio (FAR) as a means of controlling building mass was developed and implemented with the encouragement of the then leadership in the Planning Department to help control teardowns and oversized houses. Why is the current Planning Department recommending this tool – which I recall was hard won -- now be abandoned? For example, limiting the floor total floor area to be built to a percentage of the lot size allows larger houses on larger lots and smaller homes on smaller lots. On the other hand, as I understand the proposed new zoning, a 7,000 or a 21,000 square foot lot in an R2 district could have the same maximum house size. Also, if there is a concern that some elements of a lot count for purposes of the Floor Area Ratio which are really not part of the building envelope created by front, side and rear setbacks, might we simply amend the FAR limits to exclude that portion of the lot not within the allowable building setbacks on four sides?

4. Much of the rationale for the proposed changes is to reduce nonconformity – the fact that many existing lots and structures do not conform to current zoning requirements. How many homeowners annually seek relief from such rules through Special Permits from the Council? Is such nonconformity relief focused on one or more elements in particular, like FAR?

5. In drafting the proposed residential changes, what communities did the Planning Department rely on as models? Based on the prior presentations, it looks like Somerville was relied upon significantly? If so, why? Can we learn from other municipalities more nearby? They may have zoning more similar to our own with elements we could emulate, such as a “large house” ordinance I recall adopted in a neighboring community.

Thank you.