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Barney S. Heath
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MEMORANDUM

DATE: May 15, 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: May 19, 2020

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

At the April 27, 2020 ZAP meeting, the Planning Department held the third *workshop* on Article 3 – Residence Districts, the discussion focused on Garage Design Standards (sec. 3.4.2) and Driveway Access (3.7.1.E). In addition, the second part of the presentation introduced Building Components (sec. 3.3).

Moving forward, staff plan to focus the upcoming ZAP discussion on the revised zoning text for Garage Design Standards and Driveway Access (Attachment A) and how these standards achieve the goals/outcomes discussed at the April 27 meeting. Staff will present case studies and diagrams that visualize these standards. In addition, the Committee should discuss the requirements for taking these sections out separately as amendments to the current Zoning Ordinance to replace the currently deferred garage ordinance that goes into effect July 1, 2020.

Finally, staff plan to focus the second part of the presentation around a deeper dive into Building Components. Specifically, reiterating goals, while diving deeper into the technical elements underlying them.

Part I – Garage Design Standards and Driveway Access

Garage Design Standards (Sec. 3.4.2)

Utilizing form-based mechanisms the draft zoning language creates standards to achieve the goals outlined in Sec. 3.4.2.A. 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. Highlighted below are some of the key mechanisms and standards, which will be covered in more detail through case studies and figures within the presentation.

- A Front-Facing Garage (Sec. 3.4.2.C.1) must be setback from the front elevation by 10 feet, unless certain design requirements are met, and may not exceed 50% of the building front elevation/facade (see fig. 1).
- Garages providing parking for two or more motor vehicles that face the street must be designed with individual doors, each no wider than 9 feet (see Fig. 2).
- Narrow lots may incorporate:
 - A Side-Facing Garage (Sec. 3.4.2.C.2), which can be placed in front of the building front elevation provided certain design requirements are met (see Fig. 3); or
 - A rear garage, attached or detached, accessed from a driveway running along the side of the building (see Fig. 4).

City staff believe that the draft language not only achieves the stated goals, but also encompasses most of Newton's residential properties. A section for exemptions (Sec. 3.4.2.G) has been added to provide relief for the outlier residential properties.

Driveway Access (Sec. 3.7.1.E)

The discussion of garages must include driveway access because the two function together within a property and where that property meets the public realm. The revised language helps achieve many of the stated goals guiding the overall Zoning Redesign effort.

- Sustainability (stormwater management)
 - Sec. 3.7.1.E.1 requires driveways to be paved with pervious materials, unless graded to direct runoff to onsite permeable areas, with ribbon driveways encouraged as another way to reduce impervious area.
 - Sec. 3.7.1.E.5 sets maximum widths of driveways from the lot line for a minimum of 10 feet into the property before widening out to provide necessary space for maneuvering (See Fig. 1).
- Safety
 - 3.7.1.E.6-9 restricts overly large curb cuts and the distance between curb cuts to ensure a more continuous public sidewalk for pedestrians. In addition, a narrower curb cut forces motor vehicles to enter and exit the driveway at slower speeds (See Fig. 2).

- 3.7.1.E.10 reinforces that the sidewalk or public right of way must be maintained clearly so that, although a motor vehicle may cross, the area between the curb cut and driveway remains part of the sidewalk

Part I – Looking Ahead

The currently deferred garage ordinance will go into effect on July 1, 2020 if no action is taken. At the previous ZAP meeting, staff enumerated the flaws within the deferred garage ordinance and recommend the Committee to either repeal or extend deferment. Once repealed or deferred, it is up to the ZAP Committee to decide if they would like to take on the draft zoning provided in this memo as a standalone amendment to the current ordinance or remain part of the overall Zoning Redesign project. Doing so will impact the overall timeline for Zoning Redesign.

The draft zoning provided in this memo is formatted for the new zoning ordinance, not the current ordinance. Taking up the garage ordinance as a standalone item will require either a second version formatted for the current ordinance or require adding/defining new terms to the current ordinance (like Primary Front Lot Line). Second, staff will need to consider if the draft zoning requires changes to other sections of the current zoning ordinance and/or to other City ordinances (ex. Ch. 26 – Streets and Sidewalks) to ensure enforceability and that no conflicts arise. Staff has begun looking into this with Current Planning, ISD, and the City Engineer.

At this time, staff cannot say how long it would take to adopt the draft garage ordinance as a standalone amendment especially as we enter the summer months, which is typically a slower time for the City Council. For reference a comparable amendment, the sustainable zoning amendments focused on sustainable design (#364-19) and building efficiencies (#363-19), passed in December 2019 took four months and were not presented concurrently with Zoning Redesign.

Part II – Building Components (Sec. 3.3)

Goals

Building Components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building (See Fig. 5). In addition, Building Component regulations will enhance predictability of growth for homeowners and neighbors. Finally, 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.

Building Components should be viewed as a by-right bonus, like the current ordinance De Minimis Relief (Attachment B), with standards that ensure such a bonus does not negatively impact the surrounding neighborhood or public realm. However, the draft language on Building Components and Building Types shared with the City Council previously does not fully achieve these goals.

Issues with Latest Draft Language and High-Level Proposed Changes

- Problem A - Building Components count towards Building Type footprint (Sec. 2.5.1.B)
 - Outcome – There is no incentive to utilize Building Components in new construction or renovations.
- Solution A – Building Components do not count towards Building Type footprint
 - Outcome - This will promote design individuality and increased habitable space. Components should be regulated by specific standards for each type as well as the

district lot coverage and setback requirements. Doing so ensures proportional Building Components relative to the surrounding neighborhood.

- Problem B – Language to directly implies style
 - Outcome - This regulation of style came up as a primary concern at the Architect Focus Group held on April 24, 2020. Architects felt the language inhibits creativity and is too prescriptive.
- Solution B – Building Components should be named generically
 - Outcome – As a form-based code tool, Building Components should only imply an appropriate volume or massing that designers are free to work within. Building Types accomplishes this through generic naming (House Type A, B, etc.) and this should apply to Building Components to the greatest extent possible. For example, a Turret (Sec. 3.3.2.J) could change to a *Corner Feature*. Additionally, Staff is looking at replacing individual Roof Types (sec. 2.6.3.D) with one set of standards, disconnected from formal roof styles (i.e. gable, hipped, etc.), and will be presented at the upcoming ZAP Meeting.
- Problem C – Building Type footprint increase allowed by Special Permit
 - Outcome – Taken with Building Components, which are allowed by-right, these two mechanisms attempt to allow for the same thing, controlled flexibility. The new ordinance should strive for simplicity, with one regulation solving one issue. Taken together, Building Components and an increase in footprint by Special permit allow for development to increase in size far too greatly.
- Solution C - Remove Building Type footprint increases by Special Permit and add new Building Components that allow for similar flexibility
 - Outcome – Doing so will directly address one of the goals found in the Zoning Reform Group Report, *simplify and streamline the permitting and review process*. Building components, by-right, are a cleaner and simpler mechanism to achieve the flexibility that Special Permits are now used for. This will also ensure that the additional volume created will be proportional to the surrounding neighborhood and configured to not negatively impact the public realm.

Part II – Looking Ahead

Because staff is proposing new Building Components, allowing increased square footage by-right, it is imperative that the standards used for each component is calibrated correctly. Staff is working with local architects to analyze their recent projects where they utilized what can be categorized as Building Components to get a baseline of standard dimensions. Additionally, staff will look to the existing De Minimus Relief rule for further guidance. Lastly, staff will review how the revised Building Components sections works with Building Type footprints, lot coverage, and setbacks. All these standards together will determine a developments overall volume, so changing one standard may warrant updating another. At upcoming meetings, staff will present these revised standards along with the logic behind them and case studies possible implementation.

Further Reading

The ZAP Committee should reread Sections 2.1 – 2.7 and Section 3.3, previously shared with the City Council in March 2020. These sections, in addition to the attachments will help guide an informed discussion on the revised garage/driveway language and the new framework developed for Building Components.

Attachments

Attachment A Revised draft Garage Design Standards (sec. 3.4.2) and Driveway Access (3.7.1.E).

Attachment B Sec. 7.8.2.B – De Minimus Relief (current ordinance)

Figure 1: Front-Facing Garage

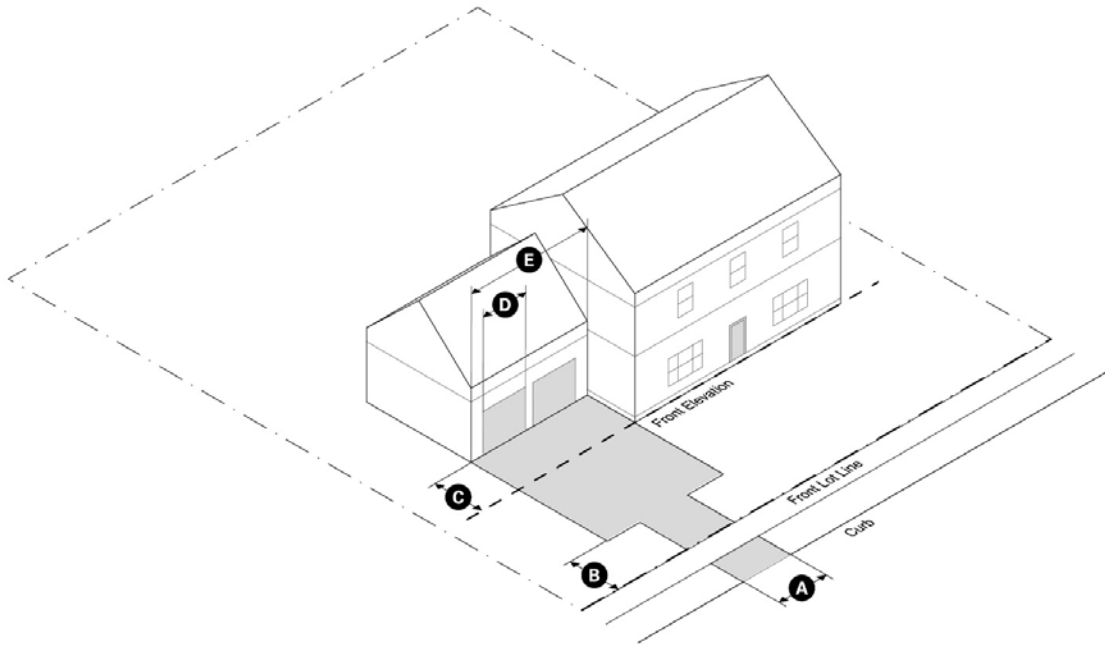


Figure 2: Individual doors for Front-Facing Garages (two-family)

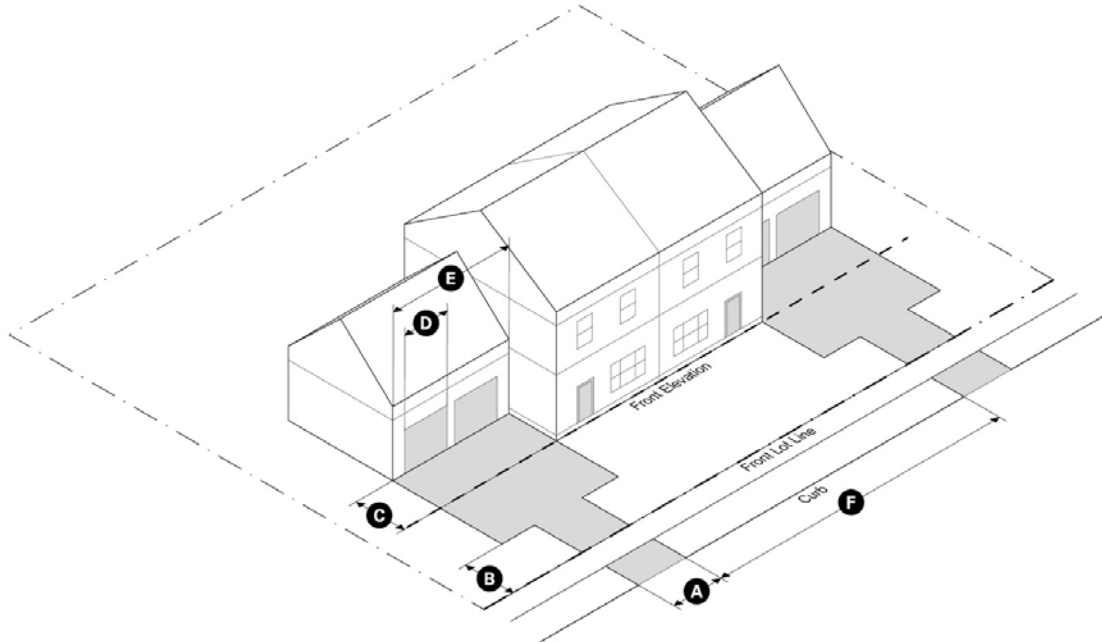


Figure 3: Side-Facing Garage

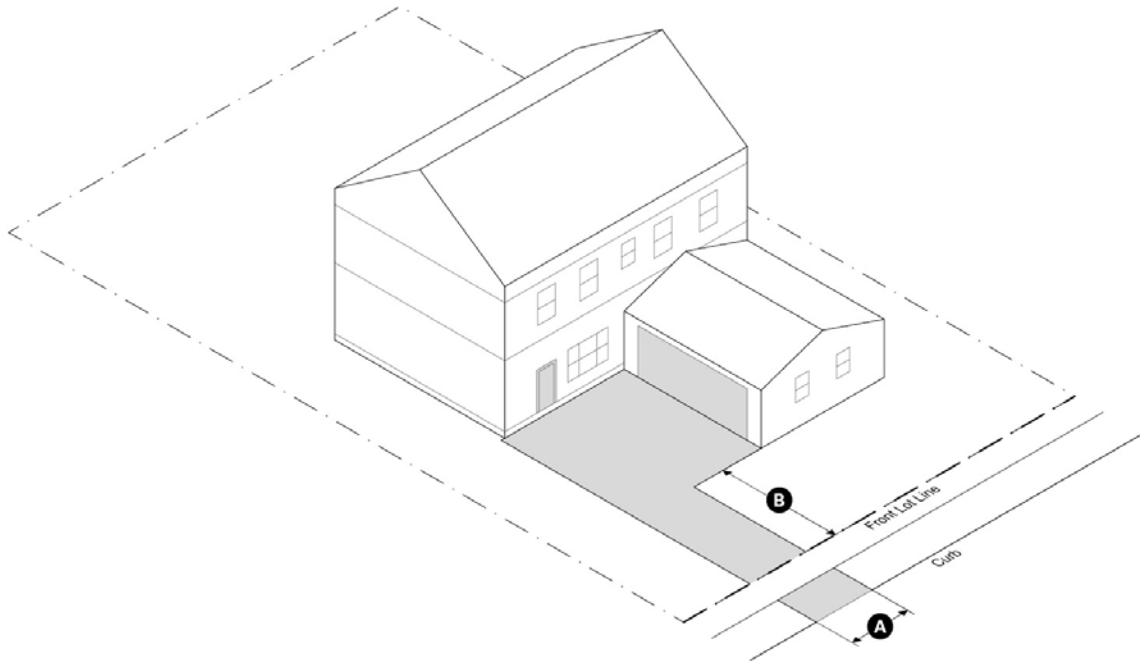


Figure 4: Rear Garage

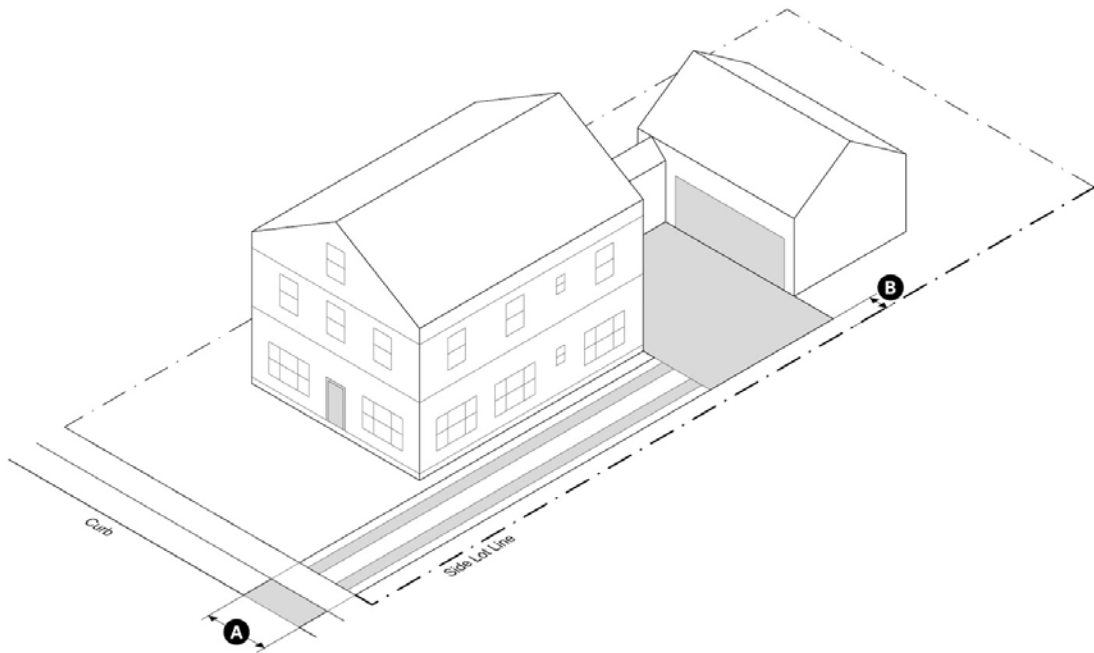
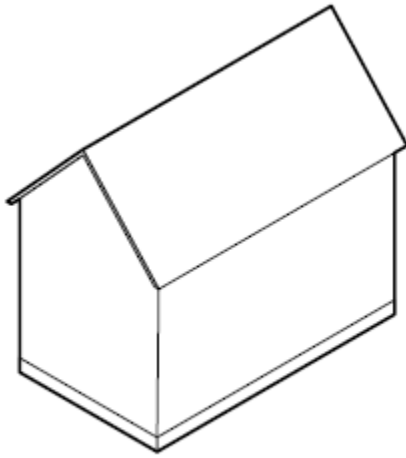
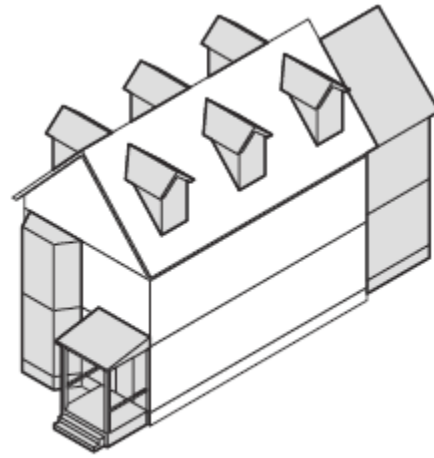


Figure 5: Building Components in Relation to Main Massing of a Building Type



MAIN MASSING of a BUILDING



Additional BUILDING COMPONENTS