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Barney S. Heath
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MEMORANDUM

DATE: September 25, 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, 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: October 1, 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

Recap of Previous ZAP Meeting

At the September 14, 2020 ZAP meeting, the Planning Department presented on three specific elements in Article 3: District dimensional standards (Sec. 3.1), Building Type dimensional Standards (Sec. 3.2), and Building Component allowable increases (Sec. 3.3.). The meeting intent was to reiterate the rationale for these recommended proposals and present on the potential impacts and outcomes of these standards in order to determine if there was consensus on the Committee that these standards align with their goals and objectives. Committee members discussed the merits and areas of concern of these standards.

While some Committee members, other City Councilors, and members of the Planning Board expressed sentiment that the proposals were moving in the right direction, other participants noted the need for additional information in order to reach consensus. Where possible, staff has responded to questions and comments from this meeting and others received by written submission in this memo (Attachment A). Other items require more analysis, which will be presented in Committee at a later date.

Introduction to Upcoming ZAP Meeting

Per the calendar shared in the Planning Department memo, dated September 9, 2020, and discussed at the previous ZAP meeting, the upcoming ZAP meeting will be focusing on the following mechanisms and standards within the revised draft of Article 3 – Residence Districts:

- Garage Design Standards (Sec. 3.4)
- Driveway Access (Sec. 3.7.1.E)
- Parking Requirements (Sec. 3.7)

This memo will go into these three elements by stating the areas of consensus achieved in previous ZAP meetings, highlight key changes in the latest draft (if any), outline possible alternatives (if applicable), and lay out specific questions the Planning Department needs feedback from the Committee on to move forward. In addition, staff have provided answers to Councilor questions and comments previously received relevant to the above items (Attachment B).

Garage Design Standards (Sec. 3.4)

The Committee discussed the Garage Design Standards at two ZAP meetings earlier this year (April 27 and May 19) and came to consensus on the goals and outcomes to be achieved by them. These are generally:

- To limit the visual impact and dominance of garages within Newton's neighborhoods
- Promote walkability and enhance public safety by ensuring the location and amount of living areas are more prominent than areas for motor vehicle

At the May 19 meeting, staff presented revised zoning language that we believe achieves these goals within a controlled manner, while also providing significant flexibility to accommodate the variety of lot and building configurations found throughout Newton. Since releasing this draft, staff have introduced minor changes to better clarify the zoning and better achieve the Committee intent of the proposed zoning (Attachment C). These include:

- Limiting a Front Facing Garage on a home with a porch to align up to the front elevation (Sec. 3.4.1.D.1.a). The previous version allowed a Front Facing Garage to align with the porch (Attachment D).
- Allowing Front Facing Garages with two parking stalls to have individual doors up to a maximum of 9 ft. Previous versions set the maximum individual door width at 8 ft. (Sec. 3.4.1.D.2)
- Simplifying the standards regulating garages facing the Primary Front Lot Line in relation to the overall Front Elevation of the building to be no more than 50% of that Front Elevation. This standard applies to all buildings, regardless of # of units (Sec. 3.4.1.D.4). Previous versions were overly complicated and differentiated between one- and two- or more-unit buildings.

To help facilitate a productive discussion in Committee and build consensus around the proposed draft, staff are providing the following questions:

- Does the proposed ordinance offer enough controlled flexibility to allow for a variety of garage configurations to be utilized on the variety of lots in Newton (Front Facing, Side Facing, Attached, Detached, etc.)?
- Do you agree with the ways the code limits the visual impact of garages?
 - Front Facing Garages required to be set back
 - Separate doors for two-car Front Facing Garages
 - Side Facing Garages have design requirements
 - No attached Front Facing Garages along Front Elevation less than 22 ft
- Should garages in R1 setback more than 70 ft from the Front Lot Line be exempt from Garage Design Standards?

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 revised zoning language, originally presented at the 5/19 ZAP meeting, is meant to align with the goals and objectives laid out within the Garage Design Standards and further advance many of Newton’s sustainability goals outlined in the adopted Climate Action Plan. Since releasing this draft, staff have introduced minor changes to better clarify the zoning and better achieve the Committee intent of the proposed zoning (Attachment B). These include:

- A driveway must maintain a maximum width, depending on the # of units, measured from the lot line where the driveway accesses the lot (Attachment D). The revised recommendation links this distance to the specific zoning district, instead of a single number (Sec. 3.7.1.E.5).

District	Minimum Distance Measured from the Lot Line
R1, R2	10 ft
R3, R4, N	5 ft

To help facilitate a productive discussion in Committee and build consensus around the proposed draft, staff are providing the following questions:

- Should driveways be allowed within the side setback so long as a minimum of 3 ft is maintained from the property line? (note: the current ordinance only regulates parking in the side setback, the proposal goes further to provide an opportunity for a landscaped buffer)
- Should a second curb cut always require a Special Permit? (note: the proposal does not allow a second curb cut for single-family properties and only allows a second curb cut for two-units or more if certain design requirements are met)
- Do you agree that limiting the width of a curb cut and driveway (at the lot line) reduces its visual impact and increases safety by limiting the area where vehicles and pedestrians may come into conflict?

- Should the maximum driveway width be maintained for a minimum depth into the property as shown above? Should this depth be reduced? Increased?

Parking Requirements (Sec. 3.7)

At the ZAP discussion on June 15, the Committee discussed Parking Requirements. There was a consensus among many members that on-street parking should only count for non-residential uses and that any parking provided above the maximum allowance by Special Permit should be designed using pervious materials to mitigate environmental impacts. These recommendations have since been incorporated into the updated draft.

The proposed ordinance formats Parking Requirements somewhat differently than the current ordinance. Instead of a standalone section on parking, the proposed ordinance contains parking requirements within each of the relevant articles, specific to that article. Article 8 – Development Standards contains additional parking standards.

Under the current zoning code, single-family, two-family, or multi-family dwellings require two parking stalls for each unit. In the proposed draft, minimum parking requirements are reduced, and maximum parking requirements are introduced. For one- and two-family homes, accessory uses, and ground story non-residential uses less than 5,000 square feet, parking minimums are proposed to no longer apply (Sec.3.7.1.A). A maximum cap for residential parking has also been set, limiting the number of parking stalls to 2 per dwelling unit for Residential uses (Sec. 3.7.3), again the current ordinance minimum.

Though mandatory parking minimums no longer apply for one- and two-family homes, this does not mean that creating new parking is prohibited. For small-scale developments, these looser parking restrictions can provide more options to developers and property owners. If parking is not a requirement, builders have more creative flexibility on the lot- rather than needing to build two they could provide only what the homeowner needs. By being able to unbundle the cost of a parking spot from the housing cost, tenants or owners are given the opportunity to save money and space by creating only as much parking as they need. The proposed draft also requires bicycle parking for multi-family dwellings to further encourage alternative modes of transportation within Newton (Sec. 3.7.3).

Reducing parking minimums is consistent with the city's environmental goals outlined in the Climate Action Plan. Minimum parking requirements often have the effect of facilitating a built environment that favors automobile use over any other mode of transportation, and often require parking at levels higher than the market demands, resulting in an excess of parking stalls and impervious surface and increased development costs. As Newton moves towards a future that better acknowledges the role that safe and accessible public transit, biking, and pedestrian infrastructure can play in how we move around the city, this plan anticipates a time when parking needs will be reduced through modest, incremental change.

Because the proposed ordinance contains parking requirements within each of the relevant articles, it is likely that the Committee will want to evaluate parking requirements more holistically at a later date. Planning staff expect that the impact of reducing or eliminating parking minimums will be most impactful in village centers and change to be more modest in Residence districts.

Several Councilors and ZAP members have voiced concern for the possible unintended consequences of eliminating parking requirements for one- and two-family homes. A possible alternative for this draft would be a reduction in parking minimum requirements from two parking stalls per dwelling unit to just one parking stall for these uses, rather than no minimum at all. Another possibility would be to take into

consideration the important role that proximity to village centers and public transit plays when it comes to parking needs and eliminate parking minimums only in areas within a walking distance of these nodes.

To help facilitate a productive discussion in Committee and build consensus around the role that Parking Requirements play in the proposed draft, staff are providing the following questions:

- Do you agree with the limited instances where the proposed code eliminates parking requirements? If not, would you support the elimination of parking requirements based on proximity to public transit and village centers?
- Do you agree with the reduction in parking minimums and the proposal to impose parking maximums?

Looking Ahead

At the following ZAP meeting, scheduled for October 15, staff hope to facilitate a discussion on the proposed regulations and standards of Multi-Unit Conversion (Sec. 3.5.3) and other Alternative Lot/Building Configurations (Sec. 3.5).

Attachments

Attachment A Responses to Councilor questions and comments from the 9/14 meeting

Attachment B Responses to Councilor questions and comments for the 10/1 meeting

Attachment C Draft zoning for Garage Design Standards, Driveway Access, and Parking Requirements

Attachment D Draft zoning diagrams and tables