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Barney S. Heath
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MEMORANDUM

DATE: October 9, 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 15, 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 October 1, 2020 ZAP meeting, the Planning Department presented on the updated mechanisms and standards within the revised draft of Article 3 – Residence Districts for Garage Design Standards (Sec. 3.4) and Driveway Access (Sec. 3.7.1.E). There appeared to be clear support that the recommendations were going in the right direction to achieve the established goals (limiting visual impact/dominance of garages, promoting walkability/public safety, and enhancing sustainability). Where possible, staff have 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.

In tandem, the Committee decided to defer the effective date of the Garage Ordinance within the current code to April 1, 2021. With this new deferral date, the Committee has decided to take up the Garage Ordinance as a standalone item and instructed City staff to develop a revised proposal for adoption prior to the April deferral date. The Committee acknowledged that this sets back the overall

Zoning Redesign timeline presented last month. Staff is working internally, and closely with the Committee Chair, to develop a revised timeline for Zoning Redesign and a workplan leading to adoption of a revised Garage Ordinance prior to the deferral date. Staff plan to present this revised calendar for Committee review at the upcoming meeting.

Introduction to Upcoming ZAP Meeting

Per the Article 3 – Residence Districts calendar, shared in the September 9, 2020 memo, the upcoming meeting will focus on Alternate Lot and Building Configurations (Sec. 3.5). Specifically, staff plan to discuss Rear Lots (Sec. 3.5.1) and Courtyard Clusters (Sec. 3.5.3). In addition, staff plan to present on Parking Requirements (Sec. 3.7), originally scheduled for the previous meeting.

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).

Alternative Lot and Building Configurations (Sec. 3.5)

Rear Lots (Sec. 3.5.1)

Previous Committee meetings have focused on rear lots less than other Alternative Lot and Building Configurations because the proposal draws heavily from the current ordinance. That said, in Committee and from the public generally, staff have heard the need for updates to further control the size of development on any given rear lot. To accomplish this, the proposal only allows a House Type C, the smallest house type (maximum 1,200 sf footprint and 1.5 stories) on a rear lot. This Building Type requirement, in addition to the lot standard requirements, should ensure that any residential unit created through a rear lot is subordinate to the principal building on the front lot. The side-by-side tables below show how the proposal reduces the development size of a rear lot as compared to the current ordinance.

	Current Ordinance			Proposed Ordinance
	<i>SR1</i>	<i>SR2</i>	<i>SR3</i>	<i>All Residence Districts</i>
Minimum Lot Size	25,000 sf	15,000 sf	10,000 sf	N/A
Building Height (max) Sloped Roof	36 ft	36 ft	36 ft	18 ft
# of Stories (max)	2.5 / 3 SP	2.5 / 3 SP	2.5 / 3 SP	1.5 stories
FAR (max)	0.12	0.20	0.24	
Total Square Feet*	3,000 sf	3,000 sf	2,400 sf	1,800 sf

*Based on FAR (max) for current and building footprint/# of stories (max) for proposed

Since releasing the latest draft in August, staff have worked with our design and planning consultant on minor changes to further simplify the draft zoning and better achieve the Committee intent (Attachment C). These include:

- Establishing that the front lot line of a rear lot is the rear lot line of the adjoining lot fronting the street (Sec. 3.5.1.C.3). The previous version allowed different options for determining the front lot line that was determined to be confusing and did not lead to a better design outcome.
- A building on a rear lot can be placed anywhere on the lot within the required setbacks. Previous versions required at least 50% of the building on a rear lot to be visible from the street. This standard would have forced the building on the rear lot to be significantly more visible and run contrary to the general intent that the building be subordinate.

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

- Should a House C, developed as a rear lot, be allowed to increase the building footprint by 25% utilizing Building Components?
- If the proposal achieves the City Council intent, and address community concerns, should rear lot development be allowed by-right? If not, are there any circumstances where a rear lot development should be allowed by-right?
- To further simplify the code, should there be separate setbacks specifically for rear lots?

Courtyard Cluster (Sec. 3.5.3)

The Committee previously discussed Courtyard Clusters at multiple ZAP meetings earlier this year (March 9 and April 13). Staff presented case studies at these meetings highlighting the limited applicability of Courtyard Cluster development throughout Newton, given lot size requirements and other constraints. Though when possible, Courtyard Clusters allow for smaller than typical residences that not only provide underrepresented housing options to a range of growing demographics (seniors, individuals living alone, empty nesters, etc.), but also a non-subsidized form of housing that is generally less expensive. Following the feedback received at these meetings, and from the community during other engagement events and via email, staff recommended in the latest draft to further limit Courtyard Clusters to the R4 and N districts, which are proposed to be adjacent to amenities and resources found in village centers and public transit hubs

Since releasing the latest draft in August, staff have worked with our design and planning consultant on additional recommendation changes to further simplify the draft zoning and further ensure that Courtyard Clusters appropriately fit within Newton’s neighborhoods (Attachment C). These include:

- Developing a standalone Courtyard Cluster Building Type (Attachment D). The draft Courtyard Cluster Building Type standards for review are:

	Building Footprint	# of Stories	Story Height	# of Units
Building Dimensions (max)	1,200 sf	2.5	12 ft	2

Previous versions utilized the proposed Housing Types with a reduced footprint. Staff believe this is overly complicated and would have allowed for development that did not align with the Committee's intent for Courtyard Clusters (i.e. 3-story, 3-unit buildings). Staff is working to refine this Building Type and are seeking guidance from the Committee, see questions below.

- Establishing a minimum distance between each building of 15 feet (Sec. 3.5.3.C.4) Previous versions had no required minimum distance. Rather than rely on the building code, which requires a variety of distances based on multiple factors (construction type, occupancy, fire-resistance rating, etc.), we have worked with our consultant to determine an appropriate distance that not only satisfies the building code, but also the neighborhood context.

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

- Does the new proposed Building Type better facilitate development in scale and proportion with the intent and definition of Courtyard Clusters?
- Should the parking requirements be reduced since Courtyard Clusters are limited to areas walkable to public transit and village centers?
- Almost all standards for Courtyard Clusters are specific to this development type (i.e. Lot Frontage, Lot Coverage, and Building Type), with setbacks as the exceptions (set by the district). To further simplify the code, should there be separate setbacks specifically for Courtyard Clusters, no matter which district?

Parking Requirements (Sec. 3.7)

Due to timing, the Committee was unable to take up Parking Requirements as part of the previous ZAP meeting. The materials prepared for this topic can be found within the ZAP memo for October 1, linked here:

<http://www.newtonma.gov/civicax/filebank/blobdload.aspx?t=62031.45&BlobID=106720>

Looking Ahead

Staff, and the Committee Chair, are coordinating with the Building Professional Working Groups to present at multiple ZAP meetings this fall. Additional meetings are being explored. These meetings should focus on elements of Article 3 – Residence Districts and the Garage Ordinance.

This past spring Planning staff convened an Architects Focus Group, comprised of local members of the architecture and building communities, which met five times throughout the spring and summer. Members of this group presented at two ZAP meetings in July. Since the last formal meeting of this group at the end of July the Planning Department is aware of at least two groups of building professionals who have been reviewing the draft ordinance to provide feedback. Feedback from these groups will be important throughout the process but is critical at this stage as we try to finalize dimensional standards for the districts, building types and components. In addition to speaking at upcoming ZAP meetings, the Planning Department is always available to meet with these professional groups to hear specific feedback and review cases studies to determine where the ordinance requires clarity or refinement.

In addition, staff plan to present an updated community engagement schedule through the end of the year, along with an outline for a broader and comprehensive engagement strategy for 2021.

Attachments

Attachment A Responses to Councilor questions and comments from the 10/1 meeting

Attachment B Responses to Councilor questions and comments for the 10/15 meeting

Attachment C Draft zoning for Rear Lots and Courtyard Cluster

Attachment D Draft zoning diagrams and tables