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MEMORANDUM

DATE: February 23, 2018
TO: Councilor Susan Albright, Chair
Members of the Zoning and Planning Committee
FROM: Barney Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
MEETING DATE: February 26, 2018
RE: **Zoning Redesign, Project Status**

#75-18 Discussion relative to the Zoning Redesign Event Series

DIRECTOR OF PLANNING requesting discussion of topics, issues, and ideas from the Zoning Redesign Event Series, with Committee feedback leading to staff preparation of the draft policy content outline for the new Zoning Ordinance

The Zoning Redesign project is one of the central and most important projects the Zoning and Planning Committee is currently engaged in. With the start of a new Council term and many new members to the Committee, this seemed an appropriate time for an overall project status report and to look ahead to the next steps for the Committee and Council.

The overall project objective is clear: a new City of Newton zoning ordinance. The challenge is in the details as zoning is a body of regulations that touches on numerous different issues, is complex, and is one of the primary tools for defining the future of the City. The inter-relatedness of the different parts of a zoning ordinance demands periodic comprehensive review and refresh. The task is large and requires a substantial devotion of time and resources.

The objectives of this effort to rewrite Newton's zoning ordinance are driven by the desire to simplify many of the decision-making functions within the ordinance, address pressing issues such as tear-downs, housing supply, and economic development, and improve the design of new development, amongst others. Newton faces challenges and zoning is an important tool in addressing them. Overall, the objective is for Zoning Redesign to give Newton a baseline ordinance that better reflects the existing built environment and contemporary land uses. Because Council will continue to amend Newton's zoning ordinance in years to come, this process will not produce Newton's final ordinance, but a stronger foundation on which future planning work will build.

Project Foundation

The Zoning Redesign project has its foundation in the Comprehensive Plan (2007) and the Zoning Reform Group Report (2011). The Comprehensive Plan places an emphasis on the importance of place-making in Newton; the idea that the unique character of places within the city are assets worthy of protection and reinforcement. The Zoning Reform Group report identifies the challenges with the existing ordinance, particularly with regard to its inconsistency with this critical aspect of the Comprehensive Plan. Based on that report, the Zoning Reform project was initiated.

The Zoning Reform Group report identified the following objectives for the zoning reform effort, but they are also applicable to all zoning changes:

- Be easy to use, administer, and enforce
- Be well-organized, indexed, and cross-referenced
- Use clear, precise, and contemporary language
- Be internally consistent
- Produce predictable, desired results
- Balance flexibility and predictability
- Support the vision expressed in the Comprehensive Plan

Further, the report identified a set of 11 themes for how the zoning ordinance could be improved to better meet the above outcomes:

1. Better organize the Ordinance for ease of use.
2. Simplify and streamline the permitting and review process
3. Recognize that each village center and commercial corridor is unique
4. Encourage mixed-use residential redevelopment in village centers
5. Create “soft transitions” between village centers and residential neighborhoods
6. Allow moderate, flexible growth on commercial corridors (economic development)
7. Rationalize and streamline parking regulations
8. Protect neighborhood character and scale
9. Create more diverse housing opportunities
10. Institute a better process for managing change of religious and educational institutions
11. Improve natural resource conservation and sustainability

The first phase of the Zoning Reform project was to reorganize the existing zoning ordinance with no substantive changes. This work was completed and the new Ordinance adopted in November 2015. The new ordinance uses far more illustrations, introduced a use table, organized the ordinance for ease of use and to reduce confusion, and addressed the inconsistencies. This phase of the project, identified as Zoning Redesign, begins to address the remaining 10 themes.

The Zoning Redesign phase is largely focused on the outcomes of the zoning ordinance; how this ordinance can meet the charge of the Comprehensive Plan to reinforce and protect the quality of place in Newton. To this end, the ordinance is being written as a “Context-Based” ordinance where the intent is to regulate development consistent with the existing or desired context of the neighborhood,

village, or corridor. The first step of this process has been the production of a Pattern Book, a detailed study of the existing built environment of the city. This study provides a snapshot in time of the existing context in Newton's neighborhoods, villages, and corridors that can be used to shape the new body of regulations.

While primarily focusing on matching the zoning ordinance to on the ground conditions, Zoning Redesign will also address many of the critical issues residents and businesses have expressed concerns about in the zoning ordinance. These include the challenge of very large, out of scale homes in neighborhoods, high parking requirements, over-reliance on the special permit process, and others.

And although Zoning Redesign aims to accomplish a range of benefits for Newton, this planning process does not stand alone. Particularly in areas of potential transformation or enhancement, it is essential that the zoning be based on an area-specific planning process with strong community engagement and input. The Zoning Redesign process and Pattern Book will provide a better baseline zoning ordinance with clear regulations for the majority of Newton's land area where the greater goal is preservation and the existing context can guide the development of regulation.

Process Forward

The Pattern Book is in final form and the Planning Department is more than halfway through a public event series designed to collect input and feedback on some of the topical issues in the zoning ordinance. Looking ahead, there are a number of next steps advancing this project to a complete first draft, with the role of the Zoning and Planning Committee once again coming to the forefront.

ZAP Discussions – Iterative feedback from the Zoning and Planning Committee as we work from conceptual ideas to specific zoning language is essential. Based on feedback from the Committee, staff has built a schedule to incorporate more time for discussions.

The Committee will have two discussions on each topic from the event series. First, immediately following each event, there is a discussion providing feedback on the topic. More than half of these discussions have already occurred but there are 4 more. Second, we will move into discussions with a framework based on gaining agreement on a set of principles (goals) for the Zoning Ordinance, review and feedback on regulatory ideas consistent with those principles, all of which will be informed, to the extent possible, by explanations and illustrations of the potential implications.

Policy Outline Document & Map – Based on the discussions above, staff will produce a Principles, Ideas & Implications policy outline document. This document will include an initial proposed zoning map and zoning district descriptions.

Ward Map Discussions – This summer, staff would like to set up meetings with the three councilors in each ward to review and discuss the map and districts as applied in their ward.

Ordinance First Draft – Over the summer, the Planning Department will work with our consultant to produce a first draft of the Zoning Ordinance.

Detailed Review – Staff anticipates beginning a detailed review of the draft zoning ordinance with the Zoning and Planning Committee in the fall, including side-by-side comparisons of the existing and proposed Ordinance. Staff anticipates that this process will include additional analysis around the potential effects of changes in the ordinance, further discussion of examples and best practices, etc.

Adoption – Ultimately, the Zoning and Planning Committee will need to forward the City Council a zoning ordinance ready for a vote for adoption.

Conclusion

Making decisions about the future development of a community is a core role of local government embodied in planning and zoning. These decisions are also among the most difficult with many competing interests in a complex and evolving area of knowledge encompassing interwoven environmental conditions, economic factors, and social issues; climate change, transportation systems, housing supply, economic development, etc. These decisions shape how people will live in a place for decades or longer. Planning Department staff look forward to working with the Zoning and Planning Committee to reach these decisions. Zoning Redesign is about setting a better baseline aligned with Newton’s built form and community priorities.

Planning staff encourages members of the Zoning and Planning Committee, or the City Council, to set up one-on-one meetings with staff if they would be interested in sharing their thoughts, concerns, and ideas for the zoning ordinance as well as learn more about the work the department is doing developing a context-based zoning ordinance for the city.

Anticipated Schedule for Principles, Ideas, and Implications Discussions:

- ZAP – Feb 26th. Transportation
- ZAP – Mar 12. Sustainability
- ZAP – Apr 9. Housing & Homeowner Investments
- ZAP – April 23. Economic Development & Creative Economy
- ZAP – Apr 30. Map Making
- ZAP – May 14 – Process
- ZAP – May 28. The Map & Districts
- ZAP – Jun 11. Discussing the whole outline
- ZAP – Jun 25. Discussion – Proceed to drafting

Additional Council Meetings on Zoning Redesign:

- Committee of Whole – Mar 19 or Apr 2. Zoning Redesign Primer
- Committee of Whole – June 18. Discussing the Zoning Outline
- Ward by Ward Councilor Check-ins – July. Ward by ward Councilor check-ins on the draft map

Attached please find the Principles, Ideas, and Implications Outline for the Transportation Discussion at the February 26th, 2018 meeting.

Principles, Ideas & Implications – Transportation

Transportation systems are a fundamental part of urban infrastructure and zoning has a significant influence on it. Most directly, zoning regulates parking, but zoning also influences the degree to which driving is required over walking, biking, and transit, as well as the degree to which these other modes are encouraged.

The core principles of Newton’s Transportation Strategy are Safe, Smart, Accessible, Livable and Sustainable – all of these principles are applicable to the regulation of development through zoning.

Safe | The City’s first priority is the safety of all travelers. Newton’s transportation strategy aims to eliminate all transportation-related fatalities and injuries. To do so, Newton will address all travel modes equitably and will use infrastructure investments to eliminate hazards, near-misses, and collisions. All travelers in Newton will feel safe and be safe when traveling in Newton, no matter how they travel. We will especially be in tune with the young, the elderly, and those with differing capabilities.

Smart | The City will incorporate cutting-edge transportation, technology, and data-driven solutions. Newton will continue to adapt to evolving transportation needs and adopt innovative tools. The City will monitor, analyze, and revise decisions as needed to guide the system towards its vision.

Accessible | The City will ensure that everyone has a variety of attractive, efficient, and affordable travel options. Newton will aim to reduce congestion without expanding roads by building on our own successful environment and expanding travel choices. Newtonians, age 9 to 90, already walk, bike, and take public transit at some of the highest rates in the country, avoiding tens of thousands of car trips every day.

Livable | The City’s transportation networks will further Newton’s character as ‘The Garden City.’ Newton’s transportation systems will nurture its verdant environment and support its vibrant quality of life. Transportation will connect people to each other and to exceptional public space, while making travel enjoyable.

Sustainable | Newton’s transportation network will enhance the environmental, social, and economic prosperity of the City. Newton is working in all areas to address climate change, public health, and economic vitality. Newton will provide transportation options that allow people to rely less on cars and instead walk, bike, or take public transportation.

Throughout the outline of ideas and implications on the following pages, our intent is to broaden the frame of reference in which the zoning ordinance discusses transportation. Newtonians utilize a diversity of transportation options, and while parking is a part of the transportation system, it is not the only way in which private property interfaces with the community’s transportation networks. In this effort to broaden we propose to work within the Development Standards section of the ordinance (Article 5) to expand “Sec 5.1 Parking and Loading” into “5.1 Transportation Standards.” Automobile parking will continue to feature prominently but now be presented in the framework focused on the full range of transportation options.

Article 5. Development Standards

Sec. 5.1. Transportation Standards

5.1.1. Intent and Purpose. The intent of these provisions is that any use of land be designed and operated to:

- A. Ensure safe travel for all moving along public ways and in and out of private property;
- B. Encourage the use of public transportation, walking, and bicycling;
- C. Decrease vehicular air and water pollutant emissions, conserve energy resources, and reduce ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city;
- D. Reduce the demand for parking facilities and increase the capacity and efficiency of existing transportation infrastructure;
- E. Protect the use of adjacent property from nuisance caused by noise, fumes, and glare of headlights;
- F. Enhance and protect the visual quality of the city;

At the start of the section, we want to show the broad framework. In subsequent subsections, more specific intent and purpose statements may be needed.

5.1.2. Bicycle Parking

- A. Bicycle parking required as per the parking requirements table (5.1.4).
- B. Required amount of bicycle parking tied to zoning district, land use, and project size.
- C. Bike parking location requirements, based on general land use category, i.e. retail uses near front entrance and highly visible, office uses indoors and at entrance, etc.
- D. Basic bike parking design requirements

This is a new section and will state the general parameters around bicycle parking.

5.1.3. Automobile Parking

- A. Automobile parking required as per the parking requirements table (5.1.4).
- B. Required amount of automobile parking tied to zoning district, land use, and project size.
- C. Basic automobile parking design requirements

This section will pull from existing sections and state the general parameters around automobile parking.

5.1.4. Parking Table

- Table shows parking requirements by zoning district and use.
- Table includes parking minimums, parking maximums, and parking by special permit
 - Staff will be proposing significant reductions in parking requirements, particularly in certain districts, and for certain uses.

- For village center districts, staff will be proposing no minimum parking requirement for ground floor retail/commercial uses. There will be a maximum for these uses in these districts that will also be low if not zero. Parking in these districts is disruptive to the economic vitality of these areas, generally damages the pedestrian environment, reduces potential tax revenue, and is often underutilized – therefore better where done through public managed parking supply and programs.
- Proposing no minimum parking requirement for single and two-family. Max of 4, except by SP. Often the creation of new private parking results in a net loss of public shared on-street parking (i.e. driveway requires removing 2 public spaces for 1 private space), disruptions to accessible public sidewalks, and comes with an increase in impervious surfaces beyond what is allowed on the property.

The automobile parking min. and max. and bike parking calculations are intended to require development of adequate parking facilities to meet the reasonable needs of a given use without establishing regulations which unnecessarily encourage automobile usage. All requirement calculations will be reviewed.

5.1.5. Shared Parking

- Section will provide rules for shared parking – under what circumstances it might be allowed and how it could work to meet minimum parking requirements.
- Standards for commercial vehicle parking in residential areas may move into this section since this can be considered a type of shared parking.

This section is intended to provide flexibility of how parking requirements are met where common resources are made available and encourage visitors to village centers to park once and walk. All parking type definitions will be clarified.

5.1.6. Parking Lot Design

- Largely maintaining existing rules for small and large lots. Will propose to reduce or eliminate the ability to get a special permit to vary these design rules. An applicant would still be able to seek a variance. The current special permit approach is effectively prioritizing number of parking spaces over good and green parking lot design. In some cases, where flexibility is warranted, would propose it be very limited with clearly defined parameters and administrative approval. Will propose limits on number of driveway curb cuts, including for single family.
- Section will clarify how to work with non-conforming parking lot designs when other aspects of the property change, e.g. change of use or small addition – clarify that these small project should not trigger a full re-engineering of the parking lot.

This section will pull from current sections 5.1.7, 5.1.8, 5.1.9, and 5.1.10. Existing standards will be reviewed in context of current best practices in parking lot design particularly for lighting and green infrastructure. Updates here are anticipated to result in fewer special permit requests. For example, lighting waivers are frequently sought because the lighting levels in the ordinance exceed what is needed to ensure safety in the parking lot and have been found to produce a nuisance level of lighting for neighbors in some locations.

5.1.7. Off-Street Loading Requirements

- Largely maintain these requirements. Looking at whether they are applicable in village center districts or whether in those areas these requirements become onerous and should therefore be reduced, allowed to vary, or eliminated.
- Will also look at if we need to consider requirements specifically around loading for waste management, i.e. location of dumpsters relative to loading areas.

This section will pull from current section 5.1.12 and will be reviewed in context of current City practices of recent approvals and regional best practices.

5.1.8. Transportation Demand Management

- Add requirements for transportation demand management plans and measures to be implemented for new developments as well as special permits for parking waivers of either the min. or max. automobile parking. This is proposed on the understanding that if one wants to reduce parking below or above the new calculated requirements, there needs to be a corresponding investment in promoting other transportation options.
 - Measures endorsed are likely to include:
 - Participation in the appropriate transportation management association (128 Business Council for properties south of Commonwealth Ave or the Watertown Transportation Management Association for properties north of Commonwealth Ave)
 - Decoupling parking and rents – i.e. charging separately for rent and parking or separately selling parking and condo units. This is anticipated to apply both to residential and commercial uses.
 - Subsidized transit passes for properties within ½ mile of Green Line, Commuter Rail, or Express Bus services
 - Provision of secure indoor bike parking, showers, and locker rooms
 - Commitment to assist the City in implementing neighborhood traffic mitigation plans, investment in sidewalks, lighting, bike network, traffic calming, etc.
 - All projects with transportation demand management plans will be required to set a peak hour mode-split target and track employee/resident commute mode-split, as well as trip generation and parking utilization periodically and report this to the City along with reports on the efficacy of transportation demand management measures utilized at the premises in that period. This section will also outline the process by which modifications can be made to a TDM plan if it is not proving effective in reaching the mode-split target.

This is a new section. It will build on current City practices of recent approvals and regional best practices. The City has negotiated TDM measures be undertaken as part of numerous special permits. This section will standardize the requests while still allowing flexibility in how a project meets the TDM requirements so that location appropriate measures can be selected.