

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY NOVEMBER 29, 2010

Present: Ald. Johnson (Chairman), Yates, Baker, Lappin, Sangiolo, Swiston, Lennon, Shapiro
Also present: Ald. Crossley, Hess-MahanFAR Working Group: Tom Greytak, Alan Schlesinger, Henry Finch, Peter Sachs, Treff LaFleche, Chris Chu
Planning Board Members: David Banash
City Staff: Jennifer Molinsky (Interim Chief Planner for Long Term Planning), Candace Havens (Interim Planning Director), John Lojek (Commissioner of Inspectional Services), Marie Lawlor (Assistant City Solicitor), Rebecca Smith (Committee Clerk)

#142-09(4) INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT
requesting discussion of findings of Floor Area Ratio Working Group and consideration of recommended revisions to Chapter 30 regarding FAR limits tied to lot sizes and definitions of “gross floor area”, “carport”, “mass below first story”, “porch”, “enclosed porch”, and “floor area ratio” as well as phasing of ongoing changes. [05/11/10 @ 7:07 PM]

ACTION: **HELD 8-0**

NOTE: Jennifer Molinsky, Interim Chief Planner for Long Term Planning, began the meeting with a presentation (*presentation is attached*) to answer questions previously posed to the Planning Department by the Committee. Ms. Molinsky started by giving an overview of the process that the FAR Working Group and the Planning Department have gone through thus far. She transitioned into an explanation for the necessary increase in FAR, stating clearly that revising the definitions in this docket item (which everyone agrees is needed) is going to increase a property’s calculated FAR. This would happen because the revisions of the definitions would cause areas once never included in FAR to be included; without increasing the FAR limit for properties in response, the City would be creating a significant amount of new nonconformities. She also answered the question of whether it would be possible, if a pilot program is implemented, to have the second set of calculations done in-house; she stated that the Inspectional Services Department could verify that calculations include all that would be required, but the applicant would still need to provide the calculations and dimensions to ISD. In comment to the idea of a pilot program, Ms. Molinsky and the Planning Department recommend that whatever is implemented is done so all at once. She states that there is no way to impel people to provide the dimensions necessary to conduct a study so there may be no point to such a program.

In addition to their other questions, the Committee asked Ms. Molinsky and the Planning Department as a whole to provide their opinion on the numbers proposed. In response, Ms. Molinsky presented an adjusted version of the FAR Working Group’s numbers. The rationale for the adjustment is that the Planning Department is concerned with the amount of capacity given to smaller lots by the Working Group’s proposal; they are looking for the best way to balance the needs of the neighbors with the needs of the residents. The numbers Ms. Molinsky presented are slightly more conservative than those presented by the Working Group, yet still provide much of the

benefit of the numbers the Working Group proposed. It should be noted, though, that since the Planning Department's numbers are more conservative, more nonconformities would remain than if the Working Group's numbers were applied. She noted that the Planning Department agrees with the Working Group's choice to use a sliding scale, especially after conducting a test to see if a flat increase would provide a favorable effect; the test showed that the incidence of nonconformities was higher with the application of a flat increase than with the sliding scale. Ms. Molinsky also stated that the Planning Department proposes, in conjunction with these more conservative numbers, that residents building onto a pre-existing structure be given an FAR bonus. This bonus would be offered in an effort to promote preservation.

The Committee appreciated the efforts of the Planning Department and found Ms. Molinsky's presentation very informative. In general, the Committee and Commissioner Lojek disliked the idea of incorporating a bonus into the new ordinance, stating that the purpose of this project is to eliminate exceptions and create a more fixed and consistent ordinance. Ald. Baker noted that he believes a bonus would be acceptable if the number proposed by the Planning Department were made even more conservative. Ald. Yates stated that he would be more likely to support the conservative numbers proposed without the addition of a bonus.

On the whole, the Committee seemed to give some preference to the Working Group's numbers due to the enormous amount of time and testing already put into that proposal, but they would like the Working Group and the Planning Department to discuss their proposals together and come back to Committee on December 13th with their joint recommendation. It is the goal of the Committee to have the discussion on the 13th yield a decision on what will be advertised so that Ald. Johnson can announce a public hearing on this item at the first full Board meeting in January.

Respectfully Submitted,

Marcia Johnson, Chairman



Zoning and Planning Committee

November 29, 2010

Agenda:
#142-09(4) FAR

#142-09 Background

- FAR Working Group recommended changes to definitions relating to FAR and numerical FAR limits
- At Nov. 8th meeting, Committee requested Planning Department come back with answers to questions raised at meeting

FAR Working Group Process

- Proposed definition changes
- With definition changes, average house's FAR in SR districts rose .05-.06, and in MR districts, rose .09-.12 – thus the Working Group saw a need to raise FAR limits in general
- Concern for high nonconformities on small lots led to sliding scale

FAR Working Group Process

- Decision about sliding scale involved:
 - Quantitative analysis of nonconformity rates, capacity;
 - Desire to decrease the number of households requiring special permits, with particular concern for the cost of SP to owners of small lots
 - Qualitative analysis – sketches, images, field visits
 - Final examination of two options and melding of the two
 - Art, not science

Planning Department's Analysis

- Assessment Criteria
 - Usability
 - Free of loopholes and unintended incentives
 - Preference for renovation over tear-downs
 - Protection of smaller housing stock balanced with needs of owners of small lots
 - Nonconformity rates and development capacity
- Criteria largely drawn from Comprehensive Plan



Definition Changes

- Eliminates loopholes
- Not neutral when it comes to housing type and, by extension, by neighborhood



321 Hammond St. (SR1)

Currently conforming property would become nonconforming



Impact of FAR Proposal

Current: .22/.25 493'
(more with bonus)

Proposed: .33/.30 NC



Hammond St

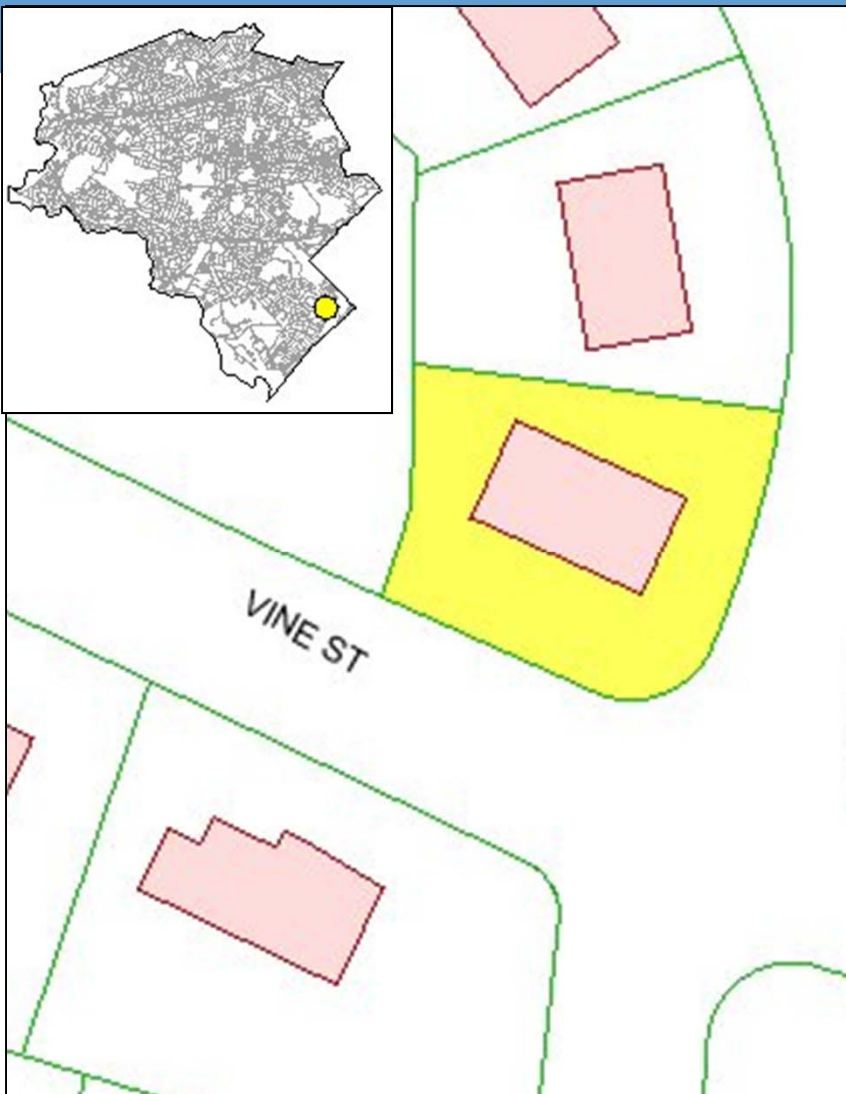
Incorporates Unattached Garage into FAR calculation

<u>Impact of FAR Proposal</u>		
Current:	.22/.25	493'
Proposed:	.33/.30	NC

25 feet

50 Vine St. (SR3)

Proposal gives currently conforming property more developable capacity



Impact of FAR Proposal

Current: .18/.35 1,252'

Proposed: .22/.49 2,046'



Impact of FAR Proposal

Current: .18/.35 1,252'

Proposed: .22/.49 2,046'

Impact on Small Lots/Neighborhoods

- Preservation of existing stock – does not distinguish between existing and new construction
- Small lots and neighborhoods
 - In some cases, FAR on small lots may be higher than needed for small additions (on average)
 - However, current system + bonus allows almost as much, more in some cases, particularly on large lots

FAR Working Group Proposal

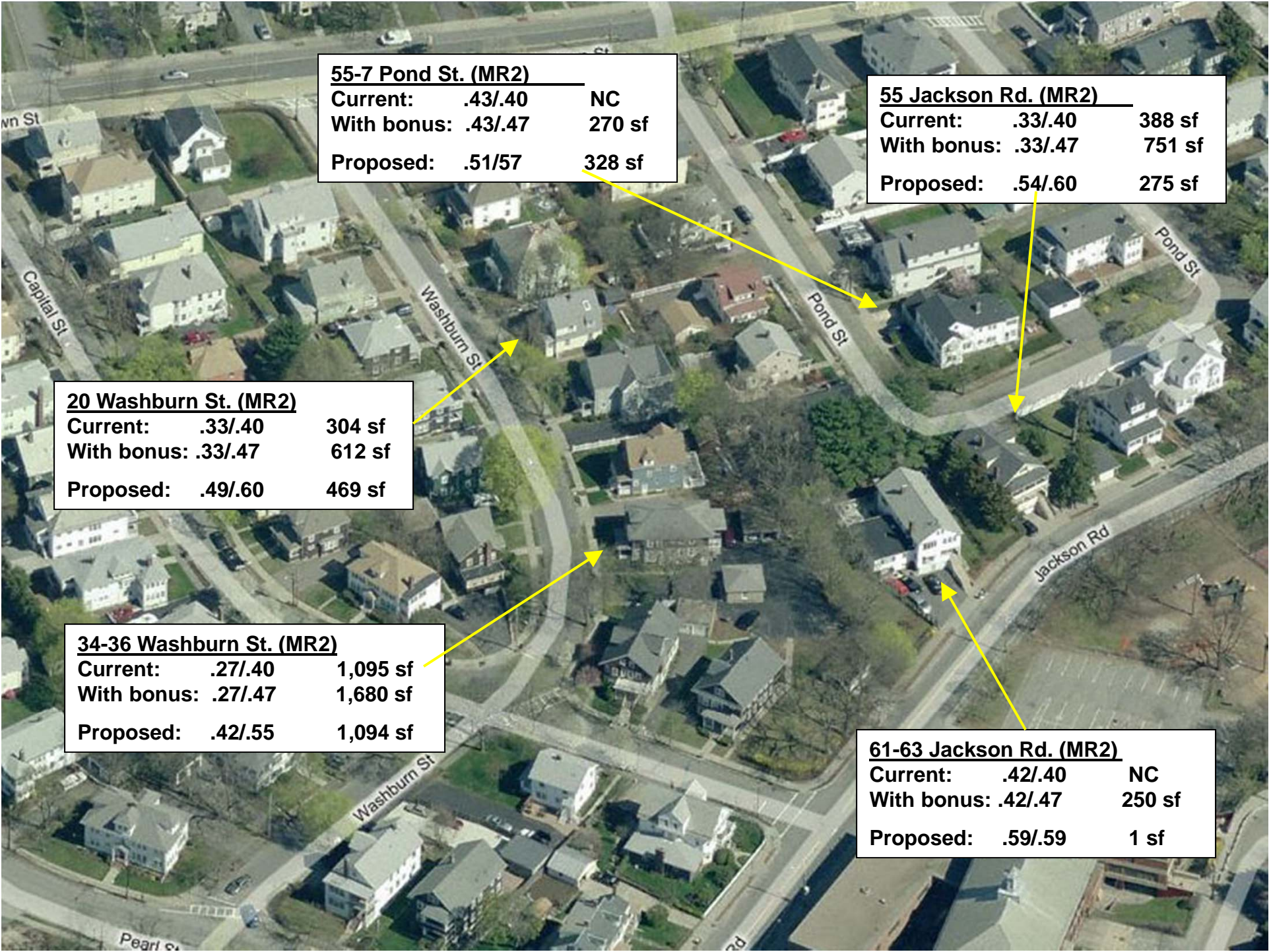
		SR1		SR2		SR3		MR1		MR2/MR3	
Lot Size Category		Beginning FAR	Ending FAR	Beginning FAR	Ending FAR	Beginning FAR	Ending FAR	Beginning FAR	Ending FAR	Beginning FAR	Ending FAR
0 to	4999	.48	.48	.48	.48	.50	.50	.60	0.60	.60	.60
5000 to	6999	.48	.45	.48	.45	.50	.50	.60	0.55	.60	.55
7000 to	11999	.45	.35	.45	.40	.50	.43	.55	0.50	.55	.55
12000 to	14999	.35	.30	.40	.35	.43	.40	.50	0.50	.55	.45
15000 to	19999	.30	.30	.35	.35	.40	.40	.50	0.45	.45	.40
20000 to	24999	.30	.28	.35	.35	.40	.38	.45	0.40	.40	.40
25000+		.28		.35		.38		.40		.40	

Working Group Proposal

	Lot Size	Total Number	Current Nonconformity Rate	Proposal Nonconformity Rate	Percent Undeveloped Under Current Policies	Percent Undeveloped Under Proposed Policies
SR1	ALL	1,599	25%	19%	38%	36%
	0-4999	2	100%	100%		
	5000-6999	18	72%	33%	5%	19%
	7000-11999	202	62%	30%	7%	16%
	12000-14999	175	44%	39%	13%	14%
	15000-19999	489	27%	25%	23%	24%
	20000-24999	186	12%	15%	31%	27%
	25000+	527	0%	5%	52%	48%
SR2	ALL	7,799	22%	13%	31%	32%
	0-4999	108	95%	71%	1%	5%
	5000-6999	655	69%	34%	4%	13%
	7000-11999	3,945	26%	12%	20%	27%
	12000-14999	1,359	8%	7%	32%	32%
	15000-19999	1,149	4%	7%	41%	37%
	20000-24999	308	1%	4%	47%	41%
	25000+	275	0%	1%	59%	53%
SR3	ALL	6,217	14%	8%	39%	41%
	0-4999	436	57%	37%	9%	15%
	5000-6999	1,366	26%	16%	18%	25%
	7000-11999	3,513	7%	4%	36%	41%
	12000-14999	476	1%	2%	50%	47%
	15000-19999	261	0%	0%	59%	54%
	20000-24999	85	0%	2%	62%	56%
	25000+	80	0%	0%	77%	72%

Working Group Proposal

	Lot Size	Total Number	Current Nonconformity Rate	Proposal Nonconformity Rate	Percent Undeveloped Under Current Policies	Percent Undeveloped Under Proposed Policies
MR1	ALL	3,115	23%	15%	35%	34%
	0-4999	433	61%	38%	9%	16%
	5000-6999	883	37%	22%	17%	22%
	7000-9999	1,394	8%	7%	32%	33%
	10000-14999	200	1%	2%	51%	48%
	15000-19999	127	1%	1%	58%	53%
	20000-24999	50	0%	0%	70%	62%
	25000+	28	0%	0%	79%	72%
MR2	ALL	939	37%	28%	26%	30%
	0-4999	347	71%	53%	7%	13%
	5000-6999	282	30%	21%	19%	24%
	7000-9999	268	7%	6%	36%	39%
	10000-14999	33	3%	3%	51%	51%
	15000-19999	9	0%	0%	56%	49%
	20000-24999	0				
	25000+	0				
MR3	ALL	43	37%	35%	22%	21%
	0-4999	8	75%	63%	4%	10%
	5000-6999	12	67%	58%	6%	9%
	7000-9999	20	10%	15%	29%	27%
	10000-14999	2	0%	0%		
	15000-19999	1	0%	0%		
	20000-24999	0				
	25000+	0				



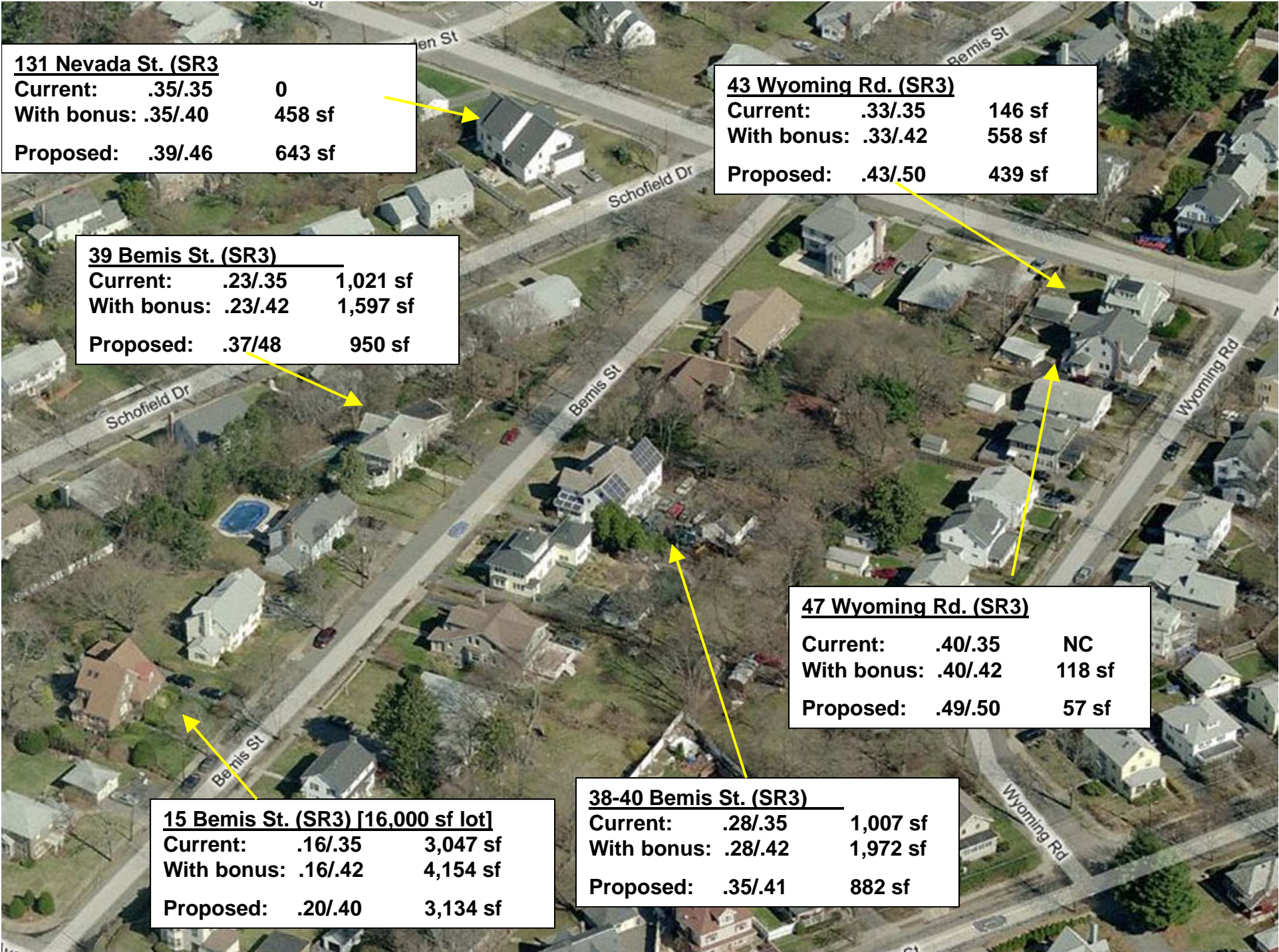
55-7 Pond St. (MR2)		
Current:	.43/.40	NC
With bonus:	.43/.47	270 sf
Proposed:	.51/.57	328 sf

55 Jackson Rd. (MR2)		
Current:	.33/.40	388 sf
With bonus:	.33/.47	751 sf
Proposed:	.54/.60	275 sf

20 Washburn St. (MR2)		
Current:	.33/.40	304 sf
With bonus:	.33/.47	612 sf
Proposed:	.49/.60	469 sf

34-36 Washburn St. (MR2)		
Current:	.27/.40	1,095 sf
With bonus:	.27/.47	1,680 sf
Proposed:	.42/.55	1,094 sf

61-63 Jackson Rd. (MR2)		
Current:	.42/.40	NC
With bonus:	.42/.47	250 sf
Proposed:	.59/.59	1 sf



131 Nevada St. (SR3)
 Current: .35/.35 0
 With bonus: .35/.40 458 sf
 Proposed: .39/.46 643 sf

43 Wyoming Rd. (SR3)
 Current: .33/.35 146 sf
 With bonus: .33/.42 558 sf
 Proposed: .43/.50 439 sf

39 Bemis St. (SR3)
 Current: .23/.35 1,021 sf
 With bonus: .23/.42 1,597 sf
 Proposed: .37/.48 950 sf

47 Wyoming Rd. (SR3)
 Current: .40/.35 NC
 With bonus: .40/.42 118 sf
 Proposed: .49/.50 57 sf

15 Bemis St. (SR3) [16,000 sf lot]
 Current: .16/.35 3,047 sf
 With bonus: .16/.42 4,154 sf
 Proposed: .20/.40 3,134 sf

38-40 Bemis St. (SR3)
 Current: .28/.35 1,007 sf
 With bonus: .28/.42 1,972 sf
 Proposed: .35/.41 882 sf

425 Waltham St. (SR3)

Current: .21/.35 891 sf
With bonus: .21/.42 1,332 sf
Proposed: .25/.50 1,551 sf

69 Orchard Ave. (SR3)

Current: .28/.35 556 sf
With bonus: .28/.42 1,078 sf
Proposed: .42/.49 519 sf

6 Stoneleigh Rd.(SR3)

Current: .33/.35 227 sf
With bonus: .33/.42 942 sf
Proposed: .37/.45 824'

19 Stoneleigh Rd. (SR3)

Current: .28/.35 416 sf
With bonus: .28/.42 812 sf
Proposed: .34/.50 885 sf

4 Eden Ave. (SR3)

Current: .38/.35 NC
With bonus: .38/.42 247 sf
Proposed: .47/.50 186 sf



379 Central St. (SR3) [33,000 sf lot]

Current: .14/.35 7,007 sf

With bonus: .14/.42 9,346 sf

Proposed: .20/.38 6,060'

378 Central St. (SR3)

Current: .33/.35 240 sf

With bonus: .33/.40 742 sf

Proposed: .35/.45 1,007 sf

406 Central St. (SR3)

Current: .17/.35 2,576 sf

With bonus: .17/.40 3,280 sf

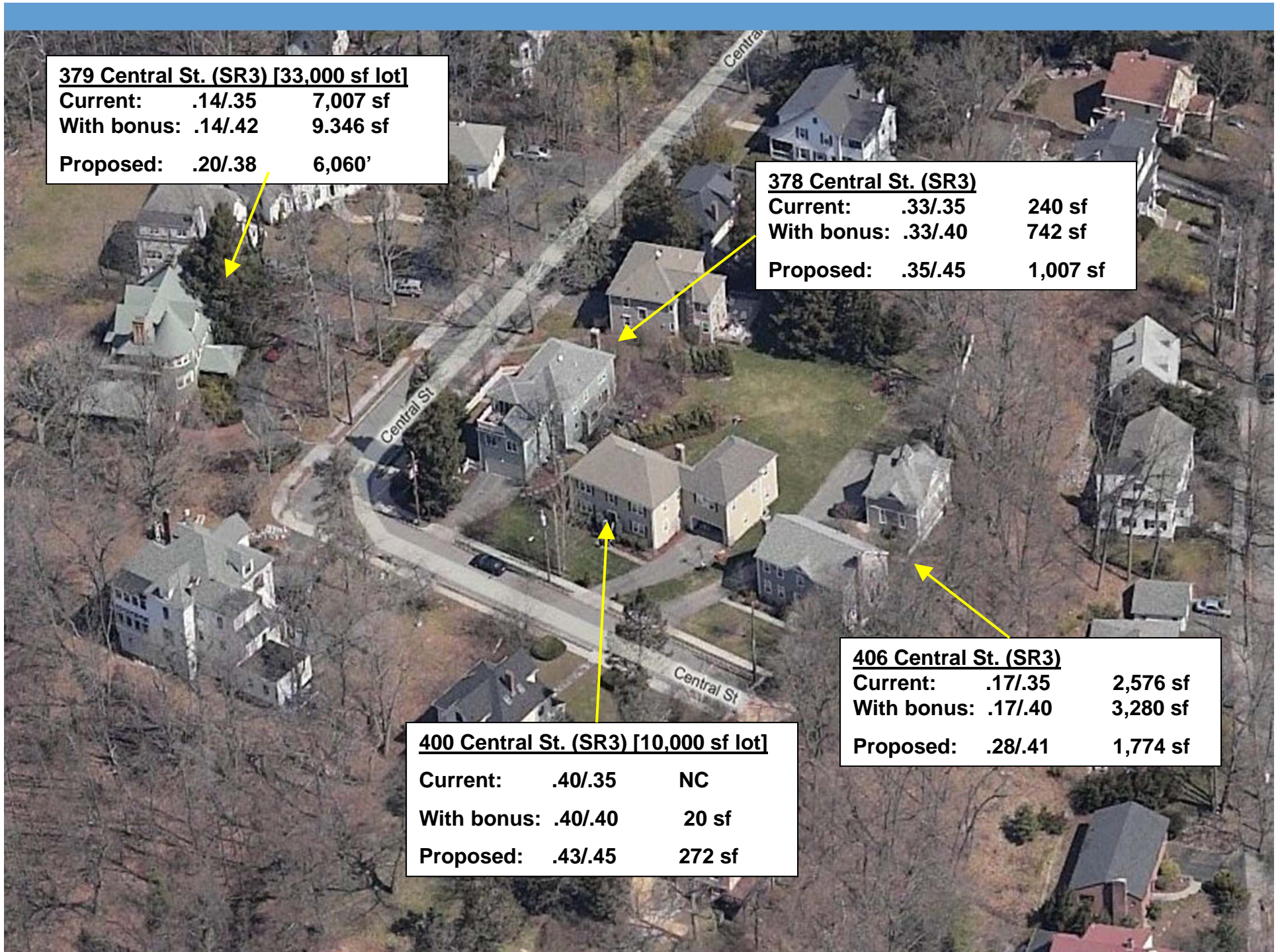
Proposed: .28/.41 1,774 sf

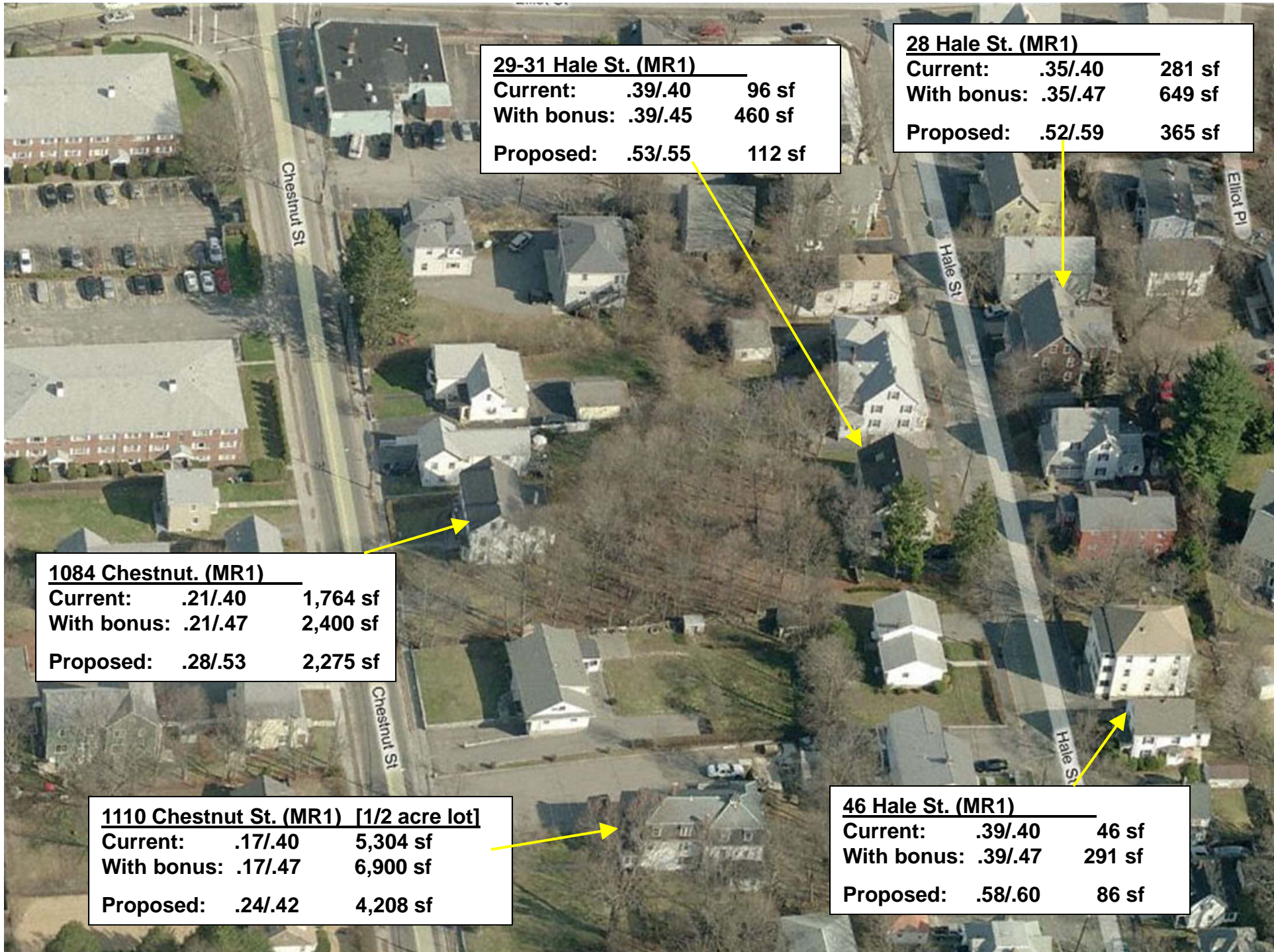
400 Central St. (SR3) [10,000 sf lot]

Current: .40/.35 NC

With bonus: .40/.40 20 sf

Proposed: .43/.45 272 sf





<u>29-31 Hale St. (MR1)</u>		
Current:	.39/.40	96 sf
With bonus:	.39/.45	460 sf
Proposed:	.53/.55	112 sf

<u>28 Hale St. (MR1)</u>		
Current:	.35/.40	281 sf
With bonus:	.35/.47	649 sf
Proposed:	.52/.59	365 sf

<u>1084 Chestnut. (MR1)</u>		
Current:	.21/.40	1,764 sf
With bonus:	.21/.47	2,400 sf
Proposed:	.28/.53	2,275 sf

<u>1110 Chestnut St. (MR1) [1/2 acre lot]</u>		
Current:	.17/.40	5,304 sf
With bonus:	.17/.47	6,900 sf
Proposed:	.24/.42	4,208 sf

<u>46 Hale St. (MR1)</u>		
Current:	.39/.40	46 sf
With bonus:	.39/.47	291 sf
Proposed:	.58/.60	86 sf

93 Walnut St. (SR3)

Current: .21/.35 898 sf
With bonus: .21/.42 1,360 sf
Proposed: .30/.50 1,331 sf

Walnut Hill Rd

Walnut Hill Rd

Walnut Hill Rd

Alexander Rd

Elm

100 Walnut St. (SR3)

Current: .34/.35 46 sf
With bonus: .34/.40 423 sf
Proposed: .41/.49 624 sf

Alexander Rd

2 Alexander Rd. (SR3)

Current: .30/.35 417 sf
With bonus: .30/.42 1,026 sf
Proposed: .34/.47 1,144 sf

18 Alexander Rd. (SR3)

Current: .21/.35 1,811 sf
With bonus: .21/.42 2,706 sf
Proposed: .26/.42 2,023 sf

21 Alexander Rd. (SR3)

Current: .24/.35 771 sf
With bonus: .24/.42 1,260 sf
Proposed: .29/.47 1,476 sf

56 Lawrence Rd. (SR1)

Current: .29/.25 NC
With bonus: .29/.32 278 sf
Proposed: .39/.37 NC

39 Kingsbury Rd. (SR1)

Current: .27/.25 NC
With bonus: .27/.32 648 sf
Proposed: .38/.33 NC

30 Kingsbury Rd. (SR1)

Current FAR: .13 / .25 3398 sf
With bonus: .13 / .32 5388 sf
Proposed FAR: .21 / .28 2015 sf

131 Suffolk Rd. (SR1)

Current: .28/.25 NC
With bonus: .28/.32 452 sf
Proposed: .42/.35 NC

111 Suffolk Rd. (SR1)

Current: .22/.25 408 sf
With bonus: .22/.32 1323 sf
Proposed: .33/.35 83 sf





64 Botsford Rd. (SR3) [7,903 lot size]
 Current: .35/.35 0
 With bonus: .35/.42 519 sf
 Proposed: .41/.49 626 sf

50 Vine St. (SR3) [7,552 lot size]
 Current: .18/.35 1,252 sf
 With bonus: .18/.42 1,781 sf
 Proposed: .22/.49 2,046 sf

30 Vine St. (SR3) [18,714 lot size]
 Current: .13/.35 4,121 sf
 With bonus: .13/.40 5,057 sf
 Proposed: .16/.40 4,464 sf

8 Vine St. (SR3) [10,135 lot size]
 Current: .34/.35 133 sf
 With bonus: .34/.40 640 sf
 Proposed: .39/.46 643 sf

Calculating FAR

- FAR calculations
 - Current calculations for building permit or special permit
 - Require dimensions of building, lot
 - Prepared and certified by architect, engineer, or surveyor
 - For building permit applications, some cases where not needed
 - Proposed calculations
 - Require dimensions of more elements (mass below grade, attic space, detached structures)
 - Otherwise, still a straightforward calculation
- Testing period?
 - Staff could not prepare comparison calculations without “input” dimensions from applicant

Department's Suggestions

- Adopt slightly more conservative set of numbers in sliding scale with a limited bonus that gives preference to renovation
- Numerical results similar to Working Group proposal in most cases but with renovation incentive

Alternative

		SR1		SR2		SR3		MR1		MR2/MR3	
Lot Size Category		Beginning FAR	Ending FAR	Beginning FAR	Ending FAR	Beginning FAR	Ending FAR	Beginning FAR	Ending FAR	Beginning FAR	Ending FAR
0 to	4999	0.33	0.33	0.48	0.48	0.45	0.45	0.55	0.55	0.55	0.55
5000 to	6999	0.33	0.33	0.48	0.45	0.45	0.45	0.55	0.50	0.55	0.50
7000 to	11999	0.33	0.33	0.45	0.40	0.45	0.40	0.50	0.50	0.50	0.50
12000 to	14999	0.33	0.30	0.40	0.35	0.40	0.40	0.50	0.45	0.50	0.45
15000 to	19999	0.30	0.30	0.35	0.35	0.40	0.38	0.45	0.45	0.45	0.40
20000 to	24999	0.30	0.28	0.35	0.35	0.38	0.38	0.45	0.40	0.40	0.40
25000+		0.28		0.35		0.38		0.40		0.40	

Plus a bonus providing an incentive for renovation:
 .03/.05, capped at 300/500 sf?

Alternative Proposal

Assumes no bonuses

	Lot Size	Total Number	Current Nonconformity Rate	Proposal Nonconformity Rate	Percent Undeveloped Under Current Policies	Percent Undeveloped Under Proposed Policies
SR1	ALL	1,599	25%	24%	36%	35%
	0-4999	2	100%	100%		
	5000-6999	18	72%	67%	5%	8%
	7000-11999	202	64%	56%	6%	9%
	12000-14999	175	44%	45%	11%	13%
	15000-19999	489	27%	25%	21%	24%
	20000-24999	186	12%	15%	28%	27%
	25000+	527	0%	5%	49%	48%
SR2	ALL	7,799	22%	13%	30%	32%
	0-4999	108	95%	71%	1%	5%
	5000-6999	655	69%	34%	4%	13%
	7000-11999	3,945	26%	12%	19%	27%
	12000-14999	1,359	8%	7%	30%	32%
	15000-19999	1,149	4%	7%	39%	37%
	20000-24999	308	1%	4%	44%	41%
	25000+	275	0%	1%	56%	53%
SR3	ALL	6,217	14%	13%	38%	37%
	0-4999	436	57%	49%	8%	10%
	5000-6999	1,366	26%	26%	17%	19%
	7000-11999	3,513	7%	7%	35%	36%
	12000-14999	476	1%	2%	49%	45%
	15000-19999	261	0%	0%	58%	53%
	20000-24999	85	0%	4%	60%	55%
	25000+	80	0%	0%	76%	72%

Alternative Proposal

	Lot Size	Total Number	Average Undeveloped Capacity for Conforming Only PROPOSED	Average Undeveloped Capacity for Conforming Only NOW	Increase in Developable Capacity Between Current and Proposed
SR1	ALL	1,599	3,203	2,809	394
	0-4999	2			
	5000-6999	18	461	245	216
	7000-11999	202	700	426	274
	12000-14999	175	962	731	231
	15000-19999	489	1,627	1,173	454
	20000-24999	186	2,017	1,738	278
	25000+	527	5,632	4,664	968
SR2	ALL	7,799	1,746	1,468	278
	0-4999	108	336	251	85
	5000-6999	655	551	236	315
	7000-11999	3,945	1,242	775	467
	12000-14999	1,359	1,733	1,352	382
	15000-19999	1,149	2,295	2,074	221
	20000-24999	308	3,302	3,003	299
	25000+	275	6,415	5,730	685
SR3	ALL	6,217	1,637	1,415	222
	0-4999	436	367	270	97
	5000-6999	1,366	701	491	210
	7000-11999	3,513	1,457	1,167	290
	12000-14999	476	2,458	2,329	130
	15000-19999	261	3,493	3,429	64
	20000-24999	85	4,734	4,590	144
	25000+	80	10,434	10,083	352

Assumes no bonuses

Alternative Proposal

	Lot Size	Total Number	Current Nonconformity Rate	Proposal Nonconformity Rate	Percent Undeveloped Under Current Policies	Percent Undeveloped Under Proposed Policies
MR1	ALL	3,115	23%	22%	32%	31%
	0-4999	433	61%	50%	8%	12%
	5000-6999	883	37%	35%	14%	17%
	7000-9999	1,394	8%	12%	29%	30%
	10000-14999	200	1%	2%	47%	45%
	15000-19999	127	1%	2%	56%	50%
	20000-24999	50	0%	0%	67%	62%
	25000+	28	0%	0%	78%	72%
MR2	ALL	939	37%	34%	25%	25%
	0-4999	347	71%	61%	6%	10%
	5000-6999	282	30%	31%	17%	19%
	7000-9999	268	7%	8%	34%	34%
	10000-14999	33	3%	3%	49%	48%
	15000-19999	9	0%	0%	53%	49%
	20000-24999	0				
	25000+	0				
MR3	ALL	43	37%	44%	18%	17%
	0-4999	8	75%	75%	3%	7%
	5000-6999	12	67%	75%	5%	7%
	7000-9999	20	10%	20%	24%	21%
	10000-14999	2	0%	0%	29%	32%
	15000-19999	1	0%	0%	28%	29%
	20000-24999	0				
	25000+	0				

Alternative Proposal

	Lot Size	Total Number	Average Undeveloped Capacity for Conforming Only PROPOSED	Average Undeveloped Capacity for Conforming Only NOW	Increase in Developable Capacity Between Current and Proposed
MR1	ALL	3,115	1,684	1,479	206
	0-4999	433	535	327	208
	5000-6999	883	811	599	211
	7000-9999	1,394	1,526	1,199	326
	10000-14999	200	2,940	2,552	388
	15000-19999	127	3,917	3,839	79
	20000-24999	50	5,829	5,887	(59)
	25000+	28	9,438	10,173	(735)
MR2	ALL	939	1,221	1,003	218
	0-4999	347	517	334	183
	5000-6999	282	839	601	238
	7000-9999	268	1,580	1,276	305
	10000-14999	33	3,085	2,631	453
	15000-19999	9	3,496	3,517	(21)
	20000-24999	0			
	25000+	0			
MR3	ALL	43	1,196	979	217
	0-4999	8	697	211	486
	5000-6999	12	892	719	174
	7000-9999	20	1,164	999	165
	10000-14999	2	2,025	1,485	541
	15000-19999	1	1,944	1,672	272
	20000-24999	0			
	25000+	0			

Assumes no
bonuses

Other Options

- Change only definitions
 - With definition change, average calculated FAR rises (because more elements are now counted), but limits do not, creating new nonconformities

Other Options

- Change definitions, raise limits by the average home's FAR increase
 - Simpler
 - Changing only definitions results in higher nonconformity rates, less average capacity on small /medium SR lots and MR lots of all sizes than at present – especially when current bonus is added in
 - Could raise by more than average, but some homes would gain a great deal, perhaps more than desired
 - A carefully crafted bonus or alternative process could relieve some of the nonconformity issue