



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: May 29, 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: June 1, 2020

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

At the May 19, 2020 ZAP meeting, the Planning Department held the fourth *workshop* on Article 3 – Residence Districts. The discussion focused on the revised zoning text for Garage Design Standards (sec. 3.4.2) and Driveway Access (3.7.1.E). The Committee voted to defer the currently deferred Garage Ordinance until January 2022 so that the issue may be properly taken up as part of the larger Zoning Redesign efforts. City Council is scheduled to vote on this deferment at the upcoming June 8 City Council meeting. Due to time constraints, the second part of the presentation, Building Components (sec. 3.3), was not discussed.

Moving forward, staff plan to focus the upcoming ZAP discussion in three parts. Part I will focus on the schedule proposed to fully review Article 3 to reach a Committee straw vote at the beginning of October. Part II will focus on Building Components and Part III will focus on responses to Councilor questions received regarding Garage Design Standards and Driveway Access presented at the May 19 meeting.

Part I – Schedule for Article 3

This past March the ZAP Committee began reviewing Article 3 as part of the Article-by-Article review process with the goal of holding a vote on the complete proposed Zoning Ordinance by the end of the Council Term in 2021. To mark progress, the Committee is encouraged to hold straw votes at the completion of each Article review before moving on. Holding straw votes memorializes the consensus achieved while also providing the flexibility to update elements of the draft ordinance that may need to change due to future conversations.

The Planning Department proposes the draft ZAP Calendar (table below) for the Committee to complete its review of Article 3 and hold a straw vote by the beginning of October. Underlying this calendar is the various other forms of engagement and outreach being undertaken by the Planning Department that includes office hours, professional focus groups, an updated website, meetings with (City Commissions, area councils, local community groups, etc.), and internal City Department coordination.

The dates listed in the table below are all open on the City calendar for Committee meetings. The Committee availability is to be discussed to finalize any date.

Date	Meeting Type	Meeting Topic	Notes
1-Jun	ZAP	Schedule and Workshop 5 – Building Components	
15-Jun	ZAP	Workshop 6 – Uses, Parking, Alternate Lot Configurations	
29-Jun	ZAP	Workshop 7 – Revised standards to districts, components, building types	Includes conversation with relevant design/building professionals
13-Jul	ZAP	Workshop 8 – Residence districts map	Introduce updated draft map that aligns with the Zoning Redesign goals (will not be voted on within straw vote on Article 3)
27-Jul	ZAP	Workshop 9 – Hear from Design and Building Professionals	Complete Article 3 workshops
10-Aug	ZAP	Editing/Review session	Revised Article 3 text will be shared in advance of meeting. Set “public hearing” for straw vote.
20-Aug	Committee of the Whole	Present updated and revised Article 3	
24-Aug	ZAP	Editing/Review session	
14-Sep	ZAP	Article 3 “public hearing”	Hold “public hearing”
1-Oct	ZAP	Article 3 straw vote	Hold straw vote. Irregular date (9/28 is Yom Kippur)

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. 1). 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. These components, and their standards, have some similarities to the current ordinance De Minimus Relief (Attachment B), though in a more refined and comprehensive manner. The Building Component standards will ensure such bonuses do 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 (Attachment A).

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, but are still regulated by setbacks and lot coverage
 - 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 may 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 controlled flexibility, by-right
 - 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. Staff will also look at standard house typologies found in Newton (Victorian, contemporary, colonial, split-level, etc.) to find typical patterns of Building Components utilized. 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.

Part III – Responses to Councilor Questions (5/19 ZAP Meeting)

Following the May 19 ZAP Meeting staff received additional questions and comments from Councilmembers. Staff plan to address these at the June 1 meeting. Questions mainly focused around explaining how standards were decided on, cost implications for pervious driveways systems vs. traditional, more clearly defining certain terms, and what happens to existing properties that do not conform to this new proposal.

Further Reading

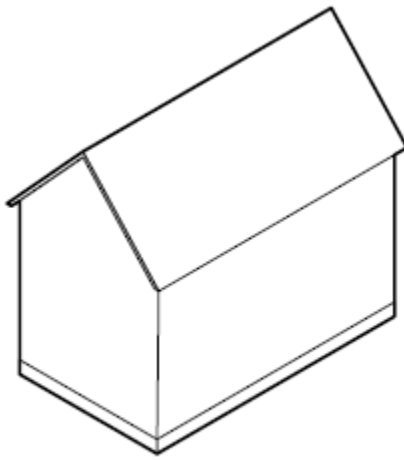
The ZAP Committee should reread Sections 2.1 – 2.7 and Section 3.3, previously shared with the City Council in March 2020. These sections, in addition to the attachments will help guide an informed discussion on Building Components and the new in-process framework for Building Components.

Attachments

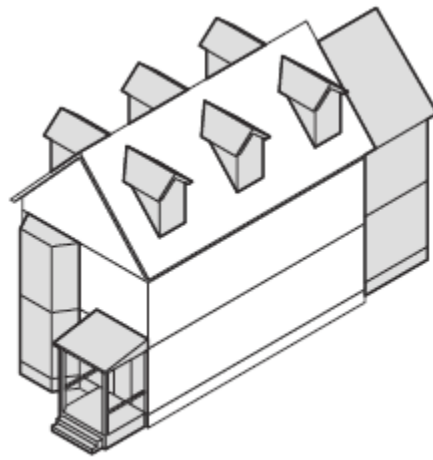
Attachment A Section 3.2 – Building Types & Section 3.3 – Building Components (proposed ordinance)

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

Figure 1: Building Components in Relation to Main Massing of a Building Type



MAIN MASSING of a BUILDING



Additional BUILDING COMPONENTS