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Barney S. Heath
Director

MEMORANDUM

DATE: October 23, 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
Nevena Pilipovic-Wengler, Community Engagement Manager
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 26, 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

The upcoming ZAP meeting on October 26 will include presentations and a discussion with building professionals who will be providing feedback on the garage ordinance. Staff will also provide an update on the Garage Ordinance and present the proposed draft engagement strategy for Zoning Redesign moving forward (discussion of the engagement strategy is included in a separate memo).

At the October 1, 2020 ZAP meeting, the Committee voted to defer the effective date of the Garage Ordinance in the current code to April 1, 2021 and to take up the Garage Ordinance as a standalone item. City staff is now in the process of drafting a revised proposal for adoption prior to the April deferral date. The intent of this memo is to provide an update on staff's continuing analysis of the revised Garage Ordinance draft. This memo will also explain the thinking behind the Planning Department's plans to prioritize the most impactful elements of garage design standards in order to create a standalone ordinance separate from the rest of the zoning redesign effort which works within

the current zoning ordinance, and give a sense for what topics might be addressed later on in the wider zoning redesign process.

Garage Ordinance

Goals

Previous Committee meetings have affirmed several core goals and desired outcomes for the Garage Ordinance. These goals include:

- Limiting the visual impact and dominance of garages in the public realm
- Promote walkability and public safety
- Align with climate and sustainability goals

Building from these areas of consensus, the proposed Garage Ordinance seeks to further these goals and address the shortcomings of the 2016 version of the Garage Ordinance, which many deemed to be too restrictive, insufficiently flexible, and to have exemptions that were too broad. At the October 1 ZAP meeting, the majority of the Committee expressed support for the mechanisms and approach that the Garage Ordinance takes to achieve those goals, and voted to pursue this ordinance separately in part due to an understanding by many that it is close to being complete. As there is not yet a general agreement on a number of the specific measures proposed in the draft, the Planning Department is working now to fine-tune the draft to resolve outstanding issues while also identifying any challenges to incorporating the garage standards into the current ordinance. The analysis done by the building professionals will also be critical in refining the proposed draft.

Priorities for Revision

The draft zoning language in the Garage Design Standards (Sec. 3.4.2) that was presented to ZAP was created as part of the ongoing Zoning Redesign process, and is not formatted for the current zoning ordinance. In many ways the language in Sec. 3.4.2 is intended to complement the broader goals of the proposed zoning draft, including a focus on improving pedestrian safety, reducing impervious surface and lot coverage, and establishing standards to promote a people-centric streetscape. It also draws on definitions and standards established elsewhere in the proposed zoning draft that do not exist in the current zoning ordinance.

To address these instances where there is a mismatch in the proposed Garage Ordinance and the current zoning, taking up the Garage Ordinance as a standalone item requires significant revision to ensure compatibility with the current ordinance and compliance with existing City codes and regulations. The Zoning Redesign team has been meeting regularly with staff in ISD, Current Planning, and other City departments to guide this thinking and to ensure that no conflicts arise.

Because the Garage Ordinance will be treated separately from the rest of the proposed zoning draft, the Planning Department proposes prioritizing aspects of the ordinance that are likely to have the biggest impact on development in the city. Perhaps most significantly, the Planning Department proposes moving the Garage Ordinance draft forward without a section addressing the topic of Driveway Access (3.7.1.E). Driveway access plays an important role in relation to garages because the two function together within a property and where that property meets the public realm. Driveways have a significant impact on the look and feel of a property as it relates to the neighborhood. However, the Committee has not yet reached a clear consensus on standards relating to curb cuts, appropriate

setbacks for driveways, driveway widths, and several other important ways in which the proposed zoning regulates driveways.

The Planning Department recognizes how important it is for the Committee to have sufficient time to discuss all aspects of Driveway Access and other topics in the proposed zoning draft that operate in close connection to the Garage Ordinance. The Department is confident that the Garage Ordinance can make a substantial positive impact on development on its own, even without some of the mitigating factors addressed elsewhere in the proposed zoning.

Garage Placement

One of the most important roles of the Garage Ordinance is to regulate the placement of garages, but allow for controlled flexibility. At previous ZAP meetings, staff has outlined the key mechanisms proposed to accomplish this which include: setback requirements to establish rules for where the garage can sit on the lot, adding needed flexibility by allowing for Side-Facing garages in front of the building Front Elevation and mitigating impact by adding rules for orientation & fenestration, and establishing clear standards for Front-Facing garages including a maximum width in relation to the width of the house and a requirement to be set back from the facade of the house.

These mechanisms will remain largely the same in function, but further refinement and clarity is needed. Below are some of the remaining questions that staff are considering and will continue to solicit feedback on:

- How the placement of garages on curved lots will be regulated.
- Determining the most appropriate number for setback requirements. Requiring an 8 foot setback for front facing garages might prove too restrictive in some instances. To address this, single and two car garages might be treated differently in terms of the required setback. The setback could also vary based upon the height of the garage.
- Finalizing new definitions where necessary, including Primary Front Lot Line, Front Elevation, Garage Wall, and Front and Side Facing Garage (see Attachment A for initial draft of new definitions)
- In the current draft, a Garage Wall may be in alignment with the Front Elevation if there is a Porch at the main entrance. However, this feature is unlikely to be attractive to many without the allowance for the front porch to project into the front setback, which is unique to the proposed draft zoning, and may introduce complications with the current working definition of a porch.
- Clarify whether houses on corner lots should be subject to standards for both streets rather than being exempt on one street as they are now.
- Creating standards to account for garages built below grade.

Garage Size and Aesthetic

Establishing appropriate standards for the size, scale, and mitigating aesthetic elements of garages are also critical for a successful Garage Ordinance. At previous ZAP meetings, staff has presented on how the current proposal addresses these concerns, which include: requiring garages that face the street to have individual doors with a maximum width, setting a maximum width for front facing garages, and requiring fenestration on the street facing façade of a side facing garage.

Below are some of the remaining questions that staff are considering and will continue to solicit feedback on:

- If the length of an attached garage facing the Primary Front Lot Line may be up to 50% of the width of the Front Elevation, how will the front elevation be measured? Further clarity is needed on how jogs/setbacks will be measured.
- Establishing a maximum size for a garage for 2-family homes. Should each unit in a two family home be allowed the same maximum garage size as a single unit?
- Clarifying how living space above garages will be factored into certain measurements.
- By setting the maximum front-facing garage width based on the house elevation width, we might incentivize unnecessarily wide houses.
- Determining the maximum width for each door on garages with separate doors, and when or whether it might be appropriate to have just one garage door.
- Clarify & come to consensus on exemptions, what is allowed by right, and what is allowed by Special Permit.

Attachments

Attachment A Initial draft of new definitions in the Garage Ordinance

Garage Design Standards

A. Applicability.

Garage Design Standards apply in all Residence Districts

B. Definitions

1. **Garage.** An attached or detached structure, or portion of a structure, that is able to be accessed by motor vehicle and is used or intended to be used primarily for the storage or parking of one or more motor vehicles. A detached garage is an Accessory Building (See Sec. 3.4.3).
2. **Front Facing Garage.** A garage, where the primary door or doors through which automobiles enter the garage faces the Primary Front Lot Line. On corner lots, a Front Facing Garage faces the Primary Front Lot Line.
3. **Side Facing Garage.** A garage, where the primary door or doors through which automobiles enter the garage faces the Primary Front Lot Line at an angle between 45 and 90 degrees.
4. **Garage Wall.** Any wall enclosing a garage including that wall containing the garage entrance.
5. **Porch.** An unenclosed platform connected to a principal building that provides outdoor amenity space forward of the front elevation.
 - i. The Porch must be a minimum of 48 square feet in area, with no dimension less than 6 feet;
 - ii. The Porch must have a solid roof; and
 - iii. The underside of the roof of the Porch, at its lowest point, may be no more than 12 feet above the floor of the Porch.
6. **Front Elevation.** The exterior wall of a building oriented in whole or in part toward the primary front lot line.
7. **Front Lot Line.** Any lot line abutting a street or right of way is a front lot line.
8. **Primary Front Lot Line.** Where there are multiple front lot lines, one is designated a primary front lot line.
 - a. At time of application for a building permit or other municipal approval for which the location of the front lot line must be established, the property owner of such a lot may designate a Primary Front Lot Line. The other secondary front lot line continues to be a front lot line.
9. **Fenestration.** The openings in a front elevation of a building, including windows and doors, but excluding entrances for parking, loading, and service facilities. Fenestration is measured from the exterior edge of any window or door trim.