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PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: December 31, 2020
MEETING DATE: January 5, 2020
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #314-20

23 Johnson Pl.

Petition #314-20, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four three single-family attached dwelling units in two structures, to allow a retaining wall in excess of 4' and to allow a driveway within ten feet of the side lot line at 23 Johnson Place, Ward 4, Auburndale, on land known as Section 41 Block 7 Lot 14, containing approximately 16,767 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The Land Use Committee (the "Committee") held a public hearing on September 15 2020 on this petition. This memo reflects additional information addressed to the Planning Department as of December 30, 2020.

Background

The property at 23 Johnson Place consists of a 16,764 square foot lot in a Multi Residence 1 (MR1) zoning district improved with a 2 ½ story, two-family dwelling built circa 1880, an extensive concrete driveway and a disused pool with associated paved deck area. The petitioners initially proposed to create four attached single-family dwellings. This would be done by razing the existing two-family dwelling and constructing the new single-family attached dwellings within two separate two-unit structures. Each of the four units were proposed to have attached basement level garages.

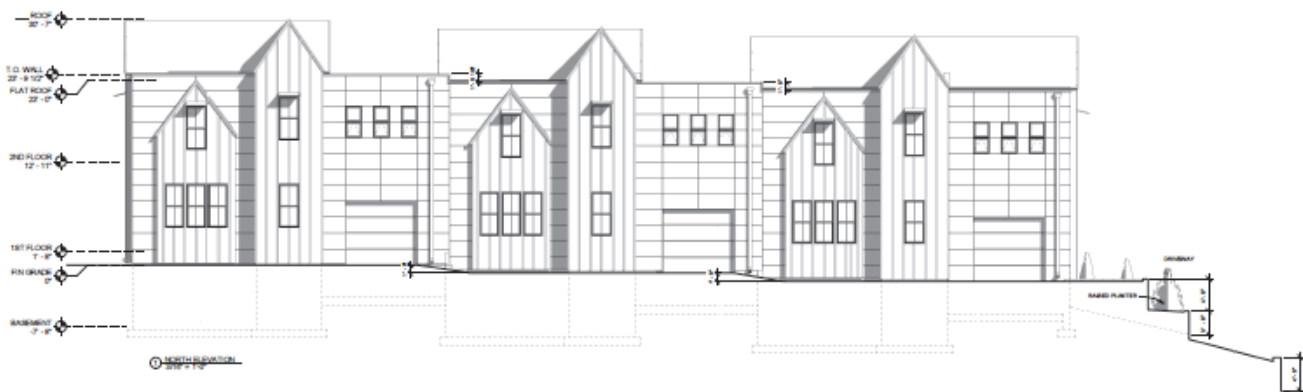
Update

In its previous memorandum on this petition the Planning Department noted several concerns related to the project as then designed. Subsequent to that memo and the previous public hearing the petitioners revised the plans for the project. As noted in the revised zoning memorandum, dated November 9, 2020 (**Attachment A**), the project now contemplates three single family attached dwellings in one structure, rather than the previously proposed to four attached single-family dwellings with two in each of two structures.

Building and Site Design

The reduction in the number of units is the most significant modification to the proposed development as it would reduce the residential density and accordingly, the number of required parking stalls (from eight to six).

The Planning Department notes that while the number of units has been reduced, the size relative size of construction on the site has not. Also, rather than dividing the bulk into two structures as previously proposed, the single building presents as one long building stretching across much of the depth of the lot, especially along its right side, as seen in the below drawing (the rear of the site is to the right).



Regarding the dimensions of the proposed structure itself, the reduced number of units has increased the proposed lot area per unit from 4,192 to 5,589 square feet, more than the minimum 4,000 square feet required. Regarding setbacks, single-family attached dwellings require 25-foot front, side and rear setbacks. All the setbacks meet this requirement. The revised plan has altered the proposed setbacks somewhat, with the two side setbacks remaining at just above 25 and 26 feet, the proposed rear setback being reduced from 30.1 to 25.2 feet, and the proposed front setback being increased from 25.3 to 29.9 feet.

As now proposed, open space on the lot would decrease from the existing 81.5% to 53.5% but remain above the required 50% (and be slightly less than the previously proposed 54.9%). The property's lot coverage would increase from the existing 9.9% to 24.8% but be less than the maximum 25% allowed (and be slightly more than the previously proposed 24.3%).

Although the NZO does not establish floor area ratio (FAR) requirements for single family attached dwellings, the Planning Department notes that the petitioner has reduced the project's proposed floor area ratio (FAR) from 0.51 to 0.49. For comparison, that this is slightly more than the allowable 0.48 FAR for single- and two- family structures on a similarly sized lot in an MR1 district and just below the 0.50 that would be allowed with the possible bonus of 0.02 for new construction that complies with the "new lot" front, side and rear setback requirements of 30, 10 and 15 feet, respectively.

The Planning Department does note, however, the 2 ½ story single structure would have measure 30.6 feet in height, a not insignificant reduction from the previously proposed (and maximum allowed for single-family attached dwellings) 36 feet.

Parking and Circulation

The petitioners are now proposing to provide one attached one-car garage for each of the three dwellings.

Where the previous plan entailed the right side of the property being graded and landscaped with the left side being excavated to provide a new below-grade, driveway for access to basement-level garages, the configuration has been changed so the garages are on the right side of the structure and, rather than the being located on the basement level and requiring an excavated driveway, they are now located on the first floor level, with the garage doors screened by 6 foot privacy fence, reducing the need for the installation of a retaining walls within the right side setback.

The submitted plans do not indicate the location and/or orientation of the three additional required exterior parking stalls, although they would presumably be within the paved driveway along the right side of the property (the previous proposal located the driveway along the left side).

As this paved area would also function as vehicular circulation space serving the three proposed garages, and because zoning relief is being requested to place the driveway within ten feet of a side lot line, the Planning Department recommends that the petitioner provide such information in advance of or at the upcoming public hearing for review.

Engineering Review

At the time of the drafting of this memorandum the Planning Department had not yet received an updated memorandum from the Engineering Division reflecting the modifications to the project. In the event it is received in advance of the public hearing Planning will be prepared to discuss it at that time or at a subsequent hearing.

The Planning Department believes that these changes generally address some of the concerns previously raised at the previous public hearing memo, but encourages the petitioner prepared to discuss these changes at the upcoming public hearing as well as address the questions raised above.

ATTACHMENTS

Attachment A Updated zoning review memorandum



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ATTACHMENT A

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 9, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Michael Lohin, Creating Homes LLC
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow three single-family attached dwellings in two structures**

Applicant: Michael Lohin	
Site: 23 Johnson Place	SBL: 41007 0014
Zoning: MR1	Lot Area: 16,767 square feet
Current use: Two-family dwelling	Proposed use: Three single-family attached dwellings

BACKGROUND:

The property at 23 Johnson Place consists of 16,764 square feet and is improved with a two-family dwelling built circa 1880 in the MR1 zoning district. The petitioners propose to raze the existing two-family dwelling, and construct three single-family attached dwellings.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Michael Lohin, dated 3/9/2020, revised 10/14/2020
- Site Plan, signed and stamped by Scott C. Lynch, surveyor, dated 9/4/2019, revised 7/7/2020
- Architectural Plans Elevations, prepared by Timothy Mulligan, architect, dated 3/7/2020, revised 10/12/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing two-family dwelling and construct three single-family attached dwellings in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.

2. Per section 5.4.2.B, a retaining wall of four feet or more in a setback requires a special permit. The petitioner proposes retaining walls around the perimeter of the property with four feet in height at the rear lot line, requiring a special permit.

3. The petitioners propose to construct a driveway along the southwestern property boundary, less than ten feet from the side lot line. Per section 6.2.3.B.2, a special permit is required to locate a driveway within ten feet of a side or rear lot line within a single-family attached dwelling project.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	16,767 square feet	No change
Frontage	80 feet	98 feet	No change
Setbacks			
• Front	25 feet	49.5 feet	25.3 feet
• Side	25 feet	10 feet	25.1 feet
• Side	25 feet	NA	26.1 feet
• Rear	25 feet	76.2 feet	25.2 feet
Building Height	36 feet	NA	30.6 feet
Max Number of Stories	2.5 (3 by special permit)	2.5	2.5
Lot Coverage	25%	9.9%	24.8%
Open Space	50%	81.5%	53.5%
Lot Area Per Unit	4,000 square feet	8,384 square feet	5,589 square feet

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.2.4	To allow attached single-family dwellings	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall in excess of 4 feet	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3