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Barney S. Heath
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MEMORANDUM

DATE: June 26, 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 29, 2020

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

Previous Meeting (6/15) Takeaways

At the June 15, 2020 ZAP meeting, the Planning Department held the sixth *workshop* on Article 3 – Residence Districts. The discussion focused on Alternative Lot/Building Configurations (sec. 3.5), Allowed Uses (sec. 3.6), and Parking Requirements (sec. 3.7).

Staff put forward questions specific to these sections in the memo and presentation in order for the Committee to discuss and provide guidance to the Planning Department as we work to update Article 3 to better achieve the principles laid out by ZAP and the City Council. Takeaways from the meeting included:

- Multi-unit conversion (sec. 3.5.2) is a regulation that can help achieve the Committee’s goals of increasing housing opportunity and diversity while preserving and protecting what is desirable in Newton’s neighborhoods. To better achieve these goals there appeared to be consensus that staff should explore a) allowing multi-unit conversion in more building types and b) not requiring a Special Permit for all multi-unit conversions. Finally, there appeared to be consensus that 100% affordable or sustainably designed multi-unit conversion projects should be incentivized.

- Multi-building assemblage (sec. 3.5.4) requires case studies to fully understand the regulation and visualize how it can achieve the City's goals.
- The Committee generally agreed that Allowed Uses (sec. 3.6), specifically limited non-residential uses, can promote more vibrant and walkable neighborhoods. There appeared to be general consensus that Adaptive Reuse (sec. 3.6.1.B), allowing uses like corner stores and cafes, can particularly aid in this. However, the Committee requested that the Planning Department further evaluate which types of non-residential uses should be allowed by-right (ex. provided - psychiatrist) versus by Special Permit (ex. provided - restaurant). Finally, there appeared to be general consensus that home businesses should not be limited to one per household within the proposed ordinance.
- For Parking Requirements (sec. 3.7) the Committee appeared to have general consensus that on-street parking should only count for non-residential uses and that any parking provided above the maximum allowances should be designed with pervious materials. Finally, the Committee wanted more information on possible unintended consequences to eliminating parking requirements for one- and two-family homes, accessory uses, and others.

Upcoming Meeting (6/29)

Now that ZAP has reviewed nearly all of Article 3 – Residence Districts, some sections in more detail than others, staff is asking for additional direction from the Committee in order to begin updating Article 3 to best achieve the City's goals and objectives. Staff is looking to achieve consensus from ZAP on key principles that will guide these revisions. Particularly, staff is looking for direction within three topics listed below. Each topic has a brief preamble followed by a question to be discussed and answered by Committee members at the upcoming meeting.

Topic 1: Residence Districts

Over many years, building from the 2007 *Comprehensive Plan*, the City Council has consistently affirmed goals and guiding principles for Newton's zoning to better increase housing opportunity and diversity especially near public transportation and village centers. The City Council most recently reaffirmed this goal within the 2019 adopted [Climate Action Plan](#) by recommending actions "to adopt Zoning Ordinances that encourage additional, appropriate, low-carbon housing near public transportation." In addition, the City Council has affirmed other goals like better linking village centers and the surrounding residential neighborhoods while also preserving and protecting what is desirable in those neighborhoods. This means developing a zoning code that not only protects that which makes Newton wonderful, but also facilitates the transformation of Newton neighborhoods to better achieve environmental stewardship, fiscal strength, and meet community needs.

To achieve these goals, the 2018 draft Zoning Ordinance proposed Residence Districts derived from Newton's existing patterns of development to guide new development and redevelopment in-line with Newton's desired fabric of diverse neighborhoods. However, the City cannot fully realize the goals above if this metric alone guides all development. Therefore:

- Generally, should Newton's Zoning Ordinance continue to have single-family only Residence Districts* within –
 - 0.25 miles of a Green Line or Commuter Rail Station?

- 0.5 miles of a Green Line or Commuter Rail Station?
- 0.25 miles of an Express Bus stops?
- 0.5 miles of an Express Bus stops?
- 0.25 miles of a MBTA Bus stop?

* This does not mean single-family homes would be prohibited. Rather, the zoning district would allow a mixture of residential building types that include single-family and multi-family housing types.

Topic 2: Building Components

Building Components (sec. 3.3) are accessory features that attach to the building, enhance the usefulness of the building, and sometimes increase the habitable square footage. In addition, Building Component regulations can enhance predictability of growth for homeowners and neighbors. Finally, Building Components can provide an important incentive for achieving variety and individuality in building design and massing.

To achieve the above, staff recommended that Building Components be revised as a by-right mechanism. These components have some similarities to *De Minimus Relief* within the current ordinance, though in a more refined and comprehensive manner (i.e. Building Components could be utilized by conforming and non-conforming structures). Moving forward, Building Component standards will be refined to ensure that resulting development truly achieves these outcomes and relates to the surrounding neighborhood or public realm in a sensitive and respectful way.

However, the draft language on Building Components and Building Types shared with the City Council previously does not fully allow for these outcomes and achieve these goals. Rather the new Zoning Ordinance could incentivize Building Components to make the preservation of Newton's existing housing stock easier, while also ensuring individually articulated new development with varied massing and architectural elements. Given this:

- To properly allow existing buildings to evolve as homeowners needs and circumstances change and to avoid overly boxy and flat new development, should Newton's Zoning Ordinance incentivize Building Components by not counting them towards the overall building footprint? Instead, the zoning code would regulate Building Components with specific standards for each component, as well as the district lot coverage and setback standards.

Topic 3: Development Review/Permitting Process

To clarify, this section does not have anything to do with who the Zoning Ordinance designates as the Special Permit Granting Authority (SPGA). Rather, staff is looking for guidance on what criteria or metrics City Council wants to use to determine whether and when a Special Permit should be offered or required.

One of the stated objectives driving the Zoning Redesign process has been to simplify and streamline the permitting and review process. It is known that many desirable developments in accordance with Newton's vision and goals have required a Special Permit, which consumes significant staff and Councilor time, increases costs for the applicant, and often require lengthy reviews. It is also known that nearly all existing residential development, much of which we want to facilitate and emulate, is non-conforming and would require a Special Permit to be built today under the current Zoning Ordinance.

Lowering the administrative burden and streamlining the process could go together with revised rules and regulations that truly reflect the City's goals. Allowing development by-right that conforms to these new rules and regulations can be a predictable way to accomplish this. Therefore, as the Committee and staff work to develop these rules and regulations that create the framework for the types of development wanted in Newton, then:

- Generally, if the Committee and staff develop rules and regulations that we agree can lead to successfully achieving the City's stated goals, should we also allow or require a Special Permit that may slow or discourage those very types of development and may weaken the goals?
 - An example of a Special Permit requirement in the draft Zoning Ordinance is Multi-Unit Conversion (sec. 3.5.2). Relative to the question above, should this be by-right if the Committee agrees that this regulation achieves City goals and agrees on appropriate standards.
 - An example of a Special Permit allowance in the draft Zoning Ordinance is the maximum number of stories in each Building Type (sec. 3.2). Relative to the question above, if the Committee agrees that, for example, 2.5 stories is the maximum number for a House Type B because any higher would negatively impacts the neighborhood, why should the Zoning Ordinance permit 3 stories by Special Permit?

Looking Ahead

With the guidance received from the Committee at the upcoming ZAP meeting, staff will work to complete the updated Article 3 text and the Residence Districts zoning map so review can begin in July. At the next ZAP meeting (July 9), local architects and builders will present on key topics of the draft Zoning Ordinance and how it positively impacts their work or where they believe changes are needed to fully achieve the Zoning Redesign goals.