Zoning & Planning Committee Report

City of Newton In City Council

Monday, February 25, 2019

Present: Councilors Albright (Chair), Baker, Brousal-Glaser, Downs, Leary, Krintzman and Kalis

Absent: Councilor Danberg

Also present: Councilors Laredo, Schwartz, Kelley, Auchincloss, Greenberg and Crossley

Planning Board present: Peter Doeringer, Sudha Maheshwari, Kelley Brown, Christopher Steele, Jennifer Molinsky, Kevin McCormack and James Robertson

City staff present: Jonathan Yeo (Chief Operating Officer), Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), Rachel Nadkarni (Long Range Planner), Marie Lawlor (Assistant City Solicitor), Andrew Lee (Assistant City Solicitor), Karyn Dean (Committee Clerk)

#55-19 **Reappointment of Kelley Brown to the Planning Board**
HER HONOR THE MAYOR reappointing KELLEY BROWN, 457 Waltham Street, West Newton, as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2024. (60 days: 4/5/19)
Action: **Zoning & Planning Approved 7-0**

Note: The Committee unanimously approved the reappointment of Mr. Brown to the Planning & Development Board, without discussion.

#74-19 **Reappointment of Daniel Green to the Conservation Commission**
HER HONOR THE MAYOR reappointing DANIEL C. GREEN, 38 Everett Street, Newton Centre, Newton to the CONSERVATION COMMISSION for a term to expire January 1,2022. (60 days: 4/16/19)
Action: **Zoning & Planning Approved 7-0**

Note: The Committee unanimously approved the reappointment of Mr. Green to the Conservation Commission, without discussion.

#43-19 **Discussion of Riverside Vision Plan**
DIRECTOR OF PLANNING requesting regular progress reports on the Riverside Vision Plan.
Action: **Zoning & Planning Held 7-0**

Note: Barney Heath, Director of Planning, reported that Planning staff and the consultant, CivicMoxie, held a community open house on the Riverside Vision Plan on February 10th. Approximately 275 people attended that meeting and provided valuable feedback. Data from that meeting may be found here. Comments continue to come in online and the consultant has also undertaken several key stakeholder interviews. The next public meeting will be held on March 28th at 6:30PM at the Winslow Academic Center at Lasell College and draft ideas for the vision plan will be presented at that time. A Councilor asked if there was any data relative to how many attendees or commentators lived in the Auburndale area. Mr. Heath said there was representation from all villages, but the majority of the comments were from residents of Lower Falls and Auburndale. A Committee member noted that were some comments from Waban residents pertaining to stormwater.

Councilor Krintzman moved hold and the Committee voted in favor, 7-0.

#518-18 **Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.
Action: **Zoning & Planning Held 6-0 (Downs not voting)**

Note: Barney Heath, Director of Planning, said that Rachel Nadkarni, Long Range Planner, would present and explain the Build Out Analysis that has been prepared. He noted that this analysis was a tremendous undertaking that required extensive staff time and resources and represents the first of its kind for Newton. The analysis compares the current zoning ordinance and the October first draft ordinance and provides information based on the adjustments to the ordinance that were made in February as well. In order to create a full second draft to be presented at the end of May, staff is looking for guidance from the Committee on how to further adjust the regulations to meet the desired goals of the ordinance. A detailed, informative memo was provided by staff prior to this meeting and may be found here.

Ms. Nadkarni provided a very detailed PowerPoint presentation, attached. Please refer to it for important information relative to this discussion. She also noted that more detailed tables would be provided on lot frontage, coverage, size and setbacks to be posted online tomorrow. (*Clerk's Note: The tables were provided and are attached. They can also be found* here.)

The three goals of the project include creating rules that: match the city as it is and increase conformity; reduce the city's vulnerability to speculative teardown/replacements of homes; and advance the city on key issues like climate change and housing affordability and diversity.

Assumptions in Build Out Analysis
The model estimates the maximum possible build on residential lots throughout the City by testing for the maximize size of the building (bulk/square footage), the maximum number of lots based on split lots, maximum possible units, and vulnerability to speculative teardown. (Village/commercial districts were not included in this analysis). In addition, this model is only testing by right projects

and not projects requiring a special permit or other type of review. The model, however, cannot account for all possibilities such as what the market or possible new buyers will value, when or if an owner chooses to sell, or a number of known and unknown other variables.

Very importantly, this model demonstrates what *could* be built and not what is *likely* to be built. The numbers to be presented, therefore, are higher than what would be expected to happen because every lot/building is being maximized in this model. A willing buyer, a willing seller and zoning permitting the type of development are all needed for any project to move forward.

Assumptions in Build Out Analysis

- Maximum bulk/square footage is assuming the largest possible of the building type on a lot.

- When determining if a lot may be split, the lot must have the area to cover more than one lot and the required frontage. However, for example, if there is enough area to cover 3 lots, but only enough frontage for 2, then the lesser number would apply and is assumed in this model. It was noted that frontage requirements will drive most of these decisions.

- The model assumes maximum number of units allowed in each building type and in the Residence 3 and Neighborhood General districts, it assumes any lot that can have multiple units, will. (Not all are allowed multiple units or are required to.)

- Speculative teardown vulnerability is assumed when the value of new construction exceeds 2.4x the current assessed value (this is a formula developers use to determine the financial viability of a project); a new unit can be at least 3800 square feet; or new construction value is estimated at $600/square foot.

The Build Out Analysis demonstrated that just over half of the square footage allowed in residential districts by the *current* ordinance has been built, leaving the opportunity for about 47% more square footage in neighborhoods. The analysis also demonstrated that the October draft ordinance allowed more bulk and a higher teardown vulnerability in some districts than the current ordinance. Based on these outcomes, adjustments were made to the October draft this month, and those made a big difference in the numbers by either reducing or basically maintaining current levels in these areas. Please refer to the "District by District" section of the attached presentation to see how the February changes to frontage, lot coverage, set-backs and building types influenced the outcome. Please also refer to pages 1-13 of the Buildout Analysis Results Pages in the Planning Memo (link on page 2 of this report) for explanation of options for additional changes for the various residential districts and their related outcomes.

February Adjustments

Please refer the Planning Memo, linked on page 2, for more details and comparisons of these adjustments, based on maximums, from the October draft in the Residence 2, Neighborhood General, Residence 3 and Residence 1 districts. A summary follows.

Residence 2 District
Frontage was unchanged (60 feet)
Lot coverage reduced (30% from 35%)
Setbacks were increased:

- Front (20 feet from 15 feet)
- Side (12.5 feet from 10 feet)
- Rear (30 feet from 20 feet)

Building Types:

- House B footprint reduced (1600 sf to 1400 sf; special permit 2000 sf from 2200 sf)
- House C footprint reduced (1400 sf to 1200 sf; special permit unchanged at 1800 sf)
- House D unchanged

These changes result in making the effective minimum lot size a little bit bigger. With 5% less area to the lot, a larger lot would be needed in order to build the same size house. The house types have size limits, and all these factors keep the house sizes below the 3,800 square feet that is most desirable to developers thereby reducing the teardown vulnerability. The analysis shows that these changes bring that vulnerability risk down from about 65% in the October draft to 5% with the adjustments. Under the current ordinance, that risk was assessed at 33%.

Neighborhood General District
Frontage increased (50 feet from 30 feet)
Lot coverage increased (70% from 65%)
Setbacks were increased:

- Front (5 feet from 0 feet)
- Side (10 feet from 7.5 feet)
- Rear (20 feet from 15 feet)

Building Types:

- House B stories reduced (3 stories to 2.5 stories; special permit 3 stories)
- House C footprint reduced (1200 ft from 1400sf; special permit 1800 sf)
- Two-Unit footprint reduced (1400 sf from 2000 sf; special permit 1600 sf from 2200 sf)
- Two-Unit number of stories reduced (2.5 stories from 3 stories; special permit 3 stories)
- Apartment House changed to Three-Unit
    - Footprint Reduced (1600 sf from 2500 sf; special permit 1800 sf)
    - Number of stories reduced (3 stories to 2.5 stories; special permit 3 stories)
    - Number of Units reduced (3-6 units to 3 units)
- Apartment Building changed to 4-8 Unit
    - Number of stories reduced (2.5 stories from 3 stories; special permit 3 stories)
    - Number of units reduced (4-8 units from 3-10 units)
    - Footprint Reduced (4200 sf to 2500sf)

Ms. Nadkarni explained that the Neighborhood General District is immediately adjacent to village centers. Properties in this district are currently zoned residential and some are zoned business. Adams Street, for example, is currently Business 2 and is proposed for Neighborhood General

because it is a transition district which allows for a range of residential and small commercial lots that can bleed out into neighborhoods. This would keep the scale of commercial properties small but allow a little more variety in size of residential structures. The number of properties available in this district are limited to about 460 scattered throughout the City. Currently most properties in this district are in MR or Commercial districts. Other pockets of this district can be found in spots along Washington Street, Langley Road, Thompsonville, Waban Center, Oak Hill Park, for example. All the areas designated to Neighborhood General have existing mixes of commercial and residential.

Many changes were made to the October draft as demonstrated above. The higher setback allows for more sidewalk space which encourages more foot traffic. If a building is between another that has a 0-foot setback and another that has a 30-foot setback, the new building would have to be somewhere in between. The 5-foot setback is a minimum but other controls are in place as well. The lot coverage was increased because existing structures are at about 80%. The trade-off with frontage is that increasing the frontage will produce wider lots and allow fewer, larger buildings; narrower lots, however, would allow splitting and could encourage more smaller buildings. It was noted that existing lots maintain their current frontage.

Because there could be commercial in this district, there are some unknowns. This model is only testing for residential properties so those commercial properties drop out of the analysis which can skew some of the numbers upwards. It was pointed out that growth potential is being directed a little more to these areas because they are transitional, and it is appropriate.

The speculative teardown vulnerability was at 25% in the current ordinance; 78%-84% in the October draft; and 75%-81% in the February adjustments. Ms. Nadkarni explained that the teardown risk is different than what the model is testing for. It is looking for the 3800 square foot potentials and looking at the multi-unit buildings and getting that square footage, which does not really apply. This district is challenging for the model and is not addressing the nuances.

Residence 3 District
Frontage increased (50 feet from 40 feet)
Lot coverage reduced (50% from 60%)
Setbacks were increased:

- Front (10 feet from 5 feet)
- Side (10 feet from 7.5 feet)
- Rear (20 feet from 15 feet)

Building Types:

- House B stories reduced (3 stories to 2.5 stories; special permit 3 stories)
    - House B footprint reduced (1400 ft from 1600sf; special permit 2000 sf from 2200sf)
- House C footprint reduced (1200sf from 1400sf; special permit 1800sf)
- Apartment House changed to Three-Unit
    - Footprint (1600 sf; special permit 1800 sf)
    - Number of stories (2.5 stories; special permit 3 stories)

    - Number of Units (must have 3 units – no more, no less)
- Apartment Building changed to 4-8 Unit
    - Number of stories reduced (Up to 3 stories)
    - Number of units reduced (4-8 units – no more, no less)
    - Footprint Reduced (2500 sf)

Ms. Nadkarni said the proximity rule for the Three-Unit and Four-Unit building types may not be the right tool. One approach could be to split the Residence 3 district into an additional Residence 4 district. R3 would allow House B, House C and two-unit buildings by-right and a R4 would allow House B, House C, Two- and Three-Unit buildings by-right and 4-8 Unit buildings by special permit. These are things to be considered and staff would like feedback on these concepts. Currently MR1 allows one and two units only; MR2 also allows three units by special permit. MR3 has been moved into other districts.

Residence 1 District
Frontage was unchanged (80 feet)
Lot coverage reduced (25% from 30%)
Setbacks were increased:

- Front (25 feet from 20 feet)
- Side (20 feet from 15 feet)
- Rear (40 feet from 30feet)

Building Types:

- House A footprint reduced (2400 sf from 2500 sf)
- House B footprint reduced (1600 sf to 1400 sf; special permit 2000 sf from 2200 sf)
- House C footprint reduced (1400 sf to 1200 sf; special permit unchanged at 1800 sf)
- House D unchanged

Ms. Nadkarni said the setbacks have been increased which yields a larger effective minimum lot size. This is the district with the widest lots and largest homes such as West Newton Hill and Chestnut Hill. Eliminating House C from the options slightly reduces the lot split options because it is a smaller house. The teardown potential under the current ordinance is 42%. This risk remains high in the October draft at 61%-64% and is reduced to 46%-64% in the February adjustments. The large lots can be split into smaller lots which contributes to the high risk, but it is still hard to know how much this will happen. In these neighborhoods, the houses tend to stay larger. Sometimes a lot is split to become yard for a neighboring house which results in the loss of a unit. The lot split number assumes that most lots that have the adequate area and frontage will split in two and in some there could be three.

<u>Committee Comments/Questions</u>
There was some question about “Section 6 finding” referenced in the Planning Memo. The memo stated that a “house that is nonconforming with respect to one of its setbacks can, through a Section 6 Finding (or Special Permit conducted as Section 6 Finding), be extended with a lower level

of review than a conforming structure, which must pass the hardship test of a Variance in order to further encroach into a setback." Section 6 findings refers to MGL Chapter 40A, Section 6 which provides that pre-existing, non-conforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The current ordinance also allows expansion of a nonconforming use.

A Councilor asks how many existing structures are non-conforming with respect to the side setback. Ms. Nadkarni said she has that number and will provide it to the Committee.

It was asked if the current "old" and "new" lots were treated separately in this analysis. Ms. Nadkarni said it is difficult to determine exactly which lots are old and new as there is no a list, per se. Staff looked at both standards in the model but favored old lots standards. 1953 was the cut-off for new lot standards and only 20% of the existing homes were built since 1953. Of that 20%, many are on old lots. The new lot group is therefore less than 20%, by some amount. A Councilor said the old lots have smaller setbacks and less restrictive dimensional controls. Under the new model, the old and new lot distinctions disappear, and everyone would be subject to the same standards.

It was noted that "lot coverage" is a different definition from the current ordinance. Currently it refers to just the house. The new definition includes the driveway, walkway, deck, pool, etc. - anything that is built on the lot - and if a percentage of lot coverage is allowed and that percentage is already covered, a homeowner would have to take something away in order to add something new. If the structure is nonconforming, they could expand past the set percentage through a Section 6 finding/special permit. This is a trade-off so that current properties that become nonconforming, can maintain some flexibility. New buildings are going to be smaller and existing lots that become nonconforming can be increased to a level to be set. While cities can allow expansion, they can tighten the extent to which that expansion is allowed. A Councilor suggested making the rules different for pre-existing structures. It was also pointed out that predictability will be increased.

A Planning Board member pointed out that "bulk" means square footage.

A Committee member stated that under the current ordinance, any vacant lot under 5,000 square feet is unbuildable. That changes in the draft ordinance. Ms. Nadkarni said some smaller lots could be buildable if they have the required frontage but frontage requirements could only be changed by variance.

A Councilor asked about larger houses allowed by special permit. Ms. Nadkarni explained that each building type has a special permit footprint maximum. The concept of a large house review program is being explored because there are some instances wherein a larger house is appropriate

but would need design review. The Urban Design Commission would weigh in on this type of project in addition to the special permit process. While zoning cannot dictate design, the Urban Design Commission can act in an advisory role. The proposal is to allow only certain building types in each district, but there is the opportunity to add more building types if the Committee felt that was appropriate. The Chair noted that the Land Use Committee could use some criteria for allowing the larger footprint. Ms. Nadkarni noted that there are criteria offered and they will be discussed during the line-by-line review to come.

The Chair of Land Use Committee asked if it was illegal to impose design requirements in the special permit process. Mr. Freas explained many conditions attached to special permits are relative to design and are often considered to be voluntary conditions. There are sections in the ordinance about windows, doors, placement of garage, etc. and those are allowed in the conditions, but other design recommendations are considered voluntary. This will be discussed further in the next meeting.

Members of the Committee felt that the proximity rule needs further consideration and discussion. The proximity rule provides that in order to build a new building type, by-right, there would have to be 3 of that building type within 500 feet of the road network.

It was asked when determining the 3800 square foot threshold for developer viability, if staff spoke to developers to find out if that was an accurate number. Ms. Nadkarni replied that they have been speaking with developers as well as the Assessing Department to determine that number as accurate. The model allows for further adjustments if market forces change.

It was asked if other communities use the Neighborhood General concept. Kelley Brown said Cambridge uses an overlay that encompasses this concept. Mr. Freas said some communities further afield use this and we will provide some examples.

A Committee member asked why the number of units were decreased in the Neighborhood General district. Ms. Nadkarni said staff has been hearing in the ward by ward meetings that the two building types originally proposed were too big, by-right. They went back to the data and looked at the slightly smaller unit types and found they worked well there as a good alternative. The Councilor said this is probably going to affect affordability and that is something that needs to be considered. It was asked if number of bedrooms is regulated. Ms. Nadkarni said they do not regulate the interior space. The ordinance limits the number of units in a particular building type but does not control the division of space inside the building. Another Councilor said it would be extremely difficult to regulate that and would be become a very frustrating process.

A Committee member asked about the parking requirements and how they work in this model analysis. Ms. Nadkarni said the model is agnostic on parking. The only place parking shows up is in the 4300+ sf lot coverage. In general, the model is meant to be flexible as to whether the parking is interior, underground or surface parking. The model is assuming parking is all underground in order to maximize the building outcomes for the purpose of this analysis. A Committee member

noted that underground parking vastly increases in the price per unit and has an impact on affordability.

It was asked if a separate model should be created for multi-unit buildings because the square footage and value aspects of those are not equal to the smaller units in terms of developer interest.

A Councilor asked why the maximum number of possible buildable lots after split in the Neighborhood General district is so high in the October draft as well as with the February adjustments. Ms. Nadkarni said she needs to look at that a bit closer. It was asked how the City would deal with such an increase in lots, structure and density. Ms. Nadkarni said there is a huge question about numbers in Neighborhood General because small scale commercial may be more valuable in the marketplace than the residential units and that is difficult to tease out. Also, a reminder that all the parking is assumed underground, which maxes out the numbers. Surface parking would reduce the number of units. It was also suggested that the larger lots, such as the McKenzie Center and other outlier properties, be excluded from the calculations for this district in order to be more informative.

A Committee member said the Neighborhood General district has so many variables. Mr. Freas said the best way to understand the numbers is to compare the numbers between the current, October and February ordinances. The numbers suggest a big change, but it is difficult to predict.

The model shows that Residence 2 and 3 districts have about 4% additional units and Residence 1 has about 11%, so the numbers in the table include existing units.

A Committee member noted that the Residence 3 district would allow up to an 8-Unit building and this is a significant change. These districts have traditionally been 2-families so this would be a much more intense use. Even with the proximity rule, there could be quite a change in character to some areas. If the goal is to keep the character of the neighborhoods, this seems contrary to that. Ms. Nadkarni noted that in some locations, 3+ unit buildings are quite common. If the 3+ unit type is not allowed at all, then nonconformity because an issue and basic maintenance becomes a problem. The Chair noted that perhaps there need to be R4 to tweak this so it is specific to areas that have the 3+ unit buildings and the proximity rule would apply in addition to other regulations. Some Councilors expressed that they would like to see more diversity and find the appropriate areas to put the 4-8 Unit buildings.

Most SR3 properties are moving into the R2 district. If they are already nonconforming 2-family buildings in a predominately 2-family area, then they would likely move into R3. A Councilor said this needs to be looked into more carefully if the goal is to keep a similar character.
The proximity rule can be worked around by just moving down the street a bit. Ms. Nadkarni said the proximity rule does need to be looked at further.

A Councilor said she was troubled with thinking that the new ordinance is focused so much on reflecting on existing conditions. There are other big goals for the City and perhaps this model will

not get far enough towards reaching those goals. The Washington Street proposal allows 3-story units by-right, which will probably yield mostly 3-story buildings because the special permit process is a lot more trouble. Similarly, if the City is seeking more smaller units and fewer really large units, then the larger units need to be discouraged. The Neighborhood General and R3 districts are places to look for more, smaller units.

A Committee member asked about making sure the right mix of building happens around T stations. Ms. Nadkarni said the next map will contain all of the edits and there will be a lengthier conversation about all of this.

A Councilor noted that the by right sizes of houses in R1 are being reduced a small amount. What concern is being addressed with these changes? The large house on a modest lot can be out of character in a neighborhood, but a large lot with a large house would fit in. Ms. Nadkarni said there is the option to consider allowing much larger houses than proposed through the special permit and large home review process.

A Councilor pointed out that there is a rule that states that if there is enough lot size to make two units, the existing building could be converted into two units. The building would not be torn down to create two new houses, however. This was an attempt to discourage the teardown effect and maintain the character of the neighborhood. He would like to see that remain. Ms. Nadkarni said the provision would carry that a special permit would be required for this.

Councilor Downs had to leave early and sent her further comments via email. They are attached.

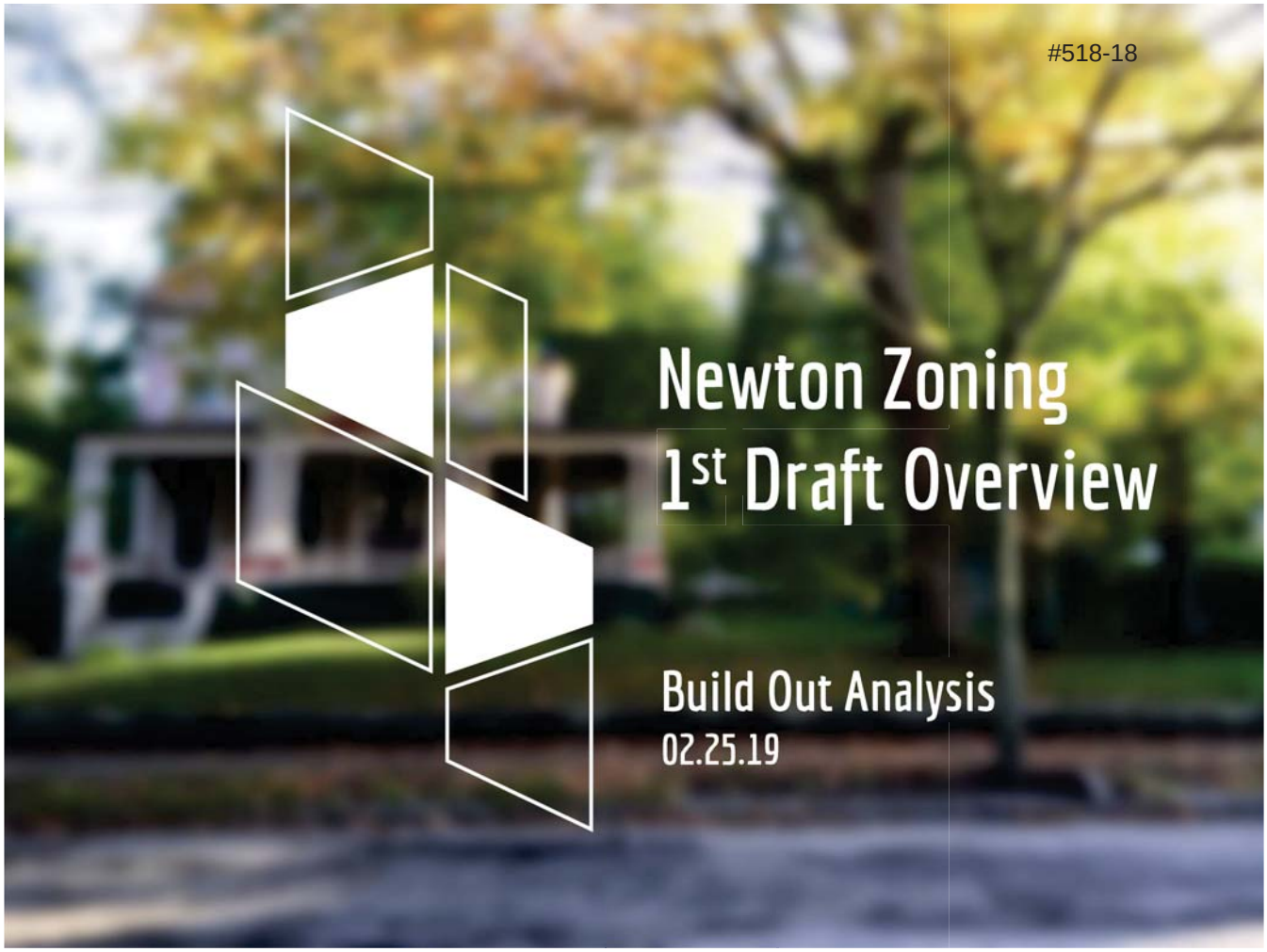
The Committee acknowledged the excellent work from Ms. Nadkarni on the Build Out Analysis and the presentation.

The Committee voted to hold this item, unanimously.

Meeting adjourned.

Respectfully Submitted,

Susan S. Albright, Chair



#518-18

Agenda

- Project Goals
- What is a Model?
- Results Overview
- District by District Discussion
- Take Home Material - Conformity Comparison Charts

#518-18

Project Goals

#518-18

Themes from the 2011 Report

- Better **organize** the Ordinance for ease of use
- **Simplify and streamline** the permitting and review processes
- Recognize that each village center and commercial corridor is **unique**
- Encourage **mixed-use residential** redevelopment in village centers
- Create "**soft transitions**" between village centers and residential neighborhoods
- Allow **moderate, flexible growth** on commercial corridors
- **Rationalize** and **streamline** parking regulations
- Protect **neighborhood character** and **scale**
- Create more **diverse housing** opportunities
- Institute a **better process** for managing change of **religious** and **educational institutions**
- Improve **natural resource conservation** and **sustainability**

Themes from the 2011 Report

- **In short…**
- **Create a Zoning Ordinance that preserves and enhances what we love about Newton while modernizing and advancing issues we care about like addressing climate change and ensuring housing diversity.**

#518-18

Project Goals

- **Rules that match the city as it is (increase conformity)**
- **Rules that reduce the city's vulnerability to speculative teardown/replacements of homes**
- **Rules that advance the City on several key issues like climate change and housing affordability and diversity**

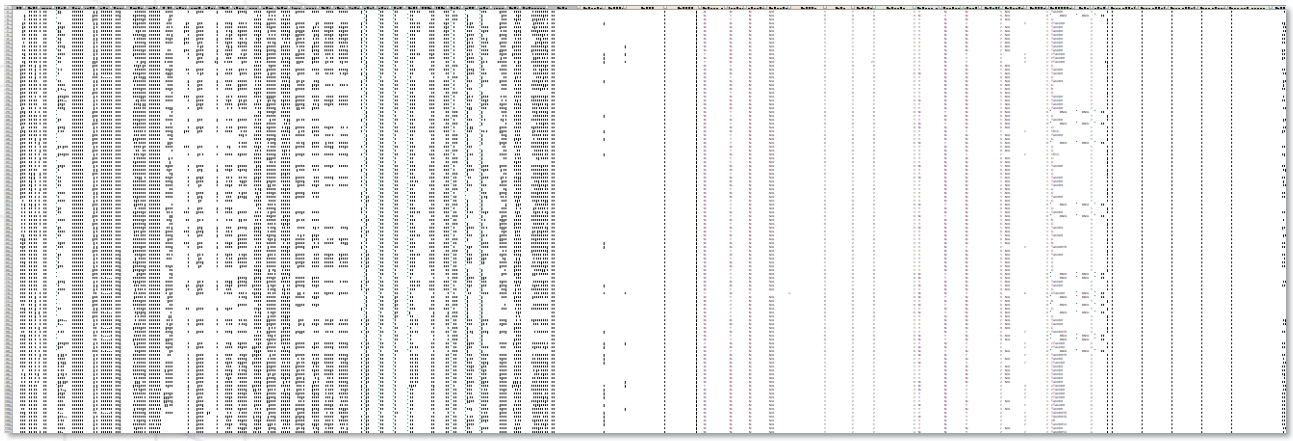
#518-18

What is a model?

#518-18

What is a build out analysis model?

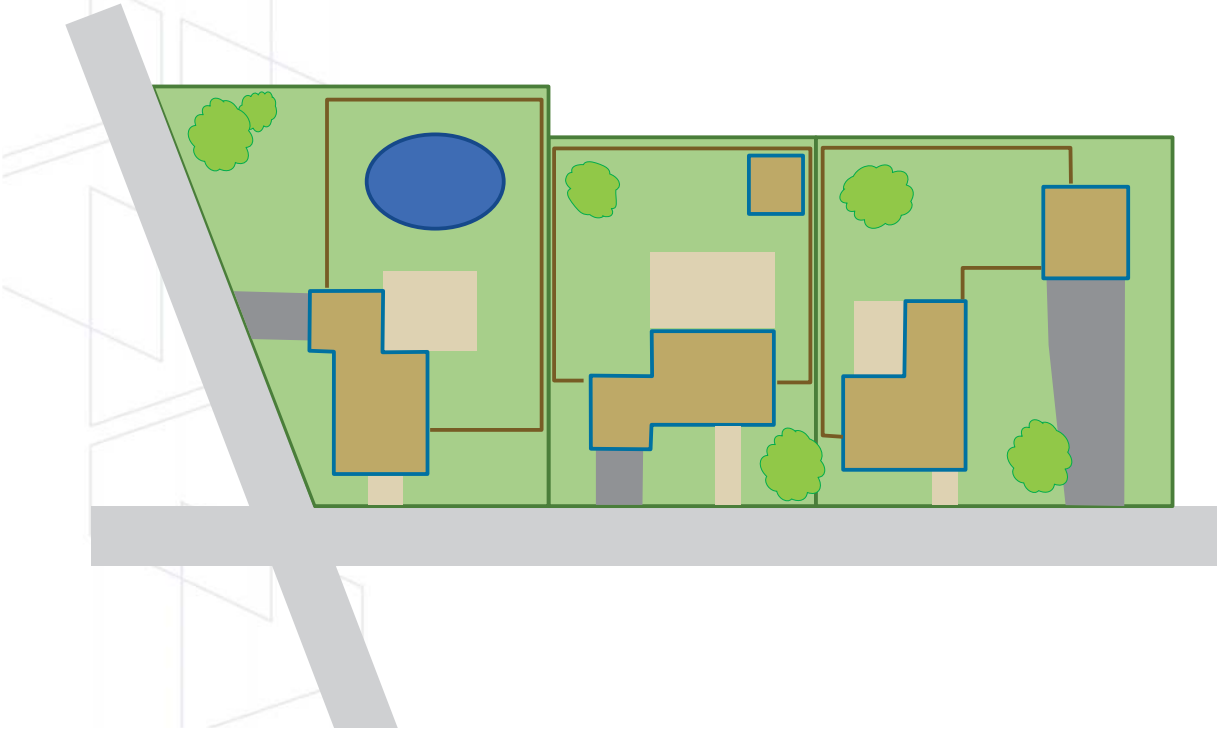
A series of interrelated Excel tables



#518-18

What is a build out analysis model?

Estimating the maximum possible build



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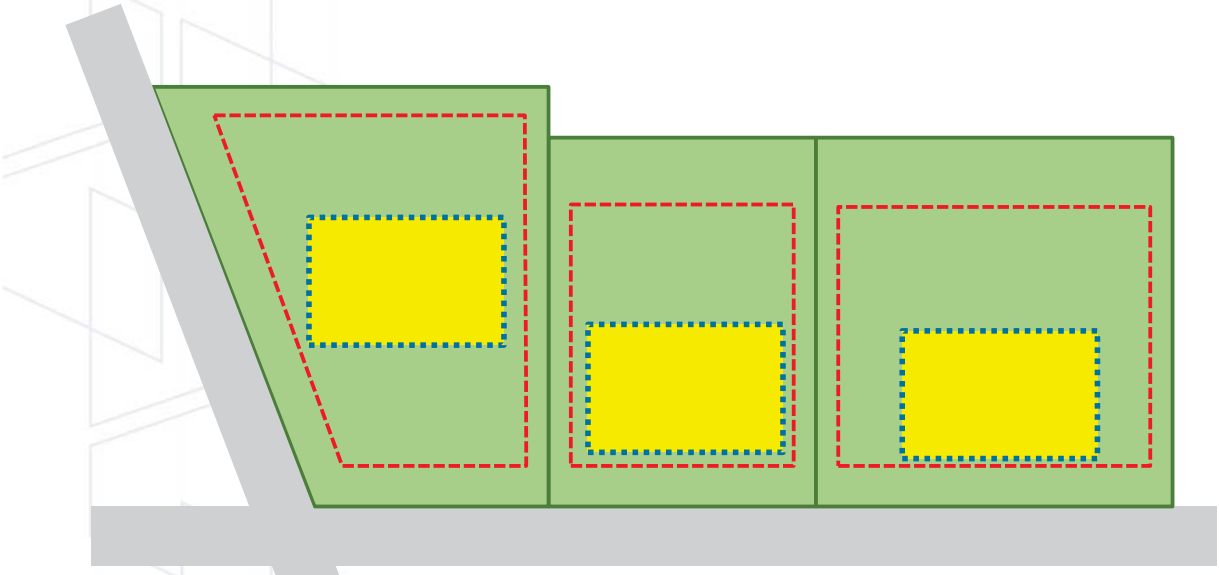

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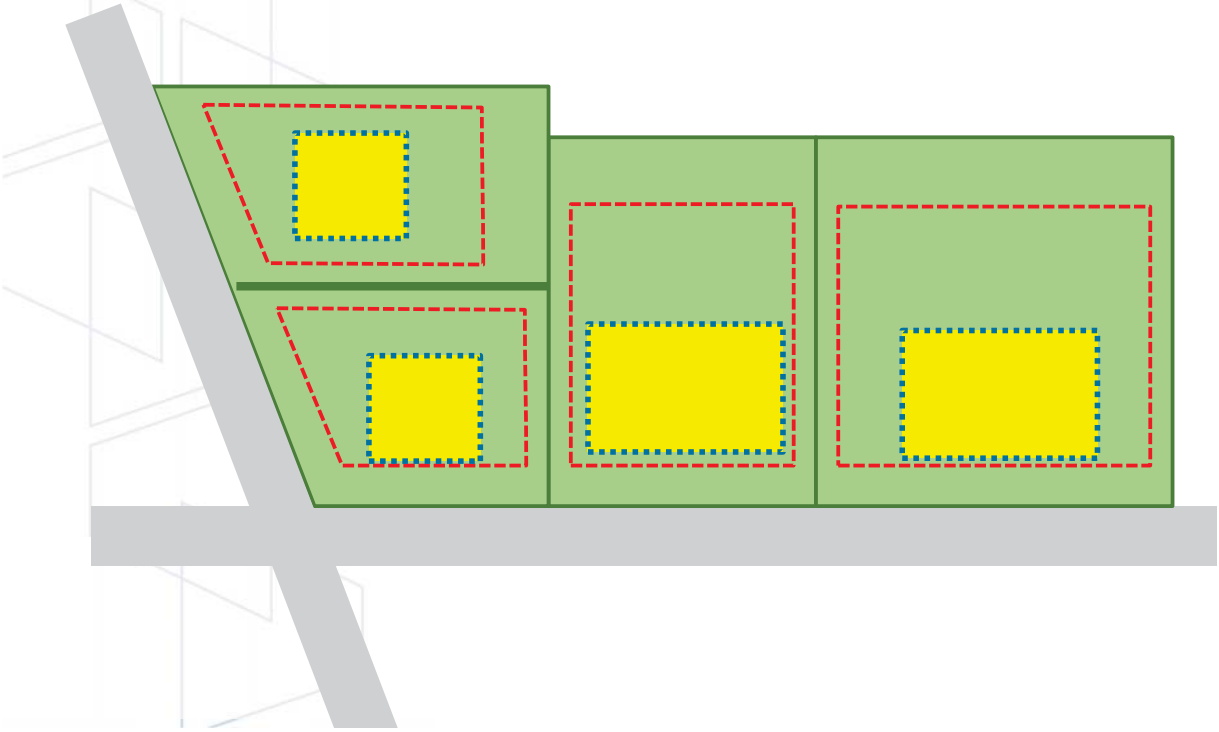

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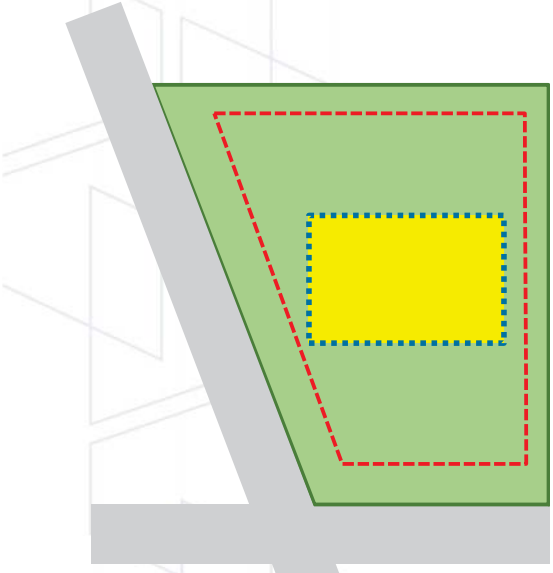

The model tests two different scenarios:

1) **Maximize the size of buildings (Bulk)**
2) **Maximize the number of lots (assume smallest possible buildings)**

#518-18

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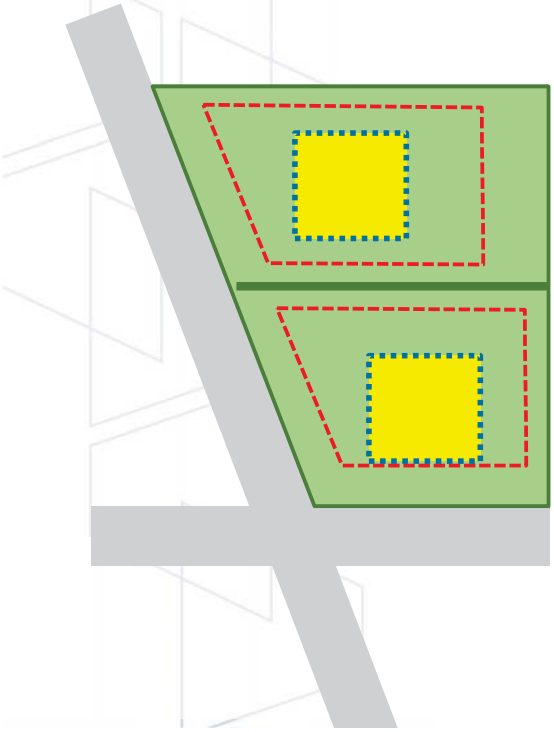

The model tests two different scenarios:

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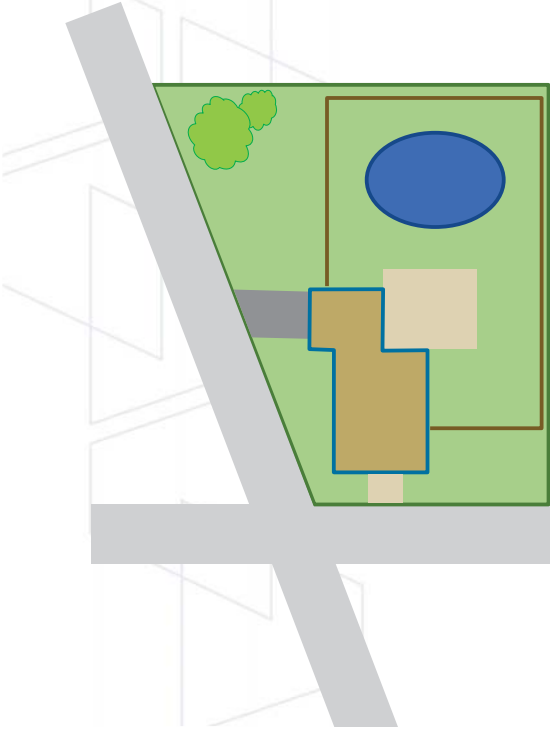
2) **Maximize the number of lots (assume smallest possible buildings)**

#518-18

What is a build out analysis model?

The model cannot account for all possibilities



The model has to make assumptions about what theoretical property owner will choose to do.

It cannot account for:

- When/if an owner chooses to sell?
- What the "market," the possible new buyers will most value?
  - More square footage in one house?
  - Two smaller houses?
  - A big private yard?
  - Small yard?
  - Deck? Pool? Shed?

What is a build out analysis model?

The model says what could be built

What could be built	NOT	What is likely to be built

#518-18

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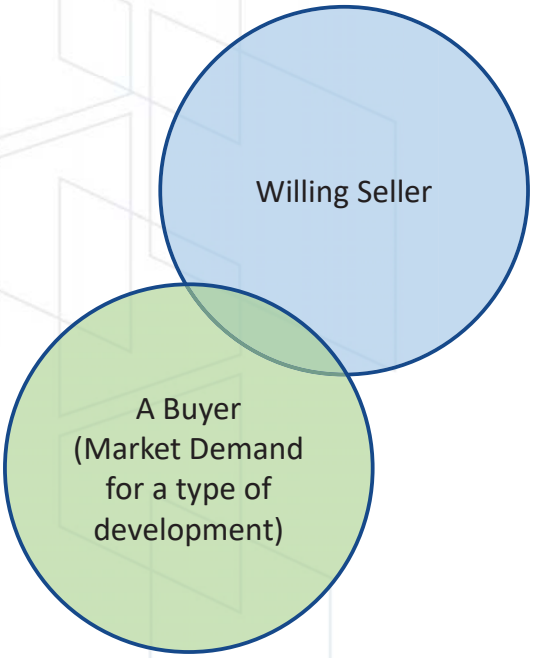
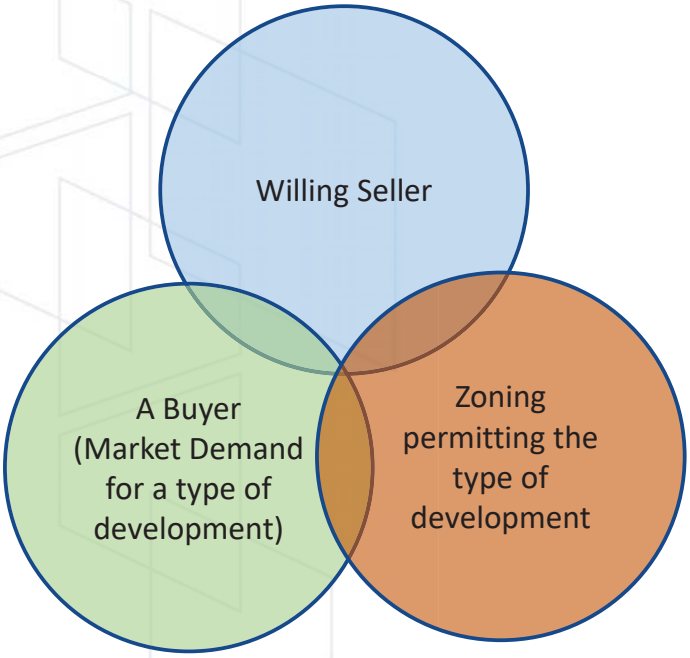


- **Location**
  - **Proximity to shops**
  - **Commute options**
- **Single-family**
- **Multi-family**
- **Size of home**
- **Size of yard**
- **On site Amenities**
- **Need for renovations**
- **Possibility for sweat equity**
- **Personal Priorities (kitchen design, layout preference)**

#518-18

What is a build out analysis model?

The model cannot account for all possibilities

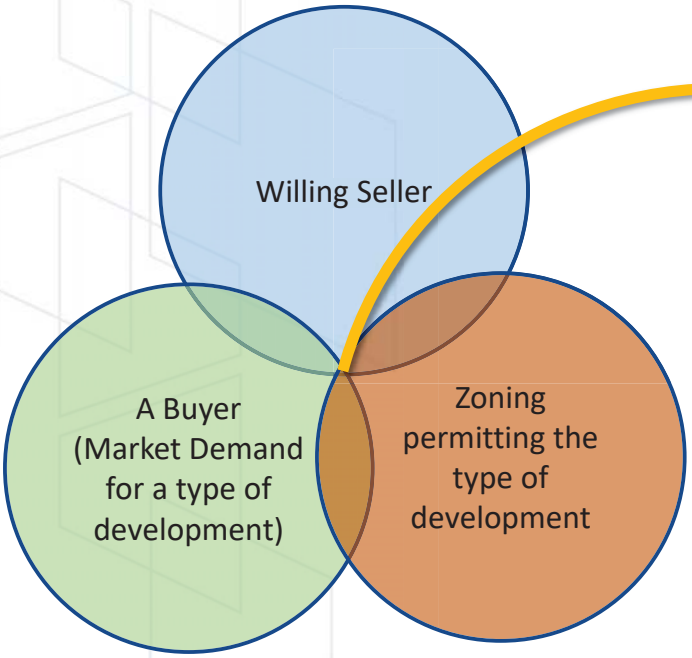


- **Does the zoning permit the project (expansion, modification, or new build)**
- **What costs are involved in getting permits and can the project return cover costs of construction and risk of disapproval or no buyer**

#518-18

What is a build out analysis model?

The model cannot account for all possibilities



#518-18

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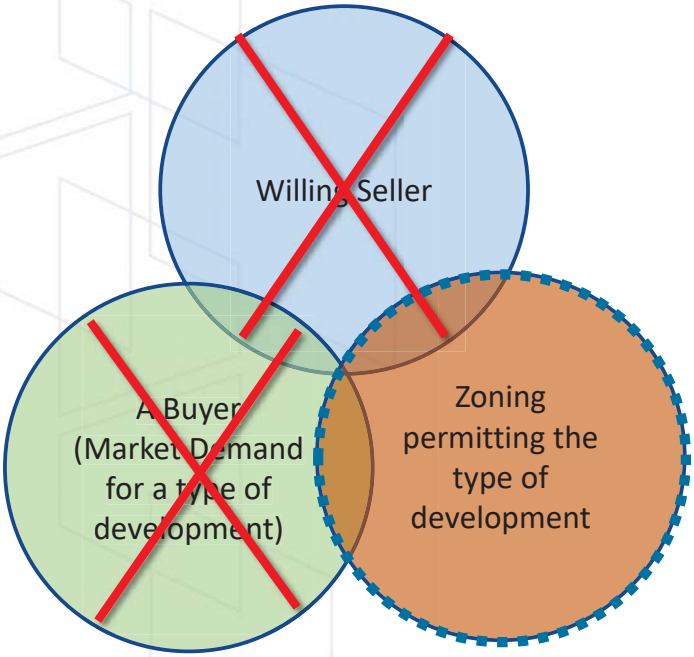


The model is only looking at the zoning

-

The model can only compare the possible options

-

It cannot predict

Assumptions in the Build Out Analysis

Underlying Assumptions

- By Right only – test for the projects that follow only the written rules
- Residence Districts only – the complexities of lot an ownership patterns and layers of additional factors mean the village districts require a different type of analysis

#518-18

Assumptions in the Build Out Analysis

Maximum Possible Bulk (sq. footage)

- Model selects the largest building type that can fit on the lot using effective minimum lot sizes
- Model assumes the largest by right size of the building type would be built

Maximum Possible Lot Splits & Maximum Possible Lots

- Lot splits are calculated as the lesser of the number of lots that could fit by frontage or by area
- For maximum possible lots, the smallest effective minimum lot size is calculated for buildings just 15 ft. deep

Maximum Possible Units

- Model assumes the maximum number of units allowed are created in each building type
- In the R3 and N districts, any lot that can have multiple units is assumed to
- In the N district, it is assumed that no commercial is built

Speculative Teardown Vulnerability

- Speculative teardown is assumed to occur when:
  - Value of new construction exceeds 2.4x the current assessed value
  - A new unit can be at least 3800 s.f.
- New construction value is estimated at $600/s.f.

#518-18

Results Overview

#518-18

What did we learn

In the residence districts…the current ordinance allows bulkier buildings

- **Just over half of the square footage allowed by the current ordinance has been built**

So there could be 47% more square footage in neighborhoods

What did we learn

The October Draft needs adjustments to meet the goals for zoning redesign:

- **The October Draft allowed more bulk as compared to the Current Ordinance**
- **The October Draft resulted in higher teardown vulnerability than the Current Ordinance**

#518-18

What did we learn

The October Draft needs adjustments to meet the goals for zoning redesign:

- The October Draft allowed more bulk as compared to the Current Ordinance
- The October Draft resulted in higher teardown vulnerability than the current ordinance

Small Adjustments make a big difference

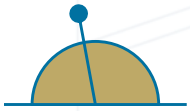
#518-18

Options to Adjust

Min. Frontage

Min. Setbacks

Max. Lot Coverage



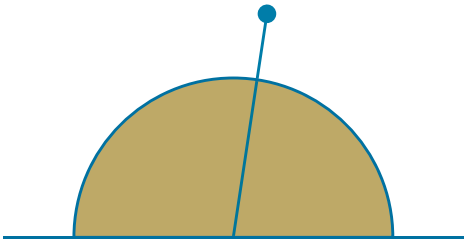
Min. Lot Depth or Lot Size

Building Types & Building Type Standards

#518-18

Options to Adjust

Minimum Frontage

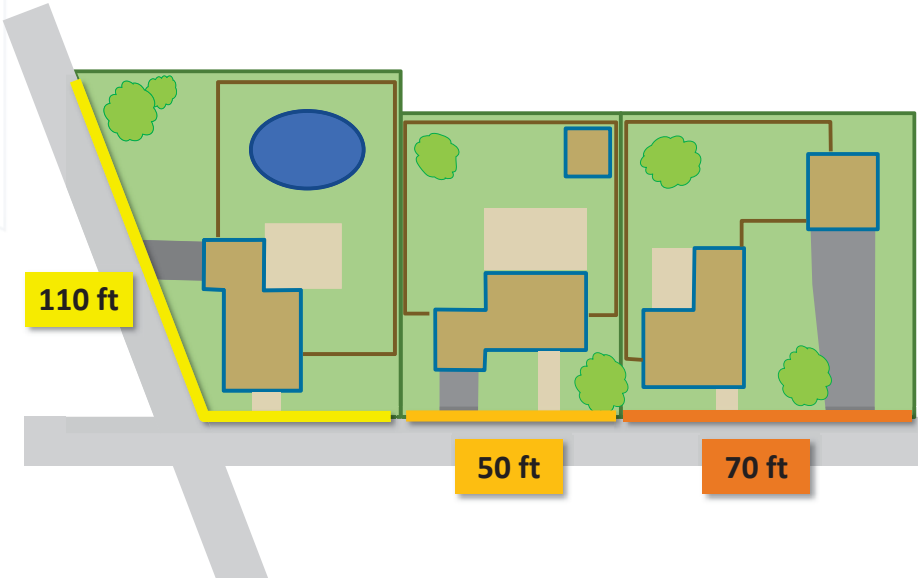


#518-18

Options to Adjust

Minimum Frontage

Frontage is the width of the lot along the street



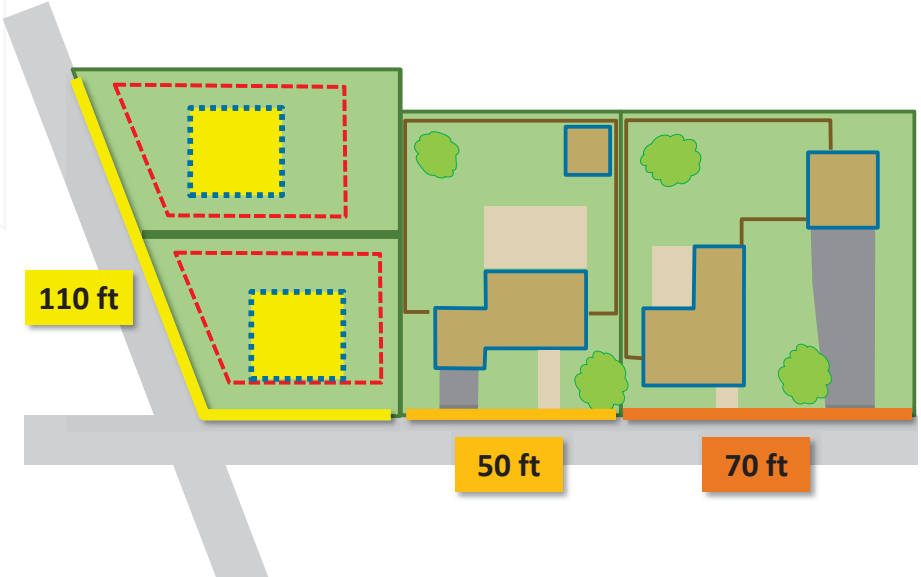
#518-18

Options to Adjust

Minimum Frontage

If the min. is 50 ft…

- **All 3 lots are conforming**
- **Lot 1 can split**
- **Lot 3 cannot**



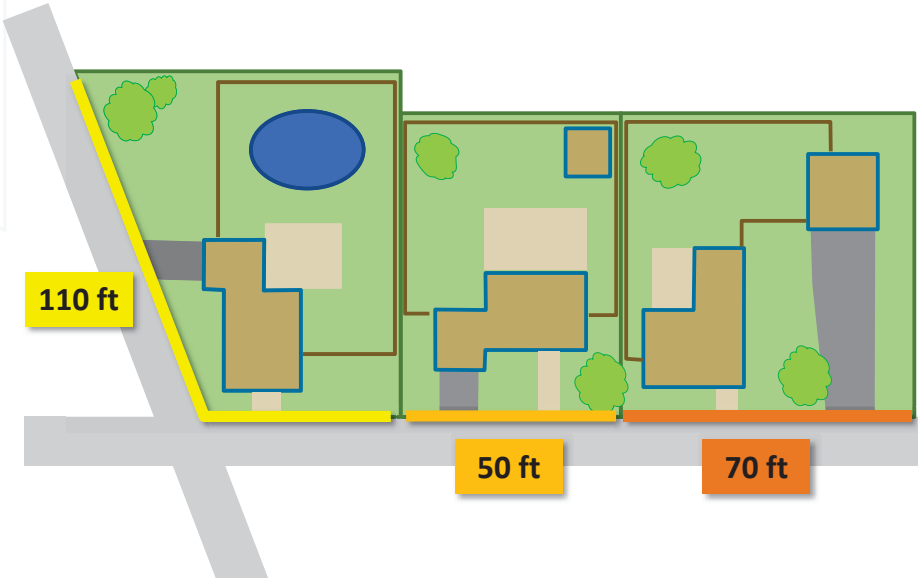
#518-18

Options to Adjust

Minimum Frontage

If the min. is 70 ft…

- Lot 2 becomes nonconforming
- None of the lots can split



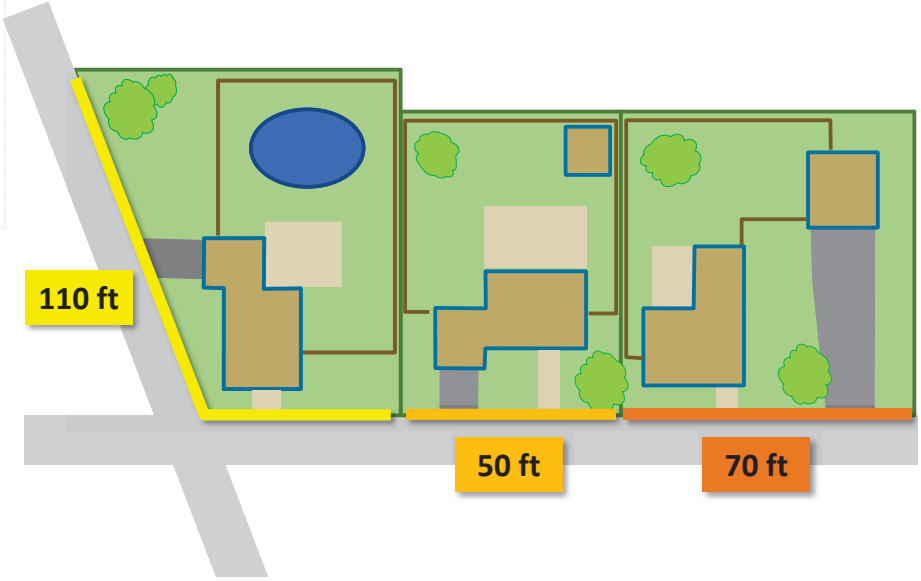
#518-18

Options to Adjust

Minimum Frontage

If the min. is 100 ft…

- Only Lot 1 is conforming
- None of the lots can split



Options to Adjust

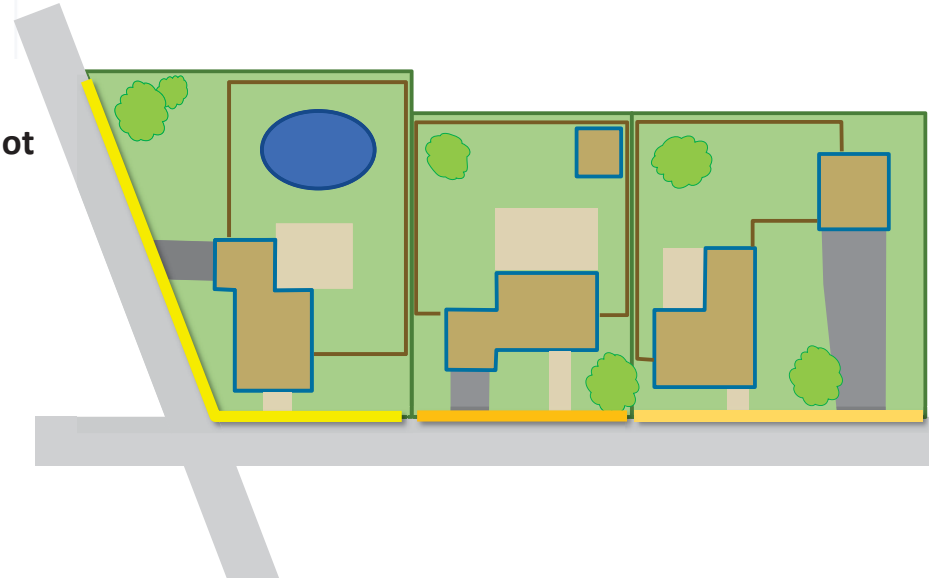
Minimum Frontage

Tradeoff between:

- **Amount of new infill lot creation**
- **Maintaining value for larger properties**

IF frontage increases …

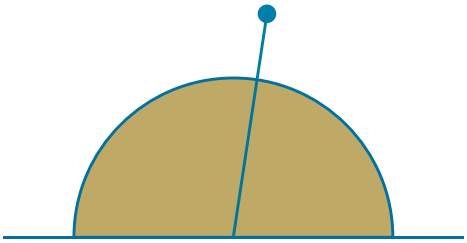
- Fewer lot splits
- Possibly less value retention



#518-18

Options to Adjust

Minimum Setbacks



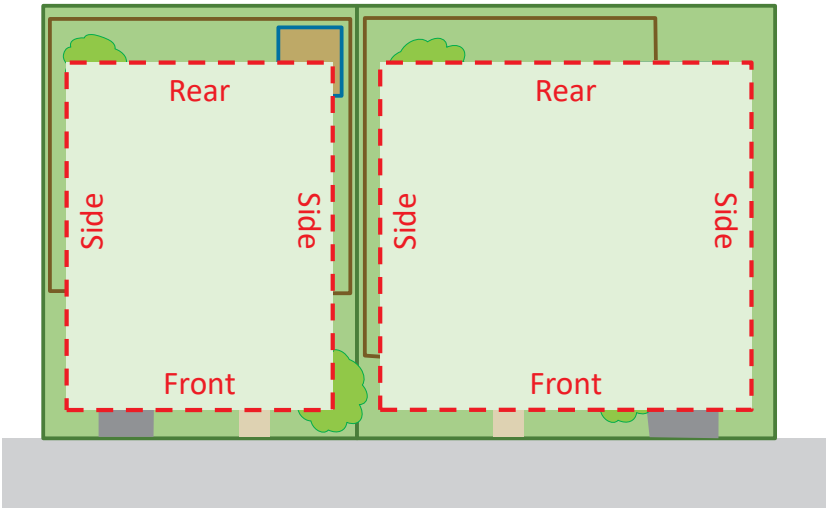
#518-18

Options to Adjust

Minimum Setbacks

Setbacks: Front, Side, & Rear

Setbacks determine how far a building has to be from the neighbors or street



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Setbacks: Front, Side, & Rear

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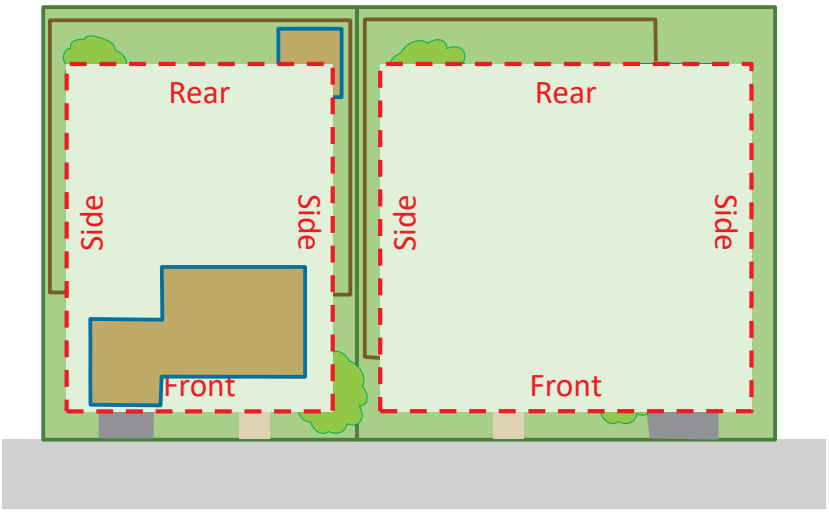


#518-18

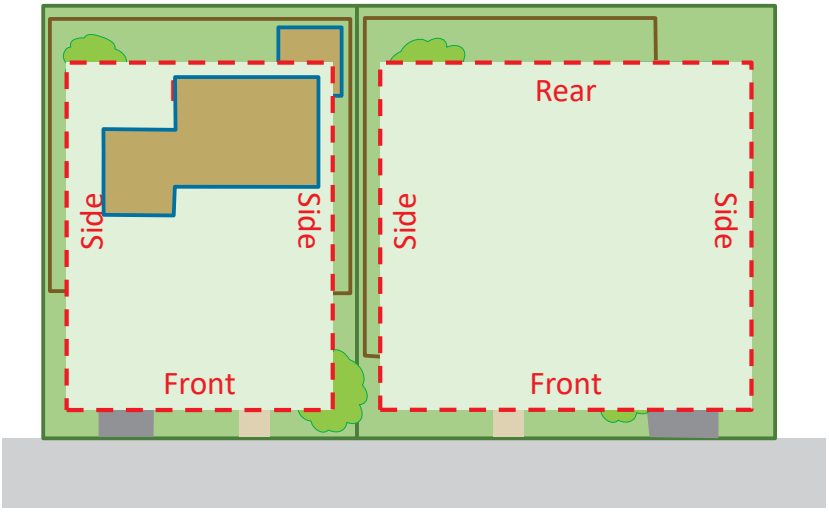
Options to Adjust

Minimum Setbacks

Setbacks: Front, Side, & Rear

Setbacks determine how far a building has to be from the neighbors or street

Combined with frontage buildout requirement and contextual front setback requirement, new buildings will need to be closer to the street



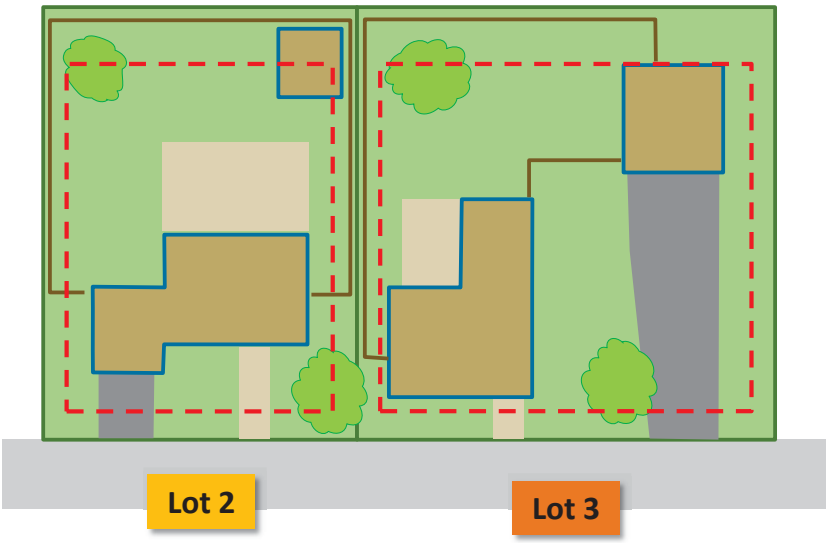
#518-18

Options to Adjust

Minimum Setbacks

IF…min. side setback = 7.5 ft

- **Both houses are conforming**



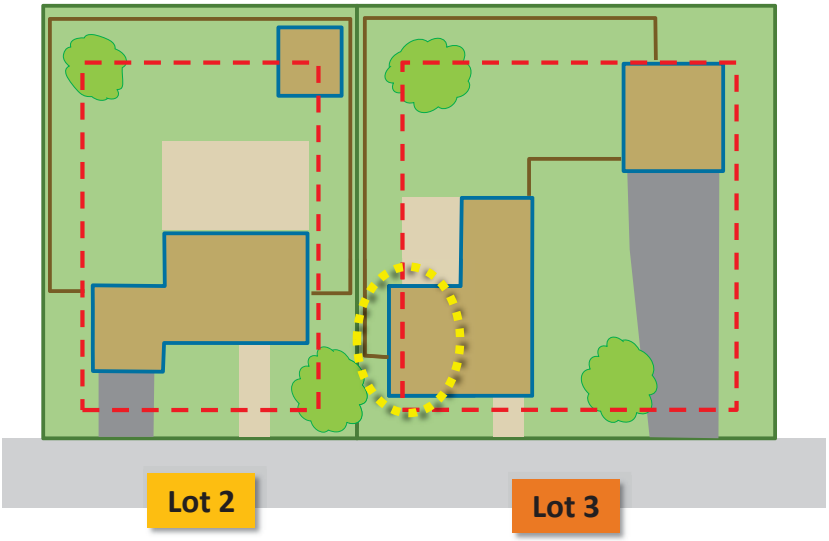
#518-18

Options to Adjust

Minimum Setbacks

IF…min. side setback = 12 ft

- **Lot 2 is conforming**
- **Lot 3 is nonconforming**



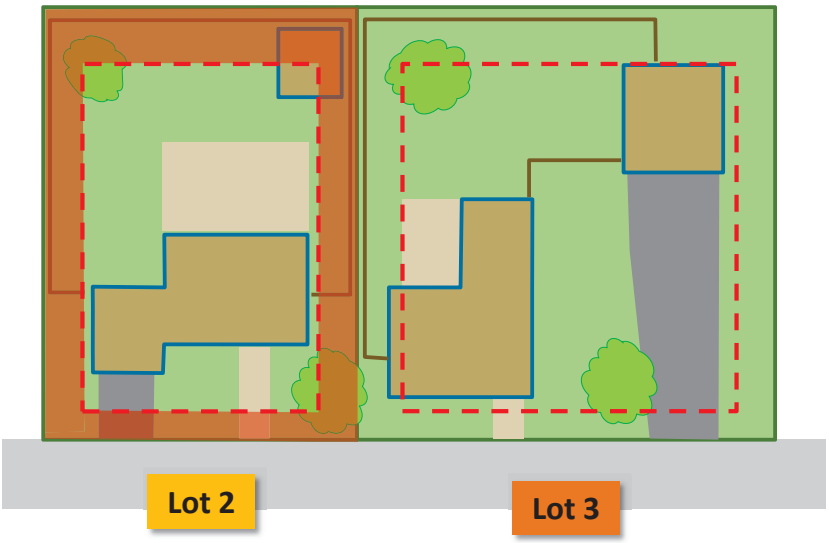
#518-18

Options to Adjust

Minimum Setbacks

What does conforming mean for a home addition?

- **Lot 2 is conforming**
  - *Any expansion into the setbacks is off-limits*
- **Lot 3 is nonconforming**
  - *Section 6 Finding can grant further expansion into setback*



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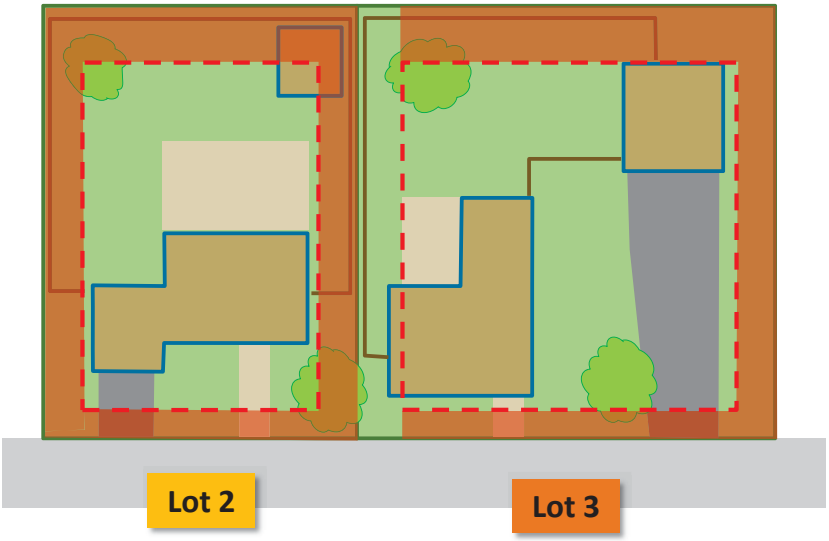

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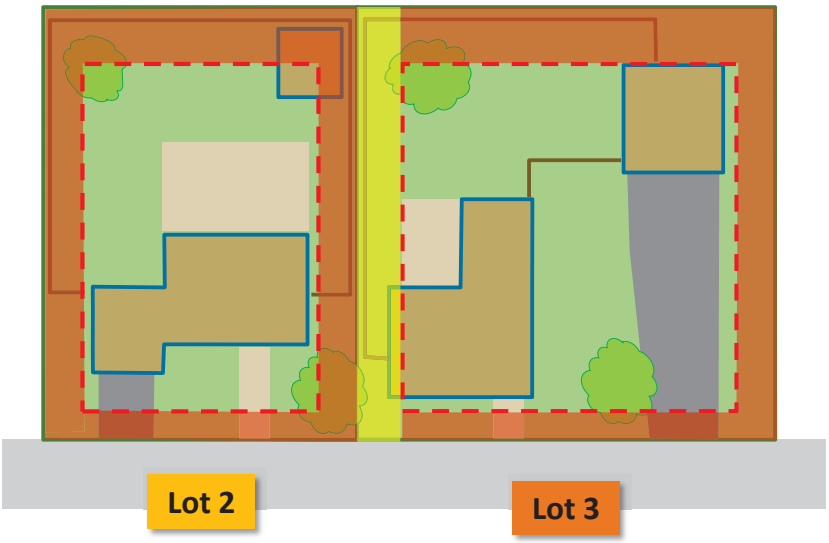


Options to Adjust

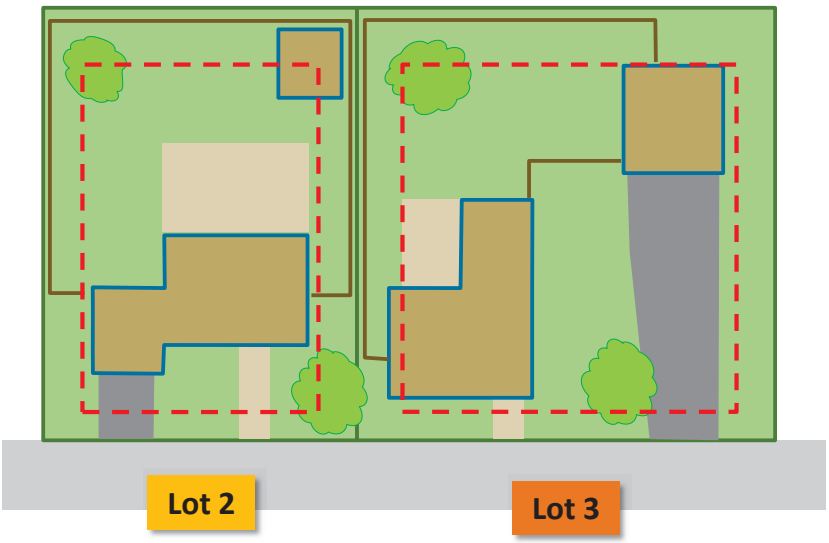
Minimum Setbacks

Tradeoff between:

- **More buildings that can expand closer to a neighbor**
- **New buildings being further from a neighbor**

IF the setback increases…

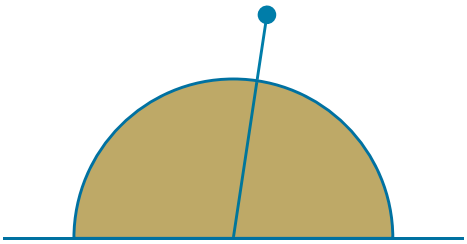
- New building needs to be more in the center of a lot
- More existing buildings can expand closer to neighbors



#518-18

Options to Adjust

Maximum Lot Coverage



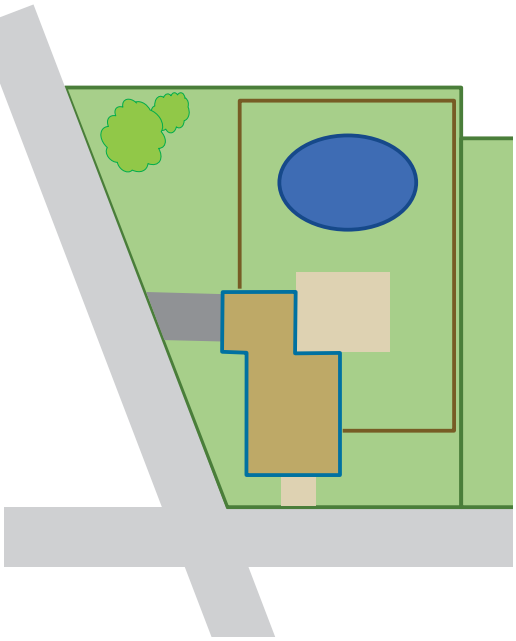
#518-18

Options to Adjust

Maximum Lot Coverage

Lot coverage = the amount of the lot covered by "built" surfaces

Inverse of lot coverage = % green



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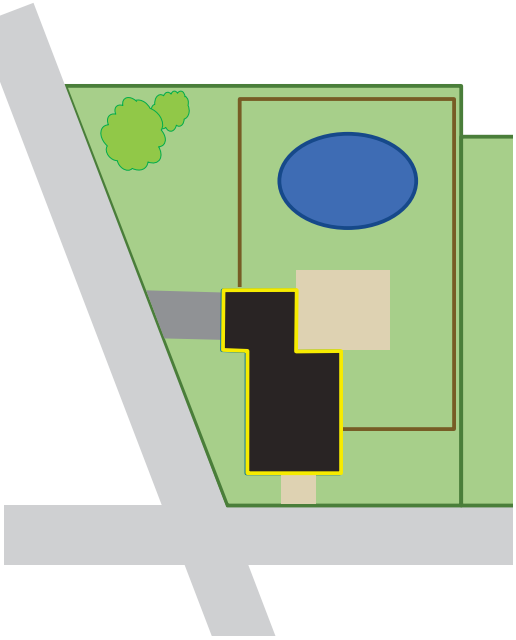

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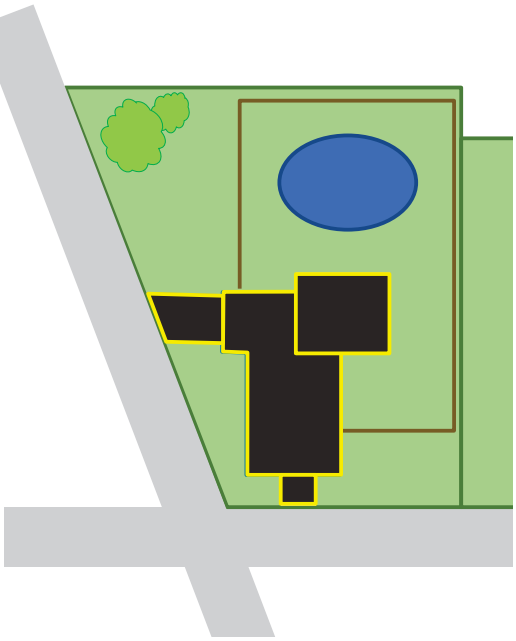

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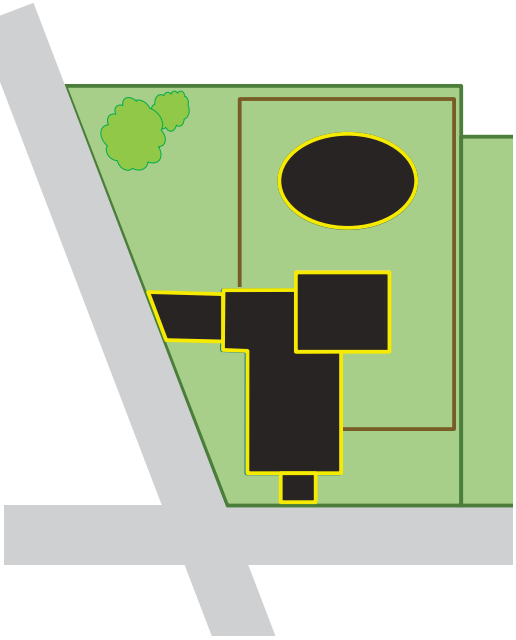


#518-18

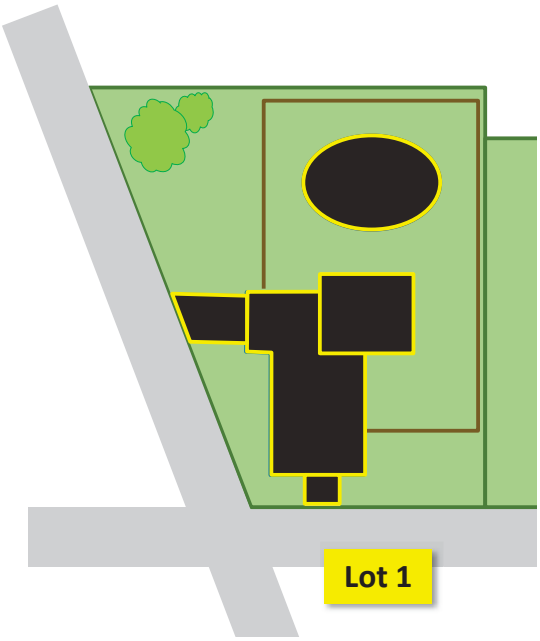
Options to Adjust

Maximum Lot Coverage

Lot 1 has a lot coverage of 35%

IF the maximum for the district is 40%...

- **Lot 1 is conforming**
  - **Only 5% more can be built**



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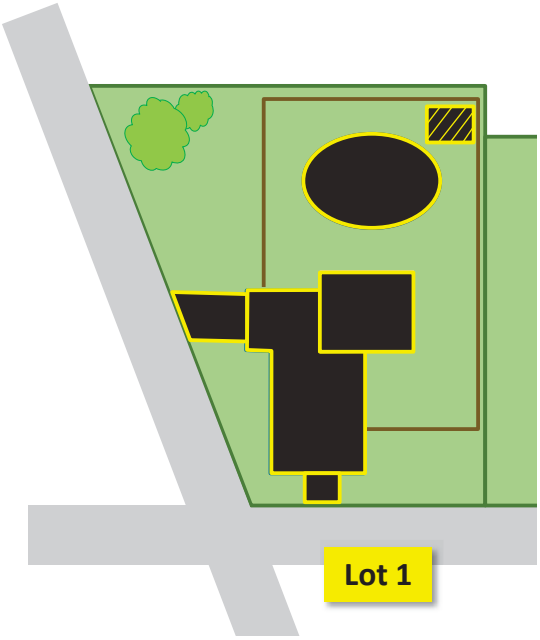

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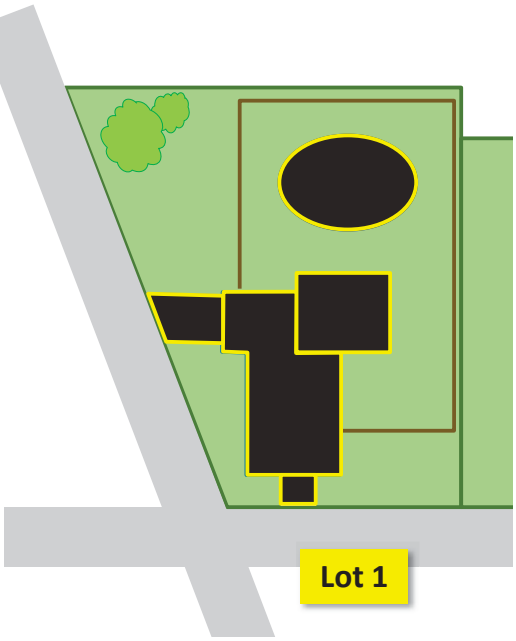
Options to Adjust

Maximum Lot Coverage

Lot 1 has a lot coverage of 35%

IF the maximum for the district is 35%...

- **Lot 1 is conforming**
  - **A by right home addition would have to replace some thing on site**



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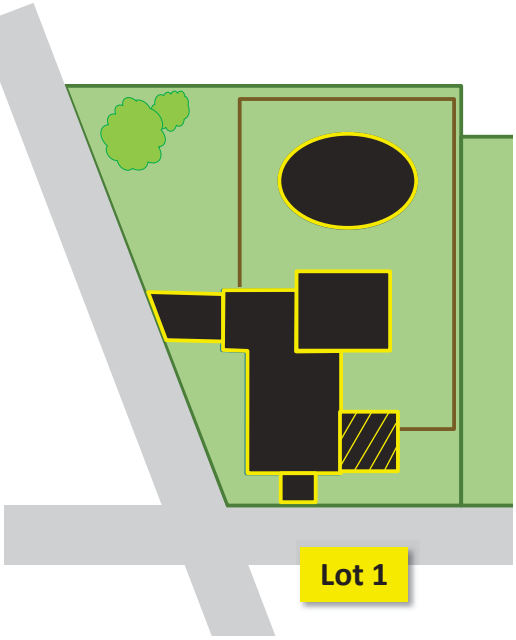

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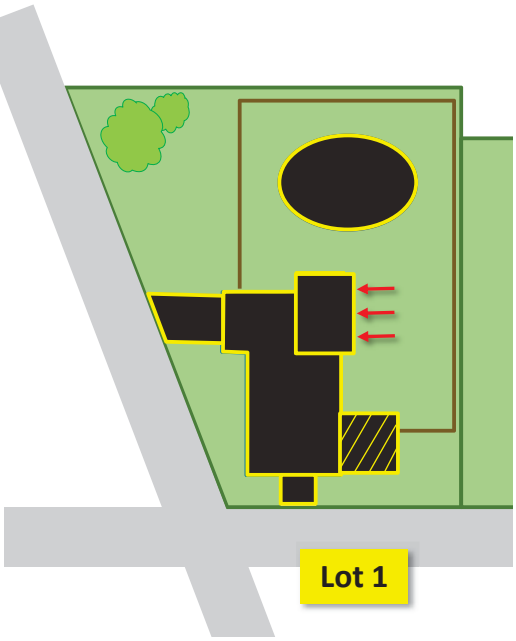


#518-18

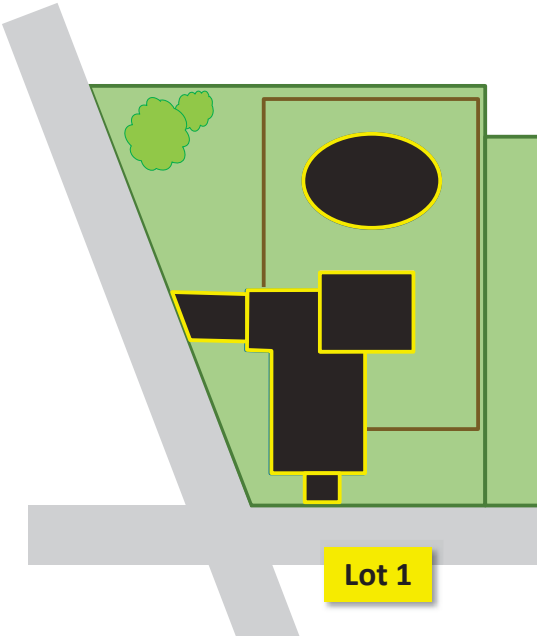
Options to Adjust

Maximum Lot Coverage

Lot 1 has a lot coverage of 35%

IF the maximum for the district is 30%...

- **Lot 1 is now nonconforming**
  - Through a Section 6 Finding, the property owner can request to expand



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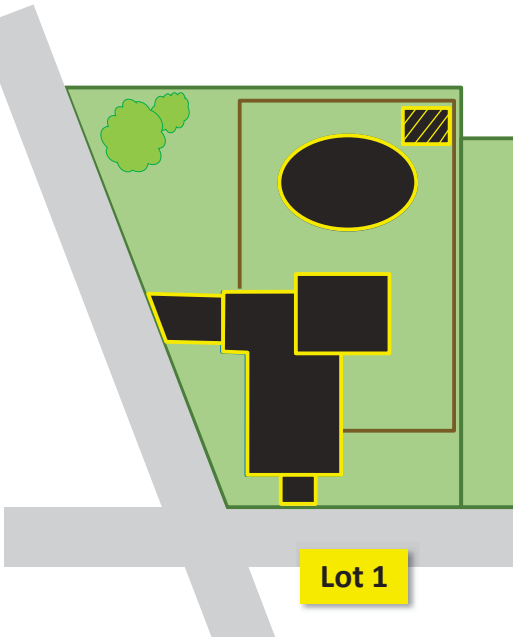

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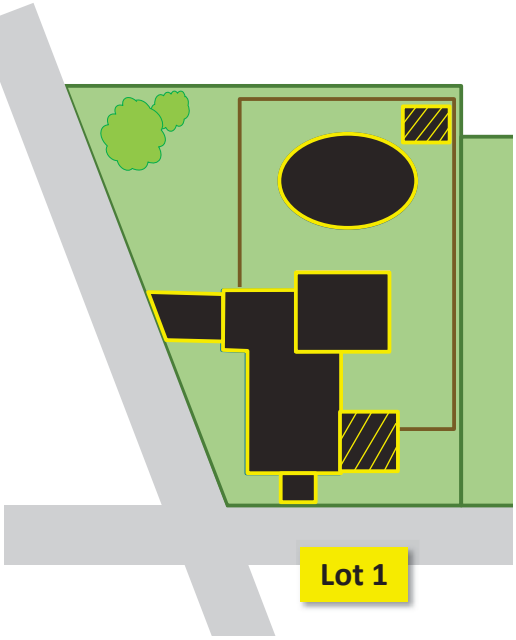


#518-18

Options to Adjust

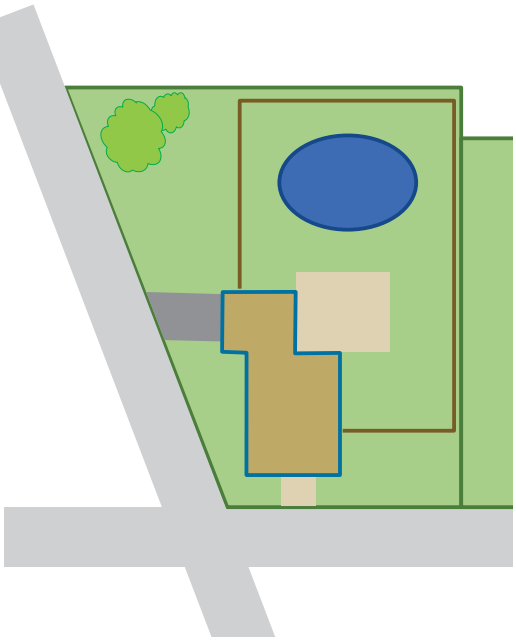
Maximum Lot Coverage

Tradeoff between:

- **More buildings being able to expand their coverage %**
- **Less lot coverage on newly constructed sites**

IF coverage max. decreases …

- New lots have to have more green
- Existing properties can possibly expand paved areas



#518-18

Options to Adjust

Minimum Lot Depth or Lot Size

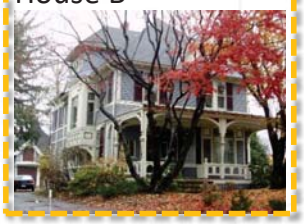
Options to Adjust

Min. Lot Depth or Size

Effective Minimum Lot Size =
The lot size needed to build a "min" or "max" building type

Residence 2 (R2) District Building Types

House B



House C

House D

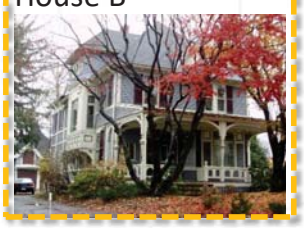
#518-18

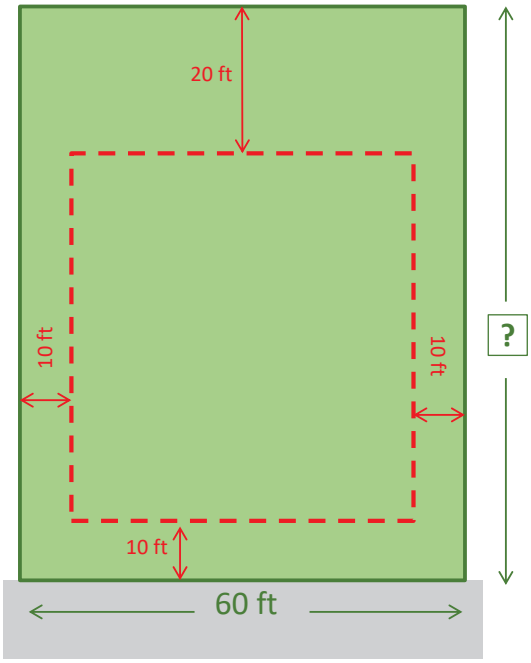
Options to Adjust

Min. Lot Depth or Size

Test #1: maximum bulk (max. sq. ft. on the lot)
- Assume maximum House B footprint (1600 sf)
- Assume House fills to the setbacks
  - Setbacks are specific to the district
- Assume minimal additional lot features (+400 sf)
  - House + 400 sf cannot exceed max. lot coverage (35%)

House B





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Options to Adjust

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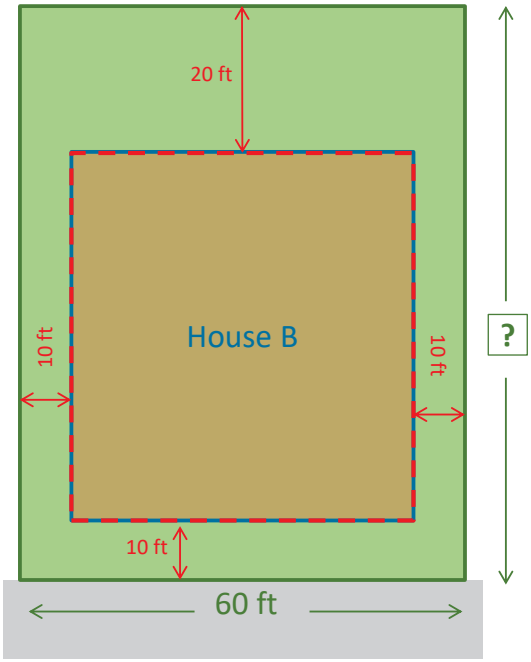

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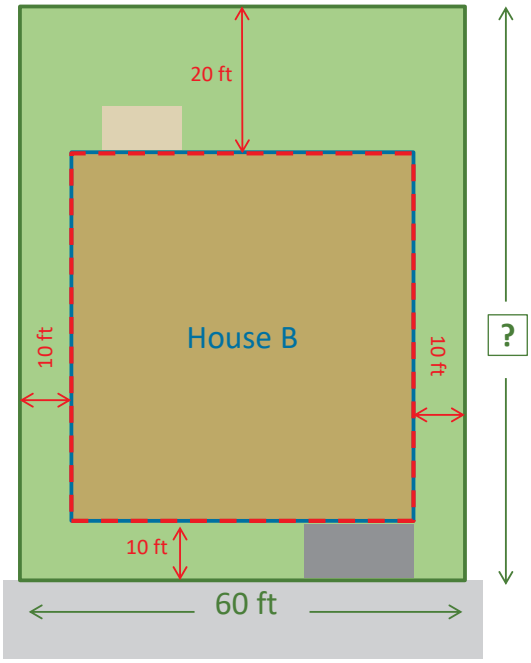

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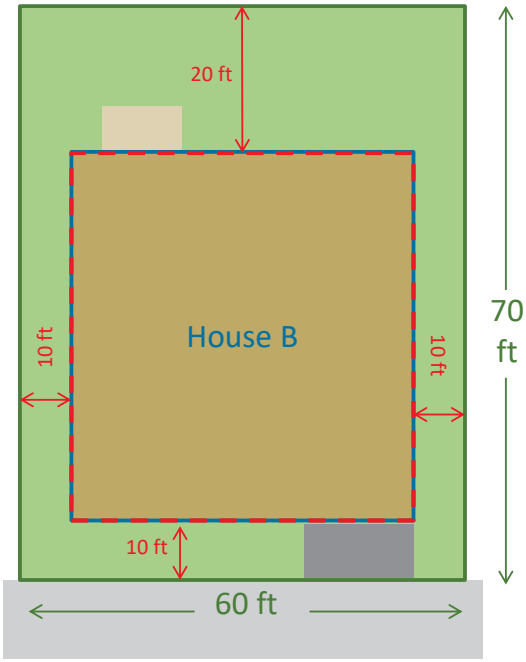
Effective Min Lot Size = 5,725 sf. *(October Draft)*

House B



#518-18

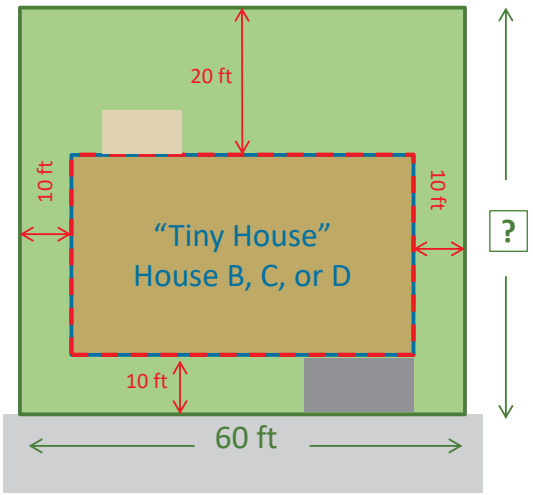
Options to Adjust

Min. Lot Depth or Size

Test #2: maximum lots (min. sq. ft. on the lot)

- Assume House fills to side setbacks and has a minimal depth (15 ft)
  - Resulting minimum House B footprint = 600 ft
- Assume minimal additional lot features (+400 sf)
  - House + 400 sf cannot exceed max. lot coverage (35%)

House B



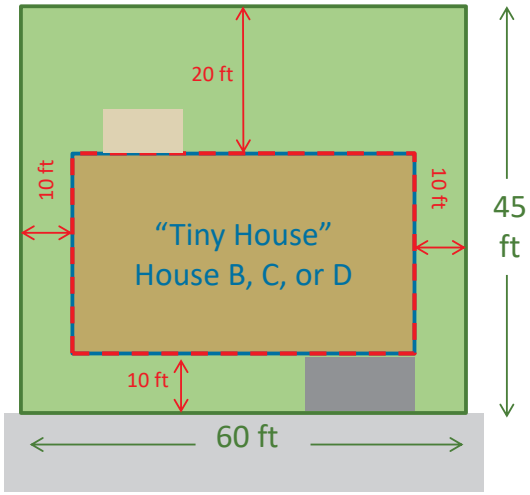
Options to Adjust

Min. Lot Depth or Size

Test #2: maximum lots (min. sq. ft. on the lot)

- Assume House fills to side setbacks and has a minimal depth (15 ft)
  - Resulting minimum House B footprint = 600 ft
- Assume minimal additional lot features (+400 sf)
  - House + 400 sf cannot exceed max. lot coverage (35%)

Effective Min Lot Size = 2,700 sf. *(October Draft)*



#518-18

Options to Adjust

Min. Lot Depth or Size

	House B	House C	House D
#1. Maximum Building	5,725 sf	5,500 sf	11,150 sf
#2. Minimum Building	2,700 sf	2,700 sf	2,700 sf

Residence 2 (R2) District Building Types

House B

House C

House D

#518-18

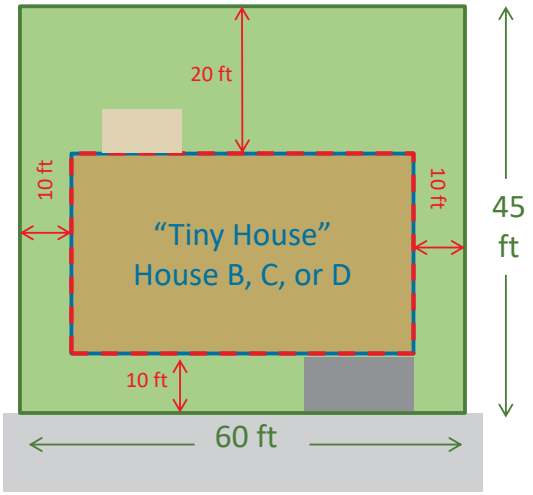
Options to Adjust

Min. Lot Depth or Size

Finding:

2% more lots result if the model looks for tiny house lots creation

Meaning – frontage drives 98% of the lot splits



#518-18

Options to Adjust

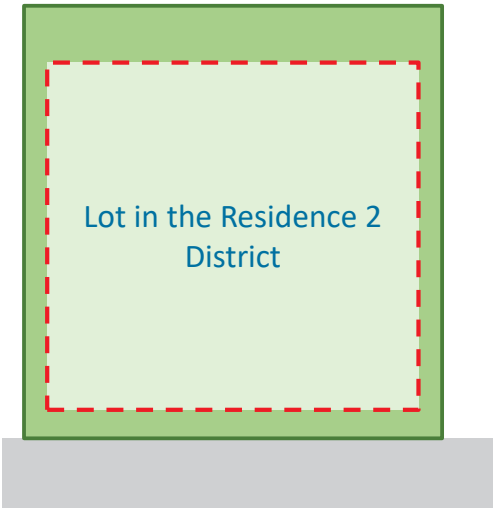
Building Types & Building Type Standards

#518-18

Options to Adjust

Building Types & their standards

Only building types allowed in the district can be used



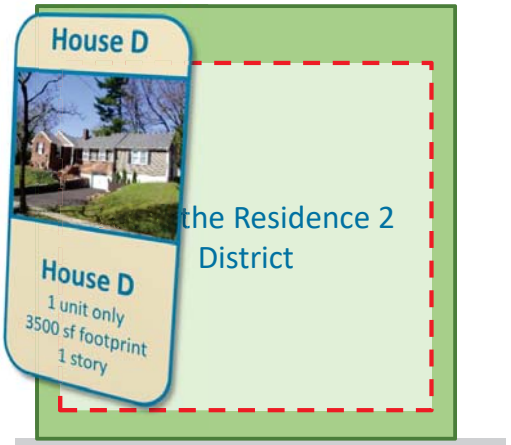
House A | Two-Unit | Apartment | Small Apartment | Shop House | ???

#518-18

Options to Adjust

Building Types & their standards

Only building types allowed in the district can be used



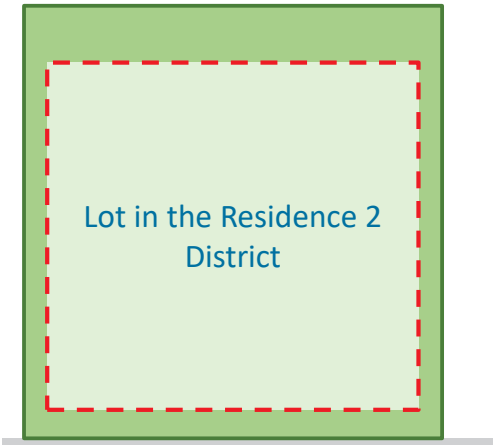
House A | Two-Unit | Apartment | Small Apartment | Shop House | ???

#518-18

Options to Adjust

Building Types & their standards

The list of allowed building types can be changed



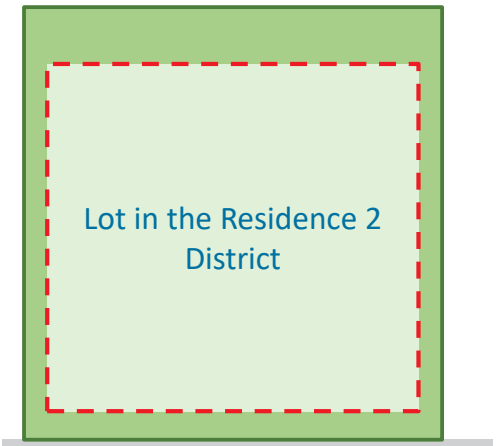
House A | Two-Unit Building | Apartment House | Small Apartment Building | Shop House | ???

#518-18

Options to Adjust

Building Types & their standards

The list of allowed building types can be changed

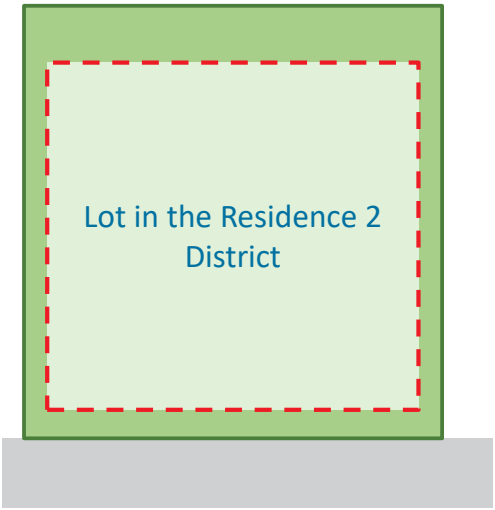


Small Apartment Building | Shop House | ???

Options to Adjust

Building Types & their standards

The standards of the building types can also be changed



House A | Two-Unit | Apartment | Small Apartment | Shop House | ??? | House C | House D

#518-18

Options to Adjust

Special Permits & Administrative Site Plan Approval

#518-18

Options to Adjust

Special Permit & Admin. Site Plan Approval

Special Permits & Design Review

- **Building Types allow a range of special permit options, all with design review required**
- **Large House Review:**
  What is large?
  - **Lowering the by right standards, shifts more projects into the special permit with design review**

#518-18

Options to Adjust

Special Permit & Admin. Site Plan Approval

Administrative Site Plan Approval

- **Building Types or Site Features that are essentially by-right, but need more specific staff review**
- **Proximity Rule is an example**

#518-18

District by District Discussion

#518-18

District by District

Residence 2

District by District

Residence 2

LOT STANDARDS	October Draft	February Draft
Min. Frontage	60 ft	60 ft
Min. Lot Depth	n/a	n/a
Max. Lot Coverage	35%	30%
Min. Setbacks		
Front	15 ft	20 ft
Side	10 ft	12.5 ft
Rear	20 ft	30 ft

BUILDING TYPE modifications		October Draft	February Draft
House B	Max. By Right Footprint	1,600 sf	1,400 sf
	Max. Special Permit Footprint	2,200 sf	2,000 sf
House C	Max. By Right Footprint	1,400 sf	1,200 sf
	Max. Special Permit Footprint	1,800 sf	1,800 sf
House D	No changes		

#518-18

District by District

Residence 2

R2 District	Total Existing Buildable Lots	Max. Possible Lots that can be split	Max. Possible Net New Lots	Max. Possible Buildable Lots after splits	Max. Possible Units*	Max. Possible Bulk (sf)	Max. Possible Existing Lots Vulnerable to Speculative Teardown	Max. % at risk of speculative teardowns
Current Ordinance	11,964	32	78	12,010	12,784	49,689,010	4,161	33%
October Draft	12,148	604 771	1,282 1,634	12,826 13,011	13,326 13,509	49,207,500 52,005,500	7,696 8,808	62% 71%
February Draft	12,148	635 747	1,345 1,579	12,858 12,980	13,358 13,478	42,373,100 45,195,400	476 629	4% 5%

*Includes existing non-conforming units

4% change in number of possible units

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District by District

Neighborhood General

#518-18

District by District

Neighborhood General

LOT STANDARDS	October Draft	February Draft
Min. Frontage	30 ft	50 ft
Min. Lot Depth	n/a	n/a
Max. Lot Coverage	65%	70%
Min. Setbacks		
Front	0 ft	5 ft
Side	7.5 ft	10 ft
Rear	15 ft	20 ft

BUILDING TYPE modifications		October Draft	February Draft
House B	Footprint		Same as R2
	Number of Stories	3 stories	2.5 stories 3 by SP
House C	Footprint		Same as R2
Two-Unit	Footprint	2,000 sf 2,200 by S.P.	1,400 sf 1,600 by S.P.
	Number of Stories	3 stories	2.5 stories 3 by SP
~~Apartment House~~ Three-Unit	Building Footprint	2,500 sf	1,600 sf 1,800 by S.P.
	Number of Stories	3 stories	2.5 stories 3 by S.P.
	Number of Units	3-6 units	3 units
~~Small Apartment Building~~ 4-8 Unit	Building Footprint	4,200 sf	2,500 sf
	Number of Stories	3 stories	2.5 stories 3 by S.P.
	Number of Units	3-10 units	4-8 units

District by District

Neighborhood General

N District	Total Existing Buildable Lots	Max. Possible Lots that can be split	Max. Possible Net New Lots	Max. Possible Buildable Lots after splits	Max. Possible Units*	Max. Possible Bulk (sf)	Max. Possible Lots Vulnerable to Speculative Teardown	Max. % at risk of speculative teardowns
Current Ordinance	207	29	66	244	1,150	1,592,282	116	25%
October Draft	455	138 167	270 322	725 777	5,805 7,519	7,328,850 9,400,050	365 397	78% 84%
February Draft	455	395 407	258 267	714 722	4,952 5,691	4,772,400 5,260,500	352 381	75% 81%

**Includes existing non-conforming units*

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District by District

Residence 3

#518-18

District by District

Residence 3

LOT STANDARDS	October Draft	February Draft
Min. Frontage	40 ft	50 ft
Min. Lot Depth	n/a	n/a
Max. Lot Coverage	60%	50%
Min. Setbacks		
Front	5 ft	10 ft
Side	7.5 ft	10 ft
Rear	15 ft	20 ft

BUILDING TYPE modifications		October Draft	February Draft
House B	Footprint		Same as R2
	Number of Stories	3 stories	2.5 stories 3 by SP
House C	Footprint		Same as R2
Two-Unit	Footprint	2,000 sf 2,200 by S.P.	1,400 sf 1,600 by S.P.
	Number of Stories	3 stories	2.5 stories 3 by SP
~~Apartment House~~ Three-Unit	Building Footprint	2,500 sf	1,600 sf 1,800 by S.P.
	Number of Stories	3 stories	2.5 stories 3 by S.P.
	Number of Units	3-6 units	3 units
~~Small Apartment Building~~ 4-8 Unit	Building Footprint	4,200 sf	2,500 sf
	Number of Stories	3 stories	2.5 stories 3 by S.P.
	Number of Units	3-10 units	4-8 units

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District by District

Residence 3

R3 District	Total Existing Buildable Lots	Max. Possible Lots that can be split	Max. Possible Net New Lots	Max. Possible Buildable Lots after splits	Max. Possible Units*	Max. Possible Bulk (sf)	Max. Possible Lots Vulnerable to Speculative Teardown	Max. % at risk of speculative teardowns
Current Ordinance	5,728	41	62	5,790	12,065	24,932,602	2,691	44%
October Draft	6,040	1,697 1,847	2,011 2,244	8,051 8,284	15,755 16,976	46,228,200 49,632,750	5,595 5,821	90% 94%
February Draft	6,040	724 764	1,029 1,148	7,880 8,249	12,557 12,476	21,139,700 21,283,000	681 717	11% 12%

**Includes existing non-conforming units*

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District by District

Residence 1

#518-18

District by District

Residence 1

LOT STANDARDS	October Draft	February Draft
Min. Frontage	80 ft	80 ft
Min. Lot Depth	n/a	n/a
Max. Lot Coverage	30%	25%
Min. Setbacks		
Front	20 ft	25 ft
Side	15 ft	20 ft
Rear	30 ft	40 ft

BUILDING TYPE modifications		October Draft	February Draft
House A	Max. By Right Footprint	2,500 sf	2,400 sf
	Max. Special Permit Footprint	3,000 sf	3,000 sf
House B	Max. By Right Footprint	1,600 sf	1,400 sf
	Max. Special Permit Footprint	2,200 sf	2,000 sf
House C	Max. By Right Footprint	1,400 sf	1,200 sf
	Max. Special Permit Footprint	1,800 sf	1,800 sf
House D	No changes		

District by District

Residence 1

R1 District	Total Existing Buildable Lots	Max. Possible Lots that can be split	Max. Possible Net New Lots	Max. Possible Buildable Lots after splits	Max. Possible Units*	Max. Possible Bulk (sf)	Max. Possible Lots Vulnerable to Speculative Teardown	Max. % at risk of speculative teardowns
Current Ordinance	3,541	48	59	3,600	3,677	22,951,033	1,565	42%
October Draft	3,594	401 413	486 501	4,080 4,095	4,080 4,095	24,760,500 25,585,750	2,241 2,365	61% 64%
February Draft	3,594	386 407	469 494	4,064 4,088	4,063 4,088	22,473,700 25,461,000	1,679 2,349	46% 64%

**Includes existing non-conforming units*

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Take Home Material

Conformity Tables

Minimum Rear Setbacks

1st Draft District	The Real World Deciles *We'd have X% conforming if the minimum was set at __*	Current Ordinance Rules *and conformance estimate*	October Draft *Rear Setback & conformance*	Proposed Adjustments *Rear Setback @ 60% conformance*
R1 3688 lots	10% conforming - 99.0 ft 20% conforming - 78.21 ft 30% conforming - 66.12 ft 40% conforming - 56.99 ft 50% conforming - 48.26 ft 60% conforming - 40.8 ft 70% conforming - 31.45 ft 80% conforming - 20.9 ft 90% conforming - 0 ft *(range 0 -765.31 ft)*	SR1 old = 25 ft SR1 new = 25 ft ~75% conformance	30 ft min. rear setback ~70% conformance	40 ft min. rear setback 60% conformance
R2 12455 lots	10% conforming - 75.91 ft 20% conforming - 58.61 ft 30% conforming - 48.9 ft 40% conforming - 41.97 ft 50% conforming - 36.15 ft 60% conforming - 30.62 ft 70% conforming - 24.18 ft 80% conforming - 16.23 ft 90% conforming - 0 ft *(range 0 – 510.01 ft)*	R2 old = 15 ft SR2 new = 15 ft SR3 old = 15 ft SR3 new = 15 ft ~82% conformance	20 ft min. rear setback ~75% conformance	30 ft min. rear setback 60% conformance
R3 6189 lots	10% conforming - 69.81 ft 20% conforming - 51.8 ft 30% conforming - 42.33 ft 40% conforming - 34.85 ft 50% conforming - 27.86 ft 60% conforming - 21.95 ft 70% conforming - 15.52 ft 80% conforming - 9.08 ft 90% conforming - 0 ft *(range 0 – 254.23 ft)*	MR1 old = 15 ft MR1 new = 15 ft MR2 old = 15 ft MR2 new = 15 ft ~70% conformance	15 ft min. rear setback ~70% conformance	20 ft min. rear setback ~62% conformance
N	10% conforming - 74.55 ft 20% conforming - 53.78 ft 30% conforming - 42.43 ft 40% conforming - 32.61 ft 50% conforming - 23.11 ft	MR2 old = 15 ft MR2 new = 15 ft BU2 = 0 ft or abutting residential/ public	15 ft min. rear setback	20 ft min. rear setback

Conformity Tables show the real world setbacks and how they relate to the current ordinance, October Draft, and February Draft

Minimum Frontage

1st Draft District	**The Real World Deciles** *We'd have X% conforming if the minimum was set at __*	**Current Ordinance Rules** *and conformance estimate*	**First Draft** Front *Setback & conformance*	**Proposed Adjustments** *Frontage @ 80% conformance*
R1 3688 lots	10% conforming - 164.63 ft 20% conforming - 140.84 ft 30% conforming - 126.49 ft 40% conforming - 116.40 ft 50% conforming - 107.69 ft 60% conforming - 101.38 ft 70% conforming - 97.81 ft 80% conforming - 88.87 ft 90% conforming - 75.78 ft *(range 0-794.01 ft)*	SR1 old = 100 ft SR1 new = 140 ft Between 20-60% conformance	80 ft min. frontage ~85% conformance	80 ft min frontage ~85% conformance
R2 12455 lots	10% conforming - 110.34 ft 20% conforming - 98.72 ft 30% conforming - 90.09 ft 40% conforming - 83.43 ft 50% conforming - 79.31 ft 60% conforming - 74.45 ft 70% conforming - 69.56 ft 80% conforming - 61.73 ft 90% conforming - 51.92 ft *(range 0-835.43 ft)*	SR2 old = 80 ft SR2 new = 100 ft SR3 old = 70 ft SR3 new = 80 ft Between 15-55% conformance	60 ft min. frontage ~82% conformance	60 ft min. frontage ~82% conformance
R3 6189 lots	10% conforming - 102.93 ft 20% conforming - 89.5 ft 30% conforming - 79.99 ft 40% conforming - 72.94 ft 50% conforming - 66.9 ft 60% conforming - 61.03 ft 70% conforming - 55.86 ft 80% conforming - 50.3 ft 90% conforming - 42.77 ft *(range 0-555.36 ft)*	MR1 old = 70 ft MR1 new = 80 ft MR2 old = 70 ft MR2 new = 80 ft Between 30-45% conformance	40 ft min. frontage ~95% conformance	50 ft min. frontage 80% conformance
N 469 lots	10% conforming - 171.18 ft 20% conforming - 124.26 ft 30% conforming - 99.58 ft 40% conforming - 87.67 ft 50% conforming - 76.72 ft 60% conforming - 68.03 ft 70% conforming - 60.88 ft 80% conforming - 51.53 ft 90% conforming - 35.62 ft *(range 0-387.47 ft)*	MR2 old = 70 ft MR2 new = 80 ft BU2 = no min. Between 45-55% conformance	30 ft min. frontage ~95% conformance	50 ft. min. frontage 80% conformance

Minimum Front Setback

1st Draft District	**The Real World Deciles** *We'd have X% conforming if the minimum was set at __*	**Current Ordinance Rules** *and conformance estimate*	**First Draft** Front *Setback & conformance*	**Proposed Adjustments** *Front Setback @ 85% conformance*
R1 3688 lots	10% conforming - 65.60 ft 20% conforming - 50.26 ft 30% conforming - 43.46 ft 40% conforming - 39.50 ft 50% conforming - 35.76 ft 60% conforming - 32.84 ft 70% conforming - 30.27 ft 80% conforming - 27.51 ft 90% conforming - 22.93 ft *(range 0 - 409.95 ft)*	SR1 old = 25 ft SR1 new = 40 ft Between 27-85% conformance	20 ft min. front setback ~95% conformance	25 ft min. front setback ~85% conformance
R2 12455 lots	10% conforming - 39.71 ft 20% conforming - 33.98 ft 30% conforming - 31.08 ft 40% conforming - 29.04 ft 50% conforming - 27.42 ft 60% conforming - 25.90 ft 70% conforming - 24.25 ft 80% conforming - 21.46 ft 90% conforming - 14.98 ft *(range 0 - 548.61 ft)*	SR2 old = 25 ft SR2 new = 30 ft SR3 old = 25 ft SR3 new = 30 ft Between 35-60% conformance	10 ft min. front setback ~95% conformance	20 ft min. front setback ~82% conformance
R3 6189 lots	10% conforming - 37.74 ft 20% conforming - 30.77 ft 30% conforming - 27.23 ft 40% conforming - 24.39 ft 50% conforming - 21.61 ft 60% conforming - 18.45 ft 70% conforming - 15.47 ft 80% conforming - 11.88 ft 90% conforming - 6.50 ft *(range 0 -197.22 ft)*	MR1 old = 30 ft MR1 new = 25 ft MR2 old = 25 ft MR2 new = 25 ft Between 20-37% conformance	5 ft min. front setback ~95% conformance	10 ft min. front setback ~85% conformance
N 469 lots	10% conforming - 40.70 ft 20% conforming - 29.21 ft 30% conforming - 24.44 ft 40% conforming - 20.26 ft 50% conforming - 16.37 ft 60% conforming - 13.12 ft 70% conforming - 9.24 ft 80% conforming - 5.00 ft 90% conforming - 0 ft (range 0 - 166.01 ft)	MR2 old = 25 ft MR2 new = 25 ft BU2 = Lesser of ½ bldg. height or average neighboring lots ~30% conforming	0 ft min. front setback 100% conformance	5 ft min. front setback ~80% conformance

Minimum Side Setbacks

1st Draft District	**The Real World Deciles** *We'd have X% conforming if the minimum was set at __*	**Current Ordinance Rules** *and conformance estimate*	**First Draft** *Side Setback & conformance*	**Proposed Adjustments** *Side Setback @ 30% conformance*
R1 3688 lots	10% conforming - 33.16 ft 20% conforming - 24.55 ft 30% conforming - 20.33 ft 40% conforming - 17.43 ft 50% conforming - 15.03 ft 60% conforming - 12.92 ft 70% conforming - 10.7 ft 80% conforming - 8.35 ft 90% conforming - 4.75 ft *(range 0 – 330.9 ft)*	SR1 old = 12.5 ft SR1 new = 20 ft Between 30-60% conformance	15 ft min. side setback 50% conformance	20 ft min. side setback 30% conformance
R2 12455 lots	10% conforming - 19.61 ft 20% conforming - 15.25 ft 30% conforming - 12.7 ft 40% conforming - 10.88 ft 50% conforming - 9.58 ft 60% conforming - 8.42 ft 70% conforming - 7.34 ft 80% conforming - 6.10 ft 90% conforming - 4.35 ft *(range 0 – 312.41 ft)*	SR2 old = 7.5 ft SR2 new = 15 ft SR3 old = 7.5 ft SR3 new = 10 ft Between 20-70% conformance	10 ft min. side setback 40% conformance	12.5 ft min. side setback 30% conformance
R3 6189 lots	10% conforming - 18.34 ft 20% conforming - 13.58 ft 30% conforming - 11.0 ft 40% conforming - 9.43 ft 50% conforming - 8.14 ft 60% conforming - 6.99 ft 70% conforming - 5.74 ft 80% conforming - 4.19 ft 90% conforming - 2.12 ft *(range 0 -111.92 ft)*	MR1 old = 7.5 MR1 new = 10 ft MR2 old = 7.5 MR2 new = 10 ft Between 35-55% conformance	7.5 ft min. side setback ~55% conformance	10 ft min. side setback ~35% conformance
N 469 lots	10% conforming - 23.05 ft 20% conforming - 15.76 ft 30% conforming - 11.34 ft 40% conforming - 8.64 ft 50% conforming - 6.85 ft 60% conforming - 4.96 ft 70% conforming - 2.6 ft 80% conforming - 0.00 ft *(range 0 -128.54 ft)*	MR2 old = 7.5 ft MR2 new = 10 ft BU2 = ½ bldg. height or equal to abutting side yard setback; if abutting residential, greater of ½ bldg. height or 15 ft Up to 45% conformance	7.5 ft min. side setback ~45% conformance	10 ft min. side setback ~35% conformance

Minimum Rear Setbacks

1st Draft District	**The Real World Deciles** *We'd have X% conforming if the minimum was set at __*	**Current Ordinance Rules** *and conformance estimate*	**October Draft** Rear *Setback & conformance*	**Proposed Adjustments** *Rear Setback @ 60% conformance*
R1 3688 lots	10% conforming - 99.0 ft 20% conforming - 78.21 ft 30% conforming - 66.12 ft 40% conforming - 56.99 ft 50% conforming - 48.26 ft 60% conforming - 40.8 ft 70% conforming - 31.45 ft 80% conforming - 20.9 ft 90% conforming - 0 ft *(range 0 -765.31 ft)*	SR1 old = 25 ft SR1 new = 25 ft ~75% conformance	30 ft min. rear setback ~70% conformance	40 ft min. rear setback 60% conformance
R2 12455 lots	10% conforming - 75.91 ft 20% conforming - 58.61 ft 30% conforming - 48.9 ft 40% conforming - 41.97 ft 50% conforming - 36.15 ft 60% conforming - 30.62 ft 70% conforming - 24.18 ft 80% conforming - 16.23 ft 90% conforming - 0 ft *(range 0 – 510.01 ft)*	R2 old = 15 ft SR2 new = 15 ft SR3 old = 15 ft SR3 new = 15 ft ~82% conformance	20 ft min. rear setback ~75% conformance	30 ft min. rear setback 60% conformance
R3 6189 lots	10% conforming - 69.81 ft 20% conforming - 51.8 ft 30% conforming - 42.33 ft 40% conforming - 34.85 ft 50% conforming - 27.86 ft 60% conforming - 21.95 ft 70% conforming - 15.52 ft 80% conforming - 9.08 ft 90% conforming - 0 ft *(range 0 – 254.23 ft)*	MR1 old = 15 ft MR1 new = 15 ft MR2 old = 15 ft MR2 new = 15 ft ~70% conformance	15 ft min. rear setback ~70% conformance	20 ft min. rear setback ~62% conformance
N 469 lots	10% conforming - 74.55 ft 20% conforming - 53.78 ft 30% conforming - 42.43 ft 40% conforming - 32.61 ft 50% conforming - 23.11 ft 60% conforming - 17.28 ft 70% conforming - 11.47 ft 80% conforming - 3.88 ft 90% conforming - 0 ft *(range 0 – 335.96 ft)*	MR2 old = 15 ft MR2 new = 15 ft BU2 = 0 ft or abutting residential/ public use district (greater of ½ bldg. height or 15') ~65% conforming	15 ft min. rear setback ~65% conformance	20 ft min. rear setback ~55% conformance

Maximum Lot Coverage

1st Draft District	**The Real World Deciles** *We'd have X% conforming if the maximum was set at __*	**Current Ordinance Rules** *& conformance estimate* *Closest translation to current ordinance is the inverse of "useable open space"*	**First Draft** Front *Setback & conformance*	**Proposed Adjustments** *Lot Coverage @ 60% conformance*
R1 3688 lots	10% conforming - 8% 20% conforming - 12% 30% conforming - 15% 40% conforming - 18% 50% conforming - 21% 60% conforming - 24% 70% conforming - 27% 80% conforming - 32% 90% conforming - 39% *(range 0-100%)*	SR1 old = 35% SR1 new = 30% **decks, patios, pools, tennis courts, etc. are allowed within the stated percentage*	30% max. lot coverage 75% conformance **decks, patios, pools, tennis courts, etc. are NOT allowed within the stated percentage*	25% max. lot coverage 60% conformance
R2 12455 lots	10% conforming - 12% 20% conforming - 17% 30% conforming - 21% 40% conforming - 24% 50% conforming - 27% 60% conforming - 31% 70% conforming - 35% 80% conforming - 41% 90% conforming - 49% *(range 0-100%)*	SR2 old = 50% SR2 new = 35% SR3 old = 50% SR3 new = 50% **decks, patios, pools, tennis courts, etc. are allowed within the stated percentage*	35% max. lot coverage 70% conformance	30% max. lot coverage 60% conformance
R3 6189 lots	10% conforming - 18% 20% conforming - 25% 30% conforming - 31% 40% conforming - 36% 50% conforming - 41% 60% conforming - 47% 70% conforming - 53% 80% conforming - 61% 90% conforming - 72% *(range 0-100%)*	MR1 old = 50% MR1 new = 50% MR2 old = 50% MR2 new = 50% **decks, patios, pools, tennis courts, etc. are allowed within the stated percentage*	60% max. lot coverage 80% conformance	50% max. lot coverage ~65% conformance
N 469 lots	10% conforming - 27% 20% conforming - 40% 30% conforming - 52% 40% conforming - 60% 50% conforming - 68% 60% conforming - 76% 70% conforming - 84% 80% conforming - 91% 90% conforming - 98% *(range 0-100%)*	MR2 old = 50% MR2 new = 50% BU2 = no max. **decks, patios, pools, tennis courts, etc. are allowed within the stated percentage*	65% max. lot coverage 45% conformance	**Recommended:** 70% lot coverage (~52% conformance)

Minimum Lot Size

1st Draft District	**The Real World Deciles** *We'd have X% conforming if the minimum was set at __*	**Current Ordinance Rules** *and conformance estimate*	**First Draft** *Effective Min. Lot Sizes*	**Proposed Adjustments** *Effective Min. Lot Sizes*
R1 3688 lots	10% conforming - 32,241 sf 20% conforming - 24,989 sf 30% conforming - 20,435 sf 40% conforming - 17,384 sf 50% conforming - 15,763 sf 60% conforming - 14,935 sf 70% conforming - 13,276 sf 80% conforming - 11,751 sf 90% conforming - 10,021 sf *(range 0 -602,770 sf)*	SR1 old: 15,000 sf SR1 new: 25,000 sf Between 20-50% conforming	Smallest lot expected through by right project: 6,800 sf *Tiny house lot: 5,200 sf*	Smallest lot expected through by right project: 7,600 sf *Tiny house lot: 6,400 sf*
R2 12455 lots	10% conforming - 15,030 sf 20% conforming - 12,277 sf 30% conforming - 10,842 sf 40% conforming - 10,013 sf 50% conforming - 9,086 sf 60% conforming - 8,157 sf 70% conforming - 7,448 sf 80% conforming - 6,760 sf 90% conforming - 5,562 sf *(range 0-1,570,112 sf)*	SR2 old: 10,000 sf SR2 new: 15,000 sf SR3 old: 7,000 sf SR3 new: 10,000 sf Between 30-60% conforming	Smallest lot expected through by right project: 5,500 sf *Tiny house lot: 2,700 sf*	Smallest lot expected through by right project: 5,300 sf *Tiny house lot: 3,900 sf*
R3 6189 lots	10% conforming - 13,640 sf 20% conforming - 10,701 sf 30% conforming - 9,331 sf 40% conforming - 8,147 sf 50% conforming - 7,260 sf 60% conforming - 6,551 sf 70% conforming - 5,777 sf 80% conforming - 5,022 sf 90% conforming - 3,978 sf *(range 0-124,487 sf)*	MR1 old: 7,000 sf MR1 new: 10,000sf MR2 old: 7,000 sf MR2 new: 10,000sf Between 20-50% conforming	Smallest lot expected through by right project: 3,200 sf *Tiny house lot: 1,400 sf*	Smallest lot expected through by right project: 3,500 sf *Tiny house lot: 2,250 sf*
N 469 lots	10% conforming - 30,690 sf 20% conforming - 17,105 sf 30% conforming - 12,672 sf 40% conforming - 10,083 sf 50% conforming - 8,514 sf 60% conforming - 7,229 sf 70% conforming - 6,351 sf 80% conforming - 4,913 sf 90% conforming - 3,624 sf *(range 0-262,079 sf)*	MR3 old:7,000 sf MR3 new: 10,000sf BU2: 10,000 sf Between 40-60% conforming	Smallest lot expected through by right project: 3,450 sf *Tiny house lot: 900 sf*	Smallest lot expected through by right project: 3,250 sf *Tiny house lot: 2,000 sf*

From: Andreae Downs
To: Karyn Dean
Subject: Zoning build-out comments for Planning & the committee
Date: Tuesday, February 26, 2019 10:23:05 AM

Please check the maximum size of units allowed if we regulate the envelope as well as the number of units in a 3 family and 4-8 family. In some cases, by my rudimentary division skills, it looks like apartments could be bigger than my sf 3-bedroom (with den!) 2.5bath home. These are unlikely to meet our goals of diverse housing sizes and price points, given the size of many sfh in Newton.

I support reducing tear-down vulnerability, and allowing a House B to be split by right into 2 units, if it is over 10 years old. In the Neighborhood District, I support allowing that without a proximity rule.

Planning was going to check on the viability of House B-> 2 units if the house cannot be slightly enlarged to do so. If the market won't build any of these, then we may want to allow some more flexibility.

I support reducing the side set-backs in the Neighborhood District to increase walkability and the interesting walk. Also to increase predictability.

I do not support parking minimums for 3+ unit buildings in the Neighborhood District. While landlords may well still put in parking, we should allow them to respond to context and not force cars onto people who, given the proximity of their unit to village centers, might do without a car. Who are we to determine, at a macro-level, that every couple in every apartment should own a car, or have their yards paved to accommodate one they don't have, or pay more for an apartment to support the construction of underground parking they don't want or need?

I also do not support removing House 3 from Residence 1.

Sorry I had to leave early.

Best,

Andreae

Andreae Downs
Ward 5 City Councilor
At large