



Zoning & Planning Committee Report

City of Newton In City Council

Monday, March 25, 2019

Present: Councilors Albright (Chair), Danberg, Krintzman, Leary, Baker, Down and Brousal-Glaser

Absent: Councilor Kalis

Also Present: Councilors Greenberg and Kelley

Planning Board Present: Peter Doeringer (Chair), Chris Steele, Kelley Brown, Jennifer Molinsky and James Robertson

City Staff Present: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), Rachel Nadkarni (Long Range Planner), Lily Reynolds (Washington Street Project Manager), Rachel Powers (Planning Board Staff), Marie Lawlor (Assistant City Solicitor), Karyn Dean (Committee Clerk)

#89-19 **Appointment of David Kayserman to Auburndale Historic District Commission**
HER HONOR THE MAYOR appointing DAVID KAYSERMAN, 33 Hancock Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION to complete Patricia Bottomley's term which expires on May 31, 2019.
(60 days: 05/03/19)

Action: **Zoning & Planning Approved 6-0 (Councilor Brousal-Glaser not voting)**

Note: Mr. Kayserman is being appointed to the Auburndale Historic District to complete Patricia Bottomley's term which expires on May 31, 2019. David Kayserman joined the Committee. He explained that he and his wife just went through the Historical Commission in order to build a fence on their property. He had heard from many people that living in an historic district was going to be a nightmare and making any changes would be very difficult. He said that he loves living in the district and is happy the review process exists so that people can get assistance in doing things the right way for the betterment of the community. He has wanted to find a more to be more involved in the community and the Historic District Commission seems like a good fit.

A Committee member felt it was a great advantage that Mr. Kayserman went through the historic process as he will be able to bring that personal experience perspective to the Commission. He would like to see more people have that experience before serving.

The Committee thanked Mr. Kayserman for his willingness to serve. Councilor Krintzman moved approval and the Committee voted in favor, 6-0.

#90-19 Reappointment of David Kayserman to Auburndale Historic District Comm
HER HONOR THE MAYOR reappointing DAVID KAYSERMAN, 33 Hancock Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2022. (60 days: 05/03/19)

Action: Zoning & Planning Approved 6-0 (Councilor Brousal-Glaser not voting)

Note: Mr. Kayserman is being reappointed to the Auburndale Historic Commission for a full term which will begin after he completes Patricia Bottomley's term. Please see note above. The Committee voted unanimously to approve Mr. Kayserman's reappointment 6-0.

#110-19 Appointment of Kathryn Cade to Conservation Commission
HER HONOR THE MAYOR appointing KATHRYN CADE, 195 Islington Road, Auburndale, as a member of the CONSERVATION COMMISSION to complete IRA Wallach's term which expires on May 31, 2020. (60 days: 05/17/19)

Action: Zoning & Planning Approved 6-0 (Councilor Brousal-Glaser not voting)

Note: Kathryn Cade has been serving as an alternate member of the Conservation Commission and is being appointed as a full member to complete Ira Wallach's term. The Committee voted in favor of her appointment 6-0, without discussion.

Committee members felt that a resolution should be offered to Mr. Wallach commending his long service on the Conservation Commission.

#111-19 Technical amendments to the Zoning Ordinance
DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30, which became effective November 1, 2015, in order to address clarifications, corrections, and edits related to missing or incorrectly transcribed ordinance provisions in the following sections:

- Sec. 4.4.1
- Sec. 1.3.1
- Sec. 5.1.4.A
- Sec. 5.11.4.B

Planning Board Public Hearing Closed; Approved 5-0

Action: Public Hearing Closed; Zoning & Planning Approved 7-0

Note: The Chair explained that a public hearing is being opened for technical edits of the Zoning Ordinance in Sections 1.3.1, 4.4.1, 5.1.4.A and 5.11.4.B. A memo was prepared in advance of the meeting which described the proposed amendments along with a redlined version of the ordinance. The Planning Board was present and opened its public hearing as well.

James Freas, Deputy Director of Planning, explained that over the course of each year, Planning and Inspectional Services staff flag any issues they find in the zoning ordinance that need minor corrections or edits. Those items are then addressed in a public hearing such as this. All of the proposed amendments are existing requirements that were transcribed or interpreted incorrectly when moved into the 2017 update of the zoning ordinance. These amendments correct those errors.

Section 1.3.1 The Accessory Apartment overlay districts were retained when the ordinance was updated in 2017 and they should have been removed.

Section 4.4.1. Under the 2012 ordinance retail uses were allowed by right in all the BU districts. Multi-family uses were also allowed by special permit. When the new ordinance was transcribed forward in 2017, the new language did not capture this same intent for the residential use so the symbol for Special Permit (SP) has been added to all the BU districts for “residential use, above ground floor”

Section 5.1.4.A In the parking requirements for low-income and elderly housing there was a misinterpretation when transcribing to the 2017 ordinance. The word “and” was interpreted and transcribed as “plus” when it actually meant “or”. Therefore, the language is being amended to “1 per 2 low income units or 1 per 4 elderly units”.

Section 5.11.4.B. A set of paragraphs define how the eligibility and pricing is determined for rental projects versus condo projects. Staff found that a paragraph had been inadvertently dropped from the section that relates to more than 3 condo projects. The paragraph is being added back.

Seeing no request for public comment, the Chair closed the public hearing. The Planning Board also closed their public hearing.

The Committee voted unanimously to approve the proposed amendments.

The Planning Board voted unanimously to approve the proposed amendments.

A redline draft is attached as well as the draft Council Order.

#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 7-0

Note: The Chair noted that excellent work has been done by the Planning Department and consultants on the Zoning Redesign Project. It has been determined that neither the Planning Department or the City Council is able to handle the amount of work that was being put before them at this time as Zoning & Planning is also working on the Washington Street vision plan and zoning, and Land Use is working on large projects in the City as well. The Mayor agreed that this

project should be put on pause for a period of time to focus on the more imminent issues. Her letter is attached.

James Freas explained that Planning staff provided outstanding summary notes from the Zoning & Planning Committee meetings on Single Purpose Districts and Development Review. Notes were also provided from all the Ward meetings held with Planning staff.. These documents may be found at: <http://www.newtonma.gov/civicax/filebank/documents/95970> and

Also provided was a memo correcting information on the number of special permits that was presented at the last meeting. It was discovered the Planning's database was not very good on special permits because of the software as well as how the data has been entered over time. Data entry was sporadic in the early 2000s and was not solidified until 2013. Planning staff is more confident in the numbers from 2013 on. They looked at the Registry of Deeds, zoning review memos, the database and other resources to find the numbers. Nadia Khan in the City Council's office did a hand count of the number of special permits over the years specified. The disparity between the Clerk's Office numbers and Planning's numbers needs to be looked into further. It was noted that when staff tried to catch up with the data entry and entered huge batches of special permits, the system logged the date of the document as the date of entry and not the date of the special permit. To find the year, the document needs to be opened and read. An RFP is being developed to get a new development review management software system in place. At that time, the permits will have to be reentered correctly. That memo may be found at: <http://www.newtonma.gov/civicax/filebank/documents/95969>

A draft Zoning & Planning Committee working schedule was also provided in the Planning Memo. Some meetings will still be devoted on zoning redesign this year, but significantly less time will be spent on it through 2019. Mr. Freas said the goal is to produce a second draft zoning ordinance in early 2020 and then a third draft would follow. There are some special meeting dates scheduled including 3 proposed meetings over July and August. There will be four meetings in April. At the end of the year, the meeting availability decreases due to holidays. The Chair asked Committee members to let the clerk know of their summer schedule so that meetings can be definitively scheduled. The Chair noted that the Finance Committee would like to join Zoning & Planning for some key meetings, and they agreed to move their meetings to Wednesdays to accommodate.

The Committee voted to hold this item.

#220-18 **Discussion relative to the Washington Street Corridor Action Plan**
DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.
Action: **Zoning & Planning Held 7-0**

Note: Lily Reynolds, Project Manager for the Washington Street project, reminded the Committee that the Chair asked City Councilors to send comments and questions her on the second draft of the vision plan and zoning. She received about 70 comments so far, which was very helpful, and hopes to hear from all the Councilors. She has organized the comments by topic (Building Shape, Civic Spaces, Economic Development, Financing Tools, Format, Process, Transportation and Zoning)

and by level of complexity. Staff felt that starting with the less complex issues would provide a good start.

Ms. Reynolds provided a spreadsheet of the low complexity issue comments and it is attached. She reviewed each of the comments with the Committee. Committee comments and questions are as follows:

Committee Comments/Questions

Building Shape

- There was concern that some of the photos/images in the vision plan were not representative of what is desired for buildings on Washington Street. Ms. Nadkarni said she recommends adding a descriptive line for images, globally, so that the reader can understand what they are meant to represent. The Committee agreed this would be very helpful.
- There was continued concern that the sketches in the vision plan do not match the types of buildings that the plan seems to be promoting. Ms. Reynolds said this concern has been passed onto the Principle Group and some are being revised. The images are hand drawn and not computer rendered so making adjustments to them over time is a huge effort and very costly. The Principle is planning on doing a revision of the drawings for the third version of the vision plan, but it is not something that can continually change. The Chair said at some point a decision has to be made about the illustrations. If some of them cannot be revised, then perhaps they should not be used. The illustrations have been bothersome from the first draft. A Committee noted that the illustrations can be finessed, but they are still big buildings. The Chair said the height does not present poorly, the mass does, and better drawings can make that much better.
- A Committee member reminded the Committee that what is represented is a build-out that may occur over 20-30 years so it is difficult to understand what the progression would look like. As drawn, it looks like an out of control process because its everything all at once. For this reason, the illustrations are not very useful. Ms. Reynolds said they are using illustrations, site layouts, birds eye views and others. The site layouts may be more useful to look out (as on page 147 of the vision plan). The long-term process needs to be reiterated again and again, so that people understand this is not a representation of what will be built, but what might be built over a long period of time. Some projects will be by right and others by special permit so it is difficult to represent exactly what will happen and in what combination.
- It was noted that street-level views could be very useful as well. That is how people experience the streetscape, not from up in the air. It feels different from both points of view. Mr. Heath said there could be many perspectives from which to illustrate the buildings, but this vision plan is trying to present the overall concept of building widths, parking, breaks in building fronts, open spaces and streets and heights. It is cost prohibitive to create even more illustrations. There are some street-level illustrations in the Plan, and it

does have a very different feel that the same area from a birds-eye view. These are conceptual site plans for areas that are likely to redevelop but there is not way to know if they will redevelop in this way. The zoning ordinance will really lay out what can happen in each district. The ordinance will have regulations and special permits will have conditions and those will provide variation.

- A Councilor noted that this vision compares what is there now under the current ordinance to what could be there in the future based on the proposed ordinance, which is not an equal comparison. An equal comparison would show what is there now under the current ordinance compared to what could be there now based on the current ordinance. Perhaps using a historical rate of development and applying that to a 5, 10, 15-year scenario but be helpful. There is also the possibility of a developer coming in and proposing to change the zoning district or create an entirely new zoning district. Every property owner in the City has the right to propose that and it is up to the City to decide what it will accept.
- There was a question as to whether zoning addresses breaking up the massing of a façade. Perhaps a design guideline needs to be created. Mr. Freas said they can also dig deeper into how zoning attempts to address this issue in a number of ways and point those out. Ms. Nadkarni said there is a happy medium to be found in breaking up a façade. Using too many textures and designs on a large façade makes it look contrived and unattractive so it is important to find the right balance. A Councilor noted that window display areas were fairly common and provided positive visual breaks. Ms. Nadkarni noted that the current ordinance that states that anything 6 inches from the glass is fair game and is no longer considered a window sign. There are ways they can regulate that going forward.

Civic Spaces

- It was asked if there was an optimal space between trash containers in order to maintain a clean street. Ms. Nadkarni said the Big Bellys used on public land in the City let staff know when they are full and there are metrics that help with tracking. Those metrics might translate to private space, but they will look into that.

Economic Development

- Staff met with a Newton based business named Flextail that produces moveable small-scale retail spaces. These are the type of pavilions that are envisioned for use along Washington Street mostly on the Pike side of the street. Flextail's units are on wheels and seem perfect for this kind of use. Staff will provide more info on their products. Ms. Nadkarni said there could be several types of these pavilions with some being more permanent and others temporary. The Chair said there probably needs to be more work done on this building type to determine what is appropriate. Ms. Reynolds said there could be a first implementation step for different requirements for temporary or permanent.

Financing Tools

- TIF (Tax Increment Financing) and DIF (District Improvement Financing) are two models, but DIF is the only model staff will be looking at and TIF will be removed in the next draft.

Financing Tools/Format

- Option 1 and Option 2 in the fiscal impact results are confusing. To clarify, Option 1 shows impact without air rights parcels and Option 2 shows with air rights parcels. More information will be provided on this.
- The Chair noted that some people were not feeling confident about the numbers supplied by Tischler Bice. She would like to see numbers in advance before April 22 to make the numbers are inline with the reality of what is happening in Newton.

Format

- It was noted that the Vision Plan shows very few cars, which makes everything look much better than with cars. The reality is of course that cars will be on streets as well as snow and other bad weather. Ms. Reynolds reiterated that only so many illustrations and photos can be used. Photo sourcing takes up a fair amount of time as well. Also, this is meant to be an aspirational document.
- A commenter was not happy with the term “tactical urbanism”. Ms. Reynolds noted that it is a term used in transportation planning.
- A commenter said that the comparisons to communities in the transportation chapter (page 167) are not good comparison cities. Ms. Reynolds said a previous version of the chapter had larger cities but they were changed. Page 165 has some other cities listed and when talking about western cities that are Newton-equivalent in terms of the governance structure, they are within the larger city.

Process

- The Plan will be shared with those working on the Climate Action Plan.
- A commenter suggested a master “to do” list as they are being suggested so things do not get lost. Ms. Reynolds said staff is thinking about doing a top 10 list as was done with the Economic Development Plan.

Transportation

- The vision, while aspirational, does need to plan for the worst circumstances and conditions.
- Planning the streets should happen before any development on Washington Street happens so it is a fundamentally better street. Mr. Heath said \$2M was set aside in the capital budget to do an alternatives analysis with a public process and public input. The administration is committed to taking a look at the Washington Street corridor now rather than later. A Committee member said that Nicole Freedman wants to really work the analysis out so that when something is tested it is close to being really ready to implement.

- Staff is keeping up to date on driverless vehicles and will try to make a plan for 20 years out based on what they know now. The Chair mentioned that having rules for Uber and Lyft should happen now. Ms. Nadkarni noted that conversations are under way on parking plans and drop off places for Uber and Lyft and can be extended to driverless drop offs when the time comes.
- There are some places in the plan to create new streets and that would be included in the zoning. Deciding which would be public or private streets has to be determined. Public streets have fairly strict requirements including below street structure.
- Once traffic is organized it flows better and this was shown in Seattle when they narrowed their roads. The Committee would like a reference for traffic count numbers. Ms. Reynolds said that Nicole Friedman has a wealth of information on this and how road diets have developed and worked around the country.
- Mr. Heath said covered bus shelters cost about \$20K. A Councilor felt there was some confusion about how many more shelters will be purchased. Mr. Heath said they are already out to bid for some in Newtonville. Shelters have a menu of choices for add-ons like benches and lights.

Zoning

- It was asked if th zoning is being done for the present or the future. Ms. Reynolds said it is being done for the future.

The next set of comments are more complex and will require more discussion. They will be brought back to Committee on April 4th.

The Committee thanked Ms. Reynolds for the information and voted to hold the item.

Meeting adjourned.

Respectfully Submitted,

Susan S. Albright, Chair

Sec. 1.1. Short Title

This ordinance may be cited as the “City of Newton Zoning Ordinance.”

Sec. 1.2. Purpose of Chapter

The provisions of this Chapter are ordained by the City for the purpose of promoting the health, safety, convenience and welfare of its inhabitants by:

- A. Encouraging the most appropriate use of land, including the consideration of the comprehensive plan adopted by the Planning Board and the Board of Aldermen;
- B. Preventing overcrowding of land and undue concentration of population;
- C. Conserving the value of land and buildings, including the conserving of natural resources and the preventing of blight and pollution of the environment;
- D. Efficiently using and conserving of natural resources and energy;
- E. Lessening the congestion of traffic;
- F. Assisting in the adequate provision of transportation, water, sewerage, schools, parks, open spaces and other public facilities;
- G. Preserving and increasing the amenities and aesthetic qualities of the City;
- H. Encouraging housing for persons of all income levels;
- I. Reducing hazards from fire and other dangers; and
- J. Providing for adequate light and air.

(Rev. Ords. 1973 §24-2; Ord. No. 284, 06/19/78; Ord. No. Y-17, 05/21/07)

Sec. 1.3. Zoning Districts Established

1.3.1. Establishment

The City is hereby divided into districts, to be known respectively as follows:

Public Use and Open Space Districts
Public Use District
Open Space/Recreation District
Residence Districts
Single Residence 1 District
Single Residence 2 District
Single Residence 3 District
Multi-Residence 1 District
Multi-Residence 2 District
Multi-Residence 3 District
Multi-Residence 4 District
Business, Manufacturing & Mixed Use Districts
Business 1 District
Business 2 District
Business 3 District
Business 4 District
Business 5 District
Manufacturing District
Limited Manufacturing District
Mixed Use 1 District
Mixed Use 2 District
Mixed Use 3/Transit-Oriented District
Mixed Use 4 District
Overlay Districts
Accessory Apartment Overlay District A
Accessory Apartment Overlay District B
Accessory Apartment Overlay District C
Accessory Apartment Overlay District D

Historic districts (which are not a part of zoning) may apply to property in addition to the regulations in this Chapter 30. See Revised Ordinances, Chapter 22, Article III.

(Ord. No. S-260, 08/03/87)

1.3.2. Official Zoning Map

- A. The districts are indicated on the plans entitled “City of Newton, Massachusetts, Amendments to Zoning Plans,” adopted July 21, 1951, as amended from time

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Residential Uses												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.1
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.2
Residential use, above ground floor	L/S P	L/SP	L/SP	L/SP	--	SP	L/SP	P	P	--	--	Sec. 6.2.4
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	Sec. 6.2.4
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	Sec. 6.2.10
Live/work space	P	P	P	P	P	P	P	P	P	--	--	Sec. 6.2.11
Single-room occupancy dwelling, single-person occupancy dwelling	--	--	--	--	--	--	--	SP	--	--	--	Sec. 6.2.14
Civic/Institutional Uses												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.1
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	Sec. 6.3.2
Community use space	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.4
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.3.5
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	Sec. 6.3.6
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	Sec. 6.3.7
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	Sec. 6.3.8
Public use	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.14
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.3.15
Commercial Uses												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	Sec. 6.4.1
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	Sec. 6.4.2

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed

5.1.4. Number of Parking Stalls

A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
Residential		
Single-family dwelling, Two-family dwelling	2 per unit	
Accessory apartment	1 per unit	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income units plus or 1 per 4 elderly units
Boarding house, rooming house, lodging house, tourist house, congregate living facility	1 per sleeping room plus 1 per 3 employees	
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
Civic/Institutional		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
Commercial		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	
Medical office on or abutting hospital property	1 per 400 sf plus 1 per every 3 employees in any lab or pharmacy in bldg	

- B. Rent and Sale Price Limits.** Rent and sale price limits for inclusionary units shall be set based on the assumption that household size equals the number of bedrooms plus, regardless of the actual number of persons occupying the units, as may be further specified in guidelines provided by the City in its then-current affordable rent or sales guidelines or, if not specified there, as specified by Massachusetts Department of Housing and Community Development (DHCD) in its Local Initiative Guidelines for 'Maximum Sales and Rents,' as most recently revised at the time of marketing.
1. Sales unit price limit. Inclusionary units for sale shall be priced to be affordable to a household having an income 10 percentage points lower than household income limit for that unit as provided in subparagraphs below and the assumed household size based in paragraph B. above. The price is 'affordable' if the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, hazard insurance, and 1 parking space do not exceed 30 percent of the monthly income of a household at the assumed household size. Buyers will be eligible so long as their total housing cost including the services identified above does not exceed 38 percent of their income.
 2. Purchase income eligibility limit: fewer than 3 for-sale units. Where fewer than 3 inclusionary units are provided in a development under [Sec. 5.11.3](#), the household income limit for those units shall be 80 percent of the AMI and the inclusionary units shall be priced for affordability to households having incomes of not more than 70 percent of AMI at the time of marketing of the inclusionary units in questions.
 3. [Purchase income eligibility limit: 3 or more for-sale units. Where 3 or more inclusionary units are provided in a development under sec 5.11.3 the eligible household income limit for at least two-thirds of the inclusionary units offered for sale \(rounded to the nearest whole number\) shall be not more than 80 percent of the area median income at the time of marketing. The eligible household income limit for the remaining inclusionary units may be set at any level\(s\) up to 120 percent of the area median income at the time of marketing.](#)
 4. Rental unit price limit. Inclusionary rental units are to be priced to be affordable to a household having an income at the household income limit for that unit as provided in subparagraphs 4 and 5. For inclusionary units, the monthly rent payment, including 1 parking space and including heat, hot water, and electricity shall not exceed 30 percent of the applicable household income limit for the inclusionary unit, adjusted downward for any of those services not included. For a household with a Section 8 voucher, the rent and income are to be as established by the Newton Housing Authority with the approval of HUD.
 5. Renter income eligible limit: 2 or more rental units. Where 2 or more inclusionary units are provided for rental in a development under [Sec. 5.11.3](#), the percentage of AMI used for establishing rent and income limits for all inclusionary units in the development shall average no more than 65 percent of the AMI. Alternatively, where 2 or more inclusionary units are provided for rental in a development under [Sec. 5.11.3](#), they may be provided such that at least 50 percent of such units are priced for households having incomes at 50 percent of the AMI, and all other remaining inclusionary units are priced for households having incomes at 80 percent of the AMI.
 6. Renter income eligibility limit: 1 rental unit. Where only 1 inclusionary unit is provided in a development under [Sec. 5.11.3](#), the inclusionary unit shall be priced for a household income limit and rental affordability at not more than 80 percent of the AMI.
- C. Qualification as Local Action Units.** Inclusionary units must be qualified as 'Local Action Units' pursuant to the requirements of the Comprehensive Permit Guidelines of the DHCD, Sec. VI.C Local Action Units, as in effect June 1, 2009 as the same may be amended from time to time, unless:
1. The Household income limit for the unit exceeds 80 percent of the AMI; or
 2. The unit is exempted from this requirement by another provision of this [Sec. 5.11](#); or
 3. The unit is exempted from this requirement by a provision included in the special permit authorizing the development, based on special circumstances applicable to that development,

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

, 2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

1. **Delete** in its entirety the following language as it appears in Section 1.3.1:

“Overlay Districts

Accessory Apartment Overlay District A

Accessory Apartment Overlay District B

Accessory Apartment Overlay District C

Accessory Apartment Overlay District D”

2. **Delete** the each letter “L” where it appears in the BU1, BU2, BU3, and BU4 columns of the “Residential use, above ground floor” row of the table appearing in Sec. 4.4.1, **and insert** in place thereof the following: “L/SP”

3. **Delete** the language “1 per 2 units in a low income unit plus 1 per 4 elderly units” where it appears in the “Allowed by Special Permit” column and “Single-family attached dwelling, Multi-family dwelling” row of the “Residential” portion of the Table appearing in Sec. 5.1.4.A, **and insert** in its place the following language:

“1 per 2 low income units or 1 per 4 elderly units”

4. **Insert** a new Paragraph 3 in Section 5.11.4.B as follows:

“3. Purchase income eligibility limit: 3 or more for-sale units. Where 3 or more inclusionary units are provided in a development under sec. 5.11.3 the eligible household income limit for at least two-thirds of the inclusionary units offered for sale (rounded to the nearest whole number) shall be not more than 80 percent of the area median income at the time of the marketing. The eligible household income limit for the remaining inclusionary units may be set at any level(s) up to 120 percent of the area median income at the time of marketing.”

AND

Renumber the remaining paragraphs accordingly.

Approved as to legal form and character:

ALISSA O. GIULIANI

City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT

Approved:

(SGD) DAVID A. OLSON

City Clerk

(SGD) RUTHANNE FULLER

Mayor



Ruthanne Fuller
Mayor

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March 15, 2019

Dear Honorable City Councilors

Please know that I have asked the Planning Department to extend the timeline for their delivery of a final draft zoning ordinance to the City Council to the calendar year 2020. I appreciate the input of Planning Director Barney Heath and his team, City Council President Marc Laredo and Zoning and Planning Committee Chair Susan Albright as I came to this decision.

My decision was made for two reasons. First, we recently concluded the 1st draft Zoning Redesign ward-by-ward meetings and listened carefully; we know we have considerable work to do on the second draft to ensure we have the right rules in place to direct the future development of our community. Second, we have a sizeable work load in our Planning Department for the rest of this calendar year. This includes important and time-sensitive planning work reviewing the Northland Special Permit application, a Vision Plan and anticipated special permit application for Riverside, updating our inclusionary zoning provisions, developing and presenting a Climate Action Plan, and completing work on the Vision Plan and associated zoning for Washington Street. I am confident the Planning Department can ably complete these initiatives in 2019 if we extend zoning redesign into 2020.

The Planning Department's work on developing a new zoning ordinance for our city in conjunction with the Zoning and Planning Committee and others will continue throughout 2019. We will not stop our work on the new zoning ordinance. Rather, we will slow the pace, ensure its responsiveness to input and continue our efforts to draft a thorough and thoughtful zoning ordinance. As work continues this year, there may still be an opportunity to adopt some sections such as those addressing aspects of environmental sustainability.

I look forward to continuing to work in partnership with residents of the city and the City Council on these important initiatives. The Planning Department will be working closely with the Zoning and Planning Committee on an updated schedule.

Sincerely,

Mayor Ruthanne Fuller

Topic	Comment / Question	Complexity of Discussion [* low]	Page	Discussion	Next Step / Recommendation
Building Shape	Looking at the precedent images, I don't think the photo on the right-hand side belongs. This image looks much more like the boxy (sp?) characterless buildings that residents pretty clearly don't want. Am I misunderstanding something about it?	*	Pg. 115	explanatory line about images and what they indicate	
Building Shape	The sketched graphic of the preferred vision doesn't seem to match the look and feel (or height) of the precedent images here. Which is more accurate to the vision for this site?	*	pg. 149	consider which are included; show façade variation better; question whether illustrations help understand 20-year potential	
Building Shape	I really like: Keeping the height between the Armory and Lowell Street to two and a half stories, so there is a pause between Newtonville and West Newton.	*			
Building Shape	I really like: Narrower variegated buildings, so we don't get any more blocks long malls like the Washington Place project already approved and under construction at the corner of Walnut and Washington Streets.	*		explain more how the zoning attempts to address this	
Building Shape	I really like: Glass first floors and frequent doors to the street for retail, so you don't have street interface like the first floor of West Newton Square's CVS, and Trader Joe's.	*			
Building Shape	Build quality & green	*			
Civic Spaces	I really like: The building of a road that would expose Cheesecake Brook, and the addition of a linear park along it.	*			
Civic Spaces	I strongly endorse the suggestions about street trees and other appropriate plantings, wider sidewalks, and improved civic spaces. Much of this work should be included in the redesign of the street itself. I also support the statements about discouraging mega-blocks, adding awnings, the location of dumpsters, and other aesthetic issues. The Hello Washington Street document does a great job of highlighting the importance of such measures.	*			
Civic Spaces	We can learn a lot from places like Post Office Square and the Greenway in Boston which are both excellent examples of well-use space.	*			
Civic Spaces	at one point Commissioner DeRubeis had his eye on Walker park for an off-leash area - i would love to have that idea remain in the mix.	*	pg. 121		
Civic Spaces	Great idea: Tree canopies	*			
Economic Development	I am supportive of efforts to create pop-up businesses and otherwise engage in creative uses along the Turnpike. This seems like a good use of land and an appropriate barrier to the Turnpike. However, I am not in favor of allowing shipping containers or other temporary structures without at least strong limits on their use, type, and duration.	*			
Economic Development	Great idea: Artist live/work space	*			
Financing Tools	Is TIF realistic on Washington St – doesn't seem like a distressed area?	*			
Format	What are Option 1 and Option 2 in the fiscal impact results?	*	pg. 178		

Format	Please provide further information on how the financial impact results were developed, including from what sources. Also, what do "Option 1" and "Option 2" refer to?	*	
Format	The renderings show lots of trees and pedestrians and few cars, all in good weather. Unfortunately, I do not think that will be the reality on some days, especially in our New England climate, when it can be cold, wet, and dark on a late afternoon in winter. We should have renderings that more accurately depict what Washington Street is likely to look like in all seasons, with different levels of traffic.	*	
Format	not crazy about the term "tactical urbanism" might there be an alternative name?	*	pg. 46 reference definition
Format	there is a map. C is supposed to be a street across the turnpike. Is it? it looks like it runs parallel to the pike.	*	pg. 93 shift c and d to better clarify
Format	we need to see this graphic. How do we make sure that we don't get rectangular block style buildings?	*	pg. 115
Format	The comparisons that are used seem to be to fairly large cities but Newton is a suburb, with village centers more like what one would find in a medium-sized town. Where are the comparisons to those types of communities?	*	
Process	Have you run this plan by the people working on the climate action plan for comment?	*	
Process	I think we talked about creating a master sheet of things that we should do - i.e. an arts plan, various economic development tasks, possible docket items - It feels like it would be great to make this an appendix so they don't get lost	*	
Process	Great idea: Arts and culture master plan	*	
Process	Great idea: Test before Invest!	*	
Transportation		*	
	The vision of a tree-lined Washington Street where pedestrians walk freely, cyclists can ride unimpeded, and vehicles travel smoothly is great (and one that I expect would be supported by the vast majority of our residents). Our challenge is to make sure that the proposed changes in the Hello Washington Street plan enable us to meet that vision.		
Transportation	I really like: Wide sidewalks	*	
Transportation	How do you anticipate incorporating a driverless future? We talk about sensors and possibly no curbing, but when?	*	
Transportation	West Newton area – would we create streets where there are none now, how is this done?	*	
Transportation	I strongly support efforts to create a bike and pedestrian connection with the Charles River Greenway.	*	
Transportation	I agree with the observation that Washington Street in its current format does not work well. It is a difficult road to drive on, nearly impossible to bike along safely, and dangerous to cross in most places.	*	
Transportation	If we hope to improve the corridor, the city will need to spend the money now (or in the near future) to properly reconfigure the roadway - it should not wait for developers to build along the corridor. Proper design, in turn, will encourage the type of development we are trying to promote.	*	

Transportation	Improving access for mobility challenges is appropriately listed as a high priority and we should do all we can to improve street crossings, curb cuts, and the ability to use sidewalks safely.	*	
Transportation	In the chart showing the ADT counts of the comparative streets to Washington St - all the traffic counts went up. So - how well did these roads handle the traffic. Maybe we need someone to call a few of these places and get some first-hand reports on how it went. And why did all the traffic counts go up?	*	pg. 165 include references
Transportation	the concept of better, safer street design, the local storefronts, enjoyable storefronts is appealing. Yes—streets for people.	*	pg. 9
Transportation	Great idea: Wider sidewalks.	*	
Transportation	Covered and comfortable bus stops—throughout	*	
Transportation	I like the bike bridge, but am not sure how useful it would be. This would need a study.	*	
Transportation	Reading everything I can on driverless vehicles. Outside of driverless trains, I don't buy the hype.	*	
Zoning	looking forward to reading the zoning that impact Action item #A to support the arts	*	pg. 38
Zoning	and all the future-oriented maps - and caveat: I haven't read the zoning document yet - do we zone for this kind of future or do we zone for the present?	*	pg. 155