

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, APRIL 13, 2015

Present: Ald. Johnson (Chairman), Yates, Baker, Sangiolo, Hess-Mahan, Leary, Danberg and Kalis

Also Present: Ald. Laredo, Crossley and Albright

Planning & Development Board Present: Scott Wolf (Chairman), Peter Doeringer, John Gelcich and Jonathan Yeo

City Staff Present: James Freas (Acting Director, Planning & Development), Eve Tapper (Acting Associate Director, Planning & Development), Judith Menon (Community Development Program Manager), John Lojek (Commissioner, Inspectional Services), Marie Lawlor (Assistant City Solicitor), Maura O'Keefe (Assistant City Solicitor), Karyn Dean (Committee Clerk)

#376-14 PLANNING & DEVELOPMENT DEPARTMENT requesting that **Chapter 30 ZONING** be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance. [10/22/14 @ 7:48PM]

ACTION: **HELD; PUBLIC HEARING CONTINUED 8-0**

NOTE: Ald. Johnson opened the public hearing and invited James Freas, Acting Director of the Planning Department, to address the Committee. He explained that Phase 1 of zoning reform consists of reorganizing and clarifying the existing zoning ordinance and modernizing the document. To facilitate those goals, more illustrations were added, a new organization system was introduced, tables were constructed, and links were added to connect related sections of the ordinance for ease of use. Mr. Freas provided a PowerPoint presentation which is attached to this report.

Pertinent Documents

The Zoning Reform Group report was the genesis of the Phase 1 project and can be found at <http://www.newtonma.gov/civicax/filebank/documents/45333>

Another key document, the Assessment Memo laid out the plan for the project and can be found at <http://www.newtonma.gov/civicax/filebank/documents/50141>

The Phase 1 Draft of the Zoning Ordinance can be found at <http://www.newtonma.gov/civicax/filebank/documents/65171>

Mr. Freas noted that a significant amount of work has gone into Phase 1. The project kicked off in March, 2013 and has been 2 years in the making. At least 8 meetings have taken place in the Zoning & Planning Committee reviewing and discussing the document line by line. Countless staff hours with the Planning and Law Departments were invested as well. The Zoning Reform Advisory Group was incredibly helpful at the beginning of the project and assisted with

refinements along the way. Mr. Freas thanked everyone involved in the project for their hard work.

Substantive Changes

The goal of Phase 1 was also to avoid substantive changes, which would be taken up in Phase 2. There were 2 substantive changes that did fall into Phase 1: changing the official zoning map to a digital map; and the introduction of a set of guidelines for the Commissioner of ISD to determine the “use” of a property that does not currently exist in the ordinance.

Public Comment

Ron Mauri, Bradford Road submitted comments via email and they are attached to this report. His public comment was consistent with the submitted comments. He also mentioned that the Look Up Table was only posted on the website this past Friday at 5pm and he felt more time was needed to review that as well as the entire document and a longer period of public review would be reasonable. He asked that the public hearing be continued for these purposes.

Peter Nannucci, Cask Avenue spent time reading through the draft ordinance and he found cases where inconsistencies have either remained or have been introduced. Mr. Nannucci submitted his comments via email and they are attached to this report. His submitted comments were consistent with his public testimony.

Alan Schlesinger, Westchester Road, said the current ordinance is complex, opaque and rife with internal inconsistencies. He was pleased to serve on the review Committee and finds this important work. The perfect should not be the enemy of the good and the ordinance as proposed is a very significant improvement and the key to move forward with Phase 2. Even if Phase 2 did not move forward, the work on the document is a big improvement.

Phil Herr, Marlborough Street, agreed with previous speakers. He decided to use the new version of the ordinance alongside the current version to see if one was easier than the other. In the one example he tested, he did not find anything that was incorrect, just differences in the way things were expressed. It would be a good thing if the City could publicize that it was anxious to hear from people to learn where improvements could be made in order to make the document clearer. The new draft is a great improvement on the current ordinance and the process should move forward.

John Koot, Winchester Street, praised the immense effort that has been made to make the ordinance more user-friendly and most methods used have been highly successful. He found, however, that the regulations on development of rear lots, on accessory apartments, on the development of wireless mesh networks, and on the building of structures for religious or educational uses, that in each of these cases there is a provision that says the applicant shall also notify in writing immediate abutters and the aldermen of the ward in which the device/project is to be erected. If a permit is issued, if it's for something that effects the height, mass or footprint of a building and it doesn't require a special permit abutters do not need to be notified. The onus is on the resident to do a weekly check to see if a permit has been issued for a nearby property. If a resident doesn't catch this, the 30-day appeal period can pass. There is a tab on the assessors

database to get a list of abutters to any property. He felt that any permit that would affect the neighborhood should require abutter notification.

Rena Getz, Pine Ridge Road, said James Freas and Marie Lawlor did an incredible job on this document. She thinks it is important for the document to reach a final stage that will stand any legal challenge. Between the old and the new document, there should be a final check to be sure everything is there and where it should be. Maybe an external audit should take place to be sure of that. There are some issues with 30-26 and she will send those concerns to Mr. Freas. She didn't want this to come back with problems.

Seeing no request for further comment, Ald. Johnson closed public comment for this evening.

Committee Comments/Questions

Committee members thanked James Freas, Marie Lawlor and all those who worked so diligently on this project.

It was asked if referral of controversial use determinations can be sent to an independent body, such as the Planning Board, instead of to the Commissioner of ISD as the sole arbiter. Mr. Freas said the language for that provision is existing language and noted that it is standard language and a common provision in many zoning ordinances. Any discussion of a change to that would be reserved for Phase 2.

Some Committee members urged the Committee, Planning and Law Departments to make an effort to make this document as error-free and clean as possible and get it to the full Board with the fullest confidence. Other members hoped that the process would not be too bogged down by over-analysis so that it can continue to move forward.

The Planning & Development Board asked if the online version or the hard copy version in the Clerk's office would be the official version of the zoning ordinance once this is complete. Mr. Freas said there are ongoing discussions with the Clerk's office and the desire is to have both versions simultaneously updated and available. There has been an unnecessary degree of confusion at the ISD counter and having matching versions would solve that problem. It was explained that the official version of the rest of the ordinances would still be the hard copy held in the Clerk's office. Just the zoning ordinance would have an official online version.

It was asked if a Municode system would be used and if the zoning ordinance would be separate from the rest of the ordinances. Other communities use this system and she has found it very easy to do searches and Newton's systems is not easy. Mr. Freas said the City will not be using Municode and the zoning ordinance will be incorporated into the rest of the ordinances. It will be in a pdf format with active links. Municode, in the past, does not deal with illustrations very well. The prospect of using Municode is something that the City Clerk and the full Board should discuss. Ald. Sangiolo would like to have that conversation and perhaps docketing an item to do so would be most effective.

Follow Up

Ald. Johnson will continue the public hearing and this item will be taken up at the May 11 Zoning & Planning Committee meeting. She welcomed input from all interested parties but asked that they send in any comments as soon as possible and prior to the May 11 meeting. Mr. Freas said he has documented all the comments that were made this evening and will review the ordinance. He invited any interested parties to meet with him and walk through the document and the comments that were submitted. He acknowledged that errors were pointed out by the speakers, some points made were misunderstandings that could be explained, and some issues were purposefully being held over to Phase 2. The goal is to have a final, accurate document that the Committee can recommend to the full Board.

The Committee voted to hold the item and continue the public hearing to May 11th.

#80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

ACTION: **HELD 8-0**

NOTE: This item was discussed in conjunction with the previous item, therefore, the Committee voted hold.

#426-13 ALD. HESS-MAHAN requesting periodic updates on development of the Consolidated Plan for the City of Newton Housing and Community Development Program and the WestMetro Home Consortium. [12/06/13 @ 9:51 AM]

ACTION: **HELD 7-0 (Ald. Danberg not voting)**

NOTE: Eve Tapper, Acting Associate Director of the Planning Department, explained that the Consolidated Plan has been in development for a long time and must be submitted to the Department of Housing and Urban Development (HUD) by April 15, 2015. The Board of Aldermen must vote to submit the document in order for the City to be eligible to receive grant funding. If it is not submitted by the deadline, the City will forfeit the almost \$3M in grants.

The Consolidated Plan is a 5-year plan which is a guide to how the money will be spent. The Annual Action plan for FY16 is a specific plan for how the money will be spent in the fiscal year. The Citizen Participation Plan was revamped and the rules were changed in 2013 to allow the Board to review and authorize submittal of the Plans to HUD. A docket item was submitted to allow that approval and will be on the April 27th Zoning & Planning Committee agenda and then go to the Full Board on May 4th.

Ms. Tapper presented a very detailed PowerPoint presentation which is attached to this report which explains the process and the details of the Consolidated Plan and the Annual Action Plan. The Consolidated Plan/Annual Action Plan can be found at <http://www.newtonma.gov/civicax/filebank/documents/65555>

Committee Questions/Comments

It was asked if each project has to be specifically described in order to receive funds. Ms. Tapper said there is a requirement to submit a Consolidated Plan to HUD to explain how the money will be spent. If they are not as specific as they would like in the plan, there is a process that includes recommendations from the advisory committees, the Planning & Development Board and the Mayor's signature for individual projects over the 5 years so there is a process to change things. As long as Newton is an entitlement community and the plan is submitted, it will receive the money.

Ms. Tapper explained that the Consolidated Plan contains a section on needs assessment and asks the City to identify financial and regulatory barriers. HUD then asks how the City will overcome those so they need strategies and ideas but the plan is to work with other agencies in the City and the Board of Aldermen to make changes, if changes are possible.

It was asked if there will be about \$88K a year under the new CDBG plan for neighborhood projects. Ms. Tapper explained that in FY16 that 5% of the total grant is \$88K. The plan for each year is to have 5% allocated towards neighborhood improvement projects. If the City receives more or less money, that will be adjusted accordingly. Ald. Yates said the Upper Falls Greenway needs about \$80K to complete. He asked how they could request those funds. Ms. Tapper explained that the plan first needs to be submitted and the neighborhood advisory committees need to be appointed as the current terms of members all end with the end of the last Consolidated Plan. Upper Falls would have to appoint their advisory committee at the beginning of the fiscal year. It was asked if the area councils could be involved. Ms. Tapper said not all areas have area councils so it is up to the neighborhood. The Mayor needs to appoint people but the meetings are all open to the public.

It was asked how the 800 units of affordable housing could be accomplished over 6 years as proposed. It does not seem realistic. Ms. Tapper said it is challenging but possible. She said there is a distinction between units that can be eligible for listing on the subsidized housing inventory. If a rental development has 25% of its units affordable, all the units in the development are listed on the subsidized housing inventory – Avalon is an example. It doesn't mean all the units created are actually affordable units. The Consolidated Plan's goal is 800 units and there is some funding to help the City get there, but more is needed and the Planning Department is working on a housing strategy. Some members think this sounds like a housing production plan and hope this moves forward.

There was some concern and some were offended by a particular sentence in the Consolidated Plan "Due to political pressures in the City, larger-scale housing projects that could create a significant number of affordable housing units without the need for large public subsidies face long approval processes. These barriers, including coordinated neighborhood opposition, make such projects cost-prohibitive for a developer to attempt." These large projects are projects that the Planning Department has spoken out against, Wells Ave., Rowe Street for example. It was felt that language like that did not belong in a city document and was inappropriate.

Ms. Tapper said a lot of time was spent coming up with the needs of the community and then they go into the document. HUD has very specific questions they want answered so some of that language goes to answering their questions. It is a very cumbersome document which in great part is due to the format and requirements from HUD. The language is in direct response to HUD's request for an analysis to the impediments to affordable housing. It is not meant as a criticism, it is just a discussion of the process that takes place in the City. It is meant as a factual statement as to the impediments and not a judgement and not meant to be offensive. Ald. Johnson felt there was a bit of editorializing on this and there could be a better way to describe the process.

It was asked how the Economic Development Funds will be dispersed and for whom will they be used. Ms. Tapper said these funds are not new monies and are in the revolving funds and have been used for loans to microenterprise and other types of projects. The funds come into the City through that account as program income. It is federal money but it has been churning over a number of years. In the past, there has been trouble finding programs under the EDC umbrella that are doable in this City and do not cause regulatory issues for the entrepreneurs so they have not always been well used. They did a much deeper evaluation this year and they have about \$140K in that account. The Plans can be amended to add more money to these funds going forward if something worthy develops that require more resources.

The Planning & Development Board stated that neighborhood improvement funds should be targeted to low and moderate income and the Planning & Development Board is going to carefully evaluate each project to make sure the money is being well spent and targeted in that direction.

Follow Up

Ald. Johnson asked for a grid of some kind to synthesize this information. The Consolidated Plan is a lengthy document and it would be helpful for the Board and for the public to have a 2-3 page document in order to crystallize the pertinent information. She would like to have that available for the April 27th meeting. The Committee voted to hold this item.

#6-15 ALD. BAKER, HESS-MAHAN, ALBRIGHT requesting a discussion by the Zoning and Planning Committee with the Acting Director of Planning and Development of how Phase 2 of Zoning Reform might be undertaken, including the contents of the proposed Village and Master Planning and Zoning Reform Request for Proposals, including the planning process and ordinance revision process the RFP anticipates, as well as the staffing and funding needed to enable both in-house and contracted work under the RFP to be both well done and appropriately supervised. [12/29/14@4:00 PM]

ACTION: **HELD 8-0**

NOTE: James Freas, Acting Director of the Planning Department addressed the Committee. He noted that the Planning Memo and the RFP which were provided have laid out an objective for a context-based zoning ordinance. Mr. Freas provided a PowerPoint presentation and it is attached to this report.

Building Types

The notion of a context-based ordinance is to allow development in the City to fit within the context of existing neighborhoods, village centers and commercial corridors: the right buildings in the right places with avoidance of the wrong buildings in the wrong places. One key tool in context-based zoning is building type. It is another category of regulation that states that within a zoning district certain buildings can or cannot exist. In the current ordinance a small bookstore and a large-box bookstore would be considered the same since it is a use-based ordinance. In a context-based zoning ordinance, the design would be more closely studied to determine where it should be located based on its design and size. A smaller store front would be appropriate to a village center, whereas a large-box bookstore would be more appropriate on a commercial corridor. Use is still considered and remains an important part of the ordinance, however.

The dimensional requirements can vary depending on zoning district and within districts you can vary the different types of buildings that are allowed. There might be different categories of residential houses and with the recognition that some of those would be appropriate in some zoning districts but not in others. The current system is relatively uniform regardless of the differences in areas.

Pattern Book

A Pattern Book would be developed based on the pattern of development that has happened in the City. A map (attached) was developed at the inception of the Comprehensive Plan that shows the development patterns in Newton over time. A Pattern Book starts at this level, looking at existing building types, density, modes of transportation and other issues. Those areas with similar attributes would be grouped and regulated similarly. A Pattern Book looks at existing building stock and creates regulations and general representations of different building types that are found. Basically, the building types represent a palette of opportunity within each district and guide what is desirable for that district.

Committee Comments/Questions

Committee members asked for an example of context-based zoning use in another community. Mr. Freas said context-based zoning is similar to form-based zoning and Somerville has a draft ordinance pending. Some Committee members were very pleased with this approach. George Proikas from Somerville was mentioned and the YouTube videos he produced. It was asked if Mr. Proikas could come to Newton to discuss how this is working in Somerville and Mr. Freas said he would ask him. If he cannot attend, perhaps the YouTube videos could be played at a Zoning & Planning Committee meeting. The Chairman thought they were very informative.

It was asked what goal is being met by going in this direction. Mr. Freas said he is trying to address the problems that have been identified in the Zoning & Planning Committee in the past year, in particular the “monster” homes and two-family issues as well as problems in the commercial zones.

Some Committee members felt this is a completely different framework, is unexpected and could not be supported. It is unclear whether this could be successful and as many resources as it

would take to work within the current framework, it would take considerably more to make these changes. Perhaps some exploration along these lines might be valid with a pilot study to see what the impacts might be, but a wholesale change is not comfortable at this point. A major shift takes an enormous leap of effort and understanding. It may commit the City into a policy and path that may not prove fruitful as was demonstrated in the village study of several years ago. Mr. Freas said this is his recommended approach and he does not believe the issues that have been identified in this Committee can be addressed within the existing zoning ordinance's framework. The intention is to create a more predictable land use regulation system. It was asked how communities evolve using this approach. Mr. Freas said context-based zoning ordinances are based on either the existing or the desired context, so a conversation has to happen to determine that direction.

It was asked how this might mesh with more sustainable, walkable communities and related issues. Mr. Freas said that would all depend on what policies were adopted with the zoning ordinance to address those issues.

Interim or temporary measures are not precluded as work begins on Phase 2 and that is included in the RFP. Some Committee members asked others to keep an open mind as this could be very effective in protecting the assets that need protecting, but it does need to move forward in the meantime.

Committee members asked if Mr. Freas could create a grid to show the process the Planning staff went through to determine context-based zoning would be the best solution. Take a particular issue and compare how other types of zoning approaches would resolve it compared to the context-based approach. Mr. Freas said he would attempt that. It was also asked that a similar comparison be done between the current ordinance and a context-based ordinance.

Some Committee members were concerned that a pattern book would be choices of cookie-cutter templates and Mr. Freas assured that was not what a pattern book would be.

Ald. Crossley specifically identified storm water as a topic to be addressed in the interim process. She is also looking for clarity on how the physical work of this will be rolled out, how the community will be engaged. Mr. Freas said a working group of Board members would work with the consultant to identify that process at the beginning

Resources

The books *A Pattern Language*, by Christopher Alexander and *Image of the City* by Kevin Lynch were mentioned. They might be helpful for the Committee to understand how this might work. She would like to not argue over semantics before even engaging in the process. Jane Jacobs was also mentioned as someone to read as well as William F. White.

Follow Up

Ald. Johnson would like to have Mr. Proikas in to speak to the Committee. She asked the Committee to keep an open mind and think big. Mr. Freas will work on the two grids comparing other types of ordinances, including the current Newton ordinance, and context-based zoning. The Committee voted to hold this item.

Ald. Johnson asked the Committee to review the memo that references these remaining items and it is attached to this report for easy reference. She would like that to be part of the discussion at the May 11th meeting. The following items were held without discussion:

#154-10(2) ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @11:34AM]

ACTION: HELD 7-1-0 (Ald. Yates opposed)

#154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]

ACTION: HELD 7-1-0 (Ald. Yates opposed)

#220-12 RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a be clarified with respect to “lot width,” “lot area,” or “lot frontage.”

ACTION: HELD 7-1-0 (Ald. Yates opposed)

#219-12 RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”

ACTION: HELD 7-1-0 (Ald. Yates opposed)

#218-12 RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.

ACTION: HELD 7-1-0 (Ald. Yates opposed)

#217-12 RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.

ACTION: HELD 7-1-0 (Ald. Yates opposed)

#216-12 RECODIFICATION COMMITTEE recommending that the definition of “Space, usable open” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.

ACTION: HELD 7-1-0 (Ald. Yates opposed)

#65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.

ACTION: **HELD 7-1-0 (Ald. Yates opposed)**

Meeting adjourned.

Respectfully Submitted,

Marcia T. Johnson, Chairman

Zoning and Planning Committee

1

ZONING REFORM PHASE 1 **Draft Zoning Ordinance**

Zoning Reform Phase 1

2

- Reorganize
- Clarify
- Address Inconsistencies
- Modernize

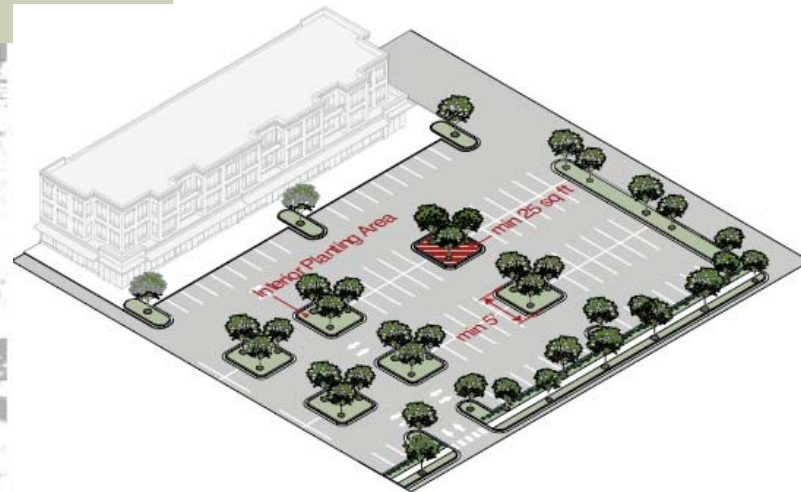
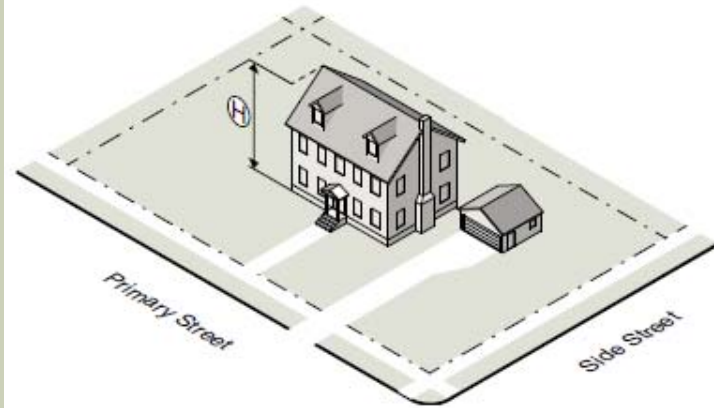
Zoning Reform Phase 1

3

- Illustration
- Organization
- Tables
- Links

Illustration

4



Organization



ART. I. IN GENERAL

ART. II. USE REGULATIONS

ART. III. PARKING AND LOADING FACILITIES

ART. IV. ZONING ADMINISTRATION

ART. V. MISCELLANEOUS

ART. VI. ZONING BOARD OF APPEALS

ART. VII. MISCELLANEOUS; ENFORCEMENT

Article 1. General Provisions

The existing general provisions, plus establishment of districts.

Article 2. Residential Districts

Residential zoning district intent and dimensional standards.

Article 3. Mixed Use and Employment Districts

Existing business, manufacturing and mixed use district intent and dimensional standards.

Article 4. Use Regulations

A consolidated use table and all use regulations (principal, accessory and temporary).

Article 5. Development Standards

Development standards for all sites (parking, loading, signs).

Article 6. Administration

Existing material from Zoning Administration, Zoning Board of Appeals, Nonconformities and Enforcement.

Article 7. Definitions

Existing definitions.

Tables



Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU 1	BU 2	BU 3	BU 4	BU 5	MU 1	MU 2	MU 3	MU 4	M	LM	Definition/ Listed Standard
Residential Uses												
Single-Family, detached <u>One-family residential</u>	L	L	L	L	=	=	=	=	=	=	=	<u>Sec. 6.2.1.</u>
Single-Family, detached <u>Two-family residential</u>	L	L	L	L	=	=	=	=	=	=	=	<u>Sec. 6.2.2.</u>
<u>Residential use Multifamily</u> , above ground floor	L	L	L	L	--	SP	L/SP	P	P	--	--	<u>Sec. 6.2.4.</u>
<u>Residential use Multifamily</u> , ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	<u>Sec. 6.2.4.</u>
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	<u>Sec. 6.2.5.</u>
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	<u>Sec. 6.2.10.</u>
Live/work space	--	--	--	--	--	--	--	P	P	--	--	<u>Sec. 6.2.11.</u>
Single-room occupancy dwelling, single-person occupancy dwelling	--	--	--	--	--	--	--	SP	--	--	--	<u>Sec. 6.2.14.</u>
Civic/Institutional Uses												
Cemetery, <u>private</u>	SP	SP	SP	SP	SP	--	--	--	--	SP	SP	<u>Sec. 6.3.1.</u>
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	<u>Sec. 6.3.2.</u>
Community use space	--	--	--	--	--	--	--	P	P	--	--	<u>Sec. 6.3.3.</u>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	<u>Sec. 6.3.4.</u>

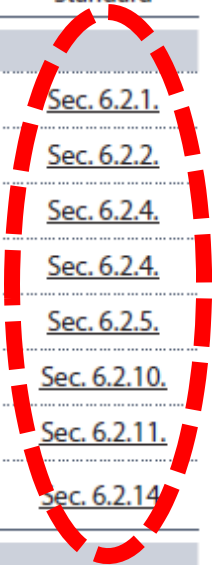
Links



Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU 1	BU 2	BU 3	BU 4	BU 5	MU 1	MU 2	MU 3	MU 4	M	LM	Definition/ Listed Standard
Residential Uses												
Single-Family, detached One-family residential	L	L	L	L	=	=	=	=	=	=	=	Sec. 6.2.1.
Single-Family, detached Two-family residential	L	L	L	L	=	=	=	=	=	=	=	Sec. 6.2.2.
Residential use Multifamily , above ground floor	L	L	L	L	-	SP	L/SP	P	P	-	-	Sec. 6.2.4.
Residential use Multifamily , 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	-	-	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	Sec. 6.3.1.
Club, clubhouse	P	P	P	P	-	-	P	-	SP	-	P	Sec. 6.3.2.
Community use space	-	-	-	-	-	-	-	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.



Zoning Reform

Final Report
December 30, 2011



Prepared for the
City of Newton
by the
Zoning Reform Group

Alderman Deb Crossley, Chair
Marc Hershman, Peter Kilborn, Jennifer Molinsky,
Terry Morris, Jason Rosenberg, and Steve Vona,



Chapter 30. Zoning **ASSESSMENT MEMO** Newton, Massachusetts

March 25, 2013
Prepared by: Code Studio and Joel Russell

Zoning and Planning Committee

10

ZONING REFORM PHASE 2 **RFP Proposal**

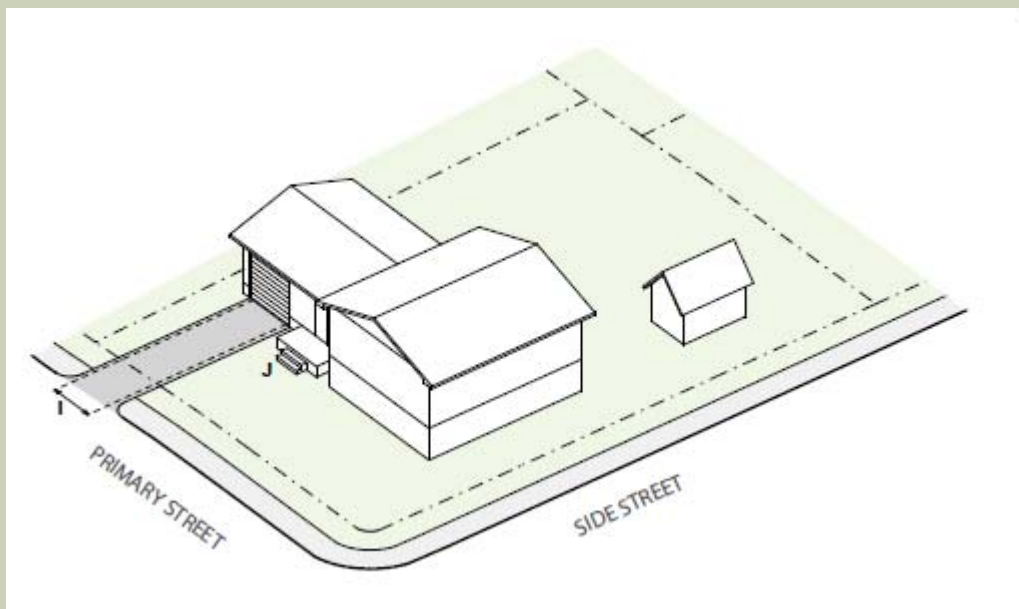
Context-Based Zoning Ordinance

11



Building Type

12



Building Types

13

Zoning Districts

SITING

ZONE LOT

	S-SU-A	S-SU-D	S-SU-Fx S-SU-F S-SU-F1	S-SU-Ix S-SU-I	S-TH-2.5	S-MU-3, -5, -8, -12, -20
Zone Lot Size (min)	3,000 ft ²	6,000 ft ²	8,500 ft ²	12,000 ft ²	6,000 ft ²	6,000 ft ²
C Zone Lot Width (min)	25'	50'	62.5'	62.5'	50'	50'

Requirements vary for building types depending on district

SETBACKS AND BUILDING WIDTH

	All S-SU, -TH, -MU Districts		
	25' or Less	26' to 61'	62' or Greater
D Primary Street, block	na	yes	yes
D Primary Street, width (min)	15'	20'	20'
E Side Street (min)	3'	5'	5'
F Side Interior (min)	3'	5'	7.5'
G Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'
Building Coverage per Zone Lot, including all accessory structures (max)	50%	50%	50%

PARKING BY ZONE LOT WIDTH

Parking and Drive Lot Coverage in Primary Street Setback (max)	2 Spaces and 320 ft ²	2 Spaces and 320 ft ²	33%
Vehicle Access	From alley; or Street access allowed when no alley present (See Sec. 3.3.7.6)		

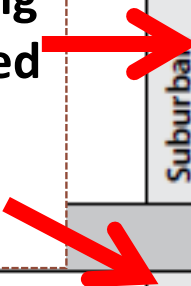
H DETACHED ACCESSORY STRUCTURES

See Sec. 3.3.4

Context-Based Zoning Ordinance

Suburban (S-) Neighborhood Context Zone Districts		Max Number	Building Forms							
		per	Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House
RESIDENTIAL ZONE DISTRICTS										
Single Unit (SU)	S-SU-A, -D, -F, -Fx, -I, -Ix	1*	■							
	S-SU-F1	1*	■		□		□			
Town House (TH)	S-TH-2.5	no max	■		■	■		■		
Multi Unit (MU)	S-MU-3, -5, 8, 12, 20	no max	■		■	■		■		

Different Building Types are allowed in different districts



Understanding Context: Pattern Books

river mill villages

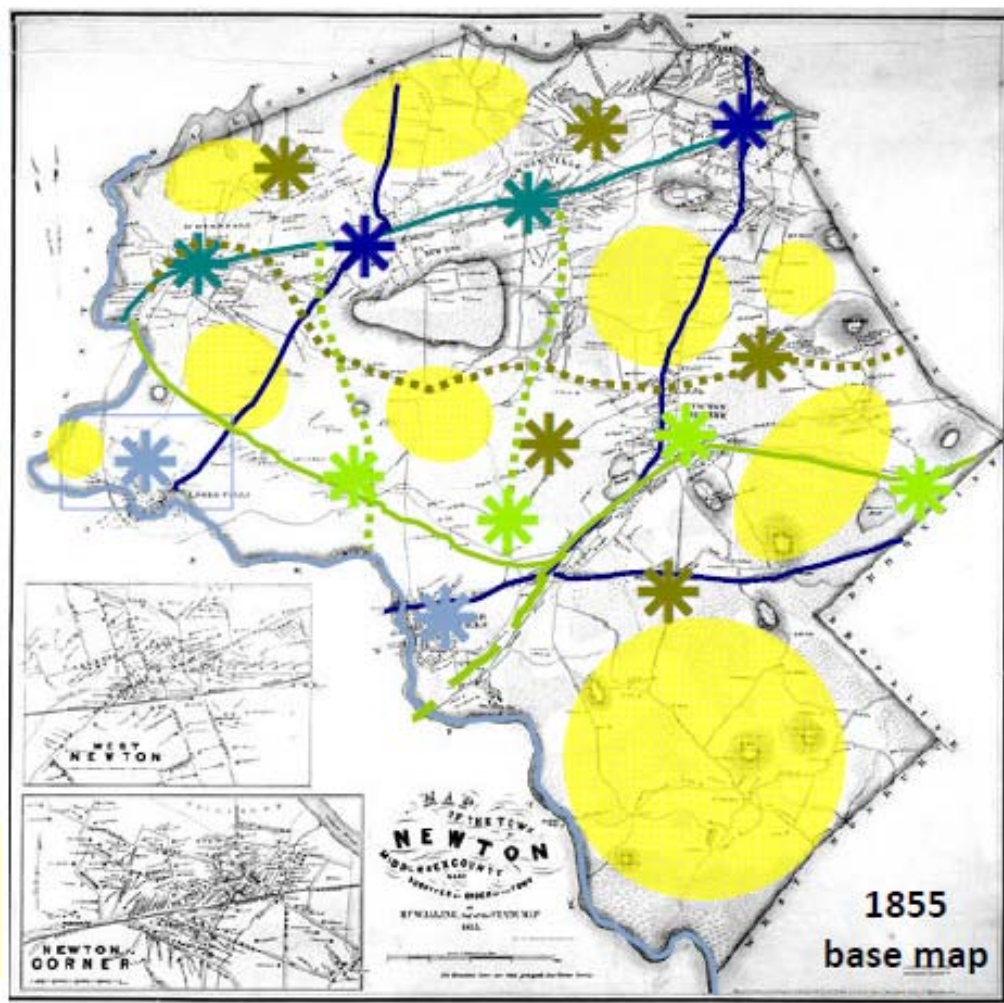
18th-early 19th c. villages

1840s-70s railroad villages

1880s-1920 railroad suburb

1890s-1930s streetcar suburb

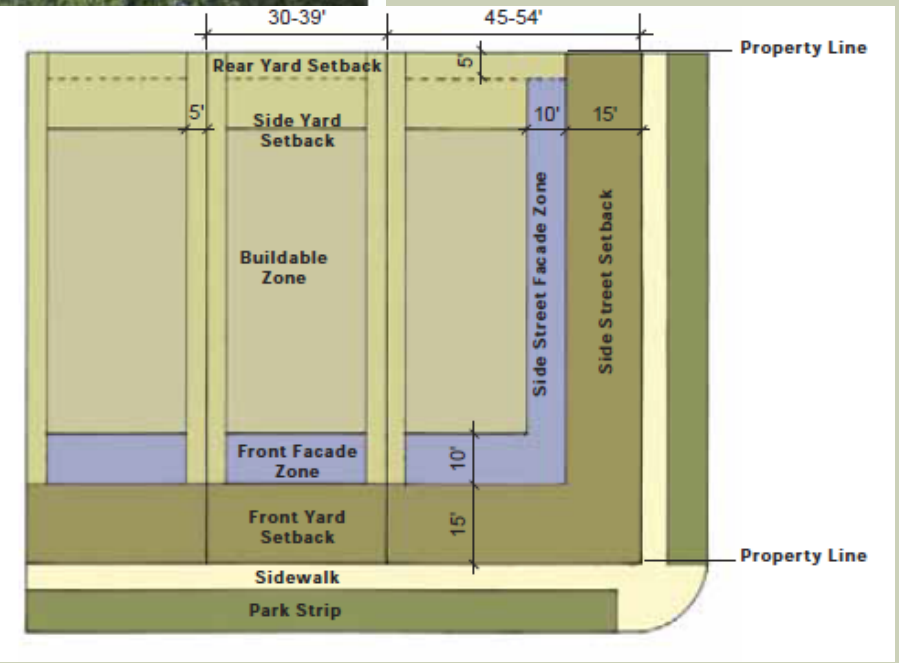
postwar automobile suburb



1855 base map

Pattern Book

16



Karyn Dean

From: Ron Mauri <ronmauri43@gmail.com>
Sent: Monday, April 13, 2015 2:14 PM
To: Karyn Dean; David A. Olson
Subject: Please Forward to the ZAP Committee Today, and Make Part of the Public Record and City's Website on Zonong Reform.
Attachments: ZR P1 Notes on Acc Apts - Sec 6.7.1 041315.docx; ZR P1 Notes on Parking 041315.docx

Chair Johnson and Members of the Zoning and Planning Committee,

Attached are comments on the sections of the Phase 1 Draft Zoning Ordaince (3/35/15) that I have reviewed.

In my review of just a few pages and topics, I have found a number of problems with unclear or improper wording, definitions, inconsistency among sub-sections and ambiguities on important matters. Also there seem to be substantive policy changes, not all labelled in red, that are conflict with the Phase 1 goal and concept of improving organization and clarity.

I respectfully request that additional time be provided for public input on this 180 page techncial document. I have not had ime to review the whole documnet, but based on my small sample, there are very likely other issues and problems worthy of public input.

Thank you for considering my comments,

Ron Mauri
35 Bradford Rd.

Notes on Sec. 6.7.1 Accessory Apartments

Chapter 30 Existing Definitions:

Accessory apartment: A separate dwelling unit located in a building originally constructed as a single family or two family dwelling or in a detached building located on the same lot as the single family or two family dwelling, as an accessory and subordinate use to the residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of section 30-8(d) and 30-9(h) of this ordinance.

Dwelling: A building or structure used for human habitation.

Dwelling unit: One (1) or more rooms forming a habitable unit for one family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.

FINAL DRAFT March 25, 2015 Definitions:

1.5.1 Building Type

E. **Dwelling Unit.** One or more rooms forming a habitable unit for one family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.

6.7.1. Accessory Apartments

A. Accessory Apartment Defined

1. Internal. An accessory apartment located within

a ~~single-family~~ dwelling unit and the owner of the

~~single-family~~ dwelling unit occupies either the

main dwelling unit or the accessory apartment

associated with the main dwelling unit;

2. Detached. An accessory apartment not located within a dwelling unit but is located in a separate detached accessory structure, and the owner of the dwelling unit occupies either the main dwelling unit or the detached accessory apartment.

Analysis and Comments

Section 6.7.1.A defines two cases of accessory apartments, internal and external. Instead it should start by specifying that it is a dwelling unit since it is presumably important that it meet the “dwelling” definition. The original definition seems to give a clearer description of the concept and is a better starting point. The internal-external distinction is useful but subordinate.

Section 6.7.1.A.1. uses a different definition of dwelling unit than that used elsewhere in the ordinance. The word “unit” is in red and has presumably been inserted though the context is that this is referring to a structure that contains two dwelling units. How can an accessory Apartment be “located within a dwelling unit”? A dwelling unit is only a “..habitable unit for one family,..” It seems the word unit should be deleted. It also would be clearer if “residential structure” were used instead (and also in 6.7.1.A.2).

Section goes on to refer to the accessory apartment as a dwelling unit.

Section 6.7.1 would be clearer if it consistently referred to the principal dwelling unit as the “main dwelling unit” when that is its meaning.

Section 6.7.1.C. is mostly deleted and now has only one subsection that is labelled #2 in the draft and should be changed to “1.”

In the beginning of section 6.7.1.C.2. it mentions “single-family” dwelling but does not specify whether it applies to “detached,” or “attached” or both. What is intended? Should this be made explicit?

Section 6.7.1.C.2. covers cases that can be approved by administrative site plan review for single family dwellings. Later in subsection F it only shows this administrative review as applicable in single resident districts. Assuming only single resident districts are covered by this administrative process, it would be helpful to make this explicit the text of this subsection where the authority is created.

In the beginning of 6.7.1.C.2. it mentions “administrative site plan review.” It would be helpful to capitalize this and provide a citation to this process since it presumably is referring to Sec. 7.5.

Section 6.7.1.C.2. c. states, “Stairs **must** be located within the setback” (emphasis added). This is the worst case. If the main structure exceeds the setback requirement, e.g., has more than a 25 foot front setback, the stairs need not extend out to the setback. The intended meaning may be to simply provide this option and if so, “must” could be changed to “may.”

Section 6.7.1.C.2. e. states, “No more than one accessory apartment shall be allowed per lot;...” A conforming single-family detached dwelling could be part of a merged property that had two non-conforming lots. The obvious intent is to permit only one accessory apartment for such a property and if so, this could be changed to read, ““No more than one accessory apartment shall be allowed per single family detached dwelling.” This change is consistent with the Phase 1 goal of making the ordinance clearer but not changing its intended meaning.

Section 6.7.1.D.1 By Special Permit, contains the text “...a dwelling in a Multi-Residence District,...” whereas the predecessor existing ordinance does not seem to give this authority in districts MR3 and MR4. Is this expansion of authority intended? Is it a policy change that should be reserved for Phase 2? Given all the other options for multiple units in MR3 and MR4, this expansion seems unwarranted.

Section 6.7.1.D.1.a. Allows the maximum size to be “...1200 square feet or 33% of the total building size of the dwelling whichever is **more**” (emphasis added). The parallel section 2.a. that covers situations covered under administrative review uses similar text but has the word “less” where this section uses “more.” Since this section applies to Special Permit situations in multi-resident districts where much larger building sizes are permitted, very large accessory apartments would be permitted if “more” is operative. Is this the intent?

Sec. 6.7.1.F, “Lot Size and Building Size.” contains a table with a column labelled “Building Size (**Max SF**).” (emphasis added). The **MaxSF** is new text though not indicated as such with red text color and this may be an incorrect change. For most zoning district there are lines for both “Admin. Rev.” and “Special Permit.” It is unclear as to what the values under the heading **MaxSF** pertain to. For Admin. Rev. it would seem from the column heading that these are the maximums that can be approved. For the Special Permits are these also the maximum sizes SPs can grant? Or do the SP values have a different meaning from the Admin Rev. values? It seems some text should be added to aid in the proper interpretation of this table. It is also may be notable that the text “**Max SF**” is **new text** in this draft (though **not noted in red**), and may not be what was intended in the original (predecessor) Table 30-8 (p.39).

The table in subsection 6.7.1.F carries over the predecessor existing footnote indicating that Special Permits can only be granted in single resident districts for lots created prior to 12/7/1953 though this is the only place in the accessory apartment section where this limitation is noted. It would add clarity to include this limitation in prior text.

Sec. 6.7.1.G.1. provides guidance for how building size is to be measured in terms of gross floor area. It includes “...living area in basement...” Is this basement area only counted if it meets the gross floor area inclusion standards of Sec. 1.5.5.D.? Likewise, does the “finished attic” only count if it meets the gross floor area inclusion standards of Sec. 1.5.5.B.3.b.?

Parking

Draft Ordinance Text:

5.1.7. Design of Parking Facilities Containing 5

Stalls or Less

A parking facility containing 5 stalls or less shall comply with the following requirements:

A. No parking stall shall be located within any required setback distances from a street and side lot lines, except that, in conjunction with a one- or two-family dwelling, ~~one~~ two parking stalls per dwelling unit may be located within required setback and sideline distances. However, in no case shall a parking stall be set less than 5 feet from the street.

Analysis and Comment on Sec. 5.7.1:

Why permit more parking in the setback? This is a substantial change (100%) and affects neighborhood character. It should be left unchanged and discussed as part of Phase 2.

Analysis and Comment on Sec. 3.4.2.A.4 and Sec. 6.7.2:

Sec. 6.7 Accessory Uses contains subsection 6.7.2 Commercial Vehicle Parking that defines it as “The parking of any vehicle...” (emphasis added). Subsection 6.7.2 mainly defines a commercial vehicle and does not cite Sec. 3.4.2.A.4 where “...not more than one...” (emphasis added) such vehicle is allowed as an accessory use in a residential district. There is no cross-reference between the two closely-linked subsections as would seem appropriate given the clarity goal of Phase 1. More significantly, the two subsections are arguably inconsistent since one specifies a limit of one such vehicle and the other says “any vehicle” which does not impose a limitation on number.

Analysis and Comment on Sec. 3.1.10 and Sec. 3.2.11:

The new draft ordinance seems to reduce parking requirements in both single residence and multi-residence zones for some two-family dwellings (see subsections 3.1.10 and 3.2.11 for single and multi-residence zones respectively). Reducing required parking from four spaces to two is a substantial (50%) change. Given

Newton's issues with overnight off-street parking problems during the period where it is prohibited, this seems like a policy matter better suited for Phase 2. Phase 1 should retain the current requirement.

Karyn Dean

From: Peter Nannucci <peternannucci@yahoo.com>
Sent: Thursday, April 16, 2015 10:53 PM
To: James Freas; Karyn Dean
Subject: Zoning Reform Phase 1 comments

Dear Members of the Zoning & Planning Committee and Mr Freas:

Below are my comments from the public hearing this past Monday.

(1) Parking for 1 and 2 family homes (Section 5.1.4 and 5.1.7): In section 5.1.4D it states "For one-family and two-family dwellings, 2 tandem parking spaces are permitted within the side yard setback. And in section 5.1.7A it states "No parking stall shall be located within any required setback distances from a street and side lot lines, except that, in conjunction with a one- or two-family dwelling, ~~one~~ **two** parking stalls per dwelling unit may be located within required setback and sideline distances." These seem to conflict, with the latter seemingly allowing for 4 tandem parking spaces in a single side setback. I believe the maximum allowed is two (unless existing).

(2) Parking for accessory apartments (Section 5.1.4). The size of accessory apartments at 1,000 sq ft by admin or 1,200 by SP means that many of these units could be 2-3 bedrooms and hence reasonable size for a family as opposed to a single person. I therefore believe that the parking requirements could be insufficient in some cases. A possible solution might be to require 2 parking spaces for the larger units, say those over 500-600 sq ft. Specifically I'm relating this to the City's desire for all resident vehicles to have adequate off-street parking provided so this seems contrary to that. That said, I believe that the allowed maximum size for (new construction) accessory apartments is too large since it provides for a space large enough for a family and in essence is allowing for single family zoned properties to become two-family dwellings.

(3) I am concerned with the proposed change in Section 6.1, Use Classification, that the Commissioner of ISD would have the sole authority to interpret and rule on uses not listed in current zoning. Having a single person making such decisions does not seem right to me. While I assume most of these would be insignificant and not impact abutters, I believe the BOA should be consulted and additionally abutters should be notified so that they have time to consider any potential impact on their homes and livelihood and be able to weigh in on any proposed use change.

(4) Section 3.1.3: The tables for Lot Dimensions and Principal Building Setbacks for SF have newly added text "On or after 12/7/1953" or "Before 12/7/1953" in parenthesis relating to whether these are old or new lots. Ideally it should provide greater clarity and state "On a lot created before (or after) 12/7/1953". This is particularly true of the table on building setbacks since this could be interpreted as the building age rather than the lot age. Same for section 3.2.3 dealing with multi-unit properties.

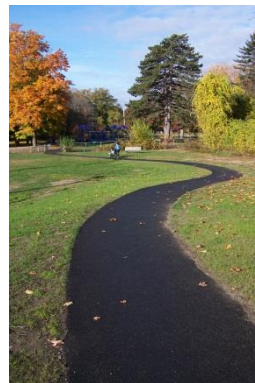
(5) Section 6.7.1F (accessory apartments): In the table of lot size and building size, under lot size there are asterisks on all of the lot sizes for Special Permits where the asterisks reference old lots, yet it does not list a lot size for new lots. What's the lot size minimum for new lots as I don't think it's defined anywhere. Is it the larger SF as per that for admin review? This should be clarified.

Sincerely,
Peter Nannucci
61 Chaske Avenue, Auburndale

City of Newton Department of Planning and Development

1

FY16-FY20 CONSOLIDATED PLAN and FY16 ANNUAL ACTION PLAN April 13, 2015



Introductions

2

Eve Tapper, Acting Associate Director, Planning and
Development Department

Judith Menon, Community Development Programs Manager

Lydia Scott, Community Development Planner

Danielle Bailey, Grants Manager

Alice Walkup*

Rieko Hayashi*

Robert Muollo*

* Former staff members

Overview: FY16-20 Consolidated Plan Process

3



Federal Grants

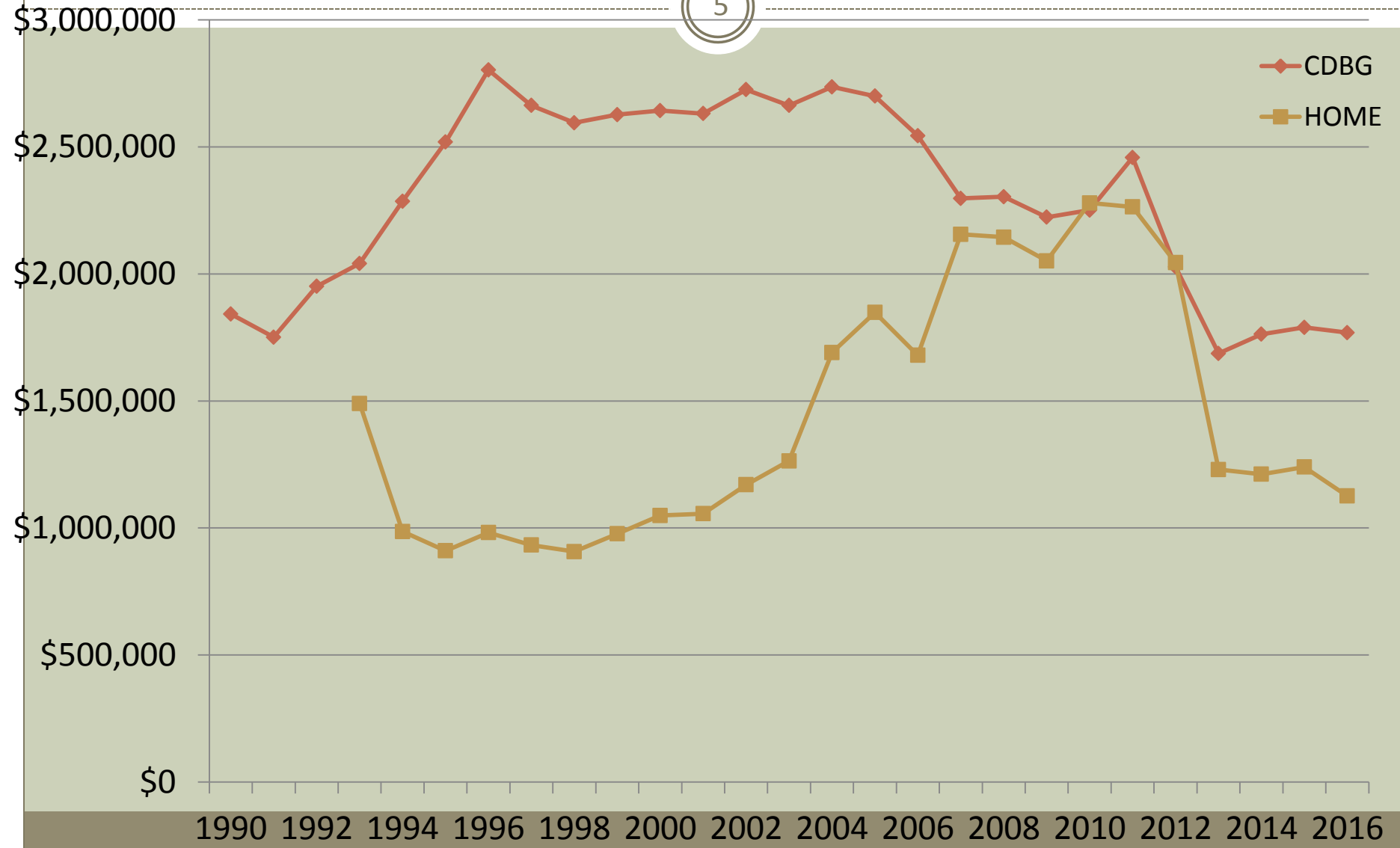
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Community Development Block Grant (CDBG)

- **All projects/activities** funded in Newton with this grant **must** be targeted towards assistance to low- and moderate-income residents
- The program's goal is to develop viable urban communities through
 - Decent housing (affordable, accessible housing)
 - Suitable living environment (infrastructure improvements)
 - Expanded economic opportunities (job training/creation)

Funding Levels Over Time

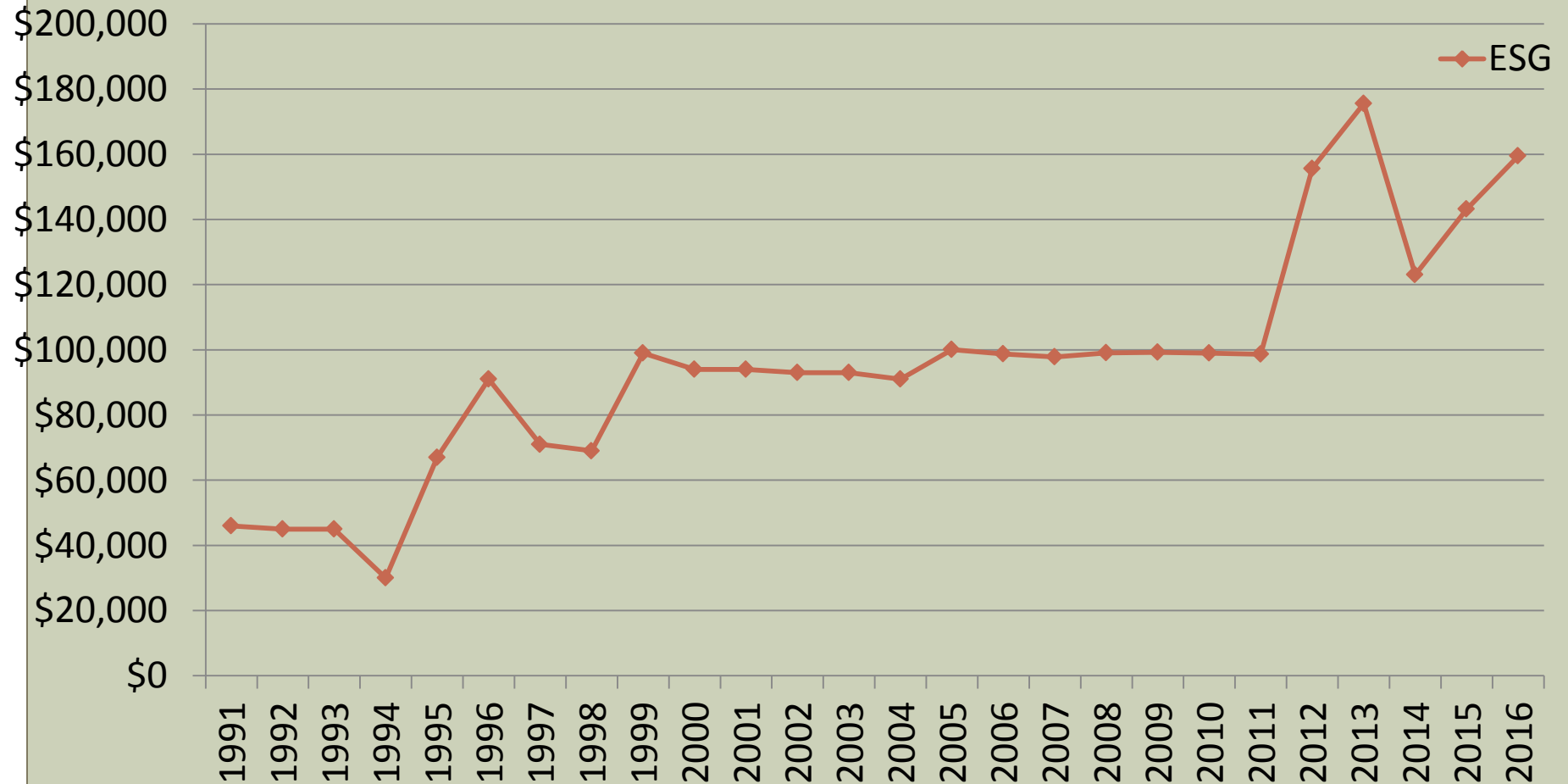
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Funding Levels Over Time

6

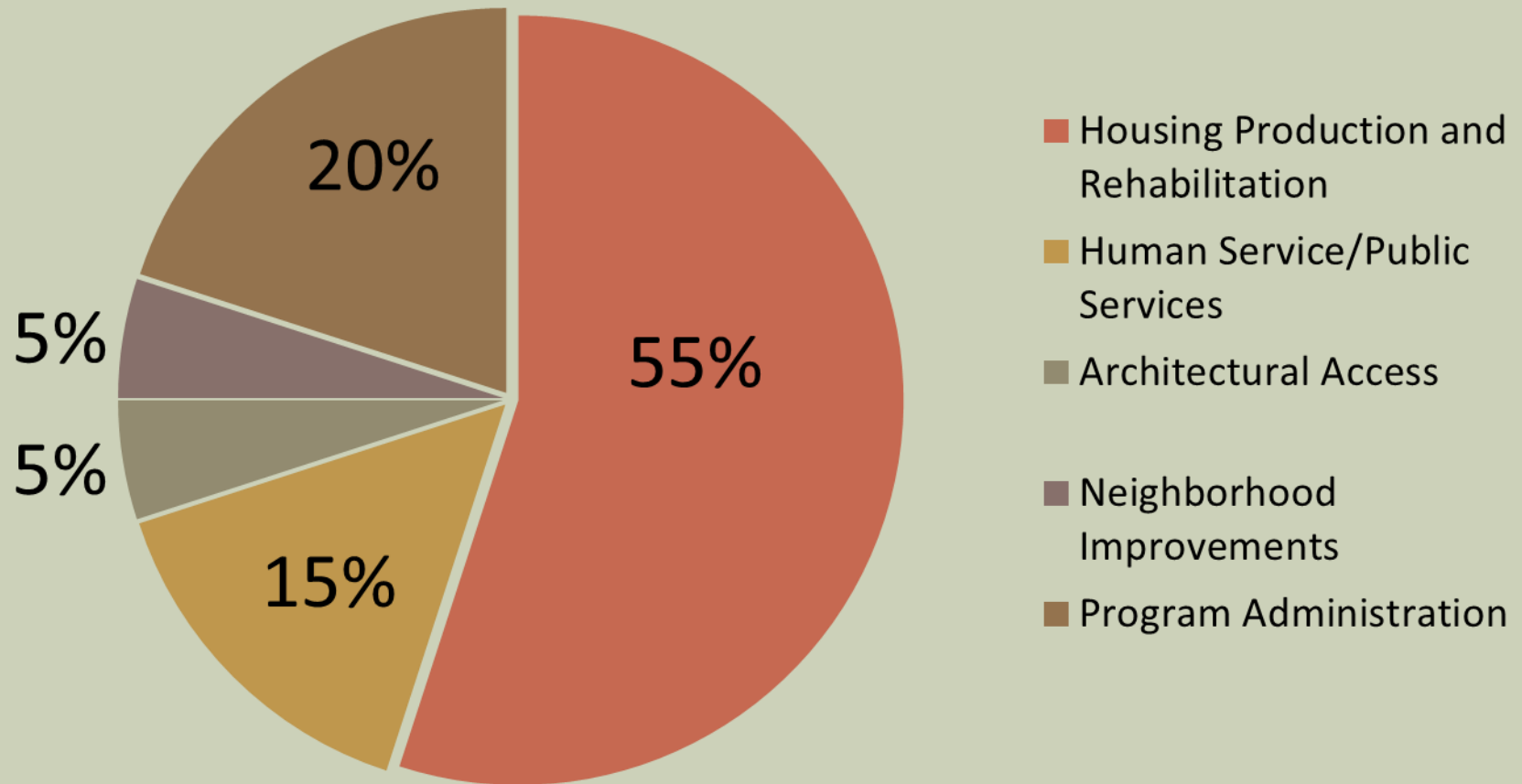
ESG Allocations



Recommended CDBG Allocations, FY16-20

7

Proposed Allocations



Overview: Process

8

- Kickoff meeting in November 2013, in the 17 months since then...
- More than 15 public meetings to determine community needs and strategies to meet those needs
- Additional outreach: focus groups, Village Day etc.
- 27 meetings and discussions at Advisory Committees and Planning and Development Board
- Over 300 participants at public meetings
- 145 surveys returned, 25% from LMI individuals
- Nearly 700 hits on the Con Plan website

FY16-20 Priority Needs

9

- **Economic Development**
 - Job Training
 - Job creation and placement assistance
- **Human Service/Public Services**
 - Children, Teens, Families
 - Older Adults
 - Persons with Disabilities
- **Infrastructure Improvements**
 - Accessible curb cuts
 - Traffic calming
 - Parks and Open Space
- **Housing**
 - More affordable units to meet goal of 10% of housing stock by 2021
 - Housing Strategy
 - Flexible funding source
 - Permanent supportive housing for chronically homeless individuals with disabilities

Key Questions

11

- Overall affordable housing need
 - ✦ How do we do more with less?
- Leverage Federal Funding
 - ✦ Newton's Existing Affordable Housing Tools:
 - Community Development Block Grant (CDBG) – Federal
 - HOME Investment Partnership (HOME) – Federal
 - Community Preservation Act (CPA) – Local/State
 - Inclusionary Housing Funds – Local
 - Inclusionary Housing Ordinance – Local

Key Questions

12

- Needs of Low- and Moderate-Income population
 - ✦ Based on need, who should this housing serve?
- Target Populations
 - ✦ Low income households ($\leq 50\%$ AMI)
 - ✦ Moderate Income households ($\leq 80\%$ AMI)
 - ✦ Middle-income households (80 – 120% AMI)
 - ✦ Homeless families
 - ✦ Older adults
 - ✦ People with disabilities

Housing Goal

13

- By 2021, ten percent (10%) of City's housing stock will be eligible for inclusion on the State's Subsidized Housing Inventory
 - Approximately 800 net new units needed



Continue Existing Housing Strategies

14

- Majority of FY11-15 housing strategies will be carried over into FY16-20 Con Plan:
 - ✦ Investments to increase supply for very-low income households
 - ✦ Create affordable housing development programs
 - ✦ Reduce regulatory and financial barriers
 - ✦ Continue fair housing compliance and education efforts

- Programs to be recapitalized:
 - ✦ First Time Homebuyer Program
 - ✦ Housing Rehabilitation Program
 - ✦ Tenant-based Rental Assistance Program (if FY16 pilot successful)

FY16 Proposed Actions

15

- City-wide housing strategy
 - Strategies to achieve the 10% housing goal
 - Identify site(s) for 9-12 units of permanent supportive housing for chronically homeless individuals
- Rehabilitate 7 homeowner units / focus on accessory apts.
- Rolling applications for development projects
- Assist up to 3 first-time homebuyers (CPA funding)
- Tenant-based rental assistance voucher
- Inclusionary Housing Funding Program Guidelines
- Re-initiate Affordable Housing Trust discussions

FY16 Human Service Grant Program

17

- Human Service category capped at 15% of annual allocation
 - ✦ \$276,720 in FY16 (16% decrease from FY15)

- FY16 Human Service Grant application process
 - ✦ RFP issued in December 2014
 - ✦ 25 Applications received in January 2015
 - ✦ HSAC met in February 2015

- Evaluation Criteria
 - ✦ Priority Human Service needs in Newton
 - ✦ Scoring sheet
 - ✦ Previous outcomes and results

Benchmarks for Success from the Social Genome Model

18



Early childhood

Acceptable
pre-reading and
math skills
AND
Behavior generally
school-appropriate



Middle childhood

Basic reading and
math skills
AND
Social-emotional
skills



Adolescence

Graduates from high
school w/GPA \geq 2.5
AND
Has not been
convicted of a crime
nor become a parent



Transition to adulthood

Lives independently
AND
Receives a
college degree or has
a family income
 \geq 250% of the
poverty level



Adulthood

Reaches middle class
(family income at
least 300% of the
poverty level)

FY16 Human Service Grant Program

19

- **FY16 Human Service Sub-Grantees**
 - ✦ Planning Board recommended funding for 15 different organizations in support of 20 programs

- **Transition to one-year grants from five-year grants**
 - ✦ Changes to the RFP process allow for more flexibility & accountability
 - ✦ Emphasize program outcomes

Additional Human Service Strategies

20

Priority Needs	Strategies
Ability to age in place	<p>Market rehab program to income-eligible homeowners to assist with bringing illegal & pre-existing accessory apartments up to code</p> <ul style="list-style-type: none">• Recent change in ordinance to legalize accessory apartments that existed before 1999 (from 1979) <p>Support human service programs that target older adults and adults with disabilities to allow them to age in place</p>

NEIGHBORHOOD IMPROVEMENTS & ARCHITECTURAL ACCESS



Updates for Neighborhood Improvements & Access

22

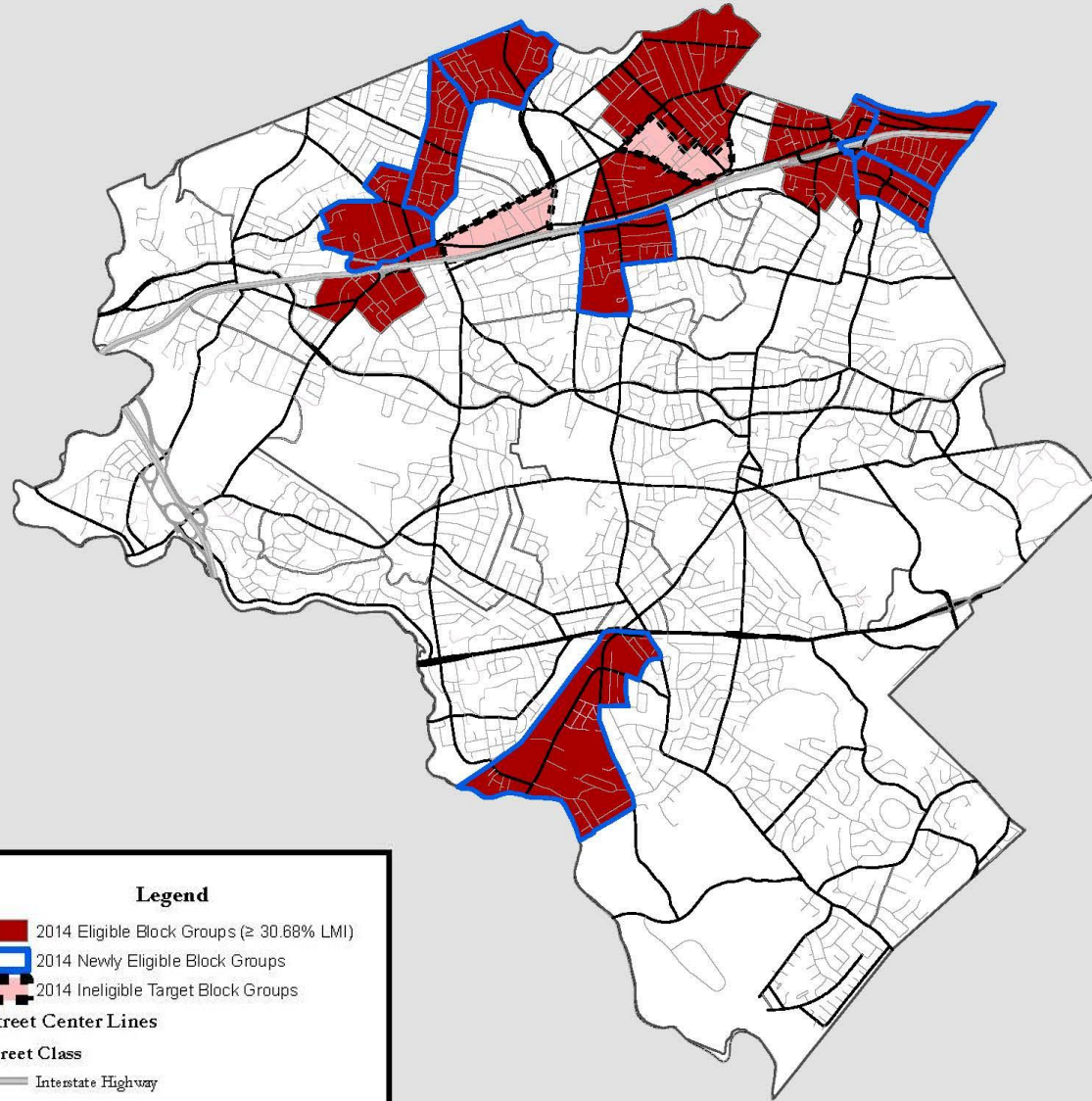
- Addition of new Target Neighborhood in Upper Falls
 - ✦ Based on updated income data released by HUD in July 2014
- Transition to five-year allocation cycle for neighborhoods
 - ✦ Allocation of \$88,431 for FY16

Fiscal Year	Target Neighborhood
2016	Upper Falls
2017	West Newton
2018	Newton Corner
2019	Nonantum
2020	Newtonville

- Commission on Disability will serve as advisory body for accessibility projects
 - ✦ Allocation of \$88,431

2014 HUD
LMI Block
Group
Eligibility

#426-13



Legend

- 2014 Eligible Block Groups (≥ 30.68% LMI)
- 2014 Newly Eligible Block Groups
- 2014 Ineligible Target Block Groups

Street Center Lines

Street Class

- Interstate Highway
- Major Artery
- Local Road
- Private Street
- Highway Ramp

NEXT STEPS

Long-Term Timeline

25

Fall 2013	FY16-20 Consolidated Plan Kick-off
Winter 2013	Needs Assessment – Data Collection
Spring 2014	Needs Assessment – Public Meetings & Input
Fall 2014	Needs Prioritization
Winter 2014	Formulate objectives & strategies
Jan. 22 nd & 29 th	Strategies – Public Meetings & Input
February 10 th	P&D Board review of Strategic Plan chapter
March 2 nd	P&D Board public hearing on Con. Plan and AAP
April 13th	Board of Alderman grant review/acceptance; Mayoral approval
May 15 th , 2015	HUD submission

Newton Community Development Block Grant Program - FY16 Budget

#426-13

PROJECT #	PROJECTS	Letter-of-Credit (LOC) Budget	FY16 Program Income (Estimated)	Prior Year(s) Program Income (FY15)	Total Budget
HOUSING PROGRAM					
CD16-01A	Housing Program Delivery	\$390,000.00			\$390,000.00
CD16-01B	Housing Rehabilitation and Development Program Fund	\$582,741.00			\$582,741.00
CD16-01C	Housing Program Rehab Revolving Loan Fund (estimated rehab loan repayment)	\$0.00	\$81,250.00		\$81,250.00
HOUSING PROGRAM TOTAL		\$972,741.00	\$81,250.00	\$0.00	\$1,053,991.00
ECONOMIC DEVELOPMENT					
no proposed projects					
ECONOMIC DEVELOPMENT TOTAL		\$0.00	\$0.00	\$0.00	\$0.00
HUMAN SERVICES					
CD16-05E	Boys and Girls Club/Summer Camp Financial Aid	\$5,500			\$5,500.00
CD16-05G	Boys and Girls Club/Teen Programming	\$7,000			\$7,000.00
CD16-05I	Charles River ARC/Stipends for Newton LMI Families	\$3,000			\$3,000.00
CD16-05K	Jewish Community Housing for the Elderly/Caring Choices	\$10,000			\$10,000.00
CD16-05M	Newton Partnership/Child Care Scholarship Fund	\$15,000			\$15,000.00
CD16-05Q	Newton Community Development Foundation/Resident Services Program	\$22,000			\$22,000.00
CD16-05S	Family ACCESS of Newton/Early Learning Center Scholarship Fund	\$25,000			\$25,000.00
CD16-05V	Family ACCESS of Newton/Early Literacy Services and School Readiness Program	\$5,000			\$5,000.00
CD16-05X	Family ACCESS of Newton/Counseling and Consultation Services	\$24,000			\$24,000.00
CD16-05R	Newton Senior Services Department/Senior Center Program Coordinator	\$16,250			\$16,250.00
CD16-05Y	Newton Senior Services Department/Social Services Case Management	\$23,250			\$23,250.00
CD16-054	Newton HHS Department/Riverside Youth Outreach Program	\$15,000			\$15,000.00
CD16-058	NWW Committee/Wednesday Night Drop-In	\$7,100			\$7,100.00
CD16-05BB	REACH/Individual Support and Advocacy	\$5,000			\$5,000.00
CD16-05CC	Riverside Community Care/Family Crisis Stabilization	\$5,500			\$5,500.00
CD16-05DD	Riverside Community Care/Mental Health and Substance Abuse Recovery	\$17,620			\$17,620.00
CD16-05LL	Horace Cousens Industrial Fund/Payment of Rent and Utility Bills	\$10,000			\$10,000.00
CD16-05OO	The Second Step/Residential and Community Programs	\$10,000			\$10,000.00
CD16-05PP	Jewish Family & Childrens Services/Stabilization and Recovery Service	\$17,500			\$17,500.00
CD16-05MM	West Suburban YMCA/The Teen Center	\$21,573		\$ 11,427.00	\$33,000.00
CD16-05A	Human Service Program Delivery			\$ 2,573.00	\$2,573.00
CD16-98D	Human Service Program Income Reserve (for FY17 projects- do not include in FY16 budget totals)		\$18,750.00		
HUMAN SERVICES TOTAL (Cannot exceed 15% of current year LOC + 15% of prior year program income)		\$265,293.00	\$18,750.00	\$14,000.00	\$279,293.00
NEIGHBORHOOD IMPROVEMENTS & ACCESS (will be separate)					
CD16-07A	Neighborhood Improvements & Access Funding Pools (projects TBD)	\$176,862.00			\$176,862.00
NEIGHBORHOOD IMPROVEMENTS & ACCESS TOTAL (will be separate)		\$176,862.00	\$0.00	\$0.00	\$176,862.00
PROGRAM ADMINISTRATION					
CD16-09A	Program Administration	\$352,724.00	\$25,000.00		\$377,724.00
CD16-09B	Citizen Participation	\$1,000.00			\$1,000.00
CD16-99	Contingencies	\$0.00			
PROGRAM ADMINISTRATION TOTAL (Cannot exceed 20% of current year LOC + 20% of current year program income)		\$353,724.00	\$25,000.00	\$0.00	\$378,724.00
GRAND TOTAL ALL PROGRAM AREAS		\$1,768,620.00	\$125,000.00	\$14,000.00	\$1,888,870.00
FY15 CDBG Letter of Credit Funds from HUD B-15-MC-25-0019		\$1,768,620.00			

* FY16 CDBG is a 1.17% decrease from FY15 (\$1,789,510)

Suggested FY16 ESG Allocation

Approved by CoC by unanimous vote on 3/10/15

	Allocation	Shelter Services	Street Outreach	Homelessness Prevention	Rapid Re-Housing	HMIS	Administration
FY16	\$159,511	\$63,804	\$11,166	\$44,663	\$26,319	\$1,595	\$11,963
FY15	\$143,202	\$63,674	\$10,000	\$44,144	\$14,644	\$0	\$10,740
Diff:	\$16,309	\$130	\$1,166	\$519	\$11,675	\$1,595	\$1,223
FY14	\$123,041	\$73,780	\$0	\$0	\$0	\$40,033	\$9,228
FY13	\$175,586	\$85,000	\$0	\$94,694	\$31,565	\$7,182	\$13,169

WestMetro HOME Partnerships Program FY16 Projects

#426-13

Project #	PROJECT NAME/TYPE	FY16 Budget
BEDFORD		
HM16-01(A)	Bedford HOME Administration	\$ 1,261.00
HM16-01(B)	Bedford Projects / Programs	\$ 12,607.00
HM16-01(C)	Bedford CHDO Set-Aside	\$ 2,702.00
HM16-01(D)	Bedford CHDO Operating Expenses	\$ 901.00
TOTAL		\$ 17,471.00
BELMONT		
HM16-02(A)	Belmont HOME Administration	\$ 3,546.00
HM16-02(B)	Belmont Projects / Programs	\$ 35,458.00
HM16-02(C)	Belmont CHDO Set-Aside	\$ 7,598.00
HM16-02(D)	Belmont CHDO Operating Expenses	\$ 2,533.00
TOTAL		\$ 49,135.00
BROOKLINE		
HM16-03(A)	Brookline HOME Administration	\$ 18,123.00
HM16-03(B)	Brookline Projects / Programs	\$ -
HM16-03(C)	Brookline CHDO Set-Aside	\$ 33,207.46
HM16-03(D)	Brookline CHDO Operating Expenses	\$ 12,945.00
		Loan Repayment to Waltham \$186,863.54
TOTAL		\$ 64,275.46
CONCORD		
HM16-13(A)	Concord HOME Administration	\$ 1,024.00
HM16-13(B)	Concord Projects / Programs	\$ -
HM16-13(C)	Concord CHDO Set-Aside	\$ -
HM16-13(D)	Concord CHDO Operating Expenses	\$ 732.00
		Concord: Loan Repayment to Lexington \$12,439
TOTAL		\$ 1,756.00
FRAMINGHAM		
HM16-09(A)	Framingham HOME Administration	\$ 15,365.00
HM16-09(B)	Framingham Projects / Programs	\$ 153,656.00
HM16-09(C)	Framingham CHDO Set-Aside	\$ 32,926.00
HM16-09(D)	Framingham CHDO Operating Expenses	\$ 10,975.00
TOTAL		\$ 212,922.00
LEXINGTON		
HM16-12(A)	Lexington HOME Administration	\$ 2,443.00
HM16-12(B)	Lexington Affordable Housing Development Pool	\$ 24,427.00
HM16-12(C)	Lexington CHDO Set-Aside	\$ 7,429.00
HM16-12(D)	Lexington CHDO Operating Expenses	\$ 1,745.00
		Lexington: Loan Repayment from Concord \$12,439 (\$2,195
HM16-12(E)	CHDO/\$10,244 non-CHDO)	\$ 10,244.00
TOTAL		\$ 46,288.00
NATICK		
HM16-11(A)	Natick HOME Administration	\$ 2,679.00
HM16-11(B)	Natick Projects / Programs	\$ 26,791.00
HM16-11(C)	Natick CHDO Set-Aside	\$ 6,754.00

NATICK		
HM16-11(A)	Natick HOME Administration	\$ 2,679.00
HM16-11(B)	Natick Projects / Programs	\$ 26,791.00
HM16-11(C)	Natick CHDO Set-Aside	\$ 6,754.00

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HM16-11(D)	Natick CHDO Operating Expenses	\$ 1,914.00
	Natick: Loan Repayment from Sudbury \$5,740 (\$1,013 CHDO/\$4,727 non CHDO)	
HM16-11(G)		\$ 4,727.00
TOTAL		\$ 42,865.00

NEEDHAM		
HM16-05(A)	Needham HOME Administration	\$ 1,576.00
HM16-05(B)	Needham Projects / Programs	\$ 15,760.00
HM16-05(C)	Needham CHDO Set-Aside	\$ 3,377.00
HM16-05(D)	Needham CHDO Operating Expenses	\$ 1,126.00
TOTAL		\$ 21,839.00

NEWTON		
HM16-06(A)	Newton HOME Administration	\$ 9,850.39
HM16-06(B)	Newton Projects / Programs	\$ 98,496.90
HM16-06(C)	Newton CHDO Set-Aside	\$ 21,106.55
HM16-06(D)	Newton CHDO Operating Expenses	\$ 7,033.85
TOTAL		\$ 136,487.69

SUDBURY		
HM16-10(A)	Sudbury HOME Administration	\$ 473.00
HM16-10(B)	Sudbury Projects / Programs	\$ -
HM16-10(C)	Sudbury CHDO Set-Aside	\$ -
HM16-10(D)	Sudbury CHDO Operating Expenses Loan Repayment to Natick \$5,740	\$ 338.00
TOTAL		\$ 811.00

WALTHAM		
HM16-07(A)	Waltham HOME Administration	\$ 16,705.00
HM16-07(B)	Waltham TBRA Security Deposit Program	\$ 167,051.00
HM16-07(C)	Waltham CHDO Set-Aside	\$ 41,425.54
HM16-07(D)	Waltham CHDO Operating Expenses	\$ 11,932.00
	Waltham: Loan Repayment from Brookline \$186,863.54 (\$5,628.54 CHDO, \$181,235 non CHDO)	
HM16-07(E)		\$ 181,235.00
TOTAL		\$ 418,348.54

WATERTOWN		
HM16-08(A)	Watertown HOME Administration	\$ 5,043.00
HM16-08(B)	Watertown Projects / Programs	\$ 50,431.00
HM16-08(C)	Watertown CHDO Set-Aside	\$ 10,806.00
HM16-08(D)	Watertown CHDO Operating Expenses	\$ 3,602.00
TOTAL		\$ 69,882.00

WAYLAND		
HM16-14(A)	Wayland HOME Administration	\$ 709.00
HM16-14(B)	River's Edge	\$ 7,090.00
HM16-14(C)	Wayland CHDO Set-Aside	\$ 1,520.00
HM16-14(D)	Wayland CHDO Operating Expenses	\$ 507.00
TOTAL		\$ 9,826.00

CONSORTIUM ADMINISTRATION		
HM16-99	Consortium HOME Administration	\$ 33,770.31
HM16-15(A)	Competitive Funding Pool	\$ -

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TOTAL \$ 33,770.31

TOTAL CONSORTIUM BUDGET \$ 1,125,677.00

FY16 HOME Consortium Letter of Credit Funds M15-DC25-0213 \$ 1,125,677.00

FY16 HOME is a 9.21% decrease from FY13 (\$1,239,898)

Total Member Allocations (Including CHDO Set-Aside)	\$1,091,906.69
Consortium Administration (3% from Member communities)	\$33,770.31
TOTAL HOME CONSORTIUM ALLOCATION	\$1,125,677.00
Total Administrative Costs (10% of total allocation)	\$112,567.70
Total CHDO Operating Expenses (5% of total allocation)	\$56,283.85
Total CHDO Set-Aside (15% of total allocation)	\$168,851.55



Setti D. Warren
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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

DATE: April 10, 2015

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: James Freas, Acting Director of Planning and Development

RE: #376-14 - PLANNING & DEVELOPMENT DEPARTMENT
requesting that Chapter 30 Zoning be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance.

MEETING DATE: April 13, 2015

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

The City of Newton's Zoning Ordinance is a critically important set of regulations as it is the primary determinant of what residents, business owners, and developers can do with the land they own in the City and it therefore sets the bounds for the future development of the City, affecting economic development, quality of life, and neighborhood character. The Zoning Reform Group was created in the winter of 2010/2011 to consider the existing ordinance and recommend a process for revisions that would bring it into greater consistency with Newton's *Comprehensive Plan* and address identified problems in the ordinance impacting its administration and application. Those recommendations, provided in a report released in December 2011, set in motion the Newton Comprehensive Zoning Reform project, representing the first such reform process in 25 years. The Public Hearing on April 13, 2015 is to consider a draft Zoning Ordinance reflecting the conclusion of Phase 1 of this process.

As defined in the Zoning Reform Group report, Phase 1 focused on reorganizing and clarifying the existing zoning ordinance, setting the stage for future substantive regulatory changes in Phase 2. The primary scope of changes involved the introduction of a greater array of illustrations and tables as well as greater organization and coherency. A number of inconsistencies in the ordinance were addressed and some basic language supporting zoning administration introduced. Overall, the

submitted draft ordinance is a significant improvement to the appearance and use ability of Newton's Zoning Ordinance.

Docketed Items

A number of existing docket items were identified as issues that could be addressed in the Phase 1 revisions. The table below shows these items and how each was resolved.

	Issue	Docket Number	Resolution
1	Definitions: Common roof & wall connectors & dwelling, two-family	222-13	Not phase 1
2	Clarify definitions of attached dwellings	129-13	Not phase 1
3	Clarify lot width, area, & frontage	220-12	Lot width changed to frontage, table re-organized and clarified.
4	Clarify definition of structure	219-12	Fixed
5	Clarify sideline distance	218-12	Changed to side lot lines
6	Clarify tandem parking stalls	217-12	Fixed
7	Define usable open space	216-12	No Change
8	Define flat & sloped roofs	65-11	Done
9	Revise lot line & structure	154-10(2)	No Change
10	Define lot area and setback line	154-10	Done

Significant Amendments

As the intent of the Phase 1 revision was strictly organization and presentation of the Zoning Ordinance, there are very few changes that might be considered significant or substantive. Two of the more important changes are switching to a GIS based digital official zoning map, consistent with the objective to modernize and internet-enable Newton's Zoning Ordinance, and the introduction of specific language to guide the interpretation of land uses, which is relatively standard administrative language that did not previously exist in Newton's ordinance.

Work was also put into consolidating and more clearly defining land uses as there were a number of inconsistencies and conflicts that became apparent with all land uses were put into tables. One of the better examples of this type of change was the consolidation of manufacturing type uses into one manufacturing category. Another example is in the 'places of assembly', which was defined as clubs, theatres, halls and similar uses. In other parts of the ordinance, clubs, theatres, and halls were spelled out individually, leading to inconsistencies. As a result, 'places of assembly' was removed as a use and a definition and the individual uses are now used throughout the ordinance.

Look-up Table

The Planning Department has created a Look-Up Table on the Zoning Reform website, that can be used as a cross referencing tool for the Zoning Reform - Phase I project to look up content from the City's existing Zoning Ordinance and see where it can be found in the proposed Phase 1 Zoning Ordinance. <http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>

Next Steps

Following the public hearing, the Planning Department will generate a final Phase 1 Zoning Ordinance. The Department recommends that the Zoning and Planning Committee vote on this project at a following working session meeting.