

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

THURSDAY, APRIL 18, 2013

Present: Ald. Johnson, Yates, Sangiolo, Danberg, Kalis, Lennon and Baker

Absent: Ald. Swiston

Also Present: Ald. Albright, Hess-Mahan, Crossley

Others Present: John Lojek (Commissioner, Inspectional Services), Candace Havens (Director, Planning & Development), Robert Rooney (Chief Operating Officer), Rob Symanski (Financial Analyst), Trisha Guditz (Housing Rehab. Program Manager), Anne Marie Belrose (Community Development Manager), Karyn Dean (Committee Clerk)

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

#273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.
[09/10/12 @ 1:17 PM]

ACTION: **HELD 7-0**

NOTE: Ald. Crossley said that this docket item originated from a Resolution at last year's budget. One issue is whether the fee is being assessed at the right point in the process of applying for a permit; and the other issue is whether the fee is proper. This isn't a measure to necessarily generate more revenue, but rather to be sure the work that is being done in the process is being compensated correctly. In terms of the fees themselves, some of the amounts could be rounded out to the dollar to make them easier to administer.

Ald. Hess-Mahan said there are probably more design reviews and memos that are generated than there are special permit applications. The zoning code official writes the zoning memo and identifies what relief is needed for a project based on the preliminary plans. The application is then filed or the plans come back modified for further review, which takes even more time, after which a special permit application may or may not even be submitted. A lot of time is being taken up by the Planning Department staff and there is no compensation at that point in the process. He did not want to discourage people from coming in for design review prior to filing a special permit application, but there needs to be some consideration for the time that it takes and the time it takes away from projects that are already moving forward. The fees need to be comparable and commensurate.

Commissioner Lojek said the fee structure is arcane and it not going to go well with an online system. The fee is based on \$18.60 per \$1,000 on building permit fees but there is no rounding.

It makes for a lot of mistakes which then takes time to correct. It is confusing for everyone involved. He suggested \$20 per \$1000 or any portion thereof and that is what is being done in other communities with no complaints.

Candace Havens, Director of Planning and Development addressed the Committee. A list of Planning-related permit fees is attached to this report, as well as services that do not require a fee but for which other communities do assess a fee. A comparison chart with other communities is also attached. She noted that some other communities charge for some things that Newton does not and vice versa. Ms. Havens felt that the commercial special permit fee of \$750 should be split between the zoning review that precedes it. There are three times as many zoning reviews as special permit applications. A huge amount of work that is done at the front end of this process is, therefore, not being compensated at all. There are also people who request plan revisions repetitively.

Follow Up

Commissioner Lojek will supply a fee structure chart and examples of what is being assessed in other communities. The Committee asked both Ms. Havens and Commissioner Lojek to make some recommendations on a fee structure. Ms. Havens said that Chief Financial Officer, Maureen Lemieux, has docketed an item for Finance Committee relative to fees in a more comprehensive matter. She said she would consult with her on this issue as well.

The Committee voted to hold this item.

#308-12 ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @3:59 PM]

ACTION: **HELD 7-0**

NOTE: Anne Marie Belrose, Community Development Manager, addressed the Committee. **Her presentation is attached to this report.**

Ald. Hess-Mahan said there were some concerns that had come in relative to some funded projects. This item was docketed to look more closely at the mechanism of funding of various purposes.

Ald. Sangiolo asked about the Newton Housing Authority. Ms. Belrose said that the Housing Program has funded rehabilitation of certain Housing Authority owned units. Within the Public Service Program, there are funds provided for the residence services coordinator at the Housing Authority as well. Ald. Yates asked if any surveys were done of the clients served. Ms. Belrose said she did not know that they have done surveys of Housing Authority beneficiaries, but they do monitor the Public Service programs (of which the Housing Authority is one) at least once every three years. She believes the Housing Authority was monitored last year. Monitoring consists of the Human Services planner going out and looking at what the requirements of the contract are with the particular participant and making sure they are being compliant. This

includes reporting accomplishments to HUD and includes data in the HUD database about number of people served; race, nationality and ethnicity of people served; income level of people served, etc. Ald. Yates asked to whom complaints could be directed. Ms. Belrose said the Housing and Community Development division in the Planning Department would take any complaints.

Ald. Sangiolo wondered if an entity has to apply for CDBG housing to acquire a property for affordable housing. Ms. Belrose said a developer of affordable housing might come to them and say they want to acquire a property, develop it and have it become available to eligible individuals. Or it is for someone to ask for rehabilitation of an existing unit that they own. It is not for one homeowner to buy a house.

The Committee thanked Ms. Belrose and apologized for the late hour of the meeting. Ald. Hess-Mahan moved to hold this item and the Committee voted in favor.

Respectfully Submitted,

Marcia T. Johnson, Chairman

Planning-related Permit Fees

1

Paid to Planning

- Administrative Site Plan review \$350
- Accessory Apartment \$100
- Wetland filing fee (set by State) \$ 50

Paid to Clerk

- Zone Change \$350
- Special Permits
 - Commercial \$750
 - Residential \$350 + \$100/unit, \$2500 max
 - All other districts \$ 2
 - Freestanding Signs \$350

No charges

2

- Historic Reviews
- Zoning Reviews
- Comp Permits
- Fence height exceptions
- Home occupations
- Temporary uses
- Deminimus
- Plan revisions

2013 Fees	Newton	Cambridge	Needham	Waltham	Watertown
Administrative Site Plan	\$350	\$100 plus \$.50 per s.f.	Major projects \$1000 for up to 10,000 sf. plus \$.10/sf. over 10,000 sf Minor Project \$100	No Fee - reviewed by Building Department	Part of Special Permit fee but are currently working on an additional fee for site plan review
Accessory Apartment (RAAP)	\$100			No Fee - reviewed by Building Department	Not allowed
Wetland Filing (State)	\$50	\$50	\$50	\$50	\$50
Zone Change	\$350		n/a	\$500	Depends on project but is typically associated with a special permit. If there is no special permit there is no additional fee
Special Permits			Takes place in addition to Site Plan Review	Some special permits go through ZBA and some through City Council	
* Commercial	\$750	\$.10 per sq.ft of gross floor area/min. charge of \$150/ Flood Plain Special Permits \$1,000 unless other fee is greater	\$500	\$500	Nonres, new construction or conversion to non-res plus additional fee from \$150 to \$1000 depending on project size
* Residential	\$350 + \$100/unit not to exceed \$2500	\$.10 per sq.ft of gross floor area/min. charge of \$150/ Flood Plain Special Permits \$1,000 unless other fee is greater	\$200 Single/\$500 Multi-family	\$200	New construction \$150+ \$75 per new dwelling unit
* SP All Other Districts	\$2	\$150.00		\$200	
* Freestanding Signs	\$350	\$100/sign plus \$2.00/s.f.	\$75 Wall/\$100 Freestanding	\$250/sign	\$150 per sign plus \$1.00 per s.f. of relieve requested
Comprehensive Permit	\$2,000 + \$500/unit				
Historic Reviews	No Fee	No Fee	No Fee	No Fee	No Fee
Zoning Reviews	No Fee	No Fee given specific to only a Zoning Review	No Fee given specific to only a Zoning Review	No Fee given specific to only a Zoning Review	Depends on project but is typically associated with a special permit. If there is no special permit there is no additional fee

The ABCs of CDBG



COMMUNITY DEVELOPMENT BLOCK GRANT

Presentation prepared for
Zoning and Planning Committee
April 18, 2013

Where does the money come from?



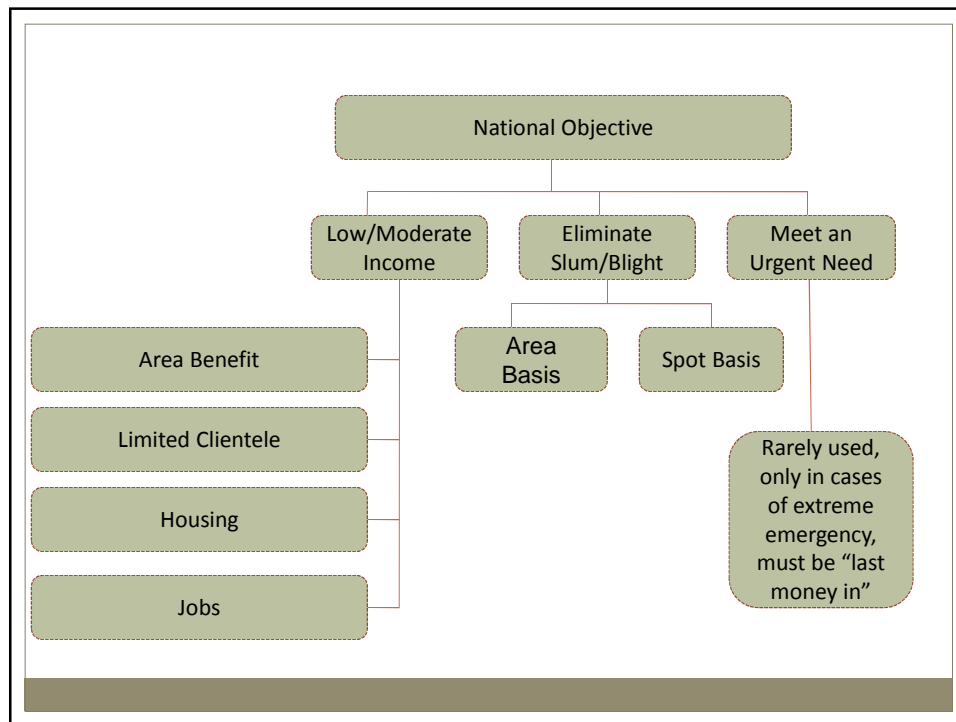
- **Federal Statute**
 - Housing and Community Development Act of 1974
- **Provides funding to states and entitlement communities**
 - Cities of at least 50,000 population (Newton)
 - Urban counties of at least 200,000 population without other entitlements
 - Principal cities of Metropolitan Statistical Areas (MSAs)

How does Newton obtain CDBG funds?

- Awarded by HUD annually
- Based on HUD formula
- Consolidated Plan
 - Strategic plan
 - Estimated expenditures over a five-year period
 - Needs assessment
 - Data analysis
 - Citizen participation
- Annual Action Plan

Annual Action Plans

- HUD informs City of annual allocation
 - Timing depends on passage of the federal budget
- HUD requires 2 public hearings per year
 - Conducted by Planning & Development Board
 - Newton exceeds minimum
 - Mayor executes Annual Action Plan
- Staff submits to HUD for approval



Low/Moderate Income (LMI) Benefit

- Area benefit activities
 - Census block groups with 51% or greater LMI
 - Newton has none
 - “Exception” criteria
 - CDBG to benefit Census block groups in the top quartile with greatest percentage of LMI
 - Nonantum
 - Newton Corner
 - West Newton
 - Newtonville

Low/Moderate Income Benefit

- Limited Clientele - must benefit individuals presumed to be LMI
 - Abused children
 - Battered spouses
 - Elderly (62 years and older)
 - Severely disabled adults
 - Homeless persons
 - Illiterate persons
 - Persons with AIDS
 - Migrant farm workers
- Jobs must be made available to LMI individuals
- Housing
 - Available to LMI households
 - Adjusted for household size

Eligible Activities

- Acquisition and disposition of real property
- Clearance
- Homeownership assistance
- Rehabilitation and preservation
- New housing construction by Community Housing Development Organization (CHDO)
- Economic Development activities
- Public facility improvements
 - Improvements to public facilities used for the general conduct of government cannot be made, except for removal of architectural barriers

How are decisions made regarding CDBG funding in Newton?

CDBG activities must meet a national objective and be an eligible activity pursuant to federal regulation



Advisory Committees make recommendations consistent with Consolidated Plan Needs Assessment and Priorities



Planning & Development Board conducts public hearing and provides recommendation to the Mayor



Mayor considers recommendations, and submits funding request to HUD.

Citizen Participation

- **Citizen Advisory Committees**
 - Interested Newton residents
 - Appointed by Mayor with Board approval
 - Expertise and recommendations on expenditures
 - Housing
 - Target neighborhood improvements
 - Removal of architectural barriers
 - Provision of public services
 - Economic development initiatives

Citizen Participation

- Newton Housing Partnership
- Fair Housing Committee
- Neighborhood Advisory Committees
 - Nonantum
 - Newton Corner
 - West Newton
 - Newtonville
- Commission on Disability
- Human Services Advisory Committee
- Economic Development Advisory Committee
- Planning & Development Board

Public Services



Primary areas of need

- Children
- Survivors of domestic violence
- Adolescents
- Adults/Families
- Elders
- People with Disabilities

Architectural Access



Improvements to

- Public thoroughfares
- Public buildings
- Parks and recreation facilities
- Nonprofit agencies

Affordable Housing



● Development

- Units affordable to households with incomes at or below 80% Area Median Income (AMI)

● Rehabilitation

- Available to households with incomes at or below 80% AMI
- Hazard abatement
 - × Lead
 - × Asbestos
 - × Hoarding
- Emergency & other necessary repairs

Target Neighborhood Improvements

Park Improvements, Pedestrian Safety, Traffic Calming, Tree Plantings, and Beautification in:

- ✦ Nonantum
- ✦ Newton Corner
- ✦ West Newton
- ✦ Newtonville



Economic Development Projects

- Microenterprise Loan Pool
 - 3 outstanding loans
- Façade Improvement Program
 - Pilot program
 - Evaluate in one year
 - Nonantum Neighborhood
 - Other target neighborhoods if successful

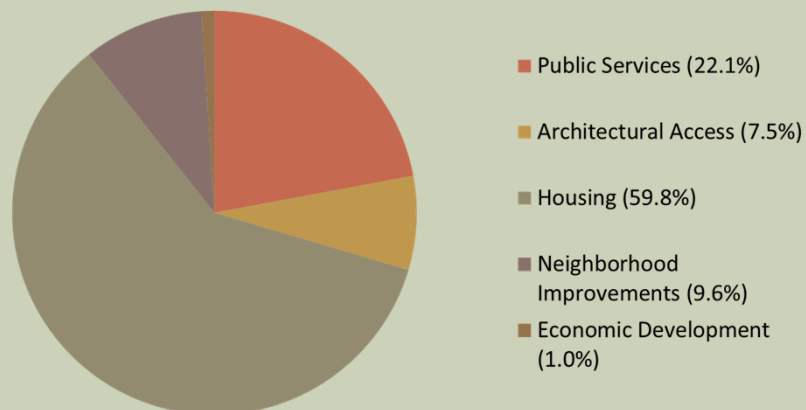


Ineligible Activities

- Buildings used for the general conduct of government
- General local government expenses
- Political activities
- Purchase of equipment
- Operating and maintenance expenses
- Income payments

Newton's CDBG Allocations, FY 2011-FY 2013

By Program Area*



*Program Budgets Only – Includes Program Income from Loan Repayments; excludes administrative costs

Community Development Block Grant



Questions?