

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, MARCH 31, 2003

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Sangiolo, Johnson, and Mansfield

Absent: Ald. Gentile and Lennon

Inclusionary Zoning Task Force members present: Attorney Ed Dailey Chair, Inspectional Services Commissioner Mark Gilroy, Newton Housing Authority Executive Director Jonathan Hacker, CAN-DO Executive Director Josephine McNeill

Section 30-15 Task Force Members present: Alderman Mansfield (Chair), Aldermen Sangiolo and Baker, Commissioner Gilroy, Zoning Administrator Peter Bronson, Attorney Jason Rosenberg

Committee staff present: Juris Alksnitis, Associate Planning Director; Committee Clerk Linda Finucane, Assistant City Solicitor Michael Baseman

Also present: Director of Planning and Development Michael Kruse

ITEM RECOMMENDED BY FULL BOARD ON MARCH 6, 2003:

20-03 HIS HONOR THE MAYOR, ALD. JOHNSON, LIPSITT, YATES, et al
and the *Mayor's Task Force on Inclusionary Zoning* proposing that section 30-24(f) of the a City of Newton Revised Zoning Ord., 2001 be amended to better encourage diversity of housing opportunities in the City.
Approved 4-0-2 by ZAP on 2/24; Chartered by Ald. Ciccone on 3/3.

ACTION: HELD 6-0

NOTE: Inclusionary Zoning Task Force Chair Ed Dailey briefly reminded Committee members of his Task Force's charge from the Mayor two years ago to simplify and update the Inclusionary Zoning Ordinance to make it clearer, easier to use and understand, and generate more Inclusionary housing units. The enclosed summary of the differences between the current ordinance and the proposed version was distributed to the Committee. After the public hearing on the item on February 10th, the Planning Board meeting in its statutory role to advise the Board of Aldermen on all proposed zoning changes had suggested several amendments. Attorney Dailey developed amendments that would implement the Planning Board's recommendations. The first was intended to make it more explicit that the Inclusionary Units should be dispersed throughout the site and that their exteriors should be indistinguishable from other units in design and

equivalent in materials. After a lengthy discussion of the comparative means of “identical,” “equivalent,” and “comparable,” the Committee voted unanimously that the following language for Section-30-24(f)(7) should be adopted. Also adopted unanimously was the recommendation that the two kinds of units in the development should be “Market Rate” and “Inclusionary.”

(f)(7) Design and Construction. In all cases, Inclusionary Units shall be fully built out and finished dwelling units. Inclusionary Units provided on site must be distributed dispersed- throughout the development and must be sited in no less desirable locations than the non-Inclusionary- Market Rate Units and have exteriors that are equivalent indistinguishable in design and of equivalent materials to the exteriors of non-Inclusionary-Market Rate Units in the development, and satisfy the following conditions:

The second recommendation of the Planning Board was that section 30-24(f)(8) should be altered to make sure that no rigging of the lottery selection should be allowed. The section was amended slightly with the addition of b) and then adopted as amended. A reference to the marketing plan was also added to section c):

b) a marketing and resident selection plan which includes an affirmative fair housing marketing program, including public notice and a disinterested resident selection process; provided that in the case of a marketing and selection plan for sale of Inclusionary Units to Eligible Households, the marketing and selection plan shall provide for “income blind” selection of Eligible Households and shall then provide for a preference order, to the extent permitted by law, first to City of Newton employees and then to residents of or workers in the City of Newton.

c) agreement by the Applicant that residents will be selected at both initial sale and rental and all subsequent sales and rentals from a listing of Eligible Households incorporating-created in accordance with the marketing and resident selection plan and developed, advertised, and maintained by the Newton Housing Authority; provided that the Applicant shall pay the reasonable costs of the Newton Housing Authority to develop, advertise, and maintain the listing of Eligible Households;

The Committee turned then to the amendment developed by Mr. Dailey in response to the analysis by Alderman Parker that the ordinance as proposed would be an incentive in the form of fewer rental units for low-income people for developers to build extremely large units. (See attached sheet from Alderman Parker.) Committee members were convinced that Alderman Parker had raised a valid concern but were not convinced that his amendment was the best way to deal with it. Some wanted to go ahead with the rest of the ordinance as amended and let this section be adopted as proposed. If it proved not valid, further changes could be made. Other members felt equally strongly that we should adopt the stricter version of this section and then make it looser if necessary later. Both sides agreed that more analysis of specific examples by the Planning Department of specific developments would be useful. Since there is still time for a working session on the 14th of April before a Board meeting at which the item could be adopted, the

Committee voted 6-0 to hold the item after two more votes on amendments to other sections of the ordinance. Since Attorney Howard Levine had told the Chair, that his client Mr. Karp would comply with whatever hotel linkage laws the city had in effect when his Chestnut Hill proposal was brought forward, no change was made in that section. Since it was agreed that the density offset in Section 7(f) was a double bonus on top of the density bonus built into the Special Permit table, the section was deleted and the following sections renumbered. (All these votes will be reflected in the version voted out to the full Board unless a member voting on the prevailing side reconsiders them at the next meeting.)

The Planning Department then agreed to prepare several analyses of the impact of the proposed ordinance as amended on recent real developments for the next meeting of the Committee on April 14. With that understanding, the Committee voted 6-0 to hold the item.

Alderman Mansfield then reported on the work of the 30-15 Task Force. In its first two years, the Committee had proposed text changes in the Ordinance that were adopted by the Board. It also brought forth the area zone changes. The Thompsonville one which responded to concerns in the neighborhood was adopted by the Board as proposed. The West Newton one was rejected. The Auburndale one was adopted in a smaller form reflecting the desire of residents of one part of the proposed rezoning to be rezoned. One adjacent parcel, the owner of which also wanted rezoning, could not be rezoned because the parcel had not been included in the hearing notice. The Task Force feels that the remaining zone changes have value but they do not want to be caught up in fights similar to the first three. It was suggested that the proposals be shared with at least one Alderman from the affected Ward. That Alderman could then share the concept with his or her colleagues and neighborhoods. If merit was found in a proposal, it could be filed and a neighborhood meeting held so that the first notification of such matters to residents would not be the public hearing notice. Alderman Johnson said that one of the proposals was similar to a request floated by residents of her ward and she would follow up. Aldermen Baker and Lappin made similar promises for the changes under consideration for parts of their wards.

Aldermen Mansfield, Baker, and Sangiolo and Attorney Rosenberg explained that the main focus of the Task Force was to eliminate the existing time-based system and to replace with additional space based districts that could be used for large sections of the city. The Committee agreed that they should proceed with this goal. The Chairman then referred item #7-99 to the Task Force because it seemed to take a similar approach to the general concept. He also referred item #297-00 to the Task Force since it was part of the original genesis of the Task Force and noted that two older smaller homes had been demolished on Ohio Avenue in addition to the one that originally triggered this discussion. He urged Aldermen to visit the site to get a better idea on the changes in quality of life and affordable housing stock that could be caused by lack of adequate regulation of over-development of smaller lots.

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7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.

#297-00 ALD. YATES & SAMUELSON proposing that Chapter 30 be amended to require a minimum lot area of 5,000 square feet for a single-family dwelling and 7,500 square feet for a two-family dwelling in Multi Residence Districts.

Since Mr. Dailey was still present, he was given a copy of item #291-95 concerning commercial linkage for the Inclusionary Zoning Task Force to consider. The Chestnut Hill project to be submitted in the next year makes this item extremely relevant.

#291-95 ALD. PARKER, BALSER, LIPSITT, MANSFIELD, & SAMUELSON requesting that Sec. 30-24 of the City of Newton Rev. Ords., 1995, be amended to require all large commercial development(s) to make a cash payment to be used for affordable/low-income housing. Such payments to be calculated individually for each development on the basis of costs incurred by the city; demands on infrastructure and services; increased need for area affordable housing; and other impositions to the city and community that result from the construction of such projects.

All other items were held without discussion and the meeting was adjourned at approximately 11:20 PM.

Respectfully submitted,

Ald. Brian Yates, Chairman