

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, APRIL 14, 2003

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

Absent: Ald. Gentile and Mansfield

Also present: Ald. Merrill, Parker, Lipsitt, and Linsky

Planning Department Staff: Michael Kruse, Juris Alsknitis

Law Department: Michael Baseman

Inclusionary Zoning Task Force: Attorney Edward Dailey (Chair), Josephine McNeil (CANDO), and Alderman Johnson

ITEM RECOMMENDED BY FULL BOARD ON MARCH 3, 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.

ACTION: APPROVED AS AMENDED 6-0

NOTE: The Chair explained that the amendments previously made to the inclusionary ordinance draft were incorporated in the draft that had been attached to the agenda. The only two remaining issues were the "monster home" issue and the hotel issue. Mr. Dailey explained that he had met with Aldermen Parker and Lipsitt as well as Ms. McNeil to develop a draft amendment that would satisfy the concerns about possible incentives for larger units. That item was distributed. It would require that 10% of the habitable floor space of a proposed development would be used for affordable housing. Mr. Dailey, Alderman Parker, and Alderman Lipsitt all agreed that it would meet all of their concerns without sabotaging the feasibility of development. An analysis by the Planning Department confirmed this. The amendment, which added a new subsection (f)(7), passed unanimously in its original form. (Later Mr. Baseman made several changes that did not change the concept.) Mr. Baseman's revised wording passed as part of the final vote on the item.

The remaining issue was that of hotel linkage. The Task Force had not dealt with the issue other than to change the 10% figure in the existing ordinance to 15% for

superficial uniformity. Chuck Eisenberg, Chair of the Economic Development Commission, had contacted the Committee Chair with his fears that the figure would make projects totally impossible. Comprehensive Planning Advisory Committee member Ted Tye had submitted a memo that blamed the original ordinance for the lack of any housing development in the city since its enactment in 1989 and urged that the entire section be repealed and certainly not be raised to 15%. Members scoffed at the theory that the linkage provision as it stands should be deleted but the Committee then divided on whether the Task Force's recommendation should be accepted or the language restored to the current amount. An original vote on the topic ended in a 3-3 deadlock. But the pragmatic argument that the change to 15% might jeopardize the whole ordinance gradually won over the members along with the realization that there was really no rationale for the 15% other than consistency. Members troubled by the issue nonetheless offered a motion to support the item as amended (including a severability clause to make it immune to partial legal challenge and an accompanying item taking the EDC up on its offer to run the numbers on the hotel linkage. Approval of the item as amended was approved 6-0 along with the docketing of the following item.

ZONING & PLANNING COMMITTEE requesting the Economic Development Commission to evaluate the economic and housing impacts of the current hotel linkage provision of the Zoning Ordinance and of a possible increase in the percentage from 10% to 15%, while taking into consideration the impacts of different types of hotel use.

All other items were held without discussion.

Respectfully submitted

Brian Yates

Attachments:

Summary sheet comparing current and proposed item

Ted Tye memo

Planning Dept memo dated 4/11/03