

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

December 3, 2018



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD and HOME
Program Manager
Planning & Development

Members

Peter Doeringer, Chair
Barney Heath, *ex officio*
Kelley Brown, Member
Sudha Maheshwari, Member
Jennifer Molinsky, Member
Sonia Parisca, Chair
Chris Steele, Member
Kevin McCormick, Alternate
James Robertson, Alternate

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Full Members Present:

Kelley Brown, Member
Jennifer Molinsky, Member
Chris Steele, Member
Sudha Maheshwari, Member
Kevin McCormick, Acting Member for November Meeting
Jim Robertson, Acting Member for November Meeting
Barney Heath, *Ex Officio*

Staff Present:

James Freas, Deputy Director of Planning
Amanda Berman, Director of Housing and Community Development
Rachel Powers, Community Development and HOME Program Manager
Eamon Bencivengo, Housing Development Planner

1. Minutes from the Planning and Development Board Meeting held on November 5, 2018

2. Inclusionary Zoning Presentation

3. Zoning Redesign

4. Northland Public Hearing – Zoning Change Presentation

(Continued from November 13th Land Use Hearing)

1. Action Item: Approval of Minutes of November 5, 2018 meeting

Mr. Steele opened the meeting at 7:00 p.m. The motion was made by Mr. McCormick and Ms. Maheshwari, and approved 7-0-0, with Mr. Robertson and Mr. McCormick voting as alternate members, to approve the minutes of November 5, 2018.

2. Inclusionary Zoning Presentation

Dir. Heath introduced Amanda Berman and summarized a bit of the public process. Ms. Berman distributed packets that illustrated the Department's steps in revising the existing Inclusionary Zoning Ordinance. She described the research and collaboration resulting through the extensive development process. The idea to update the ordinance came out of the 2016 Housing Strategy. The first proposal came to the Planning and Development Board and ZAP last fall, however a consultant was sought to test the viability of the IZ proposal. Planning worked with RKG Associates during Q1 of 2018 to analyze the 2017 proposal, as well as develop a robust financial feasibility model to test varied options. The Department has thoroughly examined the proposal and adapted it with feedback from members of the public and stakeholders in a way that maximizes the potential to create new affordable housing without stifling development. IZ represents one of many tools being utilized to create affordable housing; CDBG, HOME, and CPA represent other examples, especially for deeply subsidized units.

Ms. Berman responded to concerns iterated during the public hearing and outlined the project's guiding objectives. RKG's model is key to determining the feasibility of a project through the breakdown of various tier types and affordability levels. She further examined the challenges in implementing and creating additional Tier 1 units. Units created at the Tier 1 affordability level require such a deep subsidy, that it substantially reduces the overall number of affordable units that can be created in a given project. Ultimately, the Department sought to increase the percentage of units being created, while striking a balance amongst the proposed three tiers.

The Department would like to see the ordinance move forward in order to capture the new development coming forth. Additionally, once passed, the Department would like to docket a future item that would explore additional possibilities to produce more deeply subsidized, extremely low-income units coupled with access to supportive services for at-risk populations. Planning is committed to strengthening this work, but would like to avoid not moving the proposed ordinance along.

Mr. Steele opened up for comments and discussion. Ms. Molinsky expressed her appreciation for Planning's efforts and work on the revised ordinance, and reinforced the use of IZ as a tool to leverage private development to create new affordable housing. She feels this is a well-researched proposal and would be open to voting. She further noted that the tool will only work if the City allows multi-family development. She recognized that the City needs to address elder housing with supportive services, but we could address at a later point.

Mr. Robertson asked how many new households were added annually in the City and wondered how many multi-family units the City anticipated generating with this tool. He noted the built-out environment and small opportunity for new development. Between 2003 and 2018, about 135 structures with 3+ units were constructed. Approximately 90 deed restricted units were currently under construction, with an additional 25 connected to projects just receiving their special permit. It's hard to project the direction the market will take.

Mr. Steele asked if the Economic Development Committee (EDC) reviewed the proposed ordinance and spoke to their development of a cash flow template to estimate and test the economic feasibility of projects. It explained to the EDC some of the tradeoffs in active negotiations and recommended taking this step.

Ms. Berman explained some of the assumptions included in RKG's well-researched model, noting that projects exceeding 35 units would most likely include underground parking. Mr. Brown commented that historically the federal government was largely responsible for providing deep subsidies that made public housing possible and robust programming hasn't been available in decades. IZ provides a shallow subsidy and can't replace the supports that have been reduced over the years. He feels the proposed ordinance is the right way to proceed. The whole purpose of the analysis was to create affordable housing without creating an overly burdensome regulatory environment that precludes development. He noted the complexity of other factors, but reiterated the need to move forward with the current proposal.

Mr. McCormick commented that the model without context can prompt questions, but approves moving forward with the ordinance as presented.

Upon a motion by Ms. Molinsky, seconded by Mr. Brown and passed 6-0-1, with both alternates voting and Dir. Heath abstaining, the Revised Inclusionary Zoning Ordinance was approved as presented.

3. Zoning Redesign

Deputy Dir. Freas introduced himself and spoke to the process of Zoning Redesign and its vision, particularly with regard to the expanded role of the Planning and Development Board. Historically, the role of the Board has been to attend joint ZAP/LUC meetings for the purposes of offering recommendations; but Zoning Redesign is a much larger, more complicated process, and given its talent, the City seeks to best engage and better utilize the Board.

Deputy Dir. Freas posed the question of how to best to engage and support the Board in reviewing the proposed ordinance. Mr. Steele inquired into the project's timeframe. Deputy Dir. Freas distributed the proposed scheduling, which aims to release the second draft by May 2019 and adopt by the end of 2019. Planning is currently undertaking individual ward meetings and will re-launch open office hours. The process will continue to remain public, even prior to the opening of the public hearings. If not passed by the end of 2019, the proposal gets re-docketed for the next term; however the work is not lost.

Mr. Steele openly considered Planning and Development Board representation at meetings and hearings as the proposal moves forward. Ms. Molinsky suggested that Zoning Redesign be treated in a manner similar to the Washington Street visioning process; maintaining a quorum throughout. Mr. Brown would be interested in getting a better handle on the public reaction to the proposal. Considering the Washington Street Plan, he finds ongoing dialogue interesting. Deputy Dir. Freas noted a handful of projected meetings that would benefit from the Board's presence and will continue to communicate with staff. A build out analysis will be conducted on the existing and proposed ordinance, which will feature projected unit counts and a tear-down vulnerability analysis. Mr. Steele pointed out that this had never been done before. The analysis will be presented on Feb 11th.

Ms. Maheshwari inquired into event outreach and attendance; Dir. Heath noted how well attended the first event had been and how engaged the attendees were. Additionally, Planning has been engaged with Area Councils. Deputy Dir. Freas mentioned that the Area Councils assisted with invitations and will remain a part of the process. Ms. Molinsky suggested a rotating group approach and ways of communicating highlights for those members attending alternating, parallel meetings. Dir. Heath confirmed that meeting summaries would be provided.

Deputy Dir. Freas also sought feedback about the involvement of the Board moving forward as a Special Permit Granting Authority (SPGA) moving forward. Logistics would involve more meetings. There are approximately 80 special permits each year; many relate to single-family homes, alterations and non-conforming properties. Since the primary focus of the proposed ordinance is to reduce non-conformities, the hope is that this number will be reduced. Mr. Steele questioned the Council's initial appetite on splitting SPGA responsibilities; which is currently mixed. Deputy Dir. Freas noted that the 2011 Zoning Reform report recommended that Council not be sole SPGA, and should focus principally on larger scale projects. Mr. Steele further tried to clarify the types of special permits that would go before the Board; Deputy Dir. Freas indicated that the plan was for residential projects less than 20 units and commercial developments less than 20,000 sq. ft to go in front of the Board.

Mr. Brown spoke in support of the changes, which while radical, will be more consistent to Planning Boards throughout the commonwealth. Mr. Robertson asked about administrative logistics and role of Planning staff and scheduling moving forward. Dir. Heath and Deputy Dir. Freas spoke to existing infrastructure and changes in meeting structure. The Board would serve a dual function, as a SPGA and advisors to the City Council on large-scale projects.

Mr. Brown asked how Washington Street zoning would fit in; Deputy Dir. Freas indicated that once approved, it would essentially become a stand-by-itself, special overlay district within the existing and proposed ordinances. Ms. Molinsky spoke in favor of the ordinance changes.

4. Northland Public Hearing

Mr. Steele introduced Mr. Schlesinger, Mr. Gonzales and Mr. Standish, proponents of the Northland Redevelopment project. Northland's Public Hearing opened on September 25, 2018 with the City Council's Land Use Committee (LUC). Their proposal is based on the existing zoning ordinance and recommends shifting the area's current MU-1 zoning to BU-4. Mr. Schlesinger opened his presentation highlighting the old zoning map, summarizing its challenges and the characteristics of the City's various districts. He briefly described the history of Needham Street and the shift from semi-industrial to retail. Currently, the ordinance is extremely limiting, only allowing office usage by-right and office growth has been negative in the area. A majority of the neighborhood's existing businesses are non-conforming and inconsistent with the reality of a MU-1 district. Retail stores and entities promoting other uses have been forced to come in for special permits. The project proponents have examined the BU 4 District and believe it is more consistent with the neighborhood and their goals. The primary difference between the two districts is in the dimensional requirements and height allowance.

Mr. Schlesinger shifted to the Land Use Map, outlining the street's non-conformities. He highlighted the Mixed-Use Centers amendment in the Comprehensive Plan, which contemplated a different sort of development. He acknowledged that the City took a big step forward in adopting this amendment and noted Northland's consistency with the objectives of the recently created Needham Street Vision Plan. All project planning efforts promoted the utilization of density; this flexibility is only achievable through BU-4 zoning.

Ms. Molinsky inquired about other BU-4 districts in Newton; some examples include Chestnut Hill Square by The Street, Newton Corner by the Crown Plaza, Marriott Hotel and the Hotel Indigo. Mr. Schlesinger reinforced that they solely wanted a map amendment and nothing to do with the ordinance text. Under the new ordinance, however, the proposal would be consistent and allow the developers to do more. Depths and height lines would fall in line.

Since the proponents are already going through the special permitting process, Mr. Robertson asked the purpose of rezoning this single lot. Mr. Schlesinger indicated the client is actually seeking to rezone 3 lots. Initially the proponents came in without a formal proposal in hopes of rezoning the land prior to designing the project; however, the City Council specified that they wouldn't act on a proposal without a project. In response, Mr. Robertson wondered why they wouldn't rezone the whole street, especially given Zoning Redesign. Dir. Heath noted that there is no guarantee that the proposed zoning ordinance will pass. Mr. Schlesinger indicated the area doesn't have to be all one single zone; there could be valuable non-conformities. It made sense to the proponents to deal with the parcels in question.

Ms. Molinsky was curious about the history of BU-4 zoning; Mr. Schlesinger thought it was created for Newton Corner. The general hope is that the height won't be so startling moving forward and that the

new ordinance will allow for more transition. Additionally, he indicated there was only one other zoning mechanism in the City's ordinance, the Planned Multi-Use Business Development (PMBD), which can only be used in a BU-4 district, but this could not be used in the Northland project.

Ms. Molinsky further recognized the usefulness of the proposal, but noted that if the project falls through, the Board is responsible for alternatives. Mr. Schlesinger reiterated that "as-is" the space is only zoned for office space.

Public Comment (8:40pm)

Nathaniel Lichtin, 53 Pine Crest Rd., Newton Highlands: While the area council he serves has not issued a stance, he personally noted that a BU-4 category makes a lot of sense. He is debating the appropriateness of the height, which is a major concern of the neighborhood. Mr. Lichtin is generally supportive of the amendment but would like the Board to consider height in their recommendation.

Following public comments, Mr. Schlesinger shifted discussion to upcoming events as they relate to Northland impacts.

Upon a motion by Mr. Robertson, seconded by Mr. McCormick, the continuation of the Northland Redevelopment Rezoning public hearing was unanimously passed 7-0-0.

5. Next Meetings-

The next Northland joint LUC meeting is scheduled for December 11, 2018; the covered topic will be Housing and Economic Impacts

6. Action Item: Adjournment

Upon a motion by Mr. Robertson, seconded by Mr. McCormick and unanimously passed 7-0-0, the meeting was adjourned at 8:47 p.m.