

# Zoning & Planning Committee Agenda

# City of Newton In City Council

Monday, January 13, 2020

7:00 PM Chamber/Room 205

### **Items Scheduled for Discussion:**

**Chair's Note:** There will be a presentation from the Planning Department on the history of Zoning Redesign.

# Referred to Zoning & Planning Committee

#37-20

Amend ordinances by creating a temporary suspension on landmark designation COUNCILORS ALBRIGHT, AUCHINCLOSS, CROSSLEY, DOWNS, KELLEY, LIPOF, GREENBERG, KRINTZMAN, NOEL, LEARY, AND DANBERG proposing an amendment to Chapter 22 of the Revised Ordinances of the City of Newton, 2017 to temporarily suspend nominations made by the Historical Commission and the City Council for landmark designations of any land, buildings and structures in the City of Newton in order to allow the City adequate time to review the landmark ordinance and consider what revisions are appropriate. The temporary suspension will prevent and suspend the processing, and approval of any property currently under consideration for landmark designation and will temporarily suspend future landmark designations made by the Historical Commission and the City Council. Landmark nominations made by the Mayor, Director of Planning of Development and the Commissioner of Inspectional Services shall not be affected. This temporary suspension shall end no later than December 31, 2020.

Respectfully Submitted,

Deborah J. Crossley, Chair

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: <a href="mailto:ifairley@newtonma.gov">ifairley@newtonma.gov</a> or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



# City of Newton, Massachusetts

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Barney S. Heath Director

#### **MEMORANDUM**

DATE:

January 10, 2020

TO:

Councilor Deborah Crossley, Chair, Zoning & Planning Committee

Members of the Zoning & Planning Committee

FROM:

Barney Heath, Director, Department of Planning and Development

Jennifer Caira, Deputy Director of Planning & Development

Zachery LeMel, Chief of Long Range Planning

RE:

Chair's note: requesting a presentation from the Planning Department on the history of

**Zoning Redesign** 

**MEETING:** 

January 13, 2020

CC:

City Council Planning Board

John Lojek, Commissioner of Inspectional Services

Alissa O. Giuliani, City Solicitor

Jonathan Yeo, Chief Operating Officer

In spring 2019 the Planning Department decided to take a pause on Zoning Redesign. With the new Council-term beginning the Planning Department is ready to relaunch Zoning Redesign with the goal of improving the current Draft through a timely, well-defined, process and with the aim of having the City Council adopt the complete Ordinance by December 2021.

#### Introduction

The Planning Department released the first draft Zoning Ordinance on October 19, 2018. By consulting with the Zoning and Planning Committee, listening to the community, reviewing the Comprehensive Plan, and analyzing best practices in the field, the Planning Department arrived at the overarching concept of a *Context Based* Zoning Ordinance. This phrase was understood to mean that the rules and regulations of the new Zoning Ordinance derive from the existing Newton context – the existing patterns of development evidenced throughout the City. This guiding concept emerged from the ideas:

- A. As is highly apparent and strongly emphasized in Newton's Comprehensive Plan,
  Newton is a community that greatly appreciates and loves the form and physical character
  of its existing neighborhoods and villages. As the Comprehensive Plan says, "Newton ... has a
  powerful commitment to its existing pattern, and our vision and goals for future land use
  reflect that. Our intention is to guide change so that it reinforces what we have, building on
  our assets."
- B. The existing City, and the patterns of development it represents, are far more environmentally sustainable and accommodating of incremental growth than the City would be if it had been developed under the existing Zoning Ordinance. The built environment of the City is 85% to 95% non-conforming with the Zoning Ordinance and nearly 75% of the City was built before the 1953 Zoning Ordinance. The pattern of walkable village centers, with taller buildings and more activity at their centers gradually transitioning to neighborhoods, is widely recognized today as the best way to develop in order to address issues of environmental sustainability and climate change, as well as housing choice and equity. Therefore, the City will accomplish many of the goals identified in the Comprehensive Plan simply by returning to and building from the historic pattern of development, pre-1953, that produced the City citizens know and love today.

#### **Project Background**

Nearly 10 years ago, in 2011, the Newton City Council recognized the need for a substantial update to Newton's Zoning Ordinance and created the Zoning Reform Group to investigate the potential of writing a new ordinance. The last major review of the Ordinance had occurred in 1987 and fundamentally, much of it still reflected the Ordinance established in 1941 and 1953. Much had changed over this time, most significantly, the emergence of the Boston region as a major global center of innovation, resulting in strong economic growth, job creation, and a corresponding rapid increase in housing costs as demand outpaced supply. At the same time, changing market preferences have led to increasing demand for walkable, mixed-use environments. Finally, the reality of climate change has further reinforced the desirability of locations that offer this kind of setting.

With Newton's favorable location in the Boston region, these trends were readily apparent as market demand to live in Newton increased dramatically, especially in proximity to the village centers, which offered that desirable, environmentally-friendly, and walkable mixed-use environment. The resulting

dramatic increase in housing prices made Newton one of the more exclusive communities in the region and a community with diminishing opportunities for lower and middle-income people. The challenge identified by the Zoning Reform Group became how could the Zoning Ordinance not only function as a tool to advance the City's goals, but also used to retain its fundamental character in the face of the considerable development pressure created by this environment. The design of the existing Zoning Ordinance, originating in the 1940s and 1950s, addresses very different issues than those Newton faces today.

The Zoning Reform Group recommended a comprehensive revision of Newton's Zoning Ordinance, incorporating many of the latest zoning tools and best practices, summarized in a list of 11 themes:

- 1. Better organize the Ordinance for ease of use
- 2. Simplify and streamline the permitting and review processes
- 3. Recognize that each village center and commercial corridor is unique
- 4. Encourage mixed-use residential redevelopment in village centers
- 5. Create "soft transitions" between village centers and residential neighborhoods
- 6. Allow moderate, flexible growth on commercial corridors
- 7. Rationalize and streamline parking regulations
- 8. Protect neighborhood character and scale
- 9. Create more diverse housing opportunities
- 10. Institute a better process for managing change of religious and educational institutions
- 11. Improve natural resource conservation and sustainability

The first phase of this process (theme 1), completed and adopted in November 2015, intended only to reorganize and clarify the existing rules. The second phase (themes 2-11), the substantive rewrite of the ordinance, began in September 2016 and has always referred back to the Zoning Reform Group principles and themes for guidance.

The first step to creating a *context-based* Zoning Ordinance for Newton was the Pattern Book. In order to create rules based on the existing built environment, the City needed a detailed study of all existing buildings. Beyond its role in setting the foundation for the new Zoning Ordinance, the Pattern Book is

the first truly comprehensive analysis of the City's built form and is therefore a resource for Newton citizens and others interested in the built environment and the historic development of the City.

In September 2017 the Planning Department began a monthly public meeting series with meetings devoted to issues that relate to the Zoning Ordinance and potential tools to incorporate in zoning to address them. Topics ranged from housing and economic development to environmental sustainability and promoting the arts. Feedback from these meetings, and from the Zoning and Planning Committee was invaluable as staff prepared to draft the Ordinance.

Writing of the first draft Zoning Ordinance began in the summer of 2018. Staff drafted the ordinance using the aforementioned Pattern Book and adopted City policy and plans as guidance. In addition, the Planning Department hired an experienced zoning consultant, Joel Russell, JD, to assist with drafting and to review the entire document. An internal working group composed of the Planning Department, Inspectional Services Department, and the Law Department reviewed the draft Ordinance. In addition, a two-part architects' event was used to test the Ordinance against real world building projects and site conditions.

Following the release of the draft Zoning Ordinance the Planning Department introduced the document through public meetings conducted in each of the City's eight wards, numerous individual meetings with residents and property owners, and conversations with City Councilors and other city officials between November 2018 and March 2019. The Planning Department received a good amount of feedback and ideas. In addition, through the build-out analysis staff learned a great deal more about the potential implications of the rules proposed and presented revisions through a series of working sessions with the Zoning and Planning Committee, especially for Article 3 – Residence Districts.

#### **Looking Ahead**

To achieve our goal of adopting Newton's new *Context-Based* Zoning Ordinance by December 2021 the Planning Department recommends looking back on what has been created to-date and developing a process forward that breaks up this large and complex project into manageable sections that can be presented, reviewed, and edited Article-by-Article, with some sections potentially being adopted individually. Each Article is unique and will require a timeline specific to it. The Planning Department proposes starting with Article 3 – Residence Districts because Staff has completed additional analysis

Page 5 of 5

identifying several issues and potential solutions. In addition, Article 3 encompasses several issues

previously raised by the Committee (single family attached building types, tear downs, and garages) and

a number of the themes from the Zoning Reform report.

To assist the Committee in revisiting Zoning Redesign in the coming weeks and months, the Planning

Department has compiled two sets of documents. The Annotated Bibliography, Zoning Redesign 2011 –

Present (Attachment A) provides a history of Zoning Redesign dating back to the Zoning Reform Group

with links to the various reports, memos, and presentations. Key Planning Documents (Attachment B),

provides a links to relevant planning studies, reports, and drafts that Zoning Redesign, as well as other

zoning efforts this term will build upon.

#### Attachments

Attachment A Annotated Bibliography, Zoning Redesign 2011 – Present

Attachment B Key Planning Documents

Attachment A: Zoning & Planning Committee

Annotated Bibliography, Zoning Redesign 2011 - Present

**Zoning Reform Group** 

1) Zoning Reform Group Report

Date: December 30, 2011

Who: Deb Crossley (chair), Jason Rosenberg, Terry Morris, Jen Molinsky, Peter Kilborn, Marc

Hershman, Steve Vona

What: Foundational document that laid out the need for zoning reform. The clearly defined principles and themes guided phase 1 – reorganizing and clarifying the existing zoning ordinance (completed) and set the stage for the phase 2 – comprehensive rewrite (ongoing). To date the City has always attempted to align outcomes with this document, which draws heavily on the goals and

objectives within the 2007 Comprehensive Plan.

Zoning Reform Phase I (2013-2015)

1) Newton Zoning Assessment

Date: March 25, 2013

Who: Code Studio, Joel Russell

What: This assessment was the first step, providing a road map that describes the extent of change proposed during the reformatting and reorganization process. The assessment evaluated the Zoning Ordinance against national and regional best practices and recommended ways to generate a more

modern, user-friendly and streamlined Ordinance.

2) Newton Zoning Ordinance

Date: November 1, 2015 (last updated September 24, 2019)

Who: Planning Department, Zoning Reform Advisory Group, ZAP, Code Studio, Joel Russel What: The adoption of the updated Ordinance completed Phase I of the City's Zoning Reform project. The updated Ordinance represents the City's first steps to enhance the usability of these regulations by: clarifying ambiguities and inconsistencies; improving legibility through the application of simpler language; use of more illustrations and tables; the creation of use tables to better explain permit processes and standards in each zoning district; using hyperlinked cross-references to increase functionality; and the utilization of a document format to improve legibility and transparency. The Look-Up Table is a cross referencing tool to look up content from the

Annotated Bibliography, Zoning Redesign 2011 - Present

previous version of the City's Zoning Ordinance and see where it can be found in the City's updated

Zoning Ordinance.

Zoning Reform Phase II - Pattern Book (2016-2018)

1) ZAP Memo – Pattern Book purpose and launch

Date: August 19, 2016

Who: Planning Department, Sasaki

What: This memo sets the stage for the beginning of Zoning Reform Phase II with the City's

consultant (Sasaki) on board and ready to go. The process for hiring a consultant took place between

fall 2015 (ZAP approved RFP) – summer 2016 (consultant signed contract). Finally, this memo

formalizes that the Pattern Book serves as the foundation of the context-based zoning ordinance as

well as a guide for property owners on appropriate design considerations for Newton's diverse

neighborhoods and village centers. The public kick-off took place on October 5, 2016.

2) Newton's Pattern Book

Date: October 19, 2018

Who: Sasaki, Planning Department, ZAP

What: The Pattern Book is a data-driven analysis of Newton's past and current development context

intended to capture the character of Newton's neighborhoods and village centers at a moment in

time while recognizing that the City will continue to grow and change. In addition, the Pattern Book

is intended to be used as a resource for decision-makers, property owners, developers, and

designers working outside the formal zoning approvals process who aim to make informed choices

on the design, siting, and uses of new development with respect to its compatibility with existing

contexts. Moving forward the Planning Department, with the City Council and public, worked to

establish the rules and procedures for new development that respect and respond to the adjacent

forms, dimensions, and general, characteristics that make up a neighborhood as defined in the

Pattern Book.

Process:

• Project kick-off (October 5, 2016)

• Pattern Book Walk (November 7, 2016)

• Open House (December 3 & 4, 2016)

• ZAP Update – Draft Pattern Book (March 13, 2017)

Page 2 of 6

# Annotated Bibliography, Zoning Redesign 2011 - Present

- Public Meeting Presenting the Draft Pattern Book (May 11, 2017)
- Pattern Book Office Hours (May August 2017 7 events)
- <u>Comment and Response Log for Pattern Book</u> (September December 2017)
- Think Globally. Act Locally: Zoning for a Sustainable Newton (September 27, 2017)
  - o Video
  - o **Presentation**
  - o Summary Report
- Newton's Advantage: Zoning and Economic Development (October 19, 2017)
  - o Video
  - o <u>Presentation</u>
  - o **Summary Report**
- Cracking the Code: Understanding Zoning for Homeowners (November 29, 2017)
  - o <u>Video</u>
  - o **Presentation**
  - o Summary Report
- Housing for Whom? Zoning, Affordability, and Fair Housing (December 14, 2017)
  - o <u>Video</u>
  - o **Presentation**
  - o **Summary Report**
- A Parking Lot for Goldilocks: Zoning for Just the Right Size (January 18, 2018)
  - o <u>Video</u>
  - o <u>Presentation</u>
  - o **Summary Report**
- Tapping the Creative Economy: Zoning, Arts, and Artisans (February 15, 2018)
  - o <u>Video</u>
  - o <u>Presentation</u>
  - o **Summary Report**
- Building Shape, Size, and Form, Neighborhoods and Village Centers (Marc 15, 2018)
  - o <u>Video</u>
  - o <u>Presentation</u>
  - o **Summary Report**
- What's the Process? How Stuff gets Built in Newton (Thursday April 12, 2018)

# Annotated Bibliography, Zoning Redesign 2011 - Present

- o Video
- o <u>Presentation</u>
- o **Summary Report**
- A New Zoning Map for Newton (May 10, 2018)
  - o <u>Video</u>
  - o <u>Presentation</u>
  - Summary Report (need to post on website, current link is to F:// drive)
- Designers and Architects Review Event (September 20 & October 4, 2018)

# Zoning Reform Phase II – Draft Zoning Ordinance, v1 (2017-2018)

# 1) <u>Draft Zoning Ordinance, v1</u>

Date: October 19, 2018

Who: Planning Department, Law Department, ISD, Joel Russel

What: In consultation with the Zoning and Planning Committee and through listening to the community and reviewing the Comprehensive Plan and best practices in the field, the Planning Department arrived at the overarching concept of a Context Based Zoning Ordinance to guide the work of this second phase. This phrase was understood to mean that the rules and regulations of the new Zoning Ordinance would derive from the existing Newton context – the existing patterns of development evidenced throughout the City.

# 2) Map – Draft Zoning Ordinance, v1

*Date:* October 19, 2018

Who: Planning Department

What: The Zoning Map explains how to apply the rules of the Zoning Ordinance to different parts of the City. In creating a first draft Zoning Map, staff and the consultants have done an extensive analysis of the data drawn from the Pattern Book to generate a new set of districts and building rules that reflect the existing built City.

# Zoning Reform Phase II – Draft Zoning Ordinance, v1 Public Comment (2018-2019)

# 1) Ward-by-Ward Meetings

Date: Multiple

Who: Planning Department

# Annotated Bibliography, Zoning Redesign 2011 - Present

What: With the release of Draft Zoning Ordinance, v1 the City held community meetings ward-byward to provide an overview of the draft and begin a discussion of detailed review to be incorporated into the updated Draft Zoning Ordinance.

#### Process:

- Ward 5 (November 29, 2018)
  - o <u>Presentation</u>
- Ward 7 (December 12, 2018)
  - o **Presentation**
- Ward 6 (January 10, 2019)
  - o <u>Presentation</u>
- Ward 3 (January 24, 2019)
  - o **Presentation**
- Ward 1 (February 7, 2019)
  - o <u>Presentation</u>
- Ward 8 (February 13, 2019)
  - o <u>Presentation</u>
- Ward 2 (February 28, 2019)
  - o **Presentation**
- Ward 4 (March 7, 2019)
  - o **Presentation**
- 2) Zoning and Planning Committee Working Group Meetings (2018-2019)

Date: Multiple

Who: Planning Department

What: With the release of Draft Zoning Ordinance, v1 the Planning Department met with ZAP to discuss and provide guidance to the development of the Draft Zoning Ordinance, v2. In some cases, the Planning Department analyzed feedback received from the Zoning and Planning Committee and made recommendations for updating the draft in-line with those comments (ex. Residential Districts).

#### Process:

- First Draft Ordinance Overview (October 22, 2018)
  - o Memo (pg. 73-80)

# Attachment A: Zoning & Planning Committee Annotated Bibliography, Zoning Redesign 2011 - Present

- Residence Districts (November 26, 2018)
  - o <u>Memo</u>
  - o <u>Presentation</u>
  - o Meeting Summary
- Village Districts (January 14, 2019)
  - o <u>Memo</u>
  - o <u>Presentation</u>
  - o <u>Meeting Summary</u>
- Single Purpose Districts (January 28, 2019)
  - o <u>Memo</u>
  - o <u>Presentation</u>
  - o Meeting Summary
- Build Out Analysis (February 25, 2019)
  - o Memo
  - o **Presentation**
  - o <u>Deep Dive Tables</u>
- Development Review Process
  - o <u>Memo</u>
  - o <u>Presentation</u>
  - o <u>Meeting Summary</u>

# Attachment B: Zoning & Planning Committee **Key Planning Documents**, **2007 - Present**

The following ordinances, plans, and policy documents represent foundations for zoning and planning in the City of Newton.

- 1) Newton Comprehensive Plan (November 19, 2007)
- 2) Mixed-Use Centers Element of the Comprehensive Plan (November 7, 2011)
- 3) Zoning Reform Group Report (December 30, 2011)
- 4) Reformatted Newton Zoning Ordinance (November 1, 2015, last updated on September 24, 2019)
- 5) Newton Leads 2040: Housing Strategy (June 22, 2016)
- 6) Newton Leads 2040: Transportation Strategy (February 17, 2017)
- 7) Newton Street Design Guide (June 1, 2018)
- 8) Needham Street Area Vision Plan (August 13, 2018)
- 9) Newton Pattern Book (October 19, 2018)
- 10) Context-Based Zoning Ordinance, Zoning Redesign (draft October 19, 2018)
- 11) Context-Based Zoning Map, Zoning Redesign (draft October 19, 2018)
- 12) Economic Development Strategy (February 4, 2019)
- 13) Washington Street Vision Plan Zoning Code (draft April 22, 2019)
- 14) Riverside Vision Plan (May 2, 2019)
- 15) Inclusionary Zoning Ordinance (July 8, 2019)
- 16) Climate Action Plan (November 18, 2019)
- 17) Sustainable Design Standards (December 2, 2019)
- 18) Washington Street Vision Plan (December 16, 2019)
- 19) Create Newton: Newton's Comprehensive Arts and Culture Plan (December 17, 2019)

The documents listed here, as well as others, along with additional process documents for each can be found on the City's website at the page for <u>Plans, Policies & Strategies</u>.



Ruthanne Fuller Mayor

# City of Newton, Massachusetts

Department of Planning and Development 1000 Commonwealth Avenue Newton, Massachusetts 02459 Telephone (617) 796-1120 Telefax (617) 796-1142 TDD/TTY (617) 796-1089 www.newtonma.gov

Barney S. Heath Director

#### **MEMORANDUM**

DATE:

January 10, 2020

TO:

Councilor Deborah Crossley, Chair, Zoning & Planning Committee

Members of the Zoning & Planning Committee

FROM:

Barney Heath, Director, Department of Planning and Development

Jennifer Caira, Deputy Director of Planning Katy Hax Holmes, Chief, Preservation Planning

RE:

#37-20 Amend ordinances by creating a temporary suspension on landmark designation

COUNCILORS ALBRIGHT, AUCHINCLOSS, CROSSLEY, DOWNS, KELLEY, LIPOF, GREENBERG, KRINTZMAN, COTE, NOEL, LEARY, AND DANBERG proposing an amendment to Chapter 22 of the Revised Ordinance of the City of Newton, 2017 to temporarily suspend nominations made by the Historical Commission and the City Council for landmark designations of any land, buildings and structures in the City of Newton in order to allow the City adequate time to review the landmark ordinance and consider what revisions are appropriate. The temporary suspension will prevent and suspend the processing, and approval of any property currently under consideration for landmark designation and will temporarily suspend future landmark nominations made by the Historical Commission and the City Council. Landmark nominations made by the Mayor, Director of Planning and

Development and the Commissioner of Inspectional Services shall not be affected. This

temporary suspension shall end no later than December 31, 2020.

**MEETING:** 

January 13, 2020

CC:

John Lojek, Commissioner of Inspectional Services

Alissa O. Giuliani, City Solicitor Jonathan Yeo, Chief Operating Officer

This item was originally docketed as #244-30 in July 2019 and was subsequently held by the Council. The item was re-docketed this year as #37-20.

Established in 1993 under City Ordinance Chapter 22, Sections 22-60 through 22-75, Newton's Local Landmark Ordinance was created to serve as a municipal tool to preserve the City's most historically significant buildings. The Landmarks Ordinance in the City of Newton provides the highest level of protection for properties determined to be the most architecturally or historically significant. Under the Landmarks program, the Newton Historical Commission

can choose to permanently preserve buildings, structures, landscapes, and places that define the historic character of the city and have, over time, helped to establish a sense of place.

In addition to the Newton Historical Commission, the Mayor, members of the City Council, the Director of Planning and Development or the Commissioner of Inspectional Services may nominate properties as landmarks. Landmarks are designated at a public hearing of the Newton Historical Commission by a 3/4 vote of the Commission. In order of be eligible for Landmark status, a property must either be listed in or eligible for listing in the National Register of Historic Places.

Once a property becomes a local landmark, the Newton Historical Commission reviews proposed changes to landmarked properties as though they were included in a local historic district. This means that any alterations to the exterior of the structure, such as demolition, additions, renovations, deterioration by neglect, or new construction, must be reviewed and approved by the Newton Historical Commission. Designation of a local landmark means that the decision is filed with the Registry of Deeds.

Newton currently has 22 Local Landmarks from the last 35 years. A list of the properties and the year they were landmarked appears below:

286 Waverley Avenue, Newton Corner - Durant-Kenrick House and Grounds (1993)

473 Auburn Street, Auburndale - Whittemore Tavern (1993)

65-71 Walnut Park, Newton Corner - John Potter House (1994)

50 Fairlee Road, Waban - John Woodward House (1994)

401 Woodward Street, Waban - Eleazor Hyde House (1994)

35 Webster Street, West Newton – Nathaniel Topliff Allen House (1998)

2276 Washington Street, Newton Lower Falls - Ware Paper Mill (2000)

29-31 Elmwood Street, Newton Corner – William J. Jacques House (2001)

320 Nevada Street, Nonantum – Silver Lake Cordage Company (2001)

12 Drumlin Road, Oak Hill - TAC #1, Kaplan House (2003)

1734 Beacon Street, Waban - Frederick A. Collins House (2003)

64 Hancock Street, Auburndale – United Parish of Auburndale (2004)

236-242 Islington Road, Auburndale – Islington Estate Staff Quarters (2004)

1515-1529 Washington Street, West Newton - St. Bernard's Church and Rectory (2005)

29 Greenwood Street, Oak Hill - Gershom Hyde House and Barn (2005)

450 Winchester Street, Oak Hill - Floyd House (2008)

17-19 Channing Street, Newton Corner – Thayer House (2010)

424-432 Cherry Street, West Newton – Samuel Warren Tavern (2012)

1615 Beacon Street, Waban – Staples-Craft-Wiswall Farm (2015)

36 Walnut Park, Newton Corner – Rev. John A. Hamilton House (2016)

391 Dedham Street, Newton Center - Ebenezer Stone House (2017)

128 Chestnut Street, West Newton – Lambert-Jones House (2018)