



Zoning & Planning Committee Report

City of Newton In City Council

Monday, December 10, 2018

Present: Councilors Albright (Chair), Danberg (Vice Chair), Leary, Kalis, Krintzman, Baker, Downs, and Brousal-Glaser

Also Present: Councilors Gentile, Greenberg, Schwartz, Crossley, Laredo and Auchincloss

Planning & Development Board: Sonia Parisca, Kelley Brown, James Robertson, Kevin McCormack, and Sudha Maheshwari

City Staff: Jonathan Yeo (Chief Operating Officer), Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), Amanda Berman (Housing Development Planner), Jennifer Steel (Chief Environmental Planner), Rachel Powers (Staff, P&D Board), and Karyn Dean (Committee Clerk)

Referred to Zoning & Planning and Finance Committees

#576-18

Discussion of a visioning process for land surrounding Riverside MBTA station
COUNCILORS KRINTZMAN, GENTILE, MARKIEWICZ, LAREDO AND AUCHINCLOSS

requesting a discussion with the Director of Planning on conducting a vision process for the potential development of the land around the Riverside MBTA station.

Action: **Zoning & Planning Held 8-0**

Note: Councilor Krintzman, one of the co-docketers, explained that the Riverside site was owned by the MBTA and a Request for Proposals (RFP) was put out to develop the site over 10 years ago. He was President of the Lower Falls Improvement Association at the time and tracked it quite closely along with the neighborhood. A number of years ago the Board of Aldermen approved a zoning change for the site. Since then, a new developer has said that a project would not be financially feasible as approved and would like to revisit the zoning and the special permit. Since 2006, the neighborhoods of Auburndale and Newton Lower Falls has been asked what they would like to see at the location. Three neighborhood associations created white papers that were attached to the MBTAs RFP at that time, essentially laying out their vision. Many people in the community felt those papers were largely ignored during the process. As developers have been more recently looking at developing the site, the neighborhoods are asking for the ability to provide input, once again. The Washington Street and Needham Street visions processes have proven quite successful and a similar process should be considered. This would give the

Auburndale and Lower Falls neighborhoods, an opportunity to provide feedback and that is what led to the docketing of this item.

Planning Department

Barney Heath, Director of Planning provided a PowerPoint presentation which is attached. He explained that there has been the prospect of a special permit application for the Riverside site to come in 2019. He agreed that there is a great deal of interest from the Auburndale and Lower Falls neighborhoods as well as citywide interest.

He noted that the issues under consideration include timeliness, staff resources, the land use process and the need for expertise to extend the resources of the Planning Department. There are also some unknown factors. Various consultants were brought on board for the Northland project so staff understands the type of expertise that would be needed for the Riverside project. In addition to these consultants, staff would add a community engagement process.

Mr. Heath explained that staff organize a mediated community dialogue and an expanded peer review process. The mediated community dialogue would involve a professional mediation team, experienced in land use and community planning to facilitate a dialogue between key stakeholders, mainly neighborhood residents and the development team for Riverside. The team would facilitate the communication process, provide an analysis of stakeholders' key issues and concerns, and assist in an exchange of information all with the goal to modify the project proposal to better respond to neighborhood concerns prior to a formal submission to the City Council's Land Use Committee.

The expanded peer review approach would engage the various "on-call" consultants to assist in the review of specific elements of proposed development projects. In the case of Northland, this provided the chance to relate concrete suggestions on how to bring a better project forward. It would be a very robust review and staff would also contribute in order to bring something forward to the Land Use Committee. For Riverside, in addition to this, a community dialogue would take place first, and the various consultants would be present in order to find out the concerns of the residents. This does not happen with a traditional peer review process.

Mr. Heath said staff could also combine both methods. This would include having an expanded peer review facilitated by someone who had expertise in community dialogue in order to get the most of the process as possible. This could take a couple of meetings and it would be preferable to do this before the initiation before the Land Use process. This would be the preferred alternative.

Co-Docketers Comments

Councilor Krintzman said it feels like the City does not have time for these neighborhoods and wants to push things through too quickly. The residents would like to have the time for an appropriate process and find the best vision for the site. He is not sure these options would fulfill that desire.

Councilor Gentile said his intent is to indicate his support for the idea of a visioning process. He wanted to remind people that Riverside currently has a special permit in place that was approved about 5 years ago. That approval expires at the end of February. This is a unique situation that he has never seen: a special permit in place while a developer is talking about applying for a new special permit. One of the reasons the people of the affected neighborhoods have concern is that the original project was 580,000 square feet; the presentation by the developers at Newton North proposed a project over 2.5 times the size as the original proposal. He was not sure of the best way to go about a visioning process and does not expect the Planning Department to have the resources and time to develop it, however. As in the Washington Street visioning process, money was found to hire consultants to get the work done. This project may not require the same commitment of monies, but something should be allocated to this process.

He added that no developer should be dictated a timeframe and the issue of timeliness brought up by Mr. Heath is not something he agrees with. The original special permit involved a very thoughtful and fulsome process and great time and care were spent crafting it. Adequate time should be spent on this visioning process as well.

Councilor Auchincloss associated himself with Councilors Gentile and Krintzman's comments. He said he does not reactively oppose development – he agrees more housing and development is needed in the city, done responsibly. He does not understand the trepidation to do for Riverside even a small segment of what has been done for Washington and Needham Streets. There are four parcels in the City that require a holistic vision: Needham Street corridor; Washington Street, Newton Centre as an entire neighborhood; and Riverside. Each of the those four need comprehensive land use visioning. The Riverside visioning would not require the resources of the Washington Street plan. There have be some creative ways to work with the community so that the Land Use Committee can have a sense of where is falls within the community vision. There is room for compromise in terms of the sense of urgency that the developer feels. The visioning plan will be an investment and may very well cut down on the amount of time this takes in Land Use Committee and could actually keep the process from going on too long. He would like to see a better proposal than what has been presented tonight.

Mr. Heath said the Planning Department is not looking to put this on a fast track. A special permit application has not come in yet and it is unclear when or if it will. Staff is just trying to anticipate what might happen and the on-call consultants are a great resource.

Councilor Laredo agreed with the other co-docketers, however, he felt the peer review process is a Land Use Committee process. He wanted to be careful not to mix a visioning process with a land use process. Land Use is a quasi-judicial committee and what the Ward 4 Councilors are looking for is a visioning plan for the area. He would prefer the mediated community engagement process and would not like to get into the purview of Land Use Committee. He appreciated the Mayor being involved in looking at the issue with Riverside and hopes that a good solution can be found for that satisfies the needs of the neighborhoods.

Committee Comments/Questions

The Chair explained that she understood the proposed approaches would allow the community to express what they want and to mediate a conversation with the developer to find a mutually agreeable solution. This would be a real working effort between the developer and the neighborhood.

A Committee member would like to know more about any garage that might be built on the site and if added development would be necessary for the developer to pay for the garage. She felt that any mediated community dialogue should include this information.

A Councilor said he heard concerns from neighbors that this project might double the size of Auburndale and create an extra village in the City. If that were to happen, is this the place to do it and how. He suggested that there is a Land Use criteria that is critical in making a decision on a special permit and that is determining the public benefit and if the use is appropriate for the site. If the City owned the site and looked at this as a public process to determine the best use, how would that take place. The vision that seems to be emerging on Washington Street is bigger buildings and he is not sure that concept will be applauded. Scale matters, the people involved in the early process matters, and what kind of charge they are given matters.

It was added that the parts of the process need to be delineated. The Land Use process should be kept separate from the visioning process. The peer review process is concerning and it needs to be clear that two potential pre-Land Use goals need to be achieved. If there is going to be a significant change in the size of the project, a City approach is needed to determine if the vision should be now changed and if there is an appetite for that. Separately the mediated community dialogue is intriguing because before any petition comes before Land Use, the petitioners are encouraged to sit down with the neighbors, no matter the size of the project, before the submittal and to change the plans to better accommodate the neighborhood as much as possible. Once the plans are designed and the petition is submitted, it is much more difficult and expensive to change them. There should be some meeting of the minds beforehand.

A member of the Committee said she appreciated the comments of the prior speakers. She met with people from Lower Falls and they still had many concerns and questions. It is well worth the resources and time to do this correctly. The success of the project depends on how it will fit in in Auburndale and Lower Falls and transportation issues need to be addressed. This deserves a good long look. If the residents are asking for engagement, it should happen.

Councilor Gentile asked the Chair to bring this back to Committee in January. In the meantime, the docketers and Planning Department will meet with the Mayor's office to come up with a proposal. The Chair agreed that a great deal of effort could go into this in the near-term, and while it may not be necessary to report that solution back to Committee, she agreed to bring it back at the request of the docketers. January 14th is a possible meeting date if there is something to report at that time.

The Committee voted unanimously to hold this item.

#572-18 Zoning Amendment to delay effective date of garage ordinance

DIRECTOR OF PLANNING proposing to further amend Chapter 30, Section 3.4.4 of the Revised Ordinances, as amended by Ordinance B-6, to implement a deferred effective date for the Ordinance of December 31, 2019 or such other appropriate date, for the purpose of allowing the Planning Department to complete a comprehensive study thereof.

Planning & Development Board Public Hearing closed; Approved 4-0-1

Action: Public Hearing closed; Zoning & Planning Approved 7-0 (Councilor Krintzman not voting)

Note: The Chair opened the public hearing on this item. She explained that the garage ordinance has been delayed in the past because it will be brought up in the realm of the zoning redesign process and there is currently a recommendation in the new draft zoning ordinance. The current delay expires on December 31, 2018 and needs to be further delayed.

No members of the public asked to be heard. The Committee voted to close the public hearing unanimously. The Committee voted to approve this item 7-0 with Councilor Krintzman not voting.

The Planning & Development Board closed its public hearing and approved to delay the effective date of the garage ordinance to December 31, 2019, 4-0-1 with Kelley Brown abstaining. The recommendation is attached.

#488-18 Adoption of the Climate Change Vulnerability Assessment and Action Plan

DIRECTOR OF PLANNING & DEVELOPMENT requesting discussion and adoption of the Climate Change Vulnerability Assessment and Action Plan as an amendment to the 2007 Newton Comprehensive Plan.

Planning & Development Board Public Hearing closed; Approved 5-0

Action: Public Hearing closed; Zoning & Planning Approved Climate Change Vulnerability Assessment 8-0. Climate Action Plan to be docketed.

Note: Councilor Albright explained that a public hearing is being held on this item and she opened the public hearing. Jennifer Steel, Chief Environmental Planner explained that the Climate Change Vulnerability Assessment and Action Plan (CCVA) is the climate plan focused on resiliency. Staff is also undertaking a Climate Action Plan which focuses on the mitigation efforts of reducing greenhouse gas emissions, which will be before the Committee in the spring. Ms. Steel said that the CCVA would be an amendment to the 2007 Newton Comprehensive Plan. This session with Zoning & Planning and the Planning Board is serving as the official "listening session" which is a requirement of the MVP Program through which this plan is being developed. Once the Plan is approved by the state, it will make Newton eligible for grants. The full CCVA Plan may be found online at: <http://www.newtonma.gov/civica/filebank/blobdload.asp?BlobID=93053>

Ms. Steel introduced Anne Herbst from the Metropolitan Area Council. Ms. Herbst provided a PowerPoint presentation which is attached to this report. Please refer to it for details. A similar presentation was provided to the Public Facilities Committee on December 5th.

Ms. Herbst explained that she is a senior environmental planner with the MAPC. This project was started with the City in 2016 and has been funded by state grants, the Barr Foundation and technical assistance was provided by the City of Newton and the MAPC. An interdepartmental effort was made with the MAPC and these other entities along with Jennifer Steel. The Plan provides a short background on climate change and climate projections and then focuses on potential impacts in Newton. The Plan looks at vulnerable populations, public health, natural resources and various aspects of the built environment. The Plan also recommends various actions Newton can take to increase resilience to future climate impacts.

Ms. Herbst noted that carbon dioxide is the most prevalent greenhouse gas and its concentration in the atmosphere reflects our increasing use of fossil fuels over time. The first impact is the increase in temperature, which is a little over 3% since 1981. The number of days over 90 degrees has increased substantially as well as precipitation and rainfall events. There is agreement on these general trends which shows that the expected size of a 10-year, 24-hour storm has gone up and it is predicted that trend will continue. More frequent summer and fall droughts are also projected due to a combination of predicted earlier snowmelt, slightly less rain in those seasons and warmer temperatures. For Newton, the focus of concern was on larger rain events, other severe storms, heat waves and droughts.

For people susceptible to health impacts, a key concern is extreme heat and accompanying poor air quality. Asthma hospitalization rates are higher for black and Latino residents in Newton. Those with difficulty preparing for or recovering from extreme weather events include poor and low-income residents, non-English speakers and seniors who live alone.

For natural resources, a concern for trees was highlighted which may be weakened by storms and they expect tree species will change over time with warming temperatures. Trees are quite valuable for absorbing stormwater and reducing temperatures, therefore, maintaining healthy trees is very important.

For water quality and quantity, heavy rains and droughts are concerns. Heavy rains wash pollutants into waterways. Drought is not a concern with drinking water according to the MWRA, but is a concern for aquatic health as it can lead to low flow and warmer temperatures in rivers and streams.

For the built environment, the key risk is the damage due to flooding. In March 2010, rains were so severe that FEMA declared a federal disaster. An analysis of claims from those storms determined that 92% were not located in FEMA flood zones and were more associated with stormwater than river flooding. FEMA maps do not generally capture that. See Newton maps in the attached presentation.

The Action Plan recommends over 40 suggestions to mitigate these issues. She also noted that the City is already doing a tremendous amount of work in this area which is ongoing.

The initial recommendations were reviewed by the City's steering committee and there were two opportunities for community feedback. Business owners, City Councilors, members of Boards and Commissions, non-profit and other city groups participated and identified top priorities which mirrored the priorities identified in the Plan. See priorities in the attached presentation. Also see the presentation for implementation suggestions. Additional suggestions from public feedback include public education; transportation; agriculture and food waste; alternative energy sources; and improving social networks.

Committee Comments/Questions

A Committee member mentioned he did not endorse changing the parking requirements in the City as is suggested in the Plan. The Chair noted that there are many recommendations in the Plan and the City will decide to take some of those under consideration and not all may be implemented.

It was asked if there was some cost/benefit formula for adding solar panels and removing trees to accommodate those panels. Ms. Herbst said it is a challenging issue with trees and utilities – there is much to consider. Addressing the loss of street trees over time need to be considered and tree replacements policies could be considered.

A Committee member noted that high-density planning is appropriate in some parts of the City, but not everywhere. He also said that public education is a critical area to focus on. Changing human behavior is extremely difficult. Ms. Herbst said there are publications that look at strategies, but she suspects that the Climate Action Plan along with this plan will work in conjunction on education. Producing proper materials and then finding the best way to make them accessible is important, but techniques need to be explored.

Another Councilor said she has been following the work on the mitigation plan and something that was said that there is a tremendous amount of work that shows what changes behavior are pricing materials, price-point incentives and mandates. She hopes that the MAPC might help Newton find model ordinances with respect of storm water management and the levels at which the City can impose regulatory authority. She would also be interested in management of the urban forest. Newton does not have the most state of the art of best resources applied yet to managing the existing street trees. There may be clearer methods on how to do this. Capital Planning comes into play and there needs to a good process for that as well. She asked the MACP to provide whatever information they may have.

A Committee member noted that much of the tree canopy is coming down. Developers are clear-cutting trees on private property, and although it is private property there has to be a way to better deal with this.

A Planning Board member said she would like to see a map of climate risk, specifically mapping the drainage network to each parcel. Each parcel should have a risk level for flooding, heat, etc. Also have a plan for insurance assistance because people that are more at risk are the ones that have the least financial resources. Ms. Herbst said some of that mapping is in the Plan. They did not go down to the individual property level, but the areas of concern are highlighted.

There are many critical areas that could be implemented in the new zoning ordinance. Changing behavior is very difficult but she noted that the program to educate residents on recycling has been extremely successful. There had been a very high contamination rate and now the recycling is nearly perfect after the 8-week program. She also noted that the playing fields in the City are in terrible condition which is another side effect of the climate so this Plan needs to be implemented very soon.

Public Comment

Cory Alperstein, 19 Hibbard Road said that she participated in the October workshop and was happy to see many of the comments that were made, included in the Plan. Public education and persuasion are necessary. She thinks this be used as an opportunity to link mitigation with resilience because people respond to crisis and people need to be brought forward to understand that the Climate Action Plan will require change. Much of the data is dependent on reports from 2014 and there are some dramatic new reports that have just been released. She hopes that data is incorporated going forward. Opportunities for community engagement are imperative so people can understand the impact on their lives, houses and a community as a whole. There are few incentives in the zoning ordinance to make things better – she thinks it should be stronger.

Nathan Wicken, 53 Pinecrest Rd spoke on behalf of the Newton Highlands Neighborhood Area Council. The Council likes the Plan and they think its critical that the new zoning ordinance follows the plan and that the draft ordinance does not in terms of street trees, etc. Undergrounding of utilities is in this Plan and he hopes that gets included moving forward. It decreases risk of power outages and decreases the risk to trees. He wanted to also make sure there was assessment to be sure the goals were being met and that a review should be more frequent that every 5 years. The Chair asked Mr. Wicken to submit the rest of his comments to the Clerk. The comments were not received at the writing of this report.

Kathy Pillsbury, 34 Carver Rd said mitigation efforts were extremely important. There are studies about how human behavior has been changed around energy efficiency and solar. She said she could submit some of those.

Marcia Cooper, Evelyn Road expressed appreciation comments for mandates and pricing, also the recycling program. The bins have instructions and warnings on them but you can't really do that with houses or cars. Green Newton has a schools connection group and she wanted to be sure the students are educated because they can also get through to their parents as well. Perhaps there could be contact with School Committee. Composting in the City is also something within the City

Council's purview. Everything we can do to benefit the environment is essential. She feels the Plan is excellent. She wants everyone on board because this is urgent.

The Committee voted to close the public hearing unanimously.

The Planning & Development Board closed its public hearing and approved the adoption of the Climate Change Vulnerability Assessment 5-0. Their recommendation is attached.

Councilor Danberg moved to approve the Climate Change Vulnerability Assessment Plan as an amendment to the Comprehensive Plan. The Climate Action Plan will be docketed at another time and is not being voted this evening. The Committee voted in favor 8-0.

#187-18 Zoning Amendment for Inclusionary Zoning

DIRECTOR OF PLANNING requesting amendments to the Inclusionary Housing provisions of Chapter 30, Newton Zoning Ordinance, to increase the required percentage of affordable units; to require that some affordable units be designated for middle income households; to create a new formula for calculating payments in lieu of affordable units; and to clarify and improve the ordinance with other changes as necessary.

Planning & Development Board Public Hearing closed on 12/3/18; Approved 6-0 on 12/3/18.

Action: **Public Hearing continued; Zoning & Planning Held 8-0**

Note: Councilor Albright explained that the public hearing has been continued on this item. Amanda Berman, Housing Planner, provided a PowerPoint presentation which is attached to this report. Please refer to the presentation for details as well as her comments.

Public Comment

Bart Lloyd, 65 Taft Ave said he was on the Newton Housing Partnership for 13 years and worked for general counsel for a large nonprofit housing developer. He said so much great work has been done and there are clarifications that are extremely helpful. He said some improvements were submitted to the Planning Department that are significant and do not harm the intent. He said there is a simple math mistake on the 7-9 units. They are allowed by-right to buy out their IZ requirements. IF they build units, their IZ requirement is 15%. Buying it out however, is suddenly 10%. There is a zoning cost indicator of \$389K and is a fair proxy for the real cost of building a unit. But in this case, it would also incentivize buying out instead of building. The second issue is the huge hole in 35-65 units. He thinks it is an egregious mistake. That type of development today would require 7.5% at 50% AMI and 7.5% at 80%. Under the new proposal it would 2.5% at 80% and 15% at 110% and that is a very significant decrease in the amount of affordability we get on that size of building. He proposes that the number should be 2%, 12.5% and 5% on all of those which is a little more than gross amount of affordability and a little less in deep affordability. This is a big hole and in the discussion included in the memo, it was mentioned it costs more to build a garage. In his opinion, when you get to that size, there is a significant reduction in land costs and a

significant reduction in insularity costs. Why would we encourage people to build 31-65 unit properties if the concern is that that it needs to be workable for developers. Decreasing the amount of affordability does not make sense. There are other items but these are the two biggest issues that need to be addressed. He did not receive any response to his concerns. A lot of compromises will be made based on the current proposal.

The Chair said she and Ms. Berman looked at the 35 unit examples and it assumes the parking will be underground which is why there is nothing required at the lower level because is a higher cost to the developer. Planning staff have Mr. Lloyd's emails entailing his concerns.

Josephine McNeill, 53 Taft Avenue said she submitted some comments to the Planning Department. She said that the document needs to make some reference to how the City will deal with those who are in the most need of housing. Those with incomes of 50% or below, which include many that work in this community and provide services to the residents such as nursing home workers, restaurant workers, etc., cannot afford to live in this City. She thinks the state and the country has moved so far to not addressing the most needy in every sphere. Housing costs are a problem everywhere. Nobody living on a minimum income can afford to only pay 30% of their income for housing. May be this is not the tool to solve this problem but something needs to refer to this problem in serving the people at the bottom of the income spectrum. Off-site development is discouraged in this draft, but in some instances that is the way to address the issue of serving those with 50% and below incomes. She would like that to be removed. She said the City need stop calling 80%-120% AMI "affordable". This could mean an income of up to \$100,000. It does a disservice to decades of HUD defining low- and moderate-income housing for that at 80% income and below. There is a problem for this in that area for sure, but it should be called something else. It is not what people think of as "affordable housing".

Laurance Lee, Land Use attorney thanked staff for including him as part of the feedback process. He felt staff did a great job and he works with the zoning ordinance on a daily basis. This proposal eliminates much of the ambiguity of the current ordinance. He thinks it would be good for the Councilors to look at the small/moderate developments because RKG only did one scenario and the Planning Dept ran others they did not find feasible. Larger scale projects tend to have a commercial component which is a source of income for the developer, but the smaller scale do not have that. Overall, this is a very positive change and there will always be some details to work out, but we are almost there.

Lois Levin, 487 Chestnut Street said she Judy Jacobson is an expert on this issue. She wrote to the Planning Dept and made it clear that this proposal is a step backwards. The Chair noted that everyone on the City Council received Ms. Jacobson's email. The Chair also noted that she believes that Ms. Jacobson was looking at the Washington Place council order and assumed that the numbers represented there were in the ordinance. Her email is attached.

Terry Morris, Land Use Attorney said he served as a chairman of the Land Use Committee as an Alderman. The effort to overhaul the ordinance is admirable. It has added much needed nuance. The bonus provision currently allows a developer to exceed the standard by 25% if one more affordable unit is provided. It is a 1:1 ratio. The proposal increases this to 1:2. He said there were

only 3 petitioners who used that to increase density; two were successful and the third was not. If it cannot get done offering 1 for 1, then there will be some political heat for offering 2 for 1. Proposed Section 5.11.11 says “no effect on prior or existing obligations....” needs to be clarified. He is concerned because this may apply to amending an existing special permit with an affordable component and it would not be fair.

Committee Comments/Questions

A Councilor was struck by the fact that her neighbor just moved from a 3 bedroom, 2.5 bath, newly renovated home. Her real estate person told her that it could rent for \$2700. According to the number provided in the proposal, this is less than the “affordable” rate for the same size unit. The City does not set the prices, they are formulated by the state. She felt giving bonuses and incentives for developers to build units that will be difficult to pay for, gives her pause.

A Committee member said he was concerned whether in fact this would be the right balance for incentivizing the right size development or if it would discourage building that might provide for affordable units. The Chair said what Ms. Berman and RKG have been doing is to find that right balance. A predictable zoning ordinance will be helpful for the City, neighborhoods and developers.

Committee members noted that because of the questions brought up in the public comments, the public hearing should be kept open to receive further feedback from staff. Mr. Freas said he and Ms. Berman will start working on this and decide when they can best come back to Committee. The Committee also noted that the work that Ms. Berman has done on this ordinance is excellent, complex work.

The Planning & Development Board closed their public hearing on December 3, 2018 and voted to approve the amendment to the Inclusionary Zoning Ordinance 6-0. The recommendation is attached.

The Committee voted to hold this item and continue the public hearing, 8-0

#518-18 Discussion and review relative to the draft Zoning Ordinance

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

Action: **Zoning & Planning Held 8-0**

Note: James Freas, Deputy Director of Planning noted that a summary of the resident districts overview was provided in the Friday Packet. Staff just wanted to check with the Committee to see if there were any issues leftover from the resident districts review.

A Committee member said he did not see the parking requirements listed on the list of things to discuss further. He was concerned about more street parking. Mr. Freas said there will be a meeting devoted to parking and transportation. The Councilor also said he was not sure about the front setbacks yet. The side and rear setbacks might benefit from thinking about them separately. There may be things you would do with front setbacks that you would not do with the others

because of the impact on neighbors. The garages and how they relate to the unit is something that needs to be flagged as well. Mr. Freas noted that the Chair pointed that out as well. The Councilor noted that zoning district boundaries need to be further explained so that people can see the difference between the current zones and what is proposed. There was also a concern with frontage because it has been narrowed significantly. The build out analysis will be very revealing, but he did want these things noted. Mr. Freas said the build out analysis is a large and complex project and they hope to get it done soon.

The Committee voted to hold this item, 8-0.

Meeting adjourned.

Respectfully Submitted,

Susan S. Albright, Chair

Riverside visioning options

December 10, 2018

Zoning and Planning Discussion #576-18

Riverside
Special Permit
Application

Lower Falls
Auburndale
neighborhoods

Newton
citywide issues

other

Riverside
Special Permit
Application

Lower Falls
Auburndale
neighborhoods

Newton
citywide issues

other

timeliness

resources

Land Use process

expertise

other

Riverside
Special Permit
Application

Lower Falls
Auburndale
neighborhoods

Newton
citywide issues

other

timeliness

resources

Land Use process

expertise

- Community Engagement
- Site Design
- Open Space
- Sustainability
- Engineering
- Transportation
- Housing
- Fiscal & Economic Impacts

other

Riverside
Special Permit
Application

Lower Falls
Auburndale
neighborhoods

Newton
citywide issues

other

timeliness

resources

Land Use process

expertise

other

1. Mediated Community Dialogue

Riverside
Special Permit
Application

Lower Falls
Auburndale
neighborhoods

Newton
citywide issues

other

timeliness

resources

Land Use process

expertise

other

1. Mediated Community Dialogue

2. Expanded Peer Review

Riverside
Special Permit
Application

Lower Falls
Auburndale
neighborhoods

Newton
citywide issues

other

timeliness

resources

Land Use process

expertise

other

1. Mediated Community Dialogue

2. Expanded Peer Review

Both 1 + 2

PLANNING & DEVELOPMENT BOARD



December 12, 2018

The Honorable City Council President, Marc Laredo

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Honorable Council President Laredo:

On December 10, 2018, the Planning & Development Board discussed docket item #572-18, an amendment to delay effective date of garage ordinance.

The Planning Board voted 4-0-1 with Mr. Brown abstaining and Director Heath as a non-voting member in attendance to recommend approval of this docket item.

Submitted on behalf of the Planning & Development Board.

Sincerely,

Sonia Parisca, Acting Chair for December 10th meeting

Cc: City Council
Planning & Development Board

Bcc: R. Powers
B. Heath

Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
Community Development &
HOME Program Manager
Planning & Development

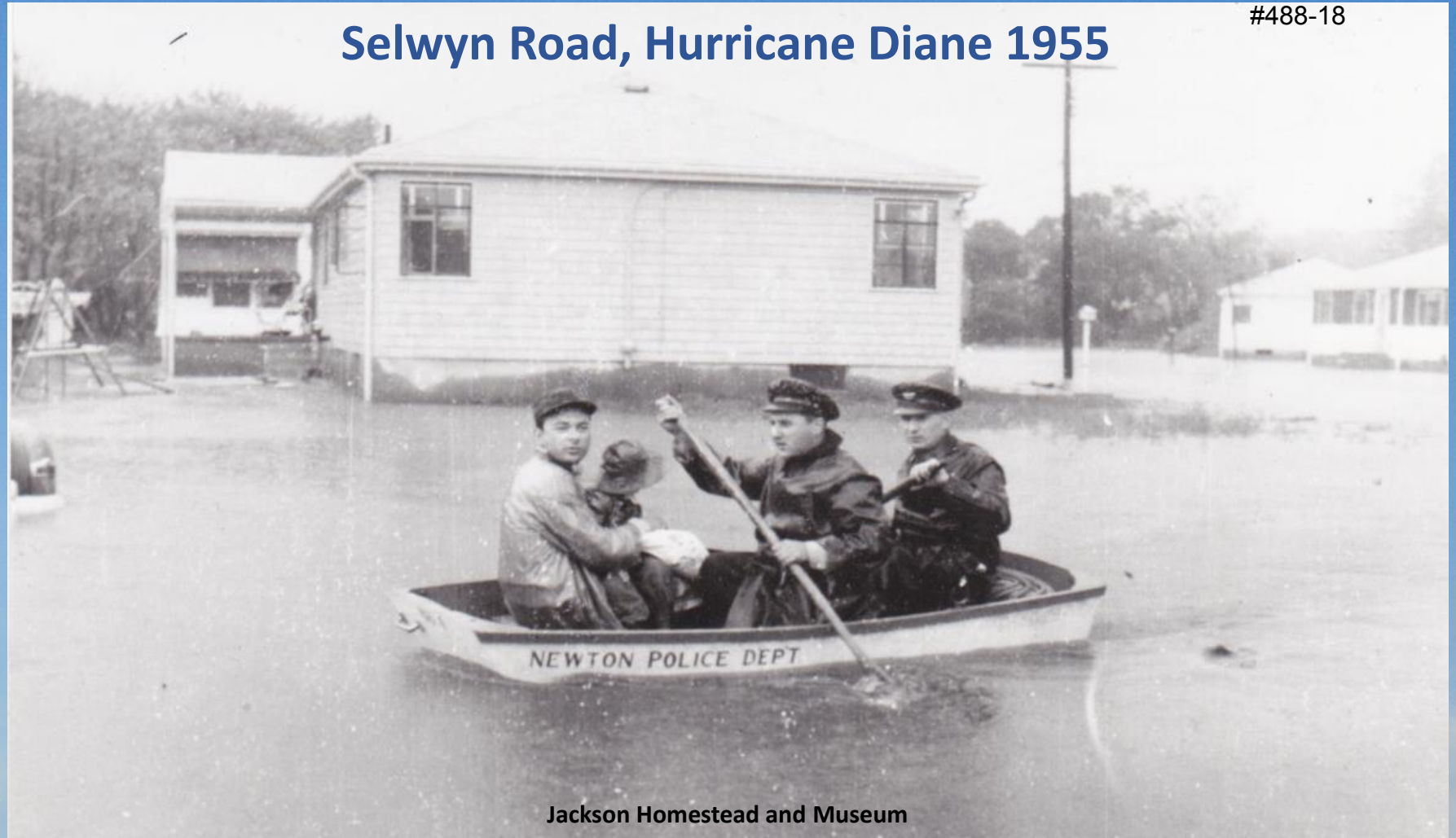
Peter Doeringer, Chair
Kelley Brown, Member
Sudha Maheshwari, Member
Jennifer Molinsky, Member
Sonia Parisca, Member
Chris Steele, Member
Barney Heath, *ex officio*
Kevin McCormick, Alternate
James Robertson, Alternate

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

Newton Climate Change Vulnerability Assessment and Action Plan

Selwyn Road, Hurricane Diane 1955

#488-18

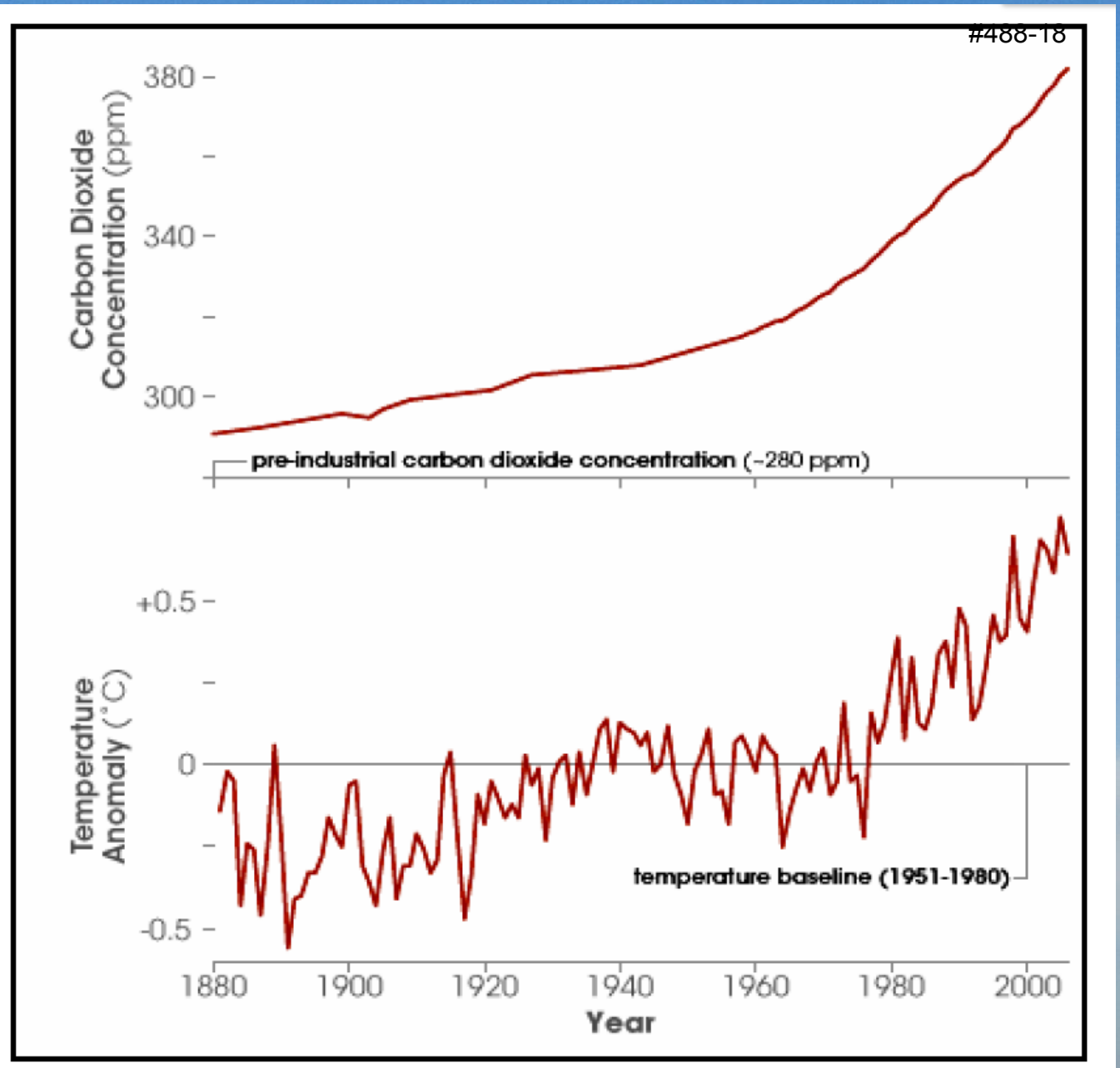


Jackson Homestead and Museum

Newton Zoning and Planning Committee
December 10, 2018

Anne Herbst
Senior Environmental Planner
Metropolitan Area Planning Council

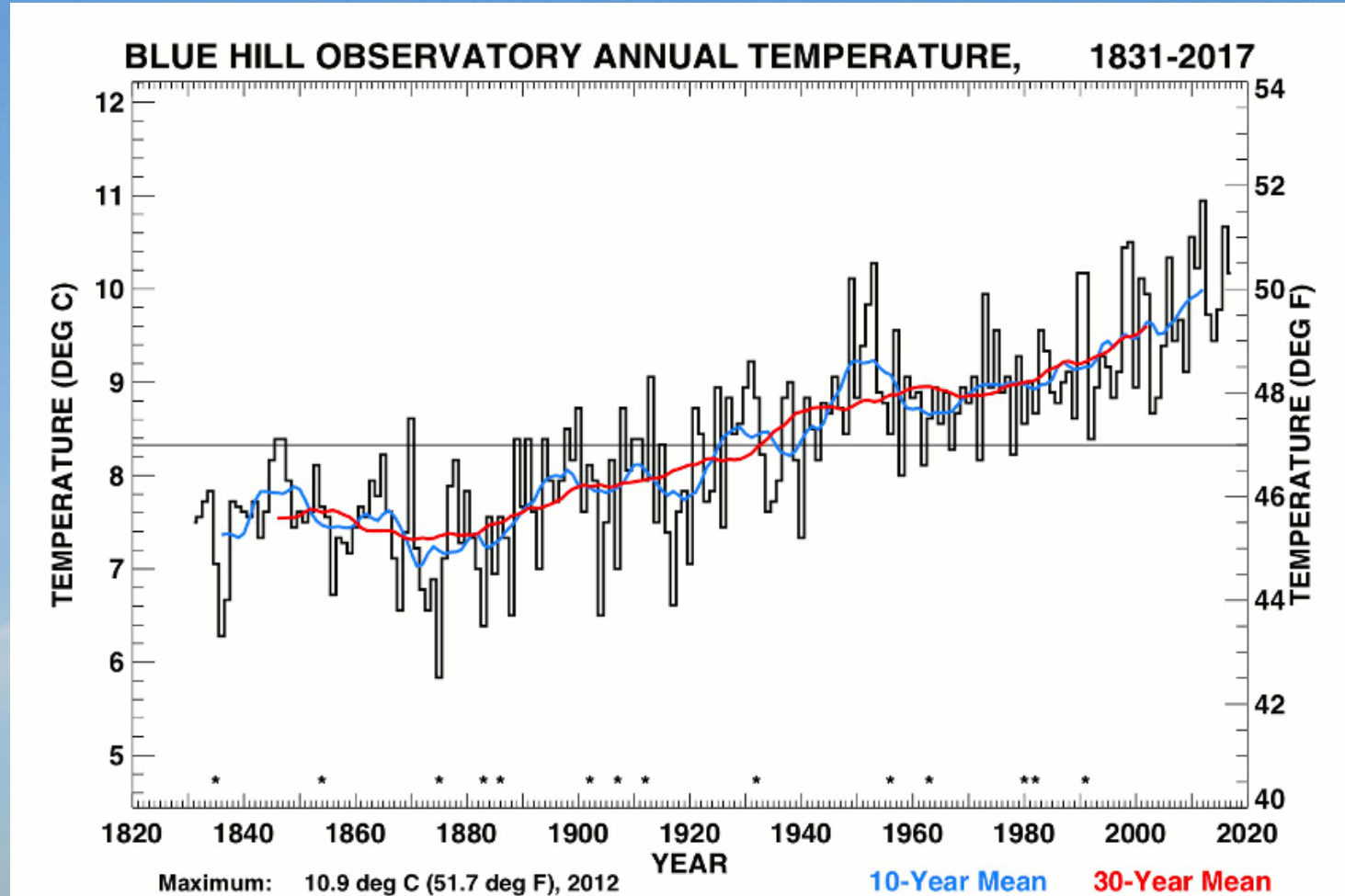
Global Temperature and CO₂ Trends



Source: MA Climate Change Adaptation Report 2011

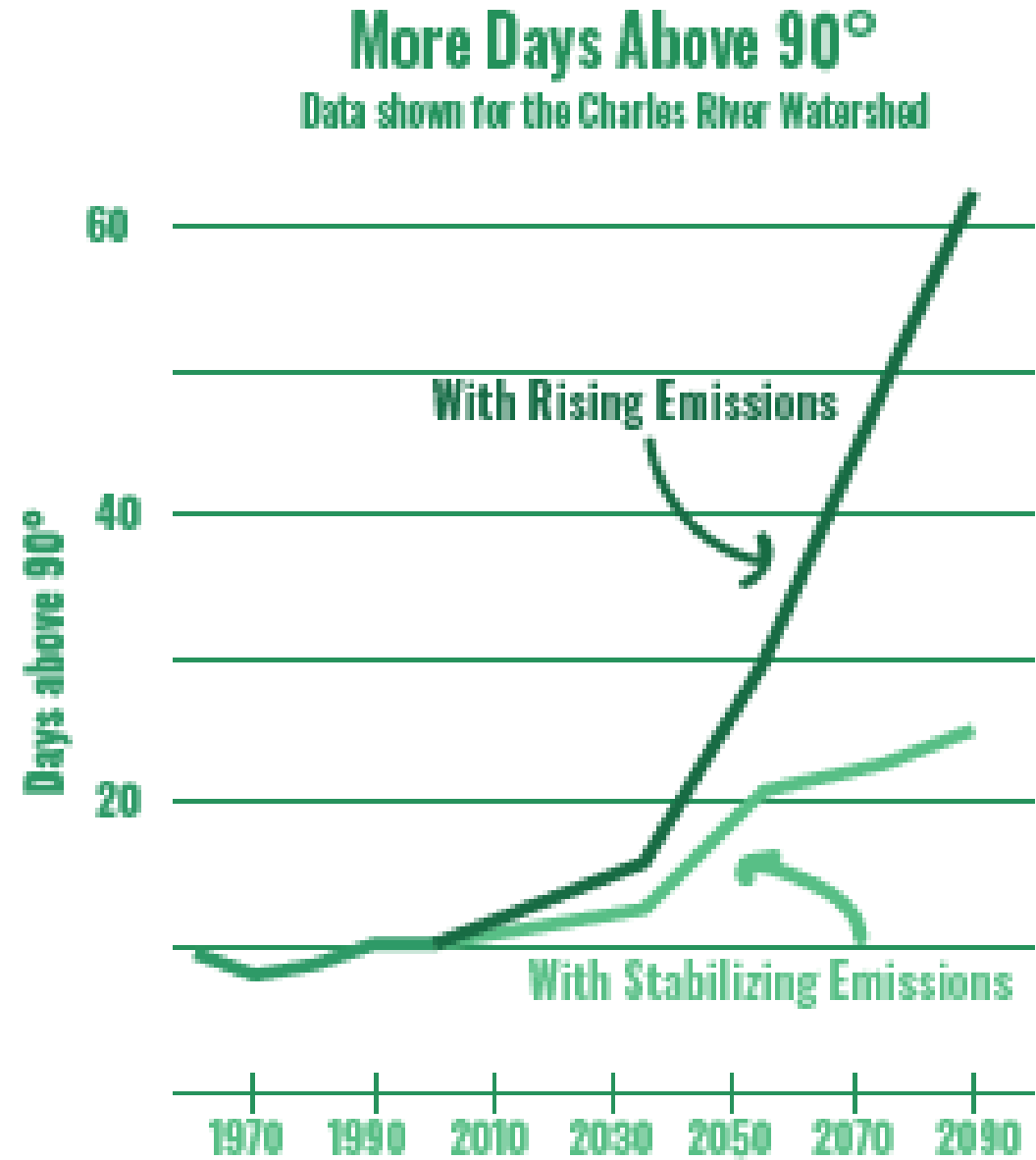
Temperature change: observed

#488-18



Blue Hill Observatory Annual Temperature, 1831-2017

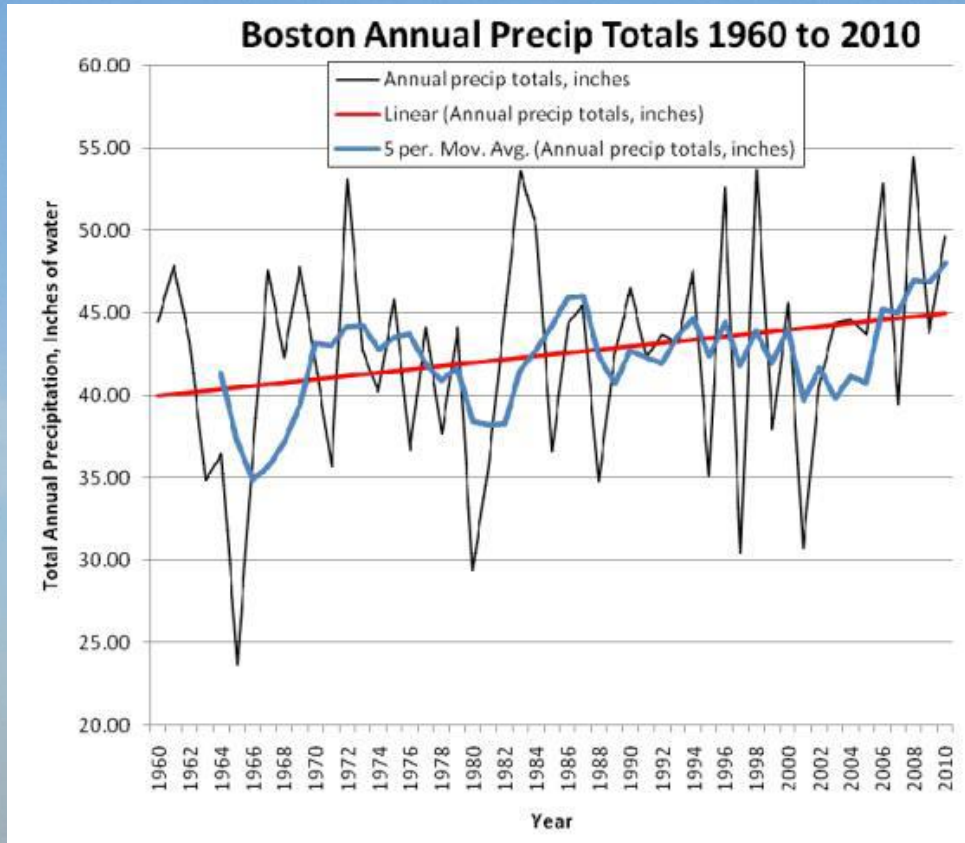
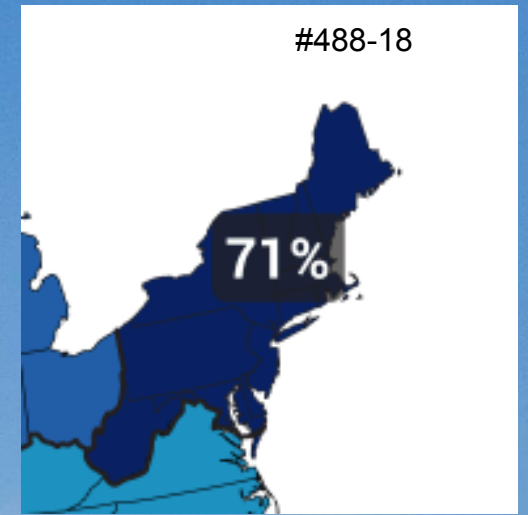
Temperature change:
projected



Precipitation change: observed

For the Northeast United States: 71% increase in the amount of rain that falls in the top 1% events from 1958 – 2012.

Source: US National Climate Assessment 2014

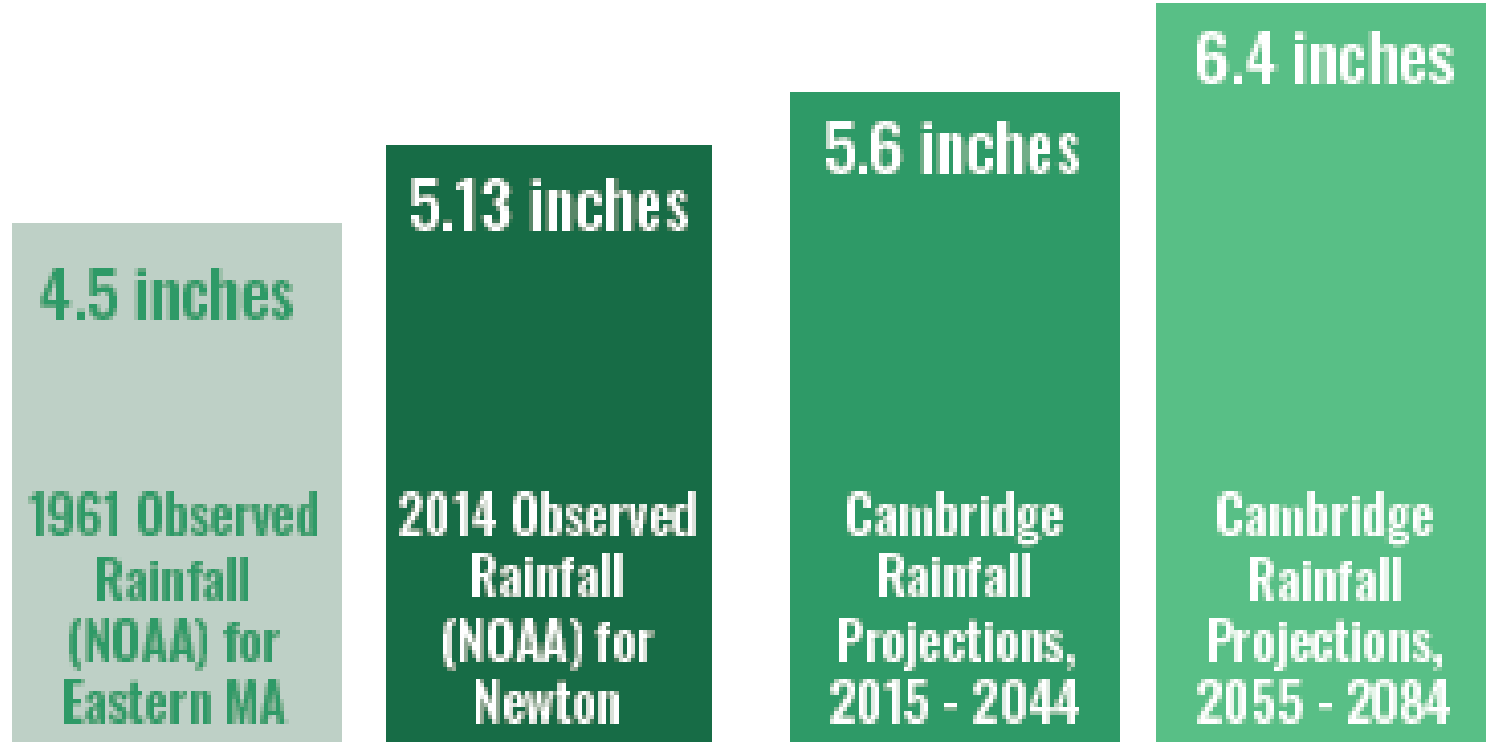


Source: MA Climate Change Adaptation Report 2011

For Boston area: 10% increase over the past 50 years

Precipitation
change:
projected

Expected size of a 10-year, 24-hour storm

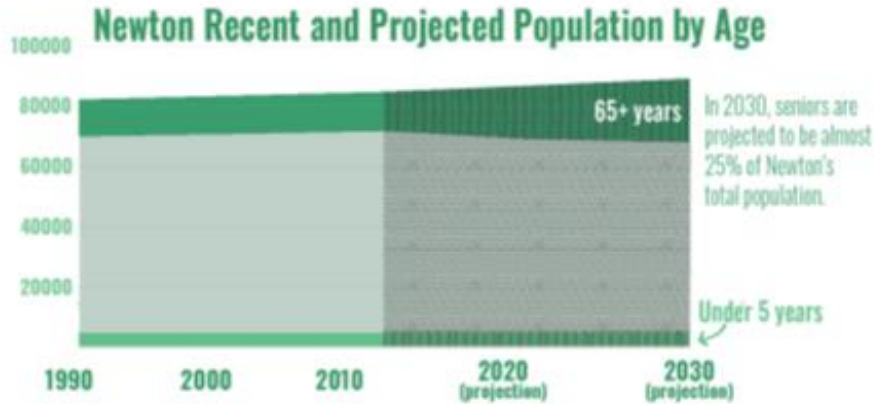


Who is most at risk from climate change impacts?

#488-18

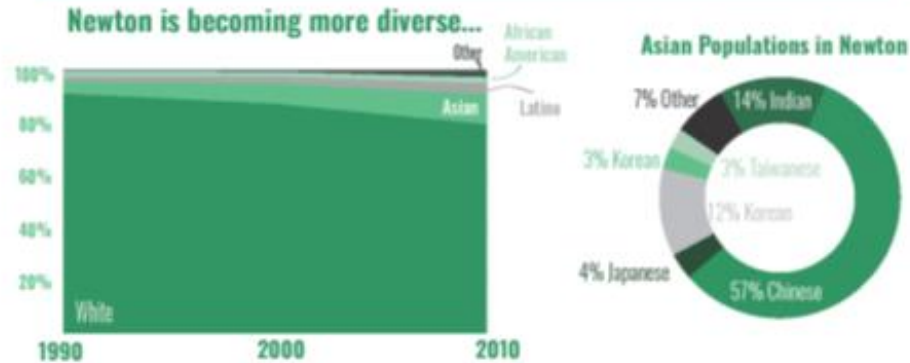
- People who may be more susceptible to health impacts
- People who may have more trouble adapting to, preparing for or recovering from extreme weather
- People who live or work in vulnerable locations

Older Adults and Young Children

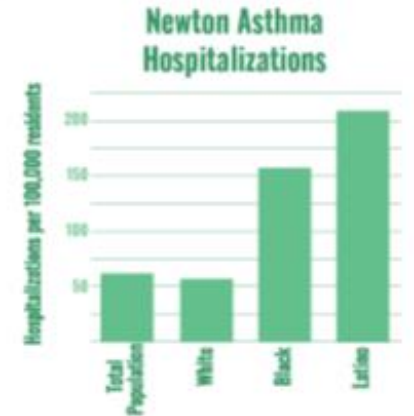


Communities of Color

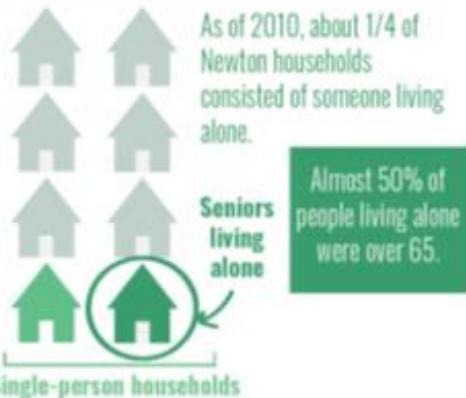
Particular racial or ethnic groups may also be more likely to have certain social vulnerabilities than others. For example, Black and Latino residents have a much higher rate of asthma hospitalizations than white residents.



People with Health Conditions



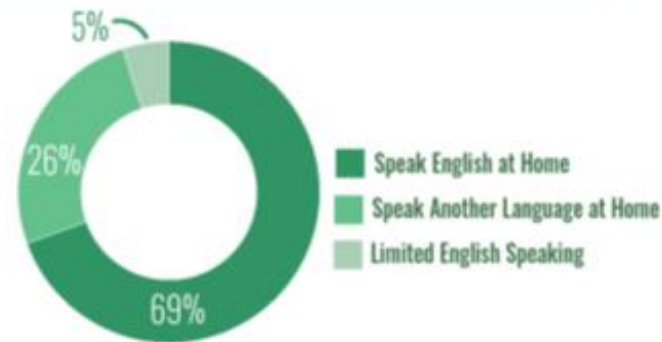
People Living Alone



People Who Work Outside



Limited English Speakers

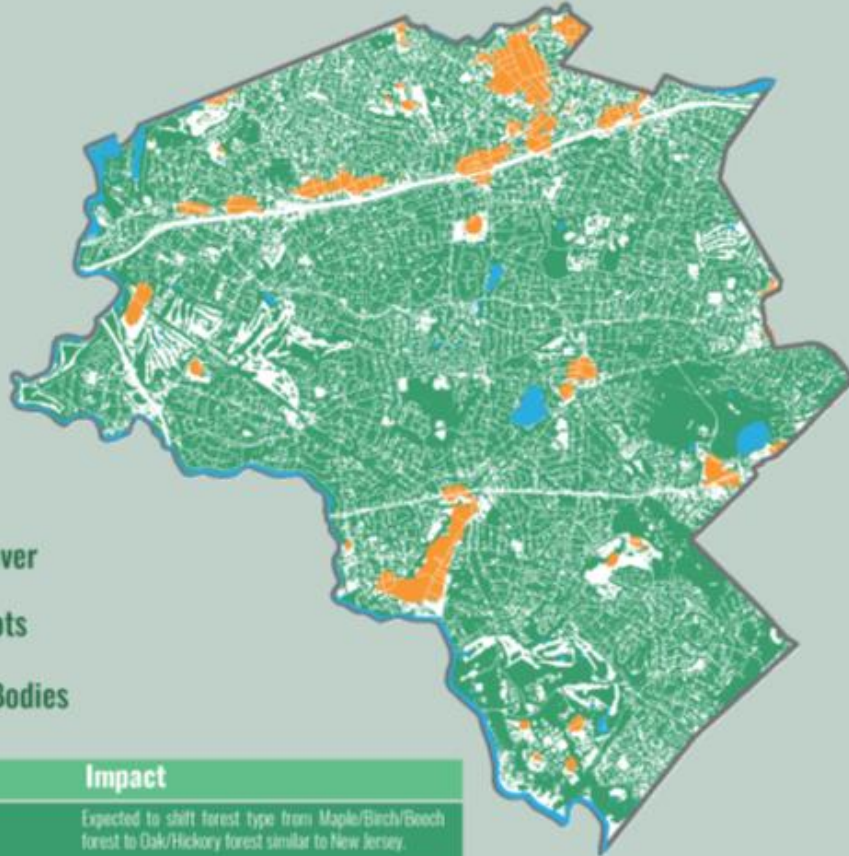


Low-Income Households



Trees

Trees mitigate the impact of heat. According to the EPA, suburban areas with mature trees are 4-6 degrees cooler than new suburbs without trees. Shaded surfaces can be 25-40 degrees cooler than the peak temperatures of unshaded surfaces. Trees also absorb remarkable quantities of precipitation. Research has shown that a typical medium-sized tree can intercept as much as 2,380 gallons of rain per year (USDA Forest Service).

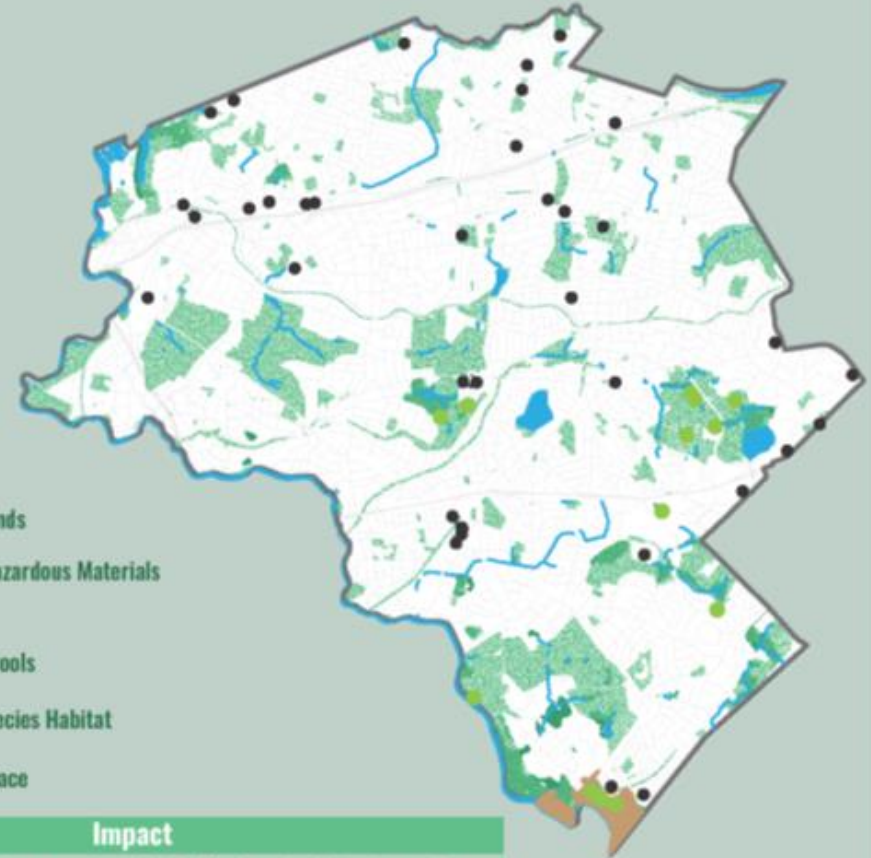


- Tree Cover
- Hot Spots
- Water Bodies

Risk	Impact
Warming	Expected to shift forest type from Maple/Birch/Beech forest to Oak/Hickory forest similar to New Jersey. New pests and diseases
Flooding, Drought, Wildfire, Ice Storms	Weakens and damages trees

Water Resources

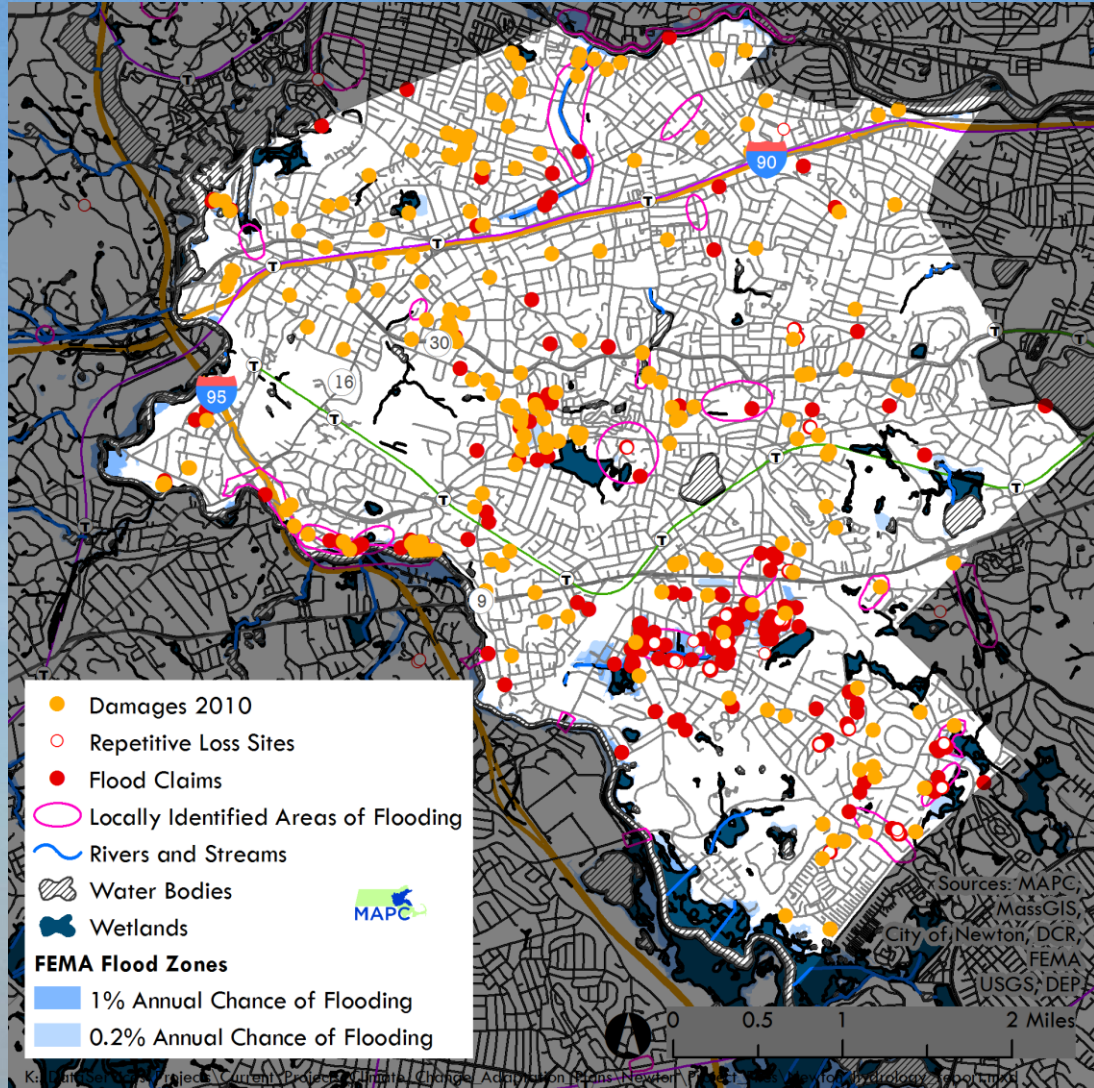
Newton contains freshwater wetland systems that sustain critical ecosystem functions. These ecological assets protect water quality and quantity, provide flood control, and maintain overall ecosystem health for climate resilience.



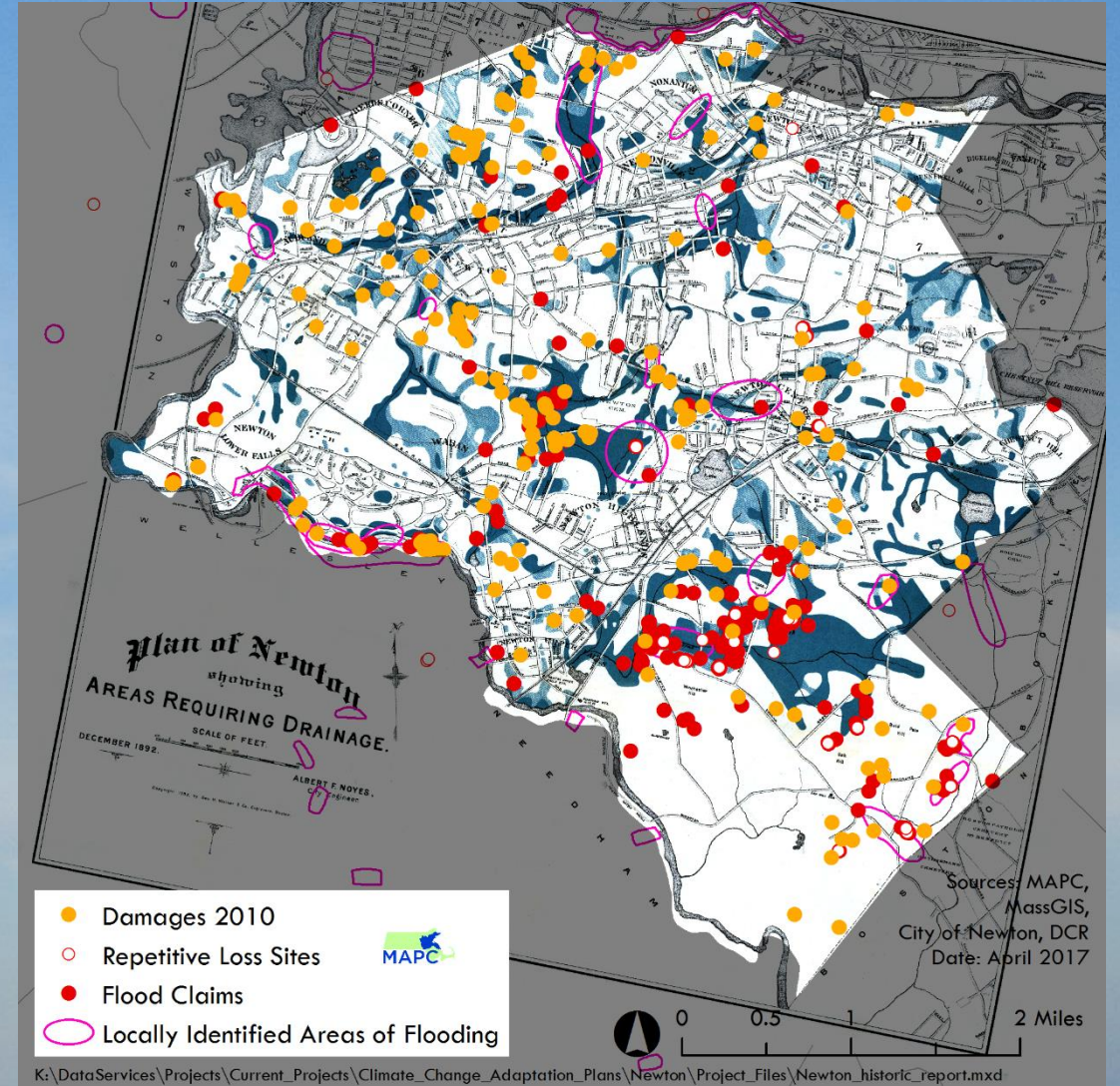
- Wetlands
- Oil or Hazardous Materials Site
- Vernal Pools
- Rare Species Habitat
- Open Space

Risk	Impact
Drought/Warming	Seasonal no-flow/ low-flow, reduced absorption capacity, diminished fish habitat, algal blooms, low dissolved oxygen, reduced drinking water supply
Flooding	Impaired waters, toxic exposure, contaminant leaching
Extreme Precipitation	Scouring, impaired waters, sewer overflows

Newton Today



Newton 1892



Action Plan

Appropriate Plan/Process	Recommended Action	Lead Department(s)	Possible Timing	Category and Action #
<ul style="list-style-type: none"> • ALL 	<p>The Steering Committee, or a successor group, should continue to meet to establish priorities, incorporate new information, and monitor progress on climate goals. The City should expand the Steering Committee to include additional relevant departments, such as Senior Services, Inspectional Services, and Urban Forestry.</p>	<ul style="list-style-type: none"> • Steering Committee 	<p>FY18-19 on</p>	<p>A3</p>
<ul style="list-style-type: none"> • ALL 	<p>Establish relationships with state agency staff responsible for climate resilience. Communicate City concerns and priorities and stay abreast of agency planning (e.g. DCR and MWRA).</p>	<ul style="list-style-type: none"> • Sustainability • Executive Office 	<p>On-going</p>	<p>G1</p>
<ul style="list-style-type: none"> • Annual Departmental Budgets 	<p>Provide training to empower City staff to implement cutting edge techniques for green practices. ⁱ</p>	<ul style="list-style-type: none"> • ALL 	<p>FY18-19 on</p>	<p>E2</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) 	<p>Place signage at popular park and recreation areas to inform residents about tick/mosquito protection measures.</p>	<ul style="list-style-type: none"> • Parks and Rec • Planning • HHS 	<p>FY19</p>	<p>C3</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) 	<p>Assess municipal properties for opportunities for LID/GI retrofits. ⁱⁱ</p>	<ul style="list-style-type: none"> • Public Facilities 	<p>On-going</p>	<p>E5</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) 	<p>Prioritize retrofits and emergency planning for City facilities vulnerable to flooding and heat impacts.</p>	<ul style="list-style-type: none"> • Public Facilities 	<p>On-going</p>	<p>E15</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) 	<p>Target affordable housing sites and low-income residents for flood and heat protection upgrades.</p>	<ul style="list-style-type: none"> • Planning 	<p>FY20</p>	<p>B3</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) 	<p>Prioritize public health education programs that address the illnesses and conditions forecast to be exacerbated by climate change (e.g., extreme heat). ^{iii iv}</p>	<ul style="list-style-type: none"> • HHS 	<p>FY20</p>	<p>C1</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) 	<p>Publicize hot spot and potential flooding areas to current residents, businesses, and to permit applicants. Direct them to educational materials.</p>	<ul style="list-style-type: none"> • Planning • ISD 	<p>FY22</p>	<p>E14</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) 	<p>Develop and distribute education and outreach materials on climate related technologies and practices including, for example, elevating utilities, preventing backflow, protecting basements, and weatherization. Consider targeting flooding areas outside of flood zones, including areas with older housing stock, and properties with chronic mold issues. ^v</p>	<ul style="list-style-type: none"> • ISD 	<p>FY20</p>	<p>E13</p>
<ul style="list-style-type: none"> • Capital Improvement Plan (CIP) • Stormwater Infrastructure Improvement Plan (SIIP) 	<p>Prioritize energy efficiency and stormwater management in capital planning.</p>	<ul style="list-style-type: none"> • Sustainability • DPW • Executive Office 	<p>FY18-19 on</p>	<p>E8</p>
<ul style="list-style-type: none"> • Stormwater Infrastructure Improvement Plan (SIIP) 	<p>Utilize flood claim (losses) mapping to target stormwater improvements.</p>	<ul style="list-style-type: none"> • DPW 	<p>On-going</p>	<p>E7</p>
<ul style="list-style-type: none"> • Stormwater Infrastructure Improvement Plan (SIIP) 	<p>Look for stream daylighting or re-naturalizing opportunities to restore natural habitat as part of stormwater or other infrastructure projects. ^{vi}</p>	<ul style="list-style-type: none"> • DPW • Planning 	<p>As needed</p>	<p>D3</p>
<ul style="list-style-type: none"> • Newton North High School microgrid plan. • Newton Wellesley Hospital microgrid plan. 		<ul style="list-style-type: none"> • DPW • Planning 	<p>FY20</p>	<p>E6</p>
		<ul style="list-style-type: none"> • Emergency Management • Steering Committee 	<p>On-going</p>	<p>B1</p>
		<ul style="list-style-type: none"> • Emergency Management 	<p>At next cycle</p>	<p>C4</p>
		<ul style="list-style-type: none"> • Emergency Management 	<p>On-going</p>	<p>B6</p>
		<ul style="list-style-type: none"> • Sustainability • Planning 	<p>On-going</p>	<p>F1</p>
		<ul style="list-style-type: none"> • HHS 	<p>FY20</p>	<p>C5</p>
		<ul style="list-style-type: none"> • Emergency Management 	<p>On-going</p>	<p>H2</p>
		<ul style="list-style-type: none"> • Sustainability 	<p>FY23</p>	<p>A1</p>
		<ul style="list-style-type: none"> • Emergency Management 	<p>On-going</p>	<p>B4</p>
		<ul style="list-style-type: none"> • Executive Office • Planning 	<p>On-going</p>	<p>A4</p>
		<ul style="list-style-type: none"> • All 	<p>FY18-19</p>	<p>A2</p>
		<ul style="list-style-type: none"> • Facilities • Emergency Management 	<p>As needed</p>	<p>E12</p>
		<ul style="list-style-type: none"> • Emergency Management 	<p>On-going</p>	<p>B2</p>
		<ul style="list-style-type: none"> • Health and Human Services 	<p>On-going</p>	<p>B5</p>
		<ul style="list-style-type: none"> • Parks and Rec/Forestry 	<p>On-going</p>	<p>C2</p>
		<ul style="list-style-type: none"> • Planning 	<p>FY18-19</p>	<p>E1</p>
		<ul style="list-style-type: none"> • Planning • ISD 	<p>FY19-20</p>	<p>E9</p>
		<ul style="list-style-type: none"> • Planning 	<p>FY21</p>	<p>E3</p>
		<ul style="list-style-type: none"> • Planning • ISD 	<p>FY20</p>	<p>5E4</p>
		<ul style="list-style-type: none"> • Planning 	<p>FY18-19 (plan due in 2020)</p>	<p>D1</p>
		<ul style="list-style-type: none"> • DPW 	<p>As needed</p>	<p>D2</p>
		<ul style="list-style-type: none"> • DPW • Planning 	<p>FY20</p>	<p>E10</p>
		<ul style="list-style-type: none"> • Sustainability • DPW 	<p>On-going</p>	<p>H1</p>
		<ul style="list-style-type: none"> • Sustainability 	<p>FY19-20</p>	<p>E11</p>

Public Feedback: Highest Priorities

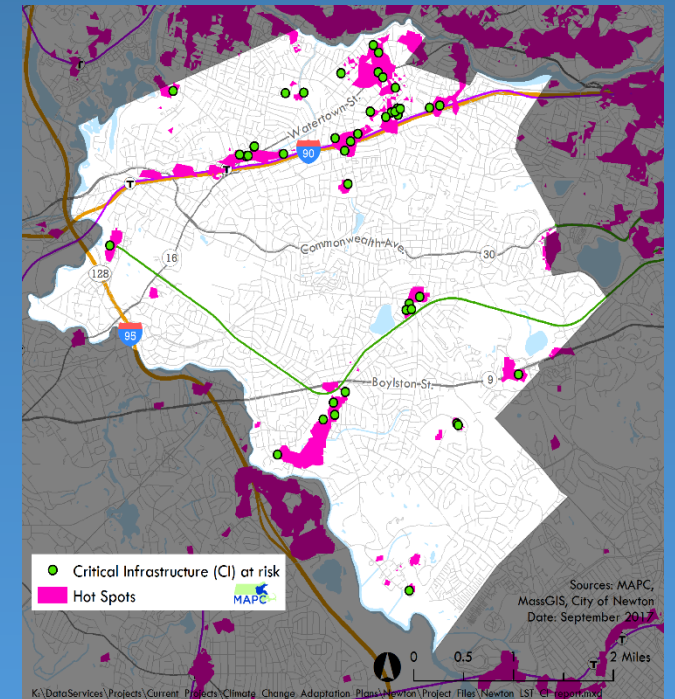
1. Ensure the current zoning review incorporates climate resilience
2. Increase tree planting
3. Incorporate climate resilience in open space planning
4. Improve emergency communications and support to vulnerable populations
5. Establish cooperative relationships with state agency staff responsible for critical facilities in Newton

And one more from the business community:

- Encourage use of microgrids and battery storage

Implementation

- Continue and expand the steering committee
- Incorporate in other City planning documents
- Review for capital planning
- Update every five years



Built Environment

- **Strategies to inform residents about flooding and heat risks and mitigation measures**
- **Consider regulatory options to address flooding that takes place outside of FEMA flood zones**
- **Focus on city properties for retrofits, use of green infrastructure, training for city staff on new techniques**

Public Health/Vulnerable Populations

- **Prioritize programming for climate related health risks**
- **Public education regarding ticks and mosquitoes**
- **Assistance for low-income households in need of heat or flooding protection.**
- **Assess readiness of facilities that serve vulnerable populations**

Public Feedback – additional suggestions

- Public education
- Transportation
- Agriculture and food waste
- Alternative energy sources
- Improving social networks



PLANNING & DEVELOPMENT BOARD



December 12, 2018

The Honorable City Council President, Marc Laredo

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Honorable Council President Laredo:

On December 10, 2018, the Planning & Development Board discussed docket item #488-18, the Adoption of the Climate Change Vulnerability Assessment and Action Plan.

The Planning Board voted 5-0-0 with Director Heath as a non-voting member in attendance to recommend approval of this docket item.

Submitted on behalf of the Planning & Development Board.

Sincerely,

Sonia Parisca, Acting Chair for December 10th meeting

Cc: City Council
Planning & Development Board

Bcc: R. Powers
B. Heath

Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
Community Development &
HOME Program Manager
Planning & Development

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

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

Zoning and Planning Committee
December 10, 2018

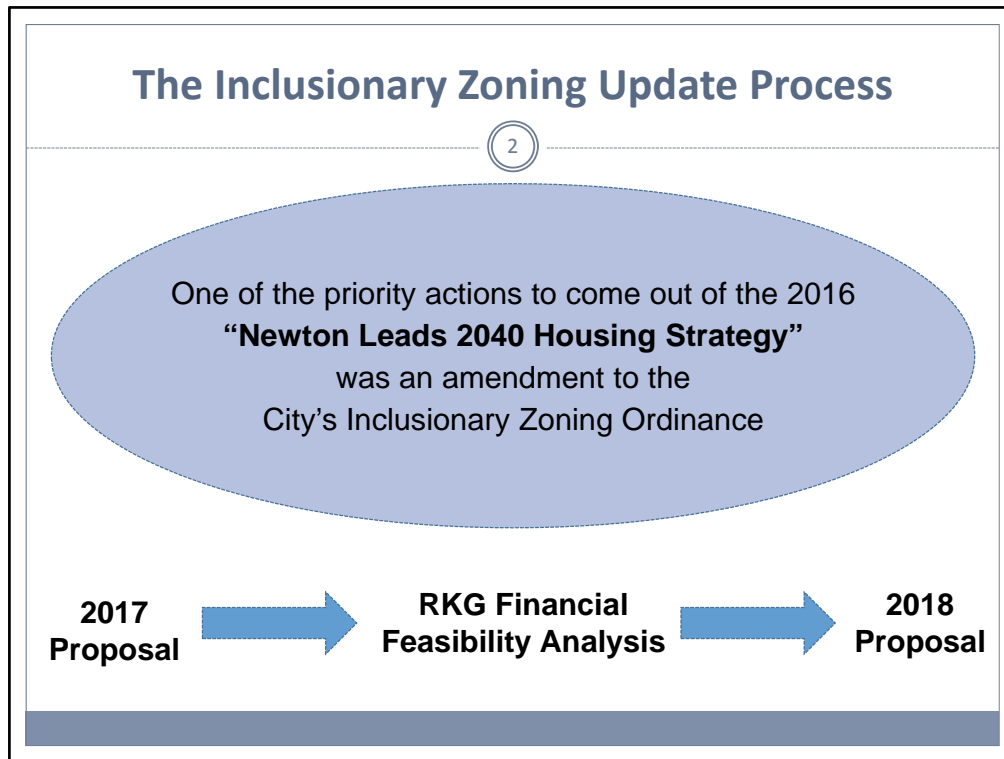
1

**SECTION 5.11
INCLUSIONARY ZONING ORDINANCE**

***MAKING IT WORK FOR
TODAY'S NEWTON***

12/10/18

- Good evening everyone.
- Tonight, I want to quickly touch upon the points that were detailed in the memo you received on this item, and then open up the conversation for questions.



- As you know, the Planning Department has been working with your committee and other stakeholders over the past year and a half to develop an amended Inclusionary Zoning ordinance that more effectively meets the diverse housing needs of today's Newton.
- Throughout our process we have tweaked the many provisions of the ordinance based on feedback from City Councilors, stakeholders, and housing development experts.
- And utilizing RKG's Financial Feasibility Model, developed specifically to test our inclusionary zoning proposal and assumptions, we have run hundreds of scenarios to identify percentage requirements that extract the greatest number of affordable units from a project while not rendering it financially infeasible.

Guiding Principles of the Updated Ordinance

3

- To more effectively leverage private development for the creation of affordable housing throughout Newton.
- To increase the required percentage of inclusionary units from 15% up to 20%.
- To put forth an ordinance that considers the financial feasibility of residential development in Newton and strikes a careful balance between the City's need for affordable housing and the nuanced economics of housing development.

- As we set out on this process, we were reminded of the fact that while the housing needs in Newton and throughout the Boston metro region are vast, inclusionary zoning should not be seen as the sole solution to our housing affordability challenges.
- Inclusionary zoning has become an increasingly popular tool across the country for local governments to leverage private development for the creation of affordable housing; however, inclusionary zoning is **market-driven**, and a successful policy must carefully consider the intricacies of housing development and finance in order to strike a careful balance between achieving a municipality's affordable housing goals, while not suppressing residential development altogether.
- Keeping in mind that inclusionary zoning is only one of the resources in the City's suite of affordable housing tools, staff developed a set of guiding objectives to help us focus the development of this important ordinance.
- Also critical to defining the objectives of the new ordinance were the key findings identified in the Housing Strategy's Needs Assessment, including Newton's shrinking middle-class, its declining population of younger adults and increasing population of seniors, and its lack of affordable housing options for smaller households and residents seeking to downsize.
- The guiding principles include the following:
 - To more effectively leverage private development for the creation of affordable

housing throughout Newton.

- To increase the required percentage of inclusionary units from 15% up to 20%.
- To put forth an ordinance that considers the financial feasibility of residential development in Newton and strikes a careful balance between the City's need for affordable housing and the nuanced economics of housing development.

NEXT SLIDE

- To clarify confusion and multiple interpretations around the current ordinance language.
- To introduce a tiered system of affordability requirements, including units designated for middle-income households earning between 81% - 110% AMI, to more specifically target and balance the need for affordable housing across the City's diverse spectrum of income levels (units for low, moderate, and middle-income households).

Guiding Principles of the Updated Ordinance, cont'd

4

- To clarify confusion and multiple interpretations around the current ordinance language.

- To introduce a tiered system of affordability requirements, including units designated for middle-income households earning between 81% - 110% AMI, to more specifically target and balance the need for affordable housing across the City's diverse spectrum of income levels (units for low, moderate, and middle-income households).

- To clarify confusion and multiple interpretations around the current ordinance language.
- To introduce a tiered system of affordability requirements, including units designated for middle-income households earning between 81% - 110% AMI, to more specifically target and balance the need for affordable housing across the City's diverse spectrum of income levels (units for low, moderate, and middle-income households).

Next Steps

5

The Planning Department will docket the following items related to the updated IZ ordinance:

- ❖ An alternative compliance option for those rental projects that set aside a percentage of their total units for households with annual incomes at or below 30% AMI (extremely low-income individuals and households).
- ❖ A more detailed and specific inclusionary housing requirement for Elder Housing with Services projects – a provision that is more tailored to the nuances of these types of projects and the strong differences that exist between them and other mixed-income housing developments.

While we are sensitive and appreciative to the fact that our proposed ordinance does not meet all of Newton’s affordable housing goals, particularly as they relate to extremely low-income households, our department is prepared to continue the hard work of developing additional policies and projects to serve this vulnerable population. Additionally, we are also aware of the importance of continuing to strengthen the Elder Housing with Services section of the Inclusionary Zoning ordinance. While we believe that the updated ordinance does a much better job of considering the complexities of these types of projects, we know there is more research and work to be done on this section, and on the issue of affordable housing overall.

With that in mind, once the updated ordinance passes, the Planning Department will docket the following items related to the Inclusionary Zoning ordinance:

An alternative compliance option for those rental projects that set aside a percentage of their total units for households with annual incomes at or below 30% AMI (extremely low-income individuals and households).

A more detailed and specific inclusionary housing requirement for Elder Housing with Services projects – a provision that is more tailored to the nuances of these types of projects and the strong differences that exist between them and other mixed-income housing developments.

While staff work is only at the beginning stage of research and development, the alternative compliance option would allow a project to greatly reduce its overall inclusionary zoning requirement if at least 2.5% of its total units are designated for

extremely low-income households. Additionally, the developer would be required to partner with a City-approved agency that specializes in providing supportive services for individuals and families in this income bracket. Tenant selection and on-site case management would be provided by this agency.

Strengthening the Ordinance for Today's Newton

6

Question:
**How would the IZ requirement change if we were
to favor Tier 1 units (at or below 50% AMI)?**

➤ **Policy Decision for ZAP:**

- Option 1: Favor Tier 1 Units
- Option 2: Balance across all three tiers of affordability
- Option 3: Favor Tier 3 and Tier 2 units

At your September 12th meeting, we explored this question and the policy decision associated with this topic. As discussed, to accomplish the goal of favoring Tier 1 units and providing a deeper level of affordability for a project, the overall number of required inclusionary units would be greatly reduced across all three tiers of affordability, and may present a number of scenarios where projects of a certain size and type are not financially feasible.

The following Policy Decision was laid out for the committee, and the committee unanimously decided to move forward with Option 2.

Policy Decision for ZAP:

Option 1: Favor Tier 1 units

Results in fewer overall affordable units in a project
But a deeper level of affordability for the required inclusionary units (units affordable for low-income to moderate-income households)
Tier 1 units tend to be the hardest to produce, as they require the deepest level of subsidy

Option 2: Provide for a balance amongst all three tiers of affordability

As demonstrated in staff's current proposal (units for low, moderate, and middle-income households)

Option 3: Favor Tier 3 and Tier 2 units

Provides for a greater number of required affordable units in a project, but at a higher level of affordability (moderate to middle-income versus low-income)

**Strengthening the Ordinance
for Today's Newton**

7

Question:
Why do the Tier 1 and Tier 2 percentage requirements decrease when you jump from a 34-unit project to a 35-unit project?

- Stick over podium construction (\$205/sq. ft.)
- 100% underground parking

At your September 12th meeting, we explored this question and the policy decision associated with this topic. As discussed, to accomplish the goal of favoring Tier 1 units and providing a deeper level of affordability for a project, the overall number of required inclusionary units would be greatly reduced across all three tiers of affordability, and may present a number of scenarios where projects of a certain size and type are not financially feasible.

The following Policy Decision was laid out for the committee, and the committee unanimously decided to move forward with Option 2.

Policy Decision for ZAP:

Option 1: Favor Tier 1 units

Results in fewer overall affordable units in a project
 But a deeper level of affordability for the required inclusionary units (units affordable for low-income to moderate-income households)
 Tier 1 units tend to be the hardest to produce, as they require the deepest level of subsidy

Option 2: Provide for a balance amongst all three tiers of affordability

As demonstrated in staff's current proposal (units for low, moderate, and middle-income households)

Option 3: Favor Tier 3 and Tier 2 units

Provides for a greater number of required affordable units in a project, but at a higher level of affordability (moderate to middle-income versus low-income)

Zoning and Planning Committee December 10, 2018

8

QUESTIONS?

12/10/2018

Strengthening the Ordinance for Today's Newton

9

Number of Inclusionary Units Required: Favor Tier 1 Units (Sept. 2018)									
Tier Level	10-20 new units		21-34 new units		35-64 new units		65-100 new units		101+ new units
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental
Tier 1, up to 50% AMI	15.0%	15.0%	12.5%	15.0%	0.0%	0.0%	12.5%	12.5%	15.0%
Tier 2, 51%-80% AMI	0.0%	0.0%	5.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Tier 3, 81%-110% AMI	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	15.0%	15.0%	17.5%	15.0%	0.0%	0.0%	12.5%	12.5%	15.0%

Number of Inclusionary Units Required: 2018 Proposal									
Tier Level	10-20 new units		21-34 new units		35-64 new units		65-100 new units		101+ new units
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental
Tier 1, up to 50% AMI	0.0%	0.0%	5.0%	0.0%	0.0%	0.0%	2.5%	0.0%	2.5%
Tier 2, 51%-80% AMI	17.5%	5.0%	7.5%	10.0%	2.5%	7.5%	10.0%	10.0%	12.5%
Tier 3, 81%-110% AMI	0.0%	10.0%	5.0%	7.5%	15.0%	10.0%	5.0%	7.5%	2.5%
Total	17.5%	15.0%	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%

- The first question asks: How would the Inclusionary Zoning requirement for projects subject to the ordinance change if we were to favor Tier 1 units (those units affordable to households with annual gross incomes at or below 50% AMI)?
- The quick answer to this question is that the overall number of required inclusionary units would be drastically reduced across all three tiers of affordability; and the favoring of Tier 1 units may present a number of scenarios where projects of a certain size and type are not financially feasible.

As we presented in your memo, there is a policy decision to be made here, and we believe there are three options for you to weigh at this time:

Option 1: Favor Tier 1 units

- Results in fewer overall affordable units in a project
- But a deeper level of affordability for the required inclusionary units (units affordable for low-income to moderate-income households)
- Tier 1 units tend to be the hardest to produce, as they require the deepest level of subsidy

Option 2: Provide for a balance amongst all three tiers of affordability

- As demonstrated in staff's current proposal (units for low, moderate, and middle-income households)

Option 3: Favor Tier 3 and Tier 2 units

- Provides for a greater number of required affordable units in a project, but at a higher level of affordability (moderate to middle-income versus low-income)

Strengthening the Ordinance for Today's Newton

10

Number of Inclusionary Units Required: Examples - Favor Tier 1 Units (Sept. 2018)									
Tier Level	16 new units		24 new units		47 new units		78 new units		225 new units
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental
Tier 1, up to 50% AMI	2	2	3	4	0	0	10	10	34
Tier 2, 51%-80% AMI	0	0	1	0	0	0	0	0	0
Tier 3, 81%-110% AMI	0	0	0	0	0	0	0	0	0
Total	2	2	4	4	0	0	10	10	34

Number of Inclusionary Units Required: 2018 Proposal Examples									
Tier Level	16 new units		24 new units		47 new units		78 new units		225 new units
	Rental	Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental
Tier 1, up to 50% AMI	0	0	1	0	0	0	2	0	6
Tier 2, 51%-80% AMI	3	1	2	2	1	4	8	8	28
Tier 3, 81%-110% AMI	0	2	1	2	7	5	4	6	6
Total	3	2	4	4	8	8	14	14	39

- The first question asks: How would the Inclusionary Zoning requirement for projects subject to the ordinance change if we were to favor Tier 1 units (those units affordable to households with annual gross incomes at or below 50% AMI)?
- The quick answer to this question is that the overall number of required inclusionary units would be drastically reduced across all three tiers of affordability; and the favoring of Tier 1 units may present a number of scenarios where projects of a certain size and type are not financially feasible.

As we presented in your memo, there is a policy decision to be made here, and we believe there are three options for you to weigh at this time:

Option 1: Favor Tier 1 units

- Results in fewer overall affordable units in a project
- But a deeper level of affordability for the required inclusionary units (units affordable for low-income to moderate-income households)
- Tier 1 units tend to be the hardest to produce, as they require the deepest level of subsidy

Option 2: Provide for a balance amongst all three tiers of affordability

- As demonstrated in staff's current proposal (units for low, moderate, and middle-income households)

Option 3: Favor Tier 3 and Tier 2 units

- Provides for a greater number of required affordable units in a project, but at a higher level of affordability (moderate to middle-income versus low-income)

PLANNING & DEVELOPMENT BOARD



December 4, 2018

The Honorable City Council President, Marc Laredo

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
Newton City Clerk
2018 DEC -5 AM 11:24
DAVID A. O'BRIEN, Clerk
Newton, MA 02459

Ruthanne Fuller
Mayor

Dear Honorable Council President Laredo:

Barney Heath
Director
Planning & Development

On December 3, 2018, the Planning & Development Board discussed docket item #187-18, an amendment to the City of Newton Inclusionary Zoning ordinance.

Rachel Powers
Community Development &
HOME Program Manager
Planning & Development

The Planning Board voted 6-0-0 to recommend approval of this docket item.

Submitted on behalf of the Planning & Development Board.

Sincerely,

Christopher Steele, Acting Chair for December 3rd meeting

Cc: City Council
Planning & Development Board

Bcc: R. Powers
B. Heath

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

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142
www.newtonma.gov

From: [Judy Jacobson](#)
To: [Karyn Dean](#); [Susan Albright](#)
Cc: [Ruthanne Fuller](#)
Subject: Zoning & Planning Committee -- Inclusionary Zoning changes
Date: Sunday, December 09, 2018 9:13:22 PM

Dear Ms. Dean – I’d appreciate it if you could circulate these comments to the Zoning & Planning Committee. Thank you! Regards, Judy Jacobson

Dear Chair Albright and Members of the Zoning & Planning Committee;

I am writing with some preliminary comments on the proposed changes to Newton’s Inclusionary Zoning Ordinance. While I support the Council in seeking to strengthen the ordinance, I believe that the proposal before you is a step backwards. The proposed changes will reduce affordability because of the significant reduction in low-income (50% AMI) units. Washington Place is a great example of a project where, through the existing ordinance, we obtained a deep level of affordability for low- and moderate-income households (7.5% at each of the 50% and 80% AMI levels) PLUS, via a voluntary agreement with the developer, an additional 10% of the units will be affordable for “middle-income” households. We should retain the existing affordability in the ordinance so that we can provide significant housing for low- and moderate-income households AND strengthen the ordinance by adding an additional requirement for middle-income households. And I would suggest that the middle-income tier go up to 120% AMI (not 110%) consistent with other state and federal programs. One other point on the affordability levels: it is not realistic to obtain units at the extremely low-income level (30%AMI) via inclusionary zoning. It is a commonly held understanding in affordable housing that rental assistance (federal Section 8 or state MRVP) is needed to serve extremely low-income households.

Additional preliminary comments on the draft changes include:

- The draft contains incorrect references. For example, the definition of “Deed-Restricted Affordable Unit(s)” references the “Subsidizing Agency,” which is a concept relevant to MGL Chapter 40B. There is no “Subsidizing Agency” in a Special Permit project. The draft references DHCD Guidelines dated June 1, 2009, which is a very outdated reference. The applicable guidelines are dated December 2014.
- The provision for calculating the maximum allowable rent is unworkable. Proposed Section 5.11.4.E.1 calls for the rents to “not exceed 30% of the monthly income for the applicable eligible household.” This will render the development incapable of obtaining financing as no lender will lend on a project where rents increase or decrease as tenant incomes change. The current ordinance correctly references tying rents to income *limits* (see existing Section 5.11.4.B.3).
- State cost limits for funding should not be used to calculate cash payment amounts. DHCD’s cost limits are utilized for funding purposes in a scarce subsidy environment. They are guidelines and exceptions are frequently allowed. In addition, other mechanisms like ground leases are frequently used to take costs off-budget. The RKG report identified other more appropriate ways to determine the appropriate cash payment amount and those should be

explored further.

- Cash payments to the City of Newton should go to the Community Preservation Committee.

The Newton Housing Authority has made good use of their share of inclusionary zoning payments but there has been a complete lack of transparency regarding the 50% provided to the City of Newton. How much money is available and how does an affordable housing developer apply for it? The City's 50% should be provided to the CPC which has a fair and transparent process for allocating funds.

- Existing language regarding proportional rent-up should not be eliminated. The language in existing Section 5.11.4 requiring inclusionary units "at each point" in the marketing of the development should be retained in the ordinance.

- The City should charge a monitoring fee. Oversight of inclusionary developments is critical and developers ought to pay a reasonable monitoring fee so that the City has resources for this important function (could be outsourced to an entity with experience in this area).

These comments are preliminary, as I understood that the Council would next be taking up the proposed changes in January. I was planning, along with others, to conduct a thorough review after the holidays. I urge the ZAP Committee to "get in right" and continue the review of changes to the Inclusionary Zoning Ordinance next year. Thank you for your consideration of these comments.

Regards, Judy Jacobson