

Zoning Reform Scoping Group

Ald. Deborah Crossley, Chairman

Meeting Notes: Thursday, April 7, 2011 – 7:00 p.m. in Room 202, Newton City Hall

Executive Summary

The Zoning Reform Scoping Group (ZRG) met on April 7, 2011. Attending were Alderman Deborah Crossley, Chairman, Howard Levine, Jason Rosenberg, Marc Hershman, Terry Morris, Steve Vona, and Jennifer Molinsky, also in attendance were Seth Zeren, Chief Zoning Code Official and staff to the ZRG, Alderman Lisle Baker, and community member Anatol Zuckerman.

The Group first took up organizational matters: reviewing the schedule, discussing the scope of the group, and proffering some “big questions” about how to learn from the experiences of past efforts and other communities. Then the group launched into a discussion of the Housing Element of the Comprehensive Plan of 2007. The group focused on identifying the broad goals of the element, highlighting some specific concerns and barriers to achieving those goals, and discussing some potential ways that the ordinance could be revised to better accomplish those goals. Through the discussion the group began to develop a set of principles to guide the zoning reform process and a number of important ideas and topics were raised and set aside for future consideration.

In the next meeting, on Thursday April 28, at 5:00 p.m. in Room 202 of City Hall, the Group will discuss the Economic Development Element of the Comprehensive Plan, review the proposed Mixed Use Element, and discuss commercial zoning and development in general. **For more information please contact Seth Zeren at 617-796-1145 or szeren@newtonma.gov.**

I. Discussion of Organizational Issues

- Discussed layout of schedule and topics through September - a draft schedule will be prepared and circulated for review
- Raised the issue of how to structure public meetings
- Raised the issue of how to tap outside expertise
- Raised the issue of how can we employ real-life examples to highlight issues
- Discussed the idea of having small groups pre-digest topics and present/lead discussion
 - Could increase depth of discussion and analysis
 - Concern that everyone is bringing unique perspectives to the text
 - Everyone needs to be involved with each topic

Discussion of the Scope of the Group and Plan Going Forward

- Identify how the ordinance can be improved (technically, administratively, procedurally, organizationally, and in outcomes)
- Highlight differences in current outcomes from the comprehensive plan
- Highlight specifics needing revision
- Identify preferred process of revision (in house v. outside consultant)
- Not to propose specific policy solutions.
- Identify specific and general problems, with examples
- Envision how zoning should work

- Consider types of changes to make
- Raised the issue of whether the group scope is about changing “policy” or re-organizing structural deficits
 - Is it possible to do purely “re-organizing” without requiring policy decisions?

Big Organizational Questions

- What can be learned from other ordinances or types of zoning
 - Form-based codes
 - Performance/Impacts-based codes
 - Others
- What can be learned from the Newton Center Task Force experience?
 - Need for consensus within group
 - Need to agree on a vision (for the Zoning Ordinance)
 - Need to make use of City expertise and leadership

II. Discussion of Housing Element from the Comprehensive Plan

Broad goals identified in or related to Comprehensive Plan

- Some people want to see significant changes, while others “generally like the city the way it is”
- Focus on village centers for housing growth
- Keeping neighborhoods stable and unique/diverse
- Need for housing affordable to middle incomes (~100% to 150% area median income)
- Need for housing for all life stages (starting out, empty nests, youth)
- Regional role in providing necessary housing types
- Types of Households:
 - New families moving to Newton
 - Downsizing empty nesters
 - Types of units?
 - 1 BR – empty-nesters/youth
 - 2 BR – empty nesters/new family
 - 3 BR – families with children

Concerns/Barriers-to-Goals

- Small additional number of dwellings possible under current zoning
- NIMBY pushback to affordable housing/more density
- Issue of old lot/new lot, barriers to development of small lots
- Conversion of starter houses vs. allowing additions for livability
 - Affordable housing vs. enlarged homes
- Some neighborhoods are simply incorrectly zoned
 - Two family neighborhoods zoned SR
 - Single family neighborhoods zoned MR
 - Lot sizes miss-matched with zoning classification
- Currently, there is an over-abundance of tools limited development density
 - Many tools overlap to prevent over-building a site
 - FAR, parking, use limits, height, setbacks, open space, etc.
- Inclusionary housing

- So limiting that no units have been created
- Disincentive for small developers of moderate sized projects
- Strong disincentive for hotel development
- How many more units will be actually created by any given reform?
 - Some changes may have only a very small effect

Possibilities

- Concentrate on village centers
- Group should consider Housing Element alongside Land Use element
- Focus on true density bonuses for providing affordable housing, rather than only a penalty, as currently (Old “10% rule”)
- Use
 - Allow 2-3 family houses
 - Expand range of housing types (size, proximity to services, economics)
 - Increase number of affordable houses (low, moderate and middle incomes)
 - Make it easier to convert homes (internally subdivide > 1dwelling) near village centers
- Form
 - Re-examine the dimensional controls (consider other tools, e.g. averaging with neighbors)
- Map Changes
 - Increase by right density closer to village centers (new zoning districts?)
 - Re-examine residential districts (new districts or remapping)
 - Zoning should at least reflect the density that exists

III. Further Topics to Address

- Parking requirements and design
- Invite ISD and Planning Staff and outside experts to discuss ordinance problems
- Address the ease of administration and fairness
- New lot and old lot distinction (eliminate? phase out?)
- If Newton is becoming too affluent ...
 - Is this - a larger issue that transcends the Zoning Ordinance ...
 - Or how and in what ways does zoning impact real estate value?
- Structure conversion provision in 30-8(b)(10) “Article 30”
 - Example of new housing development while preserving historic character
 - How many units really created?
- Village center zoning
 - What was the historic density?
 - What is preferred density (same, more, less)?
- Process vs. outcomes
 - Special Permits and Site Plan Review
 - Future zoning revisions

Broader Questions:

- What is the role for change? Density?
- What is the role for Newton in the 21st Century land use market?
- What is the role for Newton in the Metro area?

- What is the role for Smart Growth principles?
- How would changing rules affect economic land use drivers?
 - If small starter houses are added on to, they become larger, more expensive houses
 - Is there a corresponding need for empty-nesters to leave larger houses?
 - Should there be a distinction between: 1 BR vs. 2 BR vs. 3 BR vs. Accessory
- Do the “purposes” in 30-2, *Purpose of Chapter*, need to be revised or reconsidered?
 - To better relate to the Comp Plan?

IV. Principles for Zoning Reform (Identified out of discussion)

- Administrative Ease (reducing staff cost and delays)
- Fairness
- Clarity
- Diversity (economic, social, etc.)
- Focus on villages
- Further the vision of the Comp. Plan
- Zoning text and map should at least reflect what’s on the ground
- Balancing competing issues, yet zoning cannot be “wishy-washy”
- Balance and modernize types of uses allowed in each zone

V. To do Next Time:

- Read and consider Economic Development Element of Comprehensive Plan
- Read and consider the proposed Mixed Use Element (drafted last summer by the Mayor’s Mixed Use Task Force and under consideration by the Board of Aldermen).