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Barney Heath
Director

MEMORANDUM

DATE: August 19, 2016

TO: Councilor Ted Hess-Mahan, Chairman
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director

RE: #80-13 – THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project.

MEETING DATE: NA

CC: City Council
Planning and Development Board
Donnalyn Kahn, City Solicitor

On August 22, 2016 the Zoning and Planning Committee held its first meeting on the Zoning Reform Phase 2 project. The meeting included introductions of the consultant team, discussion of project goals and the public participation plan, and discussion of the “issues of immediate concern” task within the project scope of work. The “immediate issues” task has proven to be difficult to develop for reasons discussed at the meeting and described below. Staff made some recommendations regarding this item and members of the Committee were tasked with providing their ideas in the week following the meeting. The following memo describes how staff will proceed with the “immediate issues” task and provides updates on other aspects of the project. Members of the Committee and the Council are encouraged to set up meetings with James at any time over the course of this project to discuss any aspect of the project.

“Issues of Immediate Concern”

The “Issues of Immediate Concern” task was described as:

While the City anticipates this process to move forward expeditiously, there are a number of issues that require immediate attention. The consultant will review recent ordinance amendments and current priority issues and provide comment and advice. This task will take the form of two meetings with staff, the first to introduce the priority issues and the second to

review consultant recommendations. This task closes with a presentation to the Zoning and Planning Committee.

The basic idea behind this task was that, given the time necessary to complete the overall Phase 2 project, there were issues that might require immediate attention that should not be held up but, further, that addressing these issues should somehow be tied into the course of the larger project. An expansive list of potential “immediate issues” was provided.

Staff and the consultant team began meeting in preparation to launch the Zoning Reform project at the beginning of the summer and had a number of conversations on how to approach this task item. Two primary guiding principles for this task developed:

1. Any issues addressed through this task should be ones that could readily stand-alone; sections of the Zoning Ordinance that are less interconnected with a wide range of other issues either in the construction of the ordinance or in how the ordinance becomes applied in the real world. This principle came out of a desire to avoid extensive rework that might arise from making a change and then having to make further changes as the rest of the ordinance evolves and also wanting to avoid a scenario where complex issues taken up separately from the core of the project work lead to delay and confusion for the overall project.
2. Any issue addressed here should also be understood as generally being more technical in nature or otherwise not requiring the more extensive public engagement of the core project. Again, community engagement in the zoning reform process is essential and valuable to the best possible outcome for this project, but is also time consuming such that a large amount of community engagement with this task could delay the overall project.

Based on these principles, staff has suggested three possible activities under this task, all relating to current City priorities:

1. Accessory Apartment Ordinance: Much work has already been completed on a draft accessory apartment ordinance through both the Accessory Apartment Subcommittee of City Council and the Zoning and Planning Committee. Staff will provide the latest draft of this ordinance to the consultant team for review and comment. Staff will also continue its public outreach and engagement on this issue and the proposed ordinance.
2. Inclusionary Zoning Ordinance: The consultant team will research this issue and the recent inclusionary zoning ordinance work in Cambridge and Somerville and provide a memo recommending how to approach this work in Newton. Staff will review this memo with the Zoning and Planning Committee.
3. Sign Ordinance: The consultant team will research this issue and provide a memo recommending how to approach this work in Newton, noting particularly the extent to which the current ordinance is inconsistent with recent court rulings. Staff will review this memo with the Zoning and Planning Committee.

Other Project Updates

- Kick-off Meeting: Staff has identified a conflict with the proposed September 20th kick-off meeting date and is working to identify a new date in late September or early October.
- Bi-weekly Updates: Staff will be providing written bi-weekly updates on the Zoning Reform project to the Zoning and Planning Committee, City Council, Planning Board, and public.