

Land Use Committee Special Permit Procedure Discussion

October 25, 2016

Present: Councilors Laredo (Chair), Schwartz, Crossley, Lipof, Crossley, Harney, Auchincloss, Cote; also present; Councilors Fuller, Albright.

City Staff Present: Director of Planning and Development Barney Health, Chief Planner Alexandra Ananth, Commissioner of Inspectional Services John Lojek, Chief Administrative Officer Dori Zaleznik, Deputy City Solicitor Ouida Young.

The Land Use Committee met with Planning and Inspectional Services to continue the discussion on special permit process improvements and enforcement from 5:30 – 7:00 on October 25, 2016.

Engineering/Fire Review

Councilors reviewed the necessity of having Engineering and Fire Reports for each special permit petition. It was determined that fire review is typically only used in larger projects and if Planning had concerns at a specific site; they would provide fire analysis for discussion. Some Councilors felt that analysis of the drainage changes at each site was relevant to approval of the special permit and should be part of the committee's discussion. Additionally, a Councilor suggested that the Engineering memos often help in mitigating concerns from abutters to the property. Committee members agreed that the level of analysis and Committee review might differ according to the complexity of the project.

Chief Planner Alexandra Ananth stated that the appropriate place for in depth engineering review is prior to the issuance of the building permit. She suggested that the policy change to allow the Planning Department discretion in determining if engineering review should be presented to the Committee. Councilors felt that it was important to identify and provide statement on why discussion/commentary may not be necessary for projects. One Councilor cited personal experience; noting that the Engineering Department's standards are high and each project is designed to meet those standards; suggesting that on simpler projects, engineering review by the Committee is not necessary.

Commissioner of Inspectional Services John Lojek suggested that Committee analysis of the engineering reviews is important because they provide additional accountability for the Engineering Department. Commissioner Lojek has concerns about enforcing engineering issues that could have been resolved at an earlier stage. Committee members determined that it was necessary to identify what Planning would consider to be simple and complex projects. It was requested that Planning provide a sample of what a simple plan might be and what the advisement would be to the Committee. Committee members agreed to allow the Planning department discretion in determining when engineering and fire reviews might be necessary, but requested that if there is any substantive concern at a specific site; an engineering review be provided to the Committee for additional discussion.

Committee members also considered if Council perspective could be input at an earlier stage. Architect Peter Sachs suggested that neighborhood meetings are helpful in soliciting feedback from abutters and making the corresponding changes to the project. It was noted that this is a good practice, but that not all petitioners engage in neighborhood outreach.

Application Materials

When reviewing Planning Department's process, Councilors suggested that at the DRT a checklist be created to help guide petitioners through the process. Ms. Ananth noted that changes to the zoning review memo will include a "next steps" section; specifying what is required for the petitioner to move forward with the process. Councilors suggested that the language be refined to include terminology clearer for someone who does not know the process intimately. Councilors agreed that the documents should be more explicit in

listing what is required by the petitioner; including the elimination of the word “etc.” in listing what reviews (engineering, fire) might be required by the petitioner. Committee members also determined that paper plans are still necessary, as it can be difficult to read and review plans online.

Planning Memo & Council Order Revisions

Ms. Ananth presented the Planning Department’s intent to eliminate irrelevant information for smaller projects in the Planning Memos. She stated that the executive summary will have a more robust project description and they would eliminate the site/neighborhood characteristics. She confirmed that the “Petitioner’s Responsibilities” section is included to address instances where the Planning Department may have requested minor adjustments or details to plans, but noted that the project is still ready to be discussed by the Committee.

Deputy City Solicitor Ouida Young noted that the details of the neighborhood including site and characteristics could be particularly relevant if a decision is appealed. She noted that sometimes a case will be decided solely on the basis of the materials submitted to the Committee. While the executive summary might be adequate, context could become necessary for case determination and should be included. Councilors not on the Committee noted that the context descriptions can be helpful if the recommendation to the full Council is not unanimous. It was suggested that the findings could also be helpful in describing site characteristics. The Chair requested that Ms. Ananth collaborate with Attorney Young in creating a document that addresses the best way to address site characteristics. Committee members suggested that the executive summary be broken up into a template format as opposed to a narrative format could be helpful.

The Council Order changes include a clearer formatting of conditions, ongoing condition and special condition sections. Councilors agreed that the changes would be better for petitioner’s clarity.

Special Permit Survey

Councilor Auchincloss reviewed the survey distributed to 110 special permit petitioners on October 19, 2016. Councilor Auchincloss stated that the intention of the survey was to identify a baseline for perceived service and improvement opportunities that can be reevaluated in the future. At this time there are 22 responses with a net feedback score of -38. The survey asked petitioners to rate their importance of and level of perceived service on the following points: minimizing need for an attorney, time between the first visit and the public hearing, maximizing of City advice, minimize neighborhood tension. Based on the responses, the largest opportunity point is reducing the first visit to City Hall and the first public hearing. Ms. Ananth noted that this time can vary significantly depending on what is required of the petitioner. Councilor Auchincloss noted that in terms of advice from city agencies; petitioners are fairly pleased. It was requested that the survey be resent to obtain additional responses and then a follow up begin with petitioners who are open to it.

To address petitioners’ concerns about time between first coming to City hall and the first public hearing, the Chair asked how much time is required on behalf of each department. After the petition is received in the Clerk’s office, the item is put onto the following docket for assignment of the public hearing. Legal noticing also requires two weeks. The Chair asked if the Clerk’s office could collaborate with the Law Department to determine if the rules can be changes to eliminate the assignment of the public hearing by the Council. Ms. Ananth noted that the Planning Department needs the 30 days set by the schedule to prepare the documents for the Committee. Committee members noted that the deadlines in the process are helpful for city staff in organizing their time.

The Committee agreed to meet on November 15, 2016 from 5:30 – 7:00 pm prior to the start of their regularly scheduled meeting.