

Memo

To: Zack Lemel, Chief Planner
From: Susan Albright, Councilor At Large Ward 2, President Newton City Council
Re: Questions for zoning redesign
Date: September 9, 2020

Cc: Deborah Crossley, Chair, Zoning & Planning Committee,
City Council
David Olson, Clerk of the Council;
Nathan Giacalone, Clerk of the Zoning and Planning Committee
Barney Heath, Director, Department of Planning and Development;
Cat Kemmett, Planning Associate;
Neil Cronin, Chief of Current Planning
Planning Board
John Lojek, Commissioner of Inspectional Services
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

Dear Mr. Lemel

Thanks so much for being willing to help the Committee and Council work its way through the proposed code. First let me say that I am amazed at how you picked up the ball from where James left off and have provided us the wonderful opportunity to keep going without skipping a beat. I apologize for not putting this email on "official" City Council stationary. The lateness of the hour prevents me from accessing the official letterhead. I guarantee that this is an official memo from a Councilor just as official as if it had been on official letterhead.

At times, as I read the code, while I can easily read it- I get frustrated because I don't understand its impact on Newton. The key to tackling something new (as I learned over my 28 years in Information Technology - a field that is constantly changing) is to keep an open mind and keep plugging along. What I am most looking forward to is working our way through code - talking with my colleagues on the Committee - with you as our guide. We all have many questions - of course we do. The best thing to do in a situation like this is to not panic but read, reread, ask questions, talk and debate the issues with colleagues and then with the public until we all finally have an understanding of what it all means and then - decide what we like and don't like individually and as a group. The key to everything we do on the Council is keeping an open mind. (I took a whole course in Psych at Tufts as an undergrad on the open and closed mind). We are all Councilor/generalists regarding most of the things we are asked to vote on. Our job often requires that we listen to a member of the public, a member of the staff, or a colleague who comes up with an idea to change or create an ordinance and asks that we act on it. We have to learn a new area then decide if the requested change makes sense and ultimately decide to vote for it or vote against it. This is true for far ranging things like deciding who should

approve RDNA laboratories in Newton, or setting the water rates, or approving a street design, deciding to purchase open space in the face of scarce resources, or yes- creating a new zoning code. None of our Councilors are experts in every field (we must vote nevertheless). At times, such as this one, we are asked to vote on changes to an existing code that we have grown quite used to. I would hope that at this very early stage, that none of our ZAP members would have closed their minds. I hope that we are all approaching this essential and important effort with an open mind – being willing to learn and make a judgment based on facts. This is what I, and I think most of us are trying our best to do. That being said – here are some of my biggest questions.

Now my questions:

1, Non-conformity; I'm beginning to feel that the issue of "fixing" all the non-conformity in Newton might be a red-herring. So much of Newton was built before zoning even existed so we started with a motley group of buildings on a motley bunch of lots. Then more buildings were built up to 1940/53 zoning changes. What we have are lots on hills, very small lots, very big lots, big lots with small houses – and the reverse, old/new lots (who decided that was the way to solve a problem?). James used to tout that we would have less non-conformity at the end of our project. I'm beginning to feel there will be just as much non-conformity – just different. In the end – does this really matter? Should we stop using this goal – removal of non-conformity, as one of the things we must achieve. Can't we be done with this issue? We created new setbacks particularly side setbacks which were meant to prevent people from building out to the lot line which was the cry from many regarding the McMansions. So – now all the buildings with side setbacks between 5 and 15 feet will become non-conforming. Should we say, "so what"? Tell me where I need to care more about non-conformity

2. Special permits – Another hue and cry before we started was that we should reduce the number of special permits. I ask WHY? Isn't this a safety valve related to issue #1 above. We have now and will continue to have non-conformity. I see no way around this and the safety valve is special permits. Love to understand why it is important to greatly reduce the number of special permits. Also – if we allow special permits those of us who have served on the Land Use Committee might have a lot to add to what criteria are needed to give guidance to special permit decisions.

3. R2 districts that have smallish homes on large lots – I guess this is related to #2. There are many R2 districts, which are not internally consistent. Some houses in a sub-cluster are smallish houses on large lots. These people feel that limiting the size of their home on a large lot is essentially a taking - removing their property rights. If we had special permits to deal with this I think I could live with this problem. Right now there is no safety valve – shouldn't we build in this safety valve? The known bunch of homes at the Center street end of Homer Street are an example of this.

4. Are the setbacks correct – I want to discuss houses that exist now that can't exist in the future – particularly if we have no special permits. We need staff to run through many examples. Then the committee will see what we have done on the ground and like it or not like it and discuss whether the pros outweigh the cons – without this we are flying blind.

5. I would love it if we had worked on the Village centers at the same time as the residential – but that ship has sailed and we can always come back to residential after we do the villages. This is just a note to you to talk about village centers in the context of whatever we finally decide on the residential article

6. Ancillary uses – Particularly the south side of the city but also the west part. I think we need to put some rules in place. Can you think of what they might be? If someone wanted to turn my house (1075 Comm Ave) into a restaurant – would that look/feel right for the neighbors? My house is roughly across the street from City Hall. Is that the right place to put a restaurant? Should restaurant be a different set of rules than if you wanted to make my house into a museum? (Not that my house is at all museum worthy). We need more discussion on this topic and I'd love to hear your thoughts on adding criteria.

7. Why can't a duplex be side by side? I see no difference from the up and down model. There are homes all over the city that are side by side. You walk into the front door and you are faced with a small hallway with 2 doors. Both sides have an up and down. From the outside it looks just like a single-family house. It is not the same thing as townhouses, which visually look like 2 separate homes.

8. It is tempting to talk about the controversial issues of 2 family homes everywhere and the 6 family multi-conversions but is it fruitful in moving our conversation forward? It is my recommendation in terms of process that we put this aside – in the parking lot, and deal with the basics FIRST. There is a lot to be learned and discussed about the basics FIRST even though some Councilors have jumped right to the more stimulating questions. However – when we do get to these topics I hope you will be ready with a financial analysis of what price housing we will achieve. Will we create middle class housing? How can we also create affordable housing? We need more of both I just want to have an analysis that explains how we can constrain the units (size? Location? Number? Etc?) to make sure we not only get more housing but more housing for middle class and at 80% or lower. The theory is that increasing the supply should level the price over time. How much increase in supply do we need to get to that leveling. Please have someone do the work and show the work to prove this.

Once I understand these issues I may have more questions – but that is the way this goes. Zoning is something that touches the lives of every person in Newton and we want to make sure we get it right. But not delay it to the point that we do nothing.

I want to end (for now) where I began. You are shepherding us through a very difficult discussion. Again, I thank you for what you have done so far and for the difficult times ahead of us. You are dealing with Councilors who have long-standing vested interests in our existing code. You are dealing with Councilors who are dealing with code for the first time. You have Councilors who like the status quo who want to tinker with what exists and you have councilors who are desperate for change. Together – you as our staff and we as duly elected Councilors coming at this with various perspectives can work together to make this work. You will have to help guide all of us through this project. I thank you for this hard work.