



MEMORANDUM

DATE: September 10, 2020

TO: Zachery LeMel, Chief of Long Range Planning, Newton Planning Department
 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

FROM: Councilor Pam Wright

RE: Comments on the Planning Department’s revised provisions of the Residential Component of the Department’s proposed new zoning ordinance version 3 attached to a Planning Dept. memo dated August 7, 2020

CC: Deborah Crossley, Chair, Zoning & Planning Committee
 City Council
 David Olson, Clerk of the Council
 Planning Board
 John Lojek, Commissioner of Inspectional Services
 Alissa O. Giuliani, City Solicitor
 Jonathan Yeo, Chief Operating Officer

Dear Planning Department,

I am pro smart development and I want truly affordable housing. “A zoning code more responsive to a demand for housing that serves a range of incomes” was unanimously agreed upon with a straw vote at ZAP 4/27/20. My interpretation of the new zoning ordinance version 3 does not accomplish that. I believe version 3 as written will just bring in more luxury housing with an accelerant rate of tear downs AND, for some smaller lots, even larger homes than that can be built today. I would like to propose some alternatives for consideration once we flesh out the ideas.

I will begin with my high level issues of the most recent draft (080720) ordinance followed by a listing of specific issues, questions, comments (Appendix A). I am also including my suggestions for discussion on how to fix some of the issues. The orange highlighted items I believe are the most important out of the 111 line items.

I request a separate discussion in ZAP on how to reduce teardowns. Per my perspective, version 3 will significantly increase them. I will provide my ideas to reduce teardowns at that time.

As an engineer I am concerned with the inaccuracies in the change log. Any changes or revisions to the original proposed draft need to be accounted for with 100% accuracy, as well as who made the changes (Planning Department or ZAP Committee).

- Items just appearing in version 3 without any annotation

- Items not redlined but changed
- Items removed and not noted
- Change log not following its own definition "...all the changes to Article 3 made between the draft shared in March 2020 and the latest draft shared here are documented in a changelog".

Appendix B addresses some of these change log issues. I have also noted by a star in Appendix A some of the change control issues.

Appendix C contains specific tear down data over 2.5 months this spring showing what can be built by right in the designated zone and what was built there per our present zoning ordinance. Surprisingly, many of the new houses can be bigger than presently allowed under FAR. When given the opportunity per appendix C, developers always built more units per the data except in extreme situations.

As of this date, I have many concerns with the proposed new zoning code presented by the Zoning & Planning Committee (ZAP). I have listed in Appendix A my specific concerns, but I wish to start with the overarching ones.

I believe that in order to cast a responsible vote I would need the following information from the Planning Department:

- A build-out analysis of the total number of dwelling units generated in our residential and village districts under the final proposed zoning map.
- A tear-down analysis of the redevelopment of our Residential and Village Districts.
- The infrastructure impacts – fiscal, traffic and parking.

I am not the only one concerned with version 3 of the zoning ordinance. We received a series of letters from architects, some of whom were members of the Architect Focus Group. Quite a few believed the proposed ordinance would "*remain fundamentally flawed and likely to have unforeseen consequences that could have significant deleterious effects on our city and our homes.*" Many residents have written in with their concerns too. I would like these issues to be discussed and addressed in ZAP.

Allowing side wings and rear additions to be outside the maximum footprint for new builds will incentivize developers to tear down the house. Per planning dept documents and what has been stated over the past 1-2 years is if a developer can build a house larger than 3800 sf, cost less than \$600 sf and sell it for 2.5 times the original house, then it's likely to be a tear down. Allowing the footprint bump for additions only on *existing* homes will help reduce tear downs. This is greener solution too. A renovated home has much less embodied carbon than a tear down replaced by a new home. Also, restricting the tear down size will reduce the bidding wars by developers for homes that could be sold to a family. More discussions are needed.

In MLS data over 2.5 months this spring, every new build lot that could be converted into 2 units or more, was converted into multiple units except for 2 very small lots (3511 sf and odd shaped 5000 sf lot). Allowing multifamily housing everywhere will explode tear downs and greatly increase density. This can have a huge effect on the city and therefore, a build out analysis should be performed along with city financial, traffic and infrastructure impacts calculated.

Multi-unit conversions are a hot topic. We need to discuss how many units by right, what size house, what zone, etc. I want to share my ideas in our ZAP meeting.

Per the housing seminar I attended, duplexes and triple deckers should have the same footprint as single family homes. These units are still bigger than house B in the proposed zoning ordinance. As these units will likely be located near transit and village centers, it makes sense to have smaller units.

Town house, allowed only in N, which is next to village centers is bigger than a house B. Again, per the missing middle one would want smaller and more housing near transit and village centers. Reducing the footprint to 800 or maybe 1000 would help. This would still be a 2400 sf or 3000 sf home. Right now 4 town houses could have the massing of 18,000 sf.

The ordinance tried to remove snout houses and it did it for single family homes. For 2 unit buildings less than 48' wide, snout houses remain. I have recommendation to resolve this issue.

People are afraid of special permits and I've heard horror stories spending \$70K and then abandoning the project. Architect Peter Sachs stated in a ZAP meeting that he charges \$2000 for a special permit. He seems to have the process down. We should make the special permit process for residential homes as easy as possible including a prescreening (DBT) and checklist. How can one person find the process easy and others find it exceedingly difficult?

Finally, I would close with the requirement of a comparative table of our current zoning ordinance to the proposed new code. This is a significant change from our current ordinance, and it is important for the residents to understand these changes. Plus, this will help the councilors understand the differences before we vote on the new ordinance.