



Land Use Committee Report

City of Newton In City Council

Tuesday, June 25, 2019

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo, Leary, Krintzman, Gentile, Albright, Danberg, Grossman

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Katie Whewell

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#179-19 **Petition to amend Board Order #96-17 to allow bank use at Washington Place**
WASHINGTON PLACE OWNER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #96-17 to allow modification of Condition #34 to allow the petitioner to lease commercial space to not more than one commercial bank with a total square footage not to exceed 3,800 sq. ft. at 845 Washington Street and 245 Walnut Street, Ward 2, Newtonville, Section 21 Block 29 Lot 10, containing approximately 123,956 sq. ft. of land in a district zoned MIXED USE DEVELOPMENT. Ref.: Sections 7.3, 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2017.

Action: **Land Use Approved Subject to Second Call 5-1-2 (Laredo Opposed, Schwartz, Markiewicz abstaining); Public Hearing Closed 06/18/2019**

Note: Attorney Stephen Buchbinder, offices of Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioner, Washington Place Owner, LLC. When the Special Permit for Washington Place was approved in 2017, the Council Order included a condition prohibiting bank use at the site. The petitioner now proposes to amend the Council Order to strike the condition to allow one commercial bank to locate at Washington Place. Atty. Buchbinder's presentation is attached. Mark Development Principal Damien Chavieno noted that during the permitting process for Washington Place in 2017, Councilors discussed the importance of neighborhood retail at the site. Mr. Chavieno explained that larger, chain retailers can sometimes subsidize the cost of additional neighborhood retail. He noted that there is a national chain bank tenant who would like to locate at Washington Place. Location of this bank retailer would allow the petitioner to designate a portion of the project (25% of the rentable square footage) for neighborhood retail. Mr. Chavieno stated that Washington Place would set aside 10,000 square feet of retail space. The 10,000 sq. ft. would be restricted to "non-formula business" (local businesses/non-chain businesses). Mr. Chavieno noted that the bank location contains approximately 3,760 sq. ft. and will not be in one of the more desirable spaces (corners). He noted that Mark Development is in the process of moving forward with leasing an 8,000 sq. ft. space to the Shoe Barn

(8,000 sq. ft.). This 8,000 sq. ft. is in addition to the 10,000 sq. ft. that will be reserved for non-formula retail spaces.

Senior Planner Neil Cronin reviewed the requested relief, criteria for consideration, land use, zoning, the proposed ground floor plan and details of the proposed bank-use at Washington Place. Mr. Cronin noted that the petitioner was asked to adopt the Planning Department definition for “non-formula retail” as shown in the attached presentation. Mr. Chavieno confirmed that the petitioner is willing to accept the Planning Department’s definition for non-formula retail. A Committee member questioned how the bank will add to the vitality of the streetscape. Mr. Chavieno noted that a restaurant operator hopes to locate at the site but like to locate near a bank. It was suggested that an ATM could serve the same purpose as a bank, without utilizing 3,760 sq. ft. of space in the development, noting that banks were excluded from the development because they do not add to the vitality of a site. Mr. Chavieno suggested that the bank indirectly adds to the vitality of the site by allowing opportunities for non-formula retailers to locate at the site.

The Public Hearing was Opened.

Peter Harrington, 157 Lowell Avenue, noted that he has spoken to members of the neighborhood. He stated that most neighbors have no concerns relative to the proposed bank use, noting that a bank is a quiet neighbor. Atty. Harrington suggested that the Council carefully review the definition for non-formula businesses.

Jennifer Bentley, 168 Mt. Vernon Street, noted that the petitioner promised to exclude banks from the development and is already asking to modify the approved Special Permit. Ms. Bentley urged Councilors deny the request for a bank use at Washington Place.

Nathaniel Lichtin, 53 Pinecrest Road, expressed concerns relative to modification of the Special Permit prior to completion of construction for the development. Mr. Lichtin asked the Committee to consider reducing the number of stores a retailer may have in order to be considered a formula business. Mr. Lichtin also suggested that the Council draft a condition relative to including the square footage reserved for the barn.

Julie Malakie, 50 Murray Road, echoed the comments of Ms. Bentley and expressed concerns relative to modification of the Special Permit before completion of the development.

Greg Reibman, 10 Mayflower Terrace, supports the petition, noting that sometimes the chain retailers offer opportunities to local businesses.

Catherine Willinger, 125 Westchester Road, is supportive of the proposed bank use at Washington Place. She noted that crossing the Newtonville Bridge to access a bank is impractical.

Committee members questioned how the definition for formula businesses was crafted. Mr. Cronin noted that the proposed definition for formula businesses is modeled after Cambridge’s definition. He stated that the Planning Department’s language includes additional criteria that would exclude more

formula/chain retailers. Committee members agreed that the Shoe Barn should not be identified in the Council Order but acknowledged that if the Barn left the development, the 8,000 sq. ft. of space reserved for the Barn could revert to space for general leasing. Alternatively, if any of the local businesses in the 10,000 sq. ft. space left the development, Committee members did not want the 8,000 sq. ft. of space reserved for the Barn to begin counting towards the 10,000 sq. ft. for local businesses. Mr. Chavieno confirmed that the petitioner will exclude The Barn from the 10,000 sq. ft. of non-formula space. Some Committee members were supportive of allowing a national chain bank retailer to locate given the added opportunity to subsidize local retailers. Councilors expressed concerns relative to how the City would address a scenario where a business changed from a non-formula business to a formula business over the course of the lease. Committee members agreed that businesses that grow over the course of the lease should not be forced to leave the development because they are successful. Associate City Solicitor Jonah Temple confirmed that the language in the Council Order can be drafted so that a change in business type does not force businesses out of the development.

Seeing no other member of the public who wished to speak, Councilor Auchincloss motioned to close the public hearing which carried unanimously. Councilor Auchincloss motioned to approve the petition subject to second call pending additional drafting to the language in the Council Order. With that, Committee members voted 5-1-2 (Councilor Laredo opposed, Schwartz, Markiewicz abstaining).

#180-19 Special Permit to further increase nonconforming FAR at 67 Marlboro Street
DEB AND BRYAN GILPIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story side addition and one-story rear addition, further increasing the non-conforming FAR of .49 where .41 is required and .55 is proposed at 67 Marlboro Street, Ward 1, Newton, on land known as Section 72 Block 20 Lot 07, containing approximately 7,987 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0 (Laredo Recused); Public Hearing Closed 06/18/2019**

Note: Architect Andrew Reck represented the petitioners Deb and Bryan Gilpin. Mr. Reck presented the request for FAR relief to construct a rear mudroom addition and expand the living room at 67 Marlboro Street. The proposed single-story addition would be constructed over an existing deck and porch. Mr. Reck noted that the existing FAR is .49 where .41 is the maximum allowed. The proposed addition is 474 sq. ft. and increases the FAR by .06. Mr. Reck noted that the design is in keeping with the character of the original house and the size is consistent with other homes in the neighborhood. The petitioner has received approval of the plans from the Historic Commission.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans for the project as shown on the attached presentation. Ms. Whewell noted that there is existing landscaping that will help screen the proposed addition.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Greenberg motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

#181-19 Special Permit to allow attached dwelling units at 956 Walnut Street
956 WALNUT STREET, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct seven single-family attached dwellings in two buildings, to reduce the frontage requirement, to reduce the side setback requirement, to allow a retaining wall greater than 4' in the setback and to allow a driveway in the side setback at 956 Walnut Street, Ward 6, Newton Highlands, on land known as Section 62 Block 04 Lot 05, containing approximately 32,274 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 7-0 (Laredo not Voting); Public Hearing Continued

Note: The Chair explained that the petitioner is considering modifications to the proposed plans in response to neighborhood input and requested a continuance of the public hearing. The public hearing was opened. Seeing no member of the public who wished to speak, Councilor Crossley motioned to hold the item which carried unanimously.

#140-19 Request to Rezone 4.5 acres to MU3
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3 and 4.

Action: Land Use Held 8-0; Public Hearing Continued

#140-19(2) Special Permit to allow Mixed Use Development at Riverside Station
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 10 building, mixed use, transit-oriented development of not more than 1,520,000 sq. ft. and more than 20,000 sq. ft. of gross floor area including; up to 650,000 sq. ft. of office use, up to 750 residential units containing no more than 750,000 sq. ft., retail space of not more than 200,000 sq. ft., buildings up to 18-stories in height, building height of up to 230', Floor Area Ratio up to 2.7, no more than 10% beneficial open space; to permit retail and personal establishments of more than 5,000 sq. ft., for-profit educational uses, restaurants with more than 50 seats, places of amusement, open air businesses, animal services, ground floor health club establishments, hotel, banks up to and over 5,000 square feet, theatre/hall, laboratory/research facility, multi-level accessory parking facility, multi-level non-accessory parking facility, single level accessory parking facility, single level non-accessory parking facility, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, a waiver of parking stalls not to exceed 750 stalls, waivers to parking facility design standards including: stall dimensions, minimum depth for handicap parking stalls, maneuvering space for end stalls, dimensions for entrance and exit driveways, waiver of layout design to permit tandem parking stalls, waiver of 5% interior landscaping requirement, waiver of the interior planting area requirements, waiver of the

tree requirements, waiver of the bumper overhang requirements, waiver of the one foot candle lighting, waiver of the parking stall striping requirement, waiver of the curbing, wheel stop, guard rail or bollard requirements, waiver of off-street loading facilities requirements, waiver of the number, size location or design requirements relative to signs at 355 and 399 GROVE STREET on land known as Section 42 Block 11 Lots 3 and 4, containing approximately 14.4 acres of land in a districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 4.2.2A.2, 4.2.2.B.1, 4.2.2.B.3, 4.2.2.B.3, 4.2.3, 4.2.4.A, 4.2.4.F.b, 4.2.4.F.1.b, 4.2.4.G, 4.2.4.G.1, 4.2.4.G.2, 4.2.4.G.3, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.8.E.1, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.13, 5.2, 5.2.13, 5.4.2.B, of the City of Newton Revised Zoning Ord, 2017. **Subject to approval of proposed zoning ordinance amendments in Sections 4.2.3 and 4.2.4.**

Action: **Land Use Held 8-0; Public Hearing Continued**

Note: Attorney Stephen Buchbinder, offices of Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioner, Mark Development 399 Grove Owner, Ramirez Concord LLC., BH Normandy Riverside, LLC., and Massachusetts Bay Transportation Authority (MBTA). Atty. Buchbinder introduced members of the development team; Mark Development Principal Damien Chavieno, VHB Principal Randy Hart and 128 Business Council Executive Director Monica Tibbitts Nutt and Lispeth Tibbitts Nutt. The petitioner's presentation is attached to the end of this report. The petitioner began the presentation with a fly over video of the proposed development, which can be found at the following link: <https://www.youtube.com/watch?v=d7b6W1ClwP8&feature=youtu.be>

Mr. Chavieno presented an overview of the vision plan for the proposed Riverside Development at 355 and 399 Grove Street (the Riverside MBTA station). He stated that the proposed development will conform or exceed the requirements as set forth within the Inclusionary Zoning Ordinance currently pending before the City Council (at a rate of 17%). The petitioner produced a report detailing the net fiscal benefits for the project. Mr. Chavieno noted that the development as proposed will generate \$2.9 - \$3.9 million dollars. He noted that some of the funds generated from the project can be directed to improving school amenities and stated that the petitioner will continue to work with the Police and Fire Department to determine what the impact of the proposed development will be on the City's Emergency services. Mr. Chavieno noted that the petitioner has been working with Green Newton and is committed to environmental sustainability. Mr. Chavieno stated that the petitioner proposes the inclusion of office and retail space to offer some residents the opportunity to work closer to home. Additionally, he stated that the petitioner is open to a condition limiting the proportion of formula/non-formula businesses at the site. As part of the parking program, the petitioner proposes to capture overflow parking. Mr. Chavieno stated that signage and wayfinding will be critical to ensuring the success of the proposed development. He noted that the concerns that have been raised are relative to how the number of stories and massing is perceived and suggested that what should be considered is where height and massing may be more appropriate. Mr. Chavieno presented renderings of the proposed development (attached).

VHB Principal Randy Hart provided an overview of traffic and parking data for the proposed development. Mr. Hart noted that the current conditions at the site include a northbound off-ramp to Grove Street which has a free right turn, which encourages speeding. He noted that the site lines are limited, and safety is an issue. Currently, there are unsignalized driveways at the entrance of Riverside and making left turns difficult. The petitioner's proposal includes a modified northbound off-ramp; the new ramp would parallel the highway, go under the bridge and turn into the site via a four-way signalized intersection. At Grove Street, a new signal would be installed. At the existing driveway, a new traffic signal (prohibiting left turns into the site) would be installed. Mr. Hart noted that the three signals would be coordinated and designed to accommodate and adjust to peak traffic demand in the morning and evening. Before the southbound ramp, a roundabout will be installed to help decrease traffic speeds. Mr. Hart noted that the proposed plans also include enhancements to pedestrian and bicyclist amenities as well as traffic operations and parking management during Red Sox home games.

128 Business Council Executive Director Monica Tibbits-Nutt presented details of the parking and transportation strategies. Ms. Tibbits-Nutt explained that the proposed development is transit-oriented and will naturally appeal to residents who are not reliant on their cars. She presented details of the peak demand as shown on the attached presentation. Ms. Tibbits-Nutt noted that residents of mixed-use developments are likely to walk or use alternate modes of transportation, reducing the peak demands.

MBTA Undersecretary of Transportation Scott Bosworth answered questioned raised by Councilors. Mr. Bosworth confirmed that the proposed development does not touch the rail spur and confirmed that nothing in the plan that would preclude the expansion of the commuter or urban rail. Mr. Bosworth emphasized that transportation and MBTA operations are the priority. He noted that the MBTA has a ten-year, four phase plan to upgrade the Green Line. The improvements to service include additional cars, more efficient cars and a higher capacity fleet. He stated that the Capital Delivery Plan is growing and on track. He confirmed that the MBTA is intends to protect the public land at the rear of the site. When asked if the MBTA has considered moving the maintenance yard to another location to allow access to the public land at the rear of the site, Mr. Bosworth noted that the MBTA does not have plans to move the maintenance yard at this time but some equipment may be relocated to Somerville and/or Medford as the green line extension moves forward.

Mr. Bosworth confirmed that the proposed development has positive fiscal impacts for the MBTA and stated that the funds generated by the MBTA will be used towards MBTA projects. Councilors expressed concerns relative to current Green line operations and noted that residents are reluctant to believe that the site is transit-oriented given the performance issues with the green line. Councilors questioned whether the green line can accommodate the increase in capacity and whether the MBTA can provide the capital plan to the City. Mr. Bosworth noted that the capital plan already includes improvements to the green line but confirmed that if the MBTA identified a performance gap, the MBTA could allocate additional resources to upgrade service. Mr. Bosworth confirmed that the MBTA can provide a timeline of the green line improvements as well as details regarding the extent of the capacity increases. Mr. Bosworth noted that the MBTA is performing a rail vision study with a focus on the commuter rail. A Committee member suggested that the MBTA should consider sharing revenue from the garage or funding a portion of the garage to offset the cost of construction; noting that the cost of constructing the garage was cost prohibitive for the previous development.

Senior Planner Neil Cronin reviewed the requested relief and criteria for consideration for the proposed development. Mr. Cronin provided an overview of the scopes of work for the City's peer reviewers for the project as shown on the attached presentation. Mr. Cronin noted that the City has engaged peer reviewers to analyze transportation, site design, urban design, land use and sustainability.

Attorney Brian Winner, Mead, Talerman & Costa, LLC. represents the Lower Falls Improvement Association. Atty. Winter stated that there is a procedural irregularity concerning the zoning amendment in tandem with the Special Permit process. He noted that there is nothing in Chapter 40 Sections 5 or 9 that support a parallel process. He stated that Chapter 40 contemplates a zoning process followed by a Special Permit process.

Ms. Cyrisse Jaffee represented the Lower Falls Improvement Association. Her presentation is attached. Ms. Jaffee noted that the Lower Falls Improvement Association has concerns relative to the size of the proposed development, traffic, that the scale of the proposed development will destroy the character of the Lower Falls and Auburndale neighborhoods, that there will be a wall of buildings on Grove Street, the added impacts of noise and wind. Ms. Jaffee noted that the LFIA has proposed a zoning amendment that will address these concerns. She noted that the proposed development is required to meet specific Special Permit criteria; i.e. that the development does not adversely affect the neighborhood. Ms. Jaffee emphasized that the size of the proposed development is too large for the site and provided an image of Boston Landing, which is comparable in size to the proposed development. Ms. Jaffee noted that the LFIA's feasibility consultant Kirk and Company has determined that the methodology used in the visioning study on feasibility does not sufficiently determine how large the project must be to be feasible. She stated that traffic is a major concern to the LFIA and noted that backups will be a significant problem for the neighborhood and will discourage bus and train use. She expressed concern that all traffic will be travelling through the adjacent neighborhoods and noted that there are single family residences and condos close to the proposed development. She requested that the Council require the petitioner to perform a balloon test during the Special Permit process. She noted that the setback should be greater, the height should be reduced, and the buildings must be broken up. Ms. Jaffee noted that the beneficial open spaces being considered are not really "beneficial" and include the spaces reserved for busses and shuttles. She urged the Committee to require an analysis of construction impacts prior to granting the Special Permit.

Nanci Ginte Butler, 38 Wyman Street, represented Liavble Newton. Ms. Ginte Butler noted that she has worked with residents trying to stay in Newton and families who forced to leave because they cannot afford to remain in Newton. Ms. Ginte Butler emphasized the importance of providing affordable housing options for residents to remain in the City and noted that the proposed mixed-use development presents an opportunity with diverse housing options. She noted that the distribution of affordable units is evenly split between 50% AMI and 80% AMI as well as evenly distributed throughout the development. Livable Newton appreciates the inclusion of 102 affordable housing units and encouraged the developer to consider additional affordable units as part of the development. Livable Newton urged Councilors to vote on the item prior to the end of the year.

Dan Ruben, 175 Auburn Street, represented Green Newton. His testimony is attached.

Robert Schreiber, 28 Grayson Lane, member of the LFIA, stated that LFIA is not opposed to development. He urged the Council to proceed with the zoning amendments and follow with review of the Special Permit.

Dan Cooperstein, 15 Ithaca Circle, supports sensible development at Riverside. Mr. Cooperstein stated that traffic is already untenable at the site and expressed concerns relative to the increase in traffic.

Ted Chapman, 91 Cornell Street, believes the conversation regarding the proposed development should be balanced and about compromise. Mr. Chapman noted that the affordable housing options may be too overpriced. He suggested that including workforce housing may be a good solution.

Tarik Lucas, 36 Central Avenue, urged the Council to consider the LFIA's zoning amendment.

Jen, 95 Court Street, stated that she and her boyfriend are teachers in Newton and Brookline and currently rent in Newton. She stated that they would like to remain in Newton but noted that it has become cost prohibitive for many people. She emphasized the importance of teachers living in the communities where they work.

Jack Leader, 613 California Street, noted that the current site is a parking lot at a train station that can be used as a commuter rail.

Tom Gagen, 32 Fern Street, urged Councilors to vote on the petition prior to the end of the year. He noted that developments at Riverside have been analyzed many times. Mr. Gagen noted that the 2013 plan had many positive benefits but was never built because it was not feasible. He urged Committee members to support the proposed development.

Norman Sieman, 100 Clearwater Road, noted that residents are generally supportive of development at the site but stated that the office use will overburden the neighborhood. He asked Committee members to analyze the data and consider possible solutions.

Barbara Gruenthal, 10 Asheville Road, stated that the Special Permit application is incomplete because the zoning does not exist for the project and no means of traffic mitigation have been identified.

Helen Taplin, 15 Ithaca Circle, asked the Council to consider the environmental impacts of the proposed development.

The Committee adjourned at 10:40 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Washington Place – Retail Presentation

Land Use Hearing 06.25.19



1

Washington Place – “non-formulaic” (chain) Retail Provision

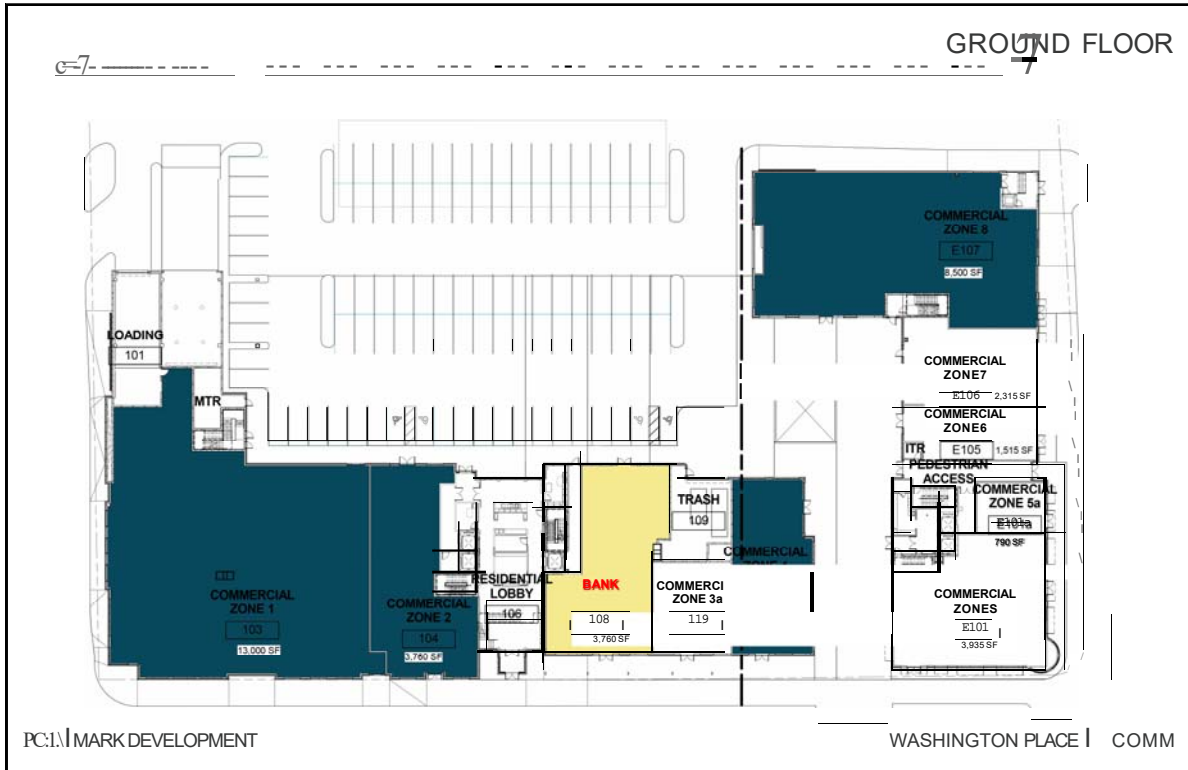
Our proposal is that 10,000 square feet of retail space at Washington Place would be restricted from allowing a lease to a Formula Business, i.e. “chain” type retailer. A Formula Business would be defined as a retailer with (10) or more other establishments in Massachusetts or with twenty (20) or more other establishments and which shares at least two (2) of the following (3) characteristics:

- 1) Trademark, service mark or logo, defined as a word, phrase, symbol, or design or combination thereof that identifies and distinguishes the source of the goods or services from others;
- 2) Standardized building architecture including but not limited to façade design and signage;
- 3) Standardized color scheme used throughout the exterior of the establishment, including color associated with signs and logos.

Land Use Presentation 06.25.19



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Relevant Examples of Retailers

Retailer (By Use)	Example of Formulaic/ Chain Retailer	Example of <u>Non-</u> Formulaic/Non-Chain Retailer
Coffee	DUNKIN', Starbucks	George Howell, L'Aroma
Fitness	CorePower	Acorn Yoga
Fast Casual Dining	Chipotle	Los Amigos, Bill's Pizzeria
Family Dining	Not Your Average Joes, Cheesecake Factory, Margaritas	Little Big Diner, Branch Line
Apparel	GAP, Lululemon	Shoe Barn, Nobull

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Department of Planning and Development



PETITION #179-19

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDER #96-17 TO AMEND
CONDITION #34 TO ALLOW
A BANK USE



JUNE 25, 2019

1

Requested Relief



➤ To amend Council Order #96-17

2

Special Permit Criteria

- The specific site is an appropriate location for the amendments to Council Order #96-17. (§7.3.3.C.1)
- The site, due to the amendments to Council Order #96-17, as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians because of the amendments to Council Order #96-17. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

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Project History

- In June of 2017 the City Council approved petitions #95-17 and #96-17.
- Condition #34 prohibited the petitioner from leasing commercial space to commercial banks.

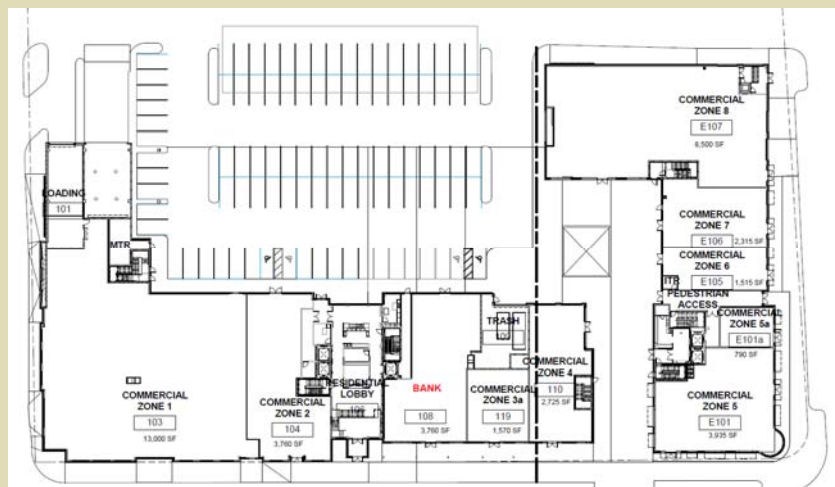
4

Special Permit Request

- The petitioner is seeking to amend Condition #34 to allow one bank use totaling no more than 3,800 square feet.
- The petitioner is seeking to include language reserving 10,000 square feet of commercial space for non-formula retail uses.

5

Proposed Ground Floor Plan



6

Planning Department Analysis

- The Planning Department supports reserving commercial space for non-formula retail but suggests that the petitioner revise its definition per the following:
 - Adopt the Planning Department's definition of non-formula retail, including expanding the definition to include restaurants, and the number of other establishments; and
 - Exclude the basement from the square footage.

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Planning Department Suggested Definition

- Any establishment, which along with nine or more other businesses regardless of ownership or location worldwide, does or is required as a franchise, by contractual agreement, or by other agreement to maintain two of the following features:
 - A standardized menu;
 - A standardized façade;
 - A standardized décor and/or color scheme;
 - A standardized uniform;
 - A standardized sign or signage; or
 - A standardized trademark or service mark.

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Findings

1. The specific site is an appropriate location for the amendment to Council Order #96-17 given the site is located within a Village Center containing a variety of uses. (§7.3.3.C.1)
2. The amendment to Council Order #96-17 as developed and operated will not adversely affect the surrounding neighborhood. (§7.3.3.C.2)
3. The amendment to Council Order #96-17 will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

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Conditions

1. This Order does not incorporate conditions from previous Orders.
2. Standard Plan Reference Condition.
3. Condition #34 of Council Order #96-17 is amended by deleting the first sentence in its entirety and replacing it with the following language: "The Petitioner and its successors may lease commercial space in the Project to not more than one commercial bank with a total square footage not to exceed 3,800 square feet." The remainder of Condition #34 shall remain in full force and effect.

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Conditions Continued

4. The petitioner shall reserve 10,000 rentable square feet within the ground floor to non-formula retail and restaurants uses. For the purposes of this condition, formula retail and restaurant uses are defined as “Any establishment, which along with nine or more other businesses regardless of ownership or location worldwide, does or is required as a franchise, by contractual agreement, or by other agreement to maintain two of the following features:
- A standardized menu;
 - A standardized façade;
 - A standardized décor and/or color scheme;
 - A standardized uniform;
 - A standardized sign or signage; or
 - A standardized trademark or service mark.”

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Conditions Continued

5. Prior to the issuance of any Building Permits for the Project, the Petitioner shall provide documentation indicating whether a proposed use is a formula use in accordance with Condition #2 above. The Petitioner and its successors are not entitled to building permits that would otherwise be issued as of right if the building permit would establish a use that would prevent the Project from complying with Condition #2 above.

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CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the Site, as defined below, will be in harmony with the conditions, safeguards, and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #96-17, as amended by Council Order #216-18, to remove a condition preventing the petitioner from leasing space to commercial banks, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz.

1. The specific site is an appropriate location for the amendment to Council Order #96-17 given the site is located within a Village Center containing a variety of uses. (§7.3.3.C.1)
2. The amendment to Council Order #96-17 as developed and operated will not adversely affect the surrounding neighborhood. (§7.3.3.C.2)
3. The amendment to Council Order #96-17 will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #179-19

PETITIONER: Mark Newtonville, LLC

LOCATION: 845 Washington Street and 245 Walnut Street known as Section 21, Block 29, Lot 10 (the Project Site)

OWNER: Washington Place Owner, LLC

ADDRESS OF OWNER: 57 River Street, Suite 106, Wellesley, MA 02481

TO BE USED FOR: A mixed use development in excess of 20,000 square feet consisting of three interconnected buildings with building

heights of not more than 60 feet and five stories, total gross floor area not exceeding 236,000 square feet incorporating up to 160 residential units, not exceeding 48,000 square feet of commercial space, not less than 2,000 square feet of community space, not less than 309 on-site parking stalls outside at grade or within a below-grade garage, and related site improvements; to authorize uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club establishments at or above ground floor, animal service, and street level medical office

CONSTRUCTION: Masonry structure over a structural steel and concrete base

EXPLANATORY NOTES: Amendment to Council Order #96-17 to revise Condition #34 regarding leasing commercial space to banks.

ZONING: Business Use 2 and Mixed Use 4

Approved subject to the following Conditions.

This Special Permit/Site Plan Approval amends Council Order #96-17 by modifying Condition #34 regarding the prohibition on commercial banks. All other conditions of Council Order #96-17 remain in full force and effect.

1. All Buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - I) Ground Floor Plan "Washington Place" dated March 20, 2019.
2. Condition #34 of Council Order #96-17 is amended by deleting the first sentence in its entirety, and replacing with the following language: "The Petitioner and its successors may lease commercial space in the Project to not more than one commercial bank with a total square footage not to exceed 3,800 square feet." The remainder of Condition #34 shall remain in full force and effect.
3. The petitioner shall reserve 10,000 rentable square feet within the ground floor only, to non-formula retail and restaurants tenants. For the purposes of this condition, formula retail and restaurant uses are defined as "Any establishment, which along with nine or more other

businesses regardless of ownership or location worldwide, does or is required as a franchise, by contractual agreement, or by other agreement to maintain two of the following features:

- A standardized menu;
- A standardized façade;
- A standardized décor and/or color scheme;
- A standardized uniform;
- A standardized sign or signage; or
- A standardized trademark or service mark.”

4. In the event that “The Family Shoe Barn” leases space within the Project, the square footage leased to such tenant shall not count towards the 10,000 rentable square feet dedicated to non-formula restaurant and retail tenants.
5. In the event that a non-formula tenant disqualifies itself in accordance with the criteria referenced in Condition #3 above, thereby decreasing the total rentable square feet reserved for non-formula tenants to below 10,000 square feet, the tenant may remain. The Petitioner shall dedicate the next available tenant space or spaces, to other non-formula tenants until the Project is compliant with Condition #3 above.
6. Prior to the issuance of any Building Permit for the ground floor, the Petitioner shall provide documentation indicating whether the proposed retail/restaurant use is a formula use in accordance with Condition #3 above. The Petitioner is not entitled to a building permit, if such permit would prevent the Project from complying with Condition #3 above.
7. Prior to issuance of any Building Permits for the Project, the Petitioner shall record a certified copy of this Council Order with the Registry of Deeds for the Southern District of Middlesex County and file a copy of such recorded Council Orders with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

Department of Planning and Development



PETITION #180-19
67 MARLBORO STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO FURTHER INCREASE
NONCONFORMING FLOOR AREA
RATIO FROM .49 TO .55 WHERE
.41 IS ALLOWED



JUNE 25, 2019

1

Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Further increase nonconforming floor area ratio (§3.1.9).

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

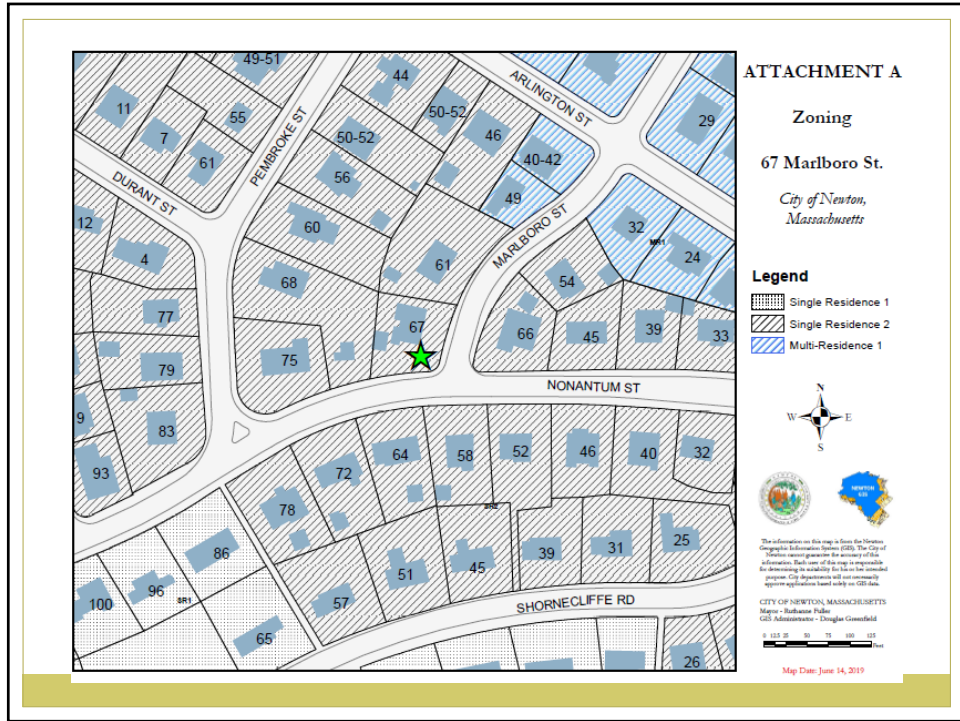
- The proposed increase in the nonconforming FAR from .49 to .55, where .41 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

3

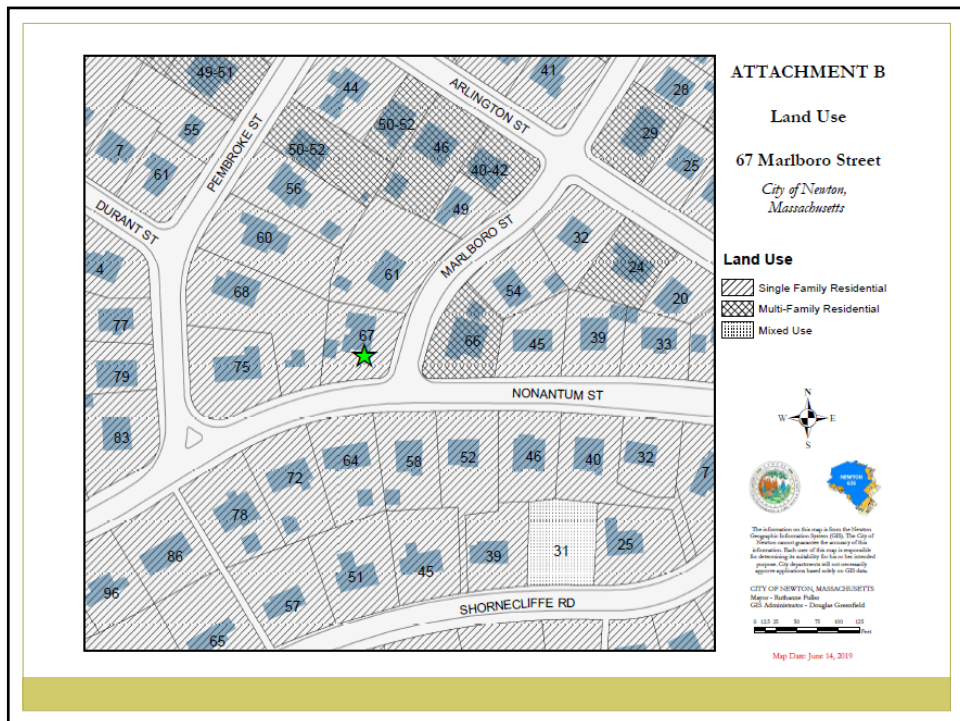
Aerial/GIS Map



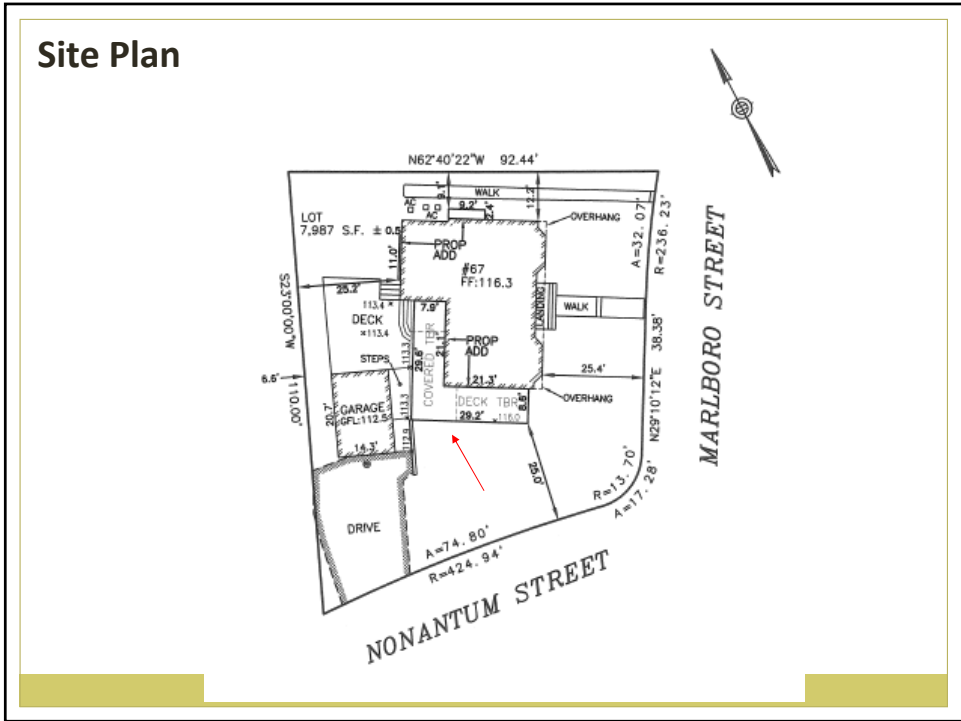
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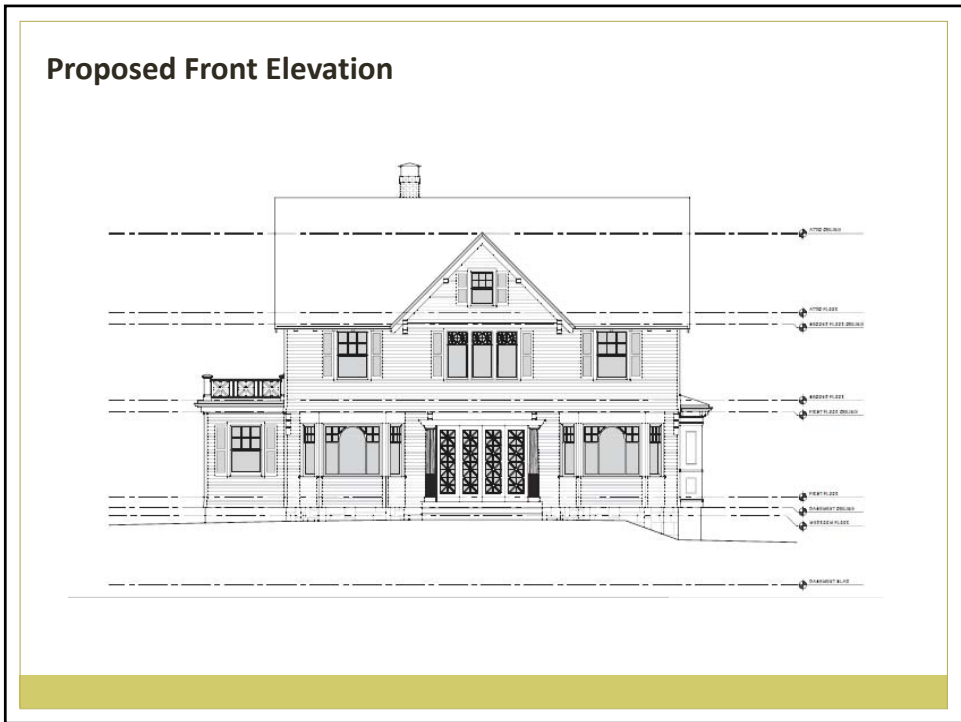
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8

Proposed Side Elevation



9

Proposed Findings

1. The proposed increase in the nonconforming FAR from .49 to .55, where .41 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the proposed addition of one story to the side of the home is similar to other structures in the neighborhood. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .49 to .55 where .41 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming FAR is to the neighborhood because the addition meets all other dimensional standards and is not higher than the existing structure. (§3.1.9 and §7.8.2.C.2)

10

Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming Floor Area Ratio (FAR) from .49 to .55, where .41 is the maximum allowed by-right, and to further increase the nonconforming building height, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in the nonconforming FAR from .49 to .55, where .41 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the proposed addition of one story to the side of the home is similar to other structures in the neighborhood. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .49 to .55 where .41 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming FAR is to the neighborhood because the addition meets all other dimensional standards and is not higher than the existing structure. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER: #180-19

PETITIONER: Bryan and Deb Gilpin

LOCATION: 67 Marlboro Street, on land known as Section 72, Block 20, Lot 07, containing approximately 7,987 square feet of land

OWNER: Bryan and Deb Gilpin

ADDRESS OF OWNER: 67 Marlboro Street
Newton, MA 02458

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR

ZONING: Single Residence 2 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. "Plan of Land in Newton, MA 67 Marlboro Street", signed and stamped by Bruce Bradford, Professional Land Surveyor, dated October 11, 2018.
 - b. Architectural Plans and Elevations, signed and stamped by Andrew J. Reck, Registered Architect, dated October 3, 2018, issued March 6, 2019 consisting of twenty-three (23) sheets.
2. Prior to the issuance of any Building Permit, the petitioners shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Provided a recorded copy of the O&M Plan in accordance with Condition #3 above.
 - d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer

certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

Riverside Station Redevelopment

Land Use

June 25, 2019



1

Categories	Total Requirements	Open for Discussion	Meet the Requirements (in the opinion of the applicant)
Newton Community Connections (C)	18	3	15
Housing for Newton (H)	8	3	5
Model for Sustainability (S)	13	2	11
Robust Newton Economy (E)	11	3	8
Transportation Hub (T)	24	3	21
Quality Design (D)	21	2	19
TOTALS	95	16	79



2

Vision Principles: Newton Community Connections (C)

Dedicate a minimum of 1% of construction costs to public art.



By artist Okuda San Miguel.
Sculpture located in Seaport, Boston.



Rendering by Halvorson Design.

\$6M contribution to the river park.



Vision Principles: Newton Community Connections (C)

Create and implement a framework for management of community spaces and programming.



Vision Principles: Newton Community Connections (C)

**Create and publicize a calendar
for booking community space and events.**



5

Vision Principles: Housing for Newton (H)

**Provide affordable housing in conformance
with the drafted update to the inclusionary housing ordinance.**



6

Vision Principles: Housing for Newton (H)

**Understand the impact on the public schools
and the City's commitment to educational excellence.**

Vision Principles: Housing for Newton (H)

**Quantify added requirements and infrastructure/equipment
needs for fire, police, and emergency services.**

Vision Principles: Model for Sustainability (S)

Minimize building operating energy.



Vision Principles: Model for Sustainability (S)

Use low-carbon materials.

Vision Principles: Robust Newton Economy (E)

Provide increased opportunities for local and independent businesses.

85% of Newton Residents commute out daily.

89% of Newton workers commute in.

(Source: Newton-Needham Regional Chamber)



11

Vision Principles: Robust Newton Economy (E)

Provide smaller, more affordable spaces for local and independent businesses.



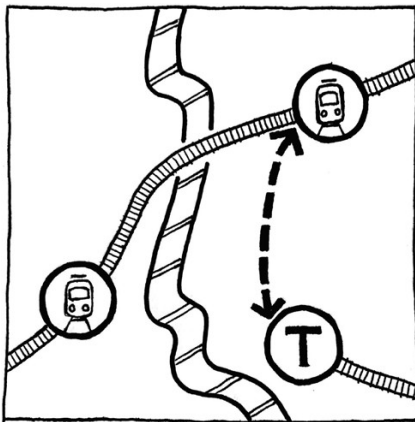
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Vision Principles: Robust Newton Economy (E)

Offer pop-up and temporary/seasonal spaces for retail and dining.

Vision Principles: Transportation Hub (T)

Protect potential for future active Commuter Rail connection along inactive rail spur.



Vision Principles: Transportation Hub (T)

Create rules for parking and provide corresponding City parking signage and enforcement for adjacent neighborhoods to discourage neighborhood parking overflow.

Vision Principles: Transportation Hub (T)

Provide real time information on parking space availability.



Vision Principles: Quality Design (D)

Evaluate building heights and visual impacts from human-level perspective from adjacent neighborhoods and from Grove Street.



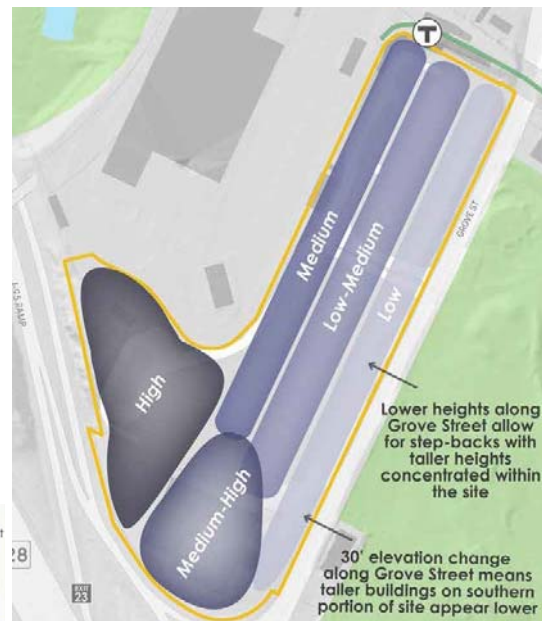
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Vision Principles: Quality Design (D)

Use strategic massing and height to limit visibility from adjacent neighborhoods.

Building Heights

Low	3-4 Stories as seen from ped. level on Grove Street
Low-Medium	5-8 Stories
Medium	8-10 Stories
Medium-High	10-15 Stories
High	15-20 Stories



18

Pine Grove Ave at Grove Street



Current



Proposed



Asheville Road at Grove Street



Current



Proposed



Hamilton Field



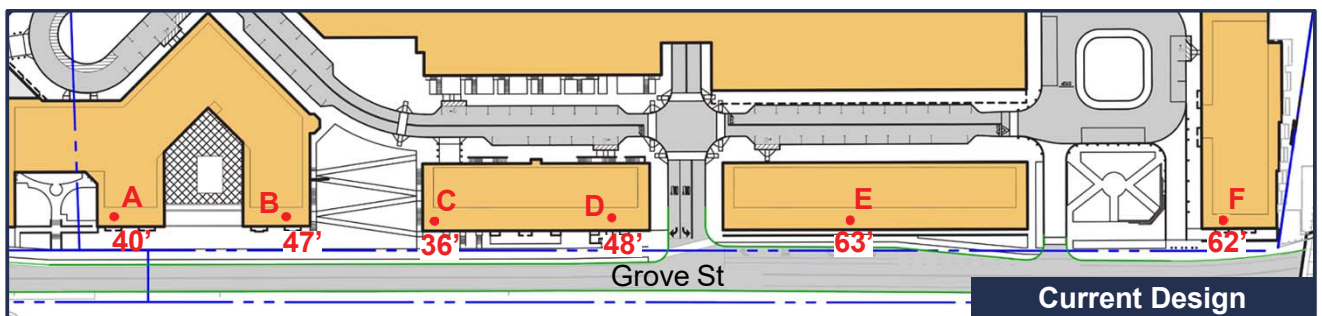
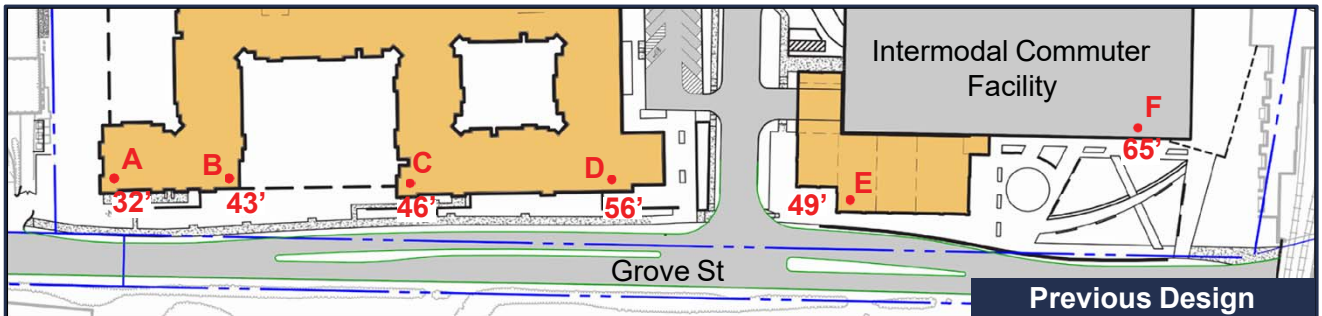
Current



Proposed



21



Height on Grove St. from Sidewalk Level



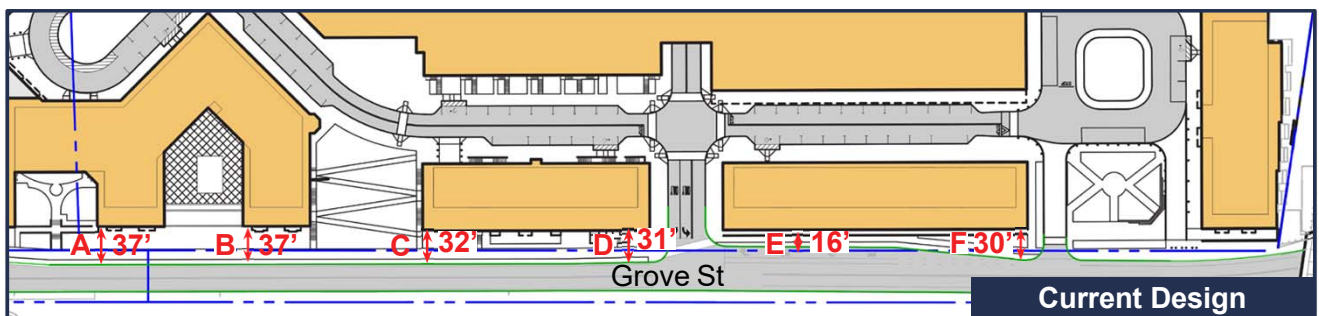
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Height on Grove Street from Sidewalk Level (in feet)

	Previous Design	Current Design	Difference
A	32	40	8
B	43	47	4
C	46	36	-10
D	56	48	-8
E	49	63	14
Total			8



23



Setback from Curb (Grove St) to Bldg.



24

Setback from Curb on Grove Street to Building (in feet)

	Previous Design	Current Design	Difference
A	47	37	10
B	50	37	13
C	34	32	2
D	40	31	9
E	18	16	2
F	31	30	1



1

Interchange Modifications Re-Evaluated

- Re-evaluated site access and Interchange enhancements along with revised project
- Looked at multiple alternatives along the way
- Worked with MassDOT for last 18 months on evaluation
- Currently *Interchange Modification Report* is being reviewed by for FHWA



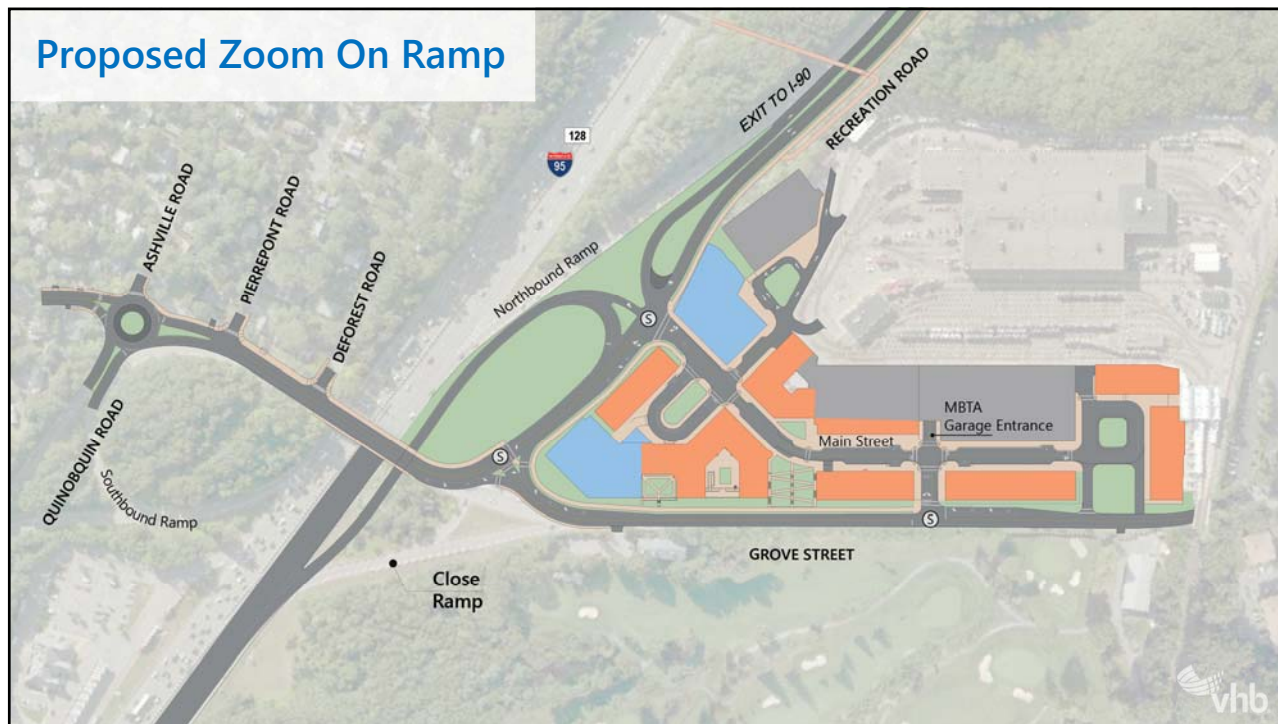
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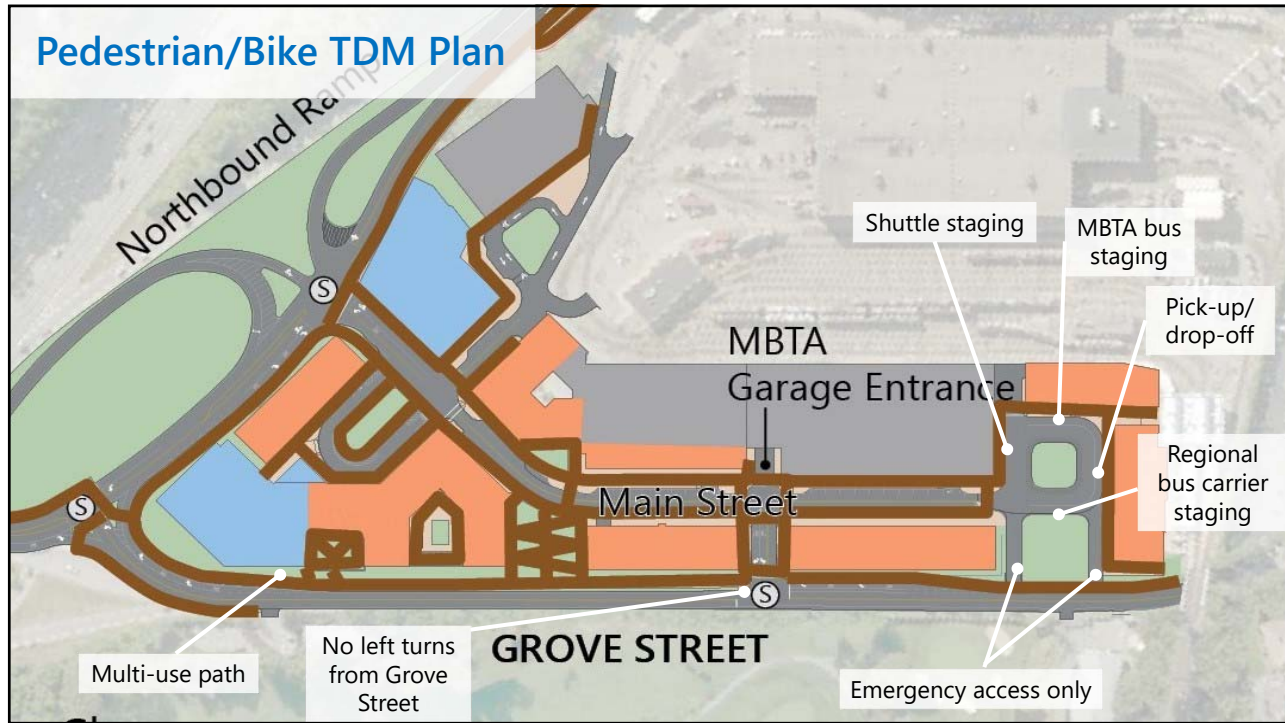
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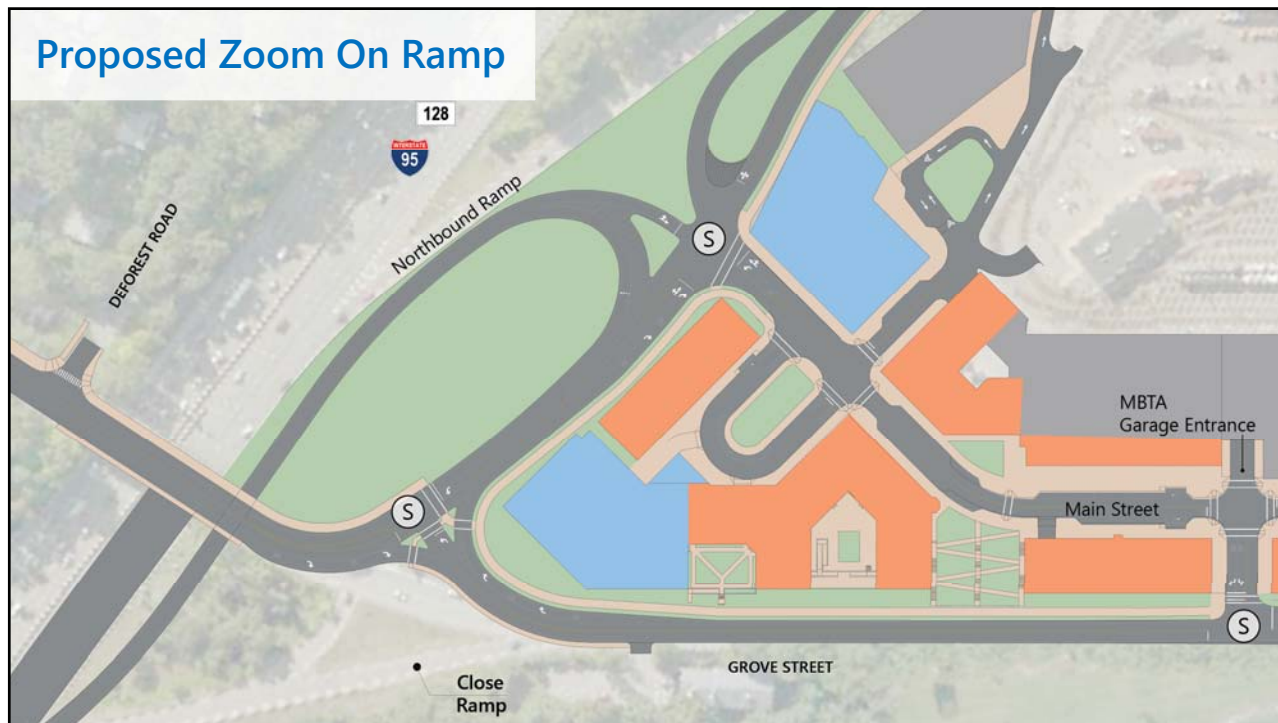
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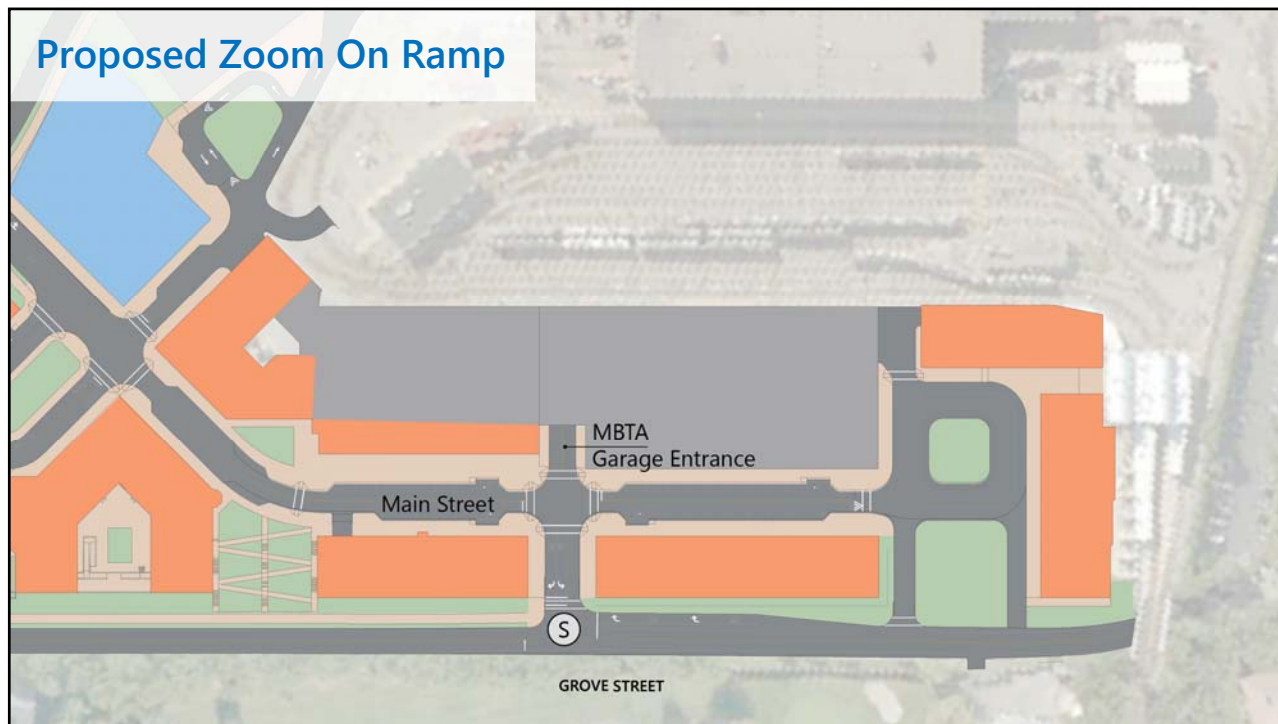
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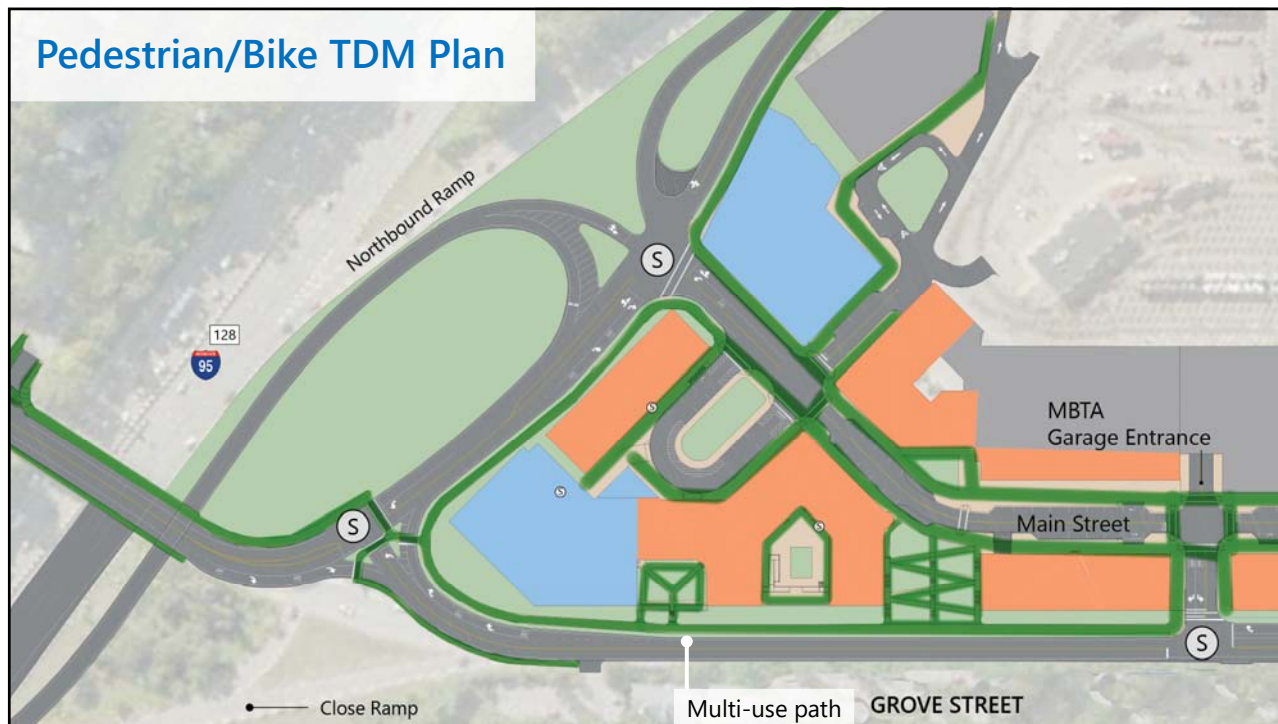
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15



16








17



1

**Do the 2022
planned parking spaces
meet the needs
of this development?**

2

	development total			initial estimated demand rate	resulting peak demand	
Retail	65,000* ft ²	x		1.95 spaces/1000 ft ²	127	
Hotel	194 keys	x		0.74 spaces/key	144	
Residential	675 units	x		1.12 spaces/unit	756	
Office	562,000* ft ²	x		2.39 spaces/1000 ft ²	1343	
MBTA					958**	
					Total: 3328	

*Square footage cited here does not include mechanical penthouse space.
This is not a peak demand number, but rather an agreed-upon number of dedicated spaces. **3 of 40

3

**Where do these
peak demand rates
come from?**

4 of 40

4

These rates are based on the Institute of Transportation Engineers' (ITE) *Parking Generation Manual, 5th edition*,* which is widely considered the national standard for evaluating parking demand.

This manual is built upon documented usage comparisons gathered nationwide.

ITE's rates will over-calculate parking needs for:

- (a) more modern developments, thanks to the necessarily historic nature of the data pool and shifting trends in mode usage.
- (b) environments that have higher rates of alternative transportation usage than the nationwide average.
- (c) mixed-use environments, since the majority of the cited studies are of single-use suburban developments.

For all of these reasons, the ITE rates cited are meant to be used in conjunction with an in-depth consideration of local conditions. We will return to these local conditions below.

*This is an update from earlier parking study numbers which used the 4th edition. 5 of 40

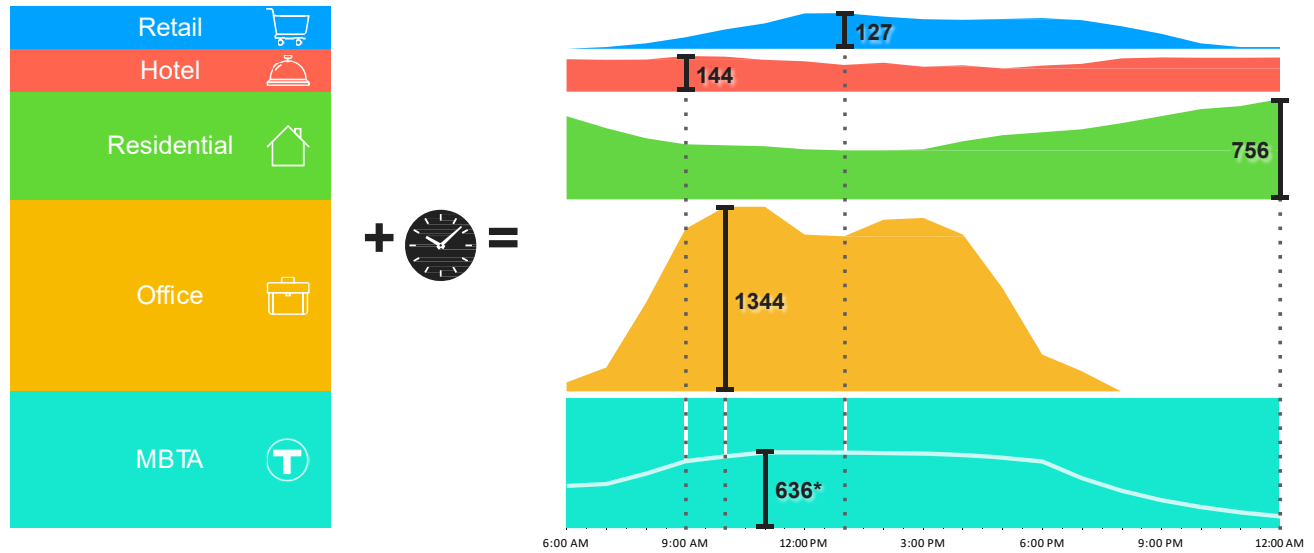
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**Why aren't we providing
3328 parking spaces?**

6 of 40

6

Just looking at total peak demand is misleading, because each of these peaks occur at a different time of day. For example, many residential users will have left before most of the office users arrive. When we take into account time of day, the demand on an average weekday looks more like this:



*Per agreement with the MBTA, 958 spaces are reserved. Current observed demand (shown by the white demand curve) is lower and therefore allows for significant future MBTA ridership growth.

7

Looking only at peak demand numbers without considering how those numbers play out over the course of a day means a lot of empty parking spaces.



Current Riverside Parking Lot at Projected Weekday Peak 8 of 40

8

Why is too much parking bad?

9 of 40

9

- There is a predictive correlation between more parking and increased car use.*
- The construction of parking drives up the cost of housing in the midst of an affordability and supply crisis.
- The construction of parking competes for financial and spacial resources with more productive (e.g. tax-producing) land uses.

*See, for example, C. McCahill & N. Garrick, "Automobile Use and Land Consumption: Empirical Evidence from 12Cities" (2012) and R. Weinberger et. al., "Guaranteed Parking, Guaranteed Driving" (2008).

10 of 40

10

Why is too little parking bad?

11 of 40

11

- Users end up parking where they aren't supposed to, which can cause a nuisance for surrounding neighborhoods.
- Users drive away from the development's businesses without even leaving their cars.
- Cars backed up looking for parking is an efficiency issue.
- The perception of too little parking makes residential and commercial units harder to rent.

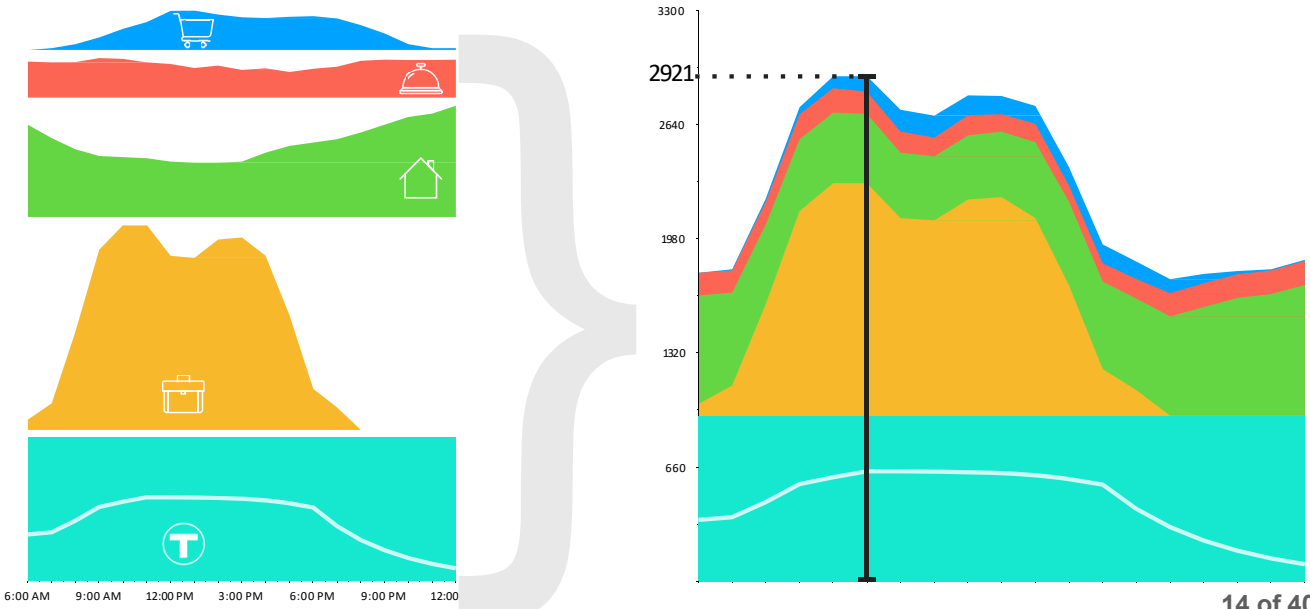
12 of 40

12

So how do we figure out what is 'just right'?

13

In order to determine actual peak demand —peak demand that considers how different types of demand change over the course of the day—we need to identify when combined demand will be the highest. For this development, peak demand across all parking types (without yet considering context) will occur at 11am.



14

If peak demand is 2921, then how could 2922 spaces be sufficient?

15 of 40

15

It wouldn't be. However, this number still isn't realistic, because it does not yet take into account this particular development's local conditions, nor any TDM measures:

1. This is a transit-oriented development located directly alongside (and providing significant support for) a major MBTA station.

It will be a natural destination for folks seeking to live, work, shop, eat or stay without the need for a car, or with reduced reliance upon their car.



16 of 40

16

2. We know that people in Newton regularly use other modes.

According to the 2013-2017 American Community Survey (ACS) conducted by the U.S. Census Bureau 31-45% (depending upon how you bound the geography) of folks commuting in and out of the area surrounding the development are doing so by some means *other than driving alone*.

This might mean that they are carpooling or vanpooling, taking public transportation, walking or biking, or working from home. We would expect rates of alternative transportation usage to be especially high near a light rail station.



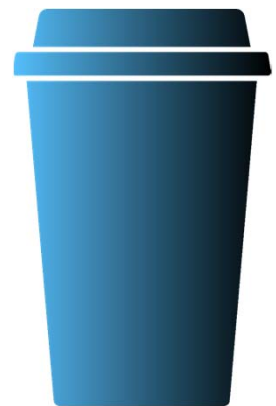
17 of 40

17

3. This is a mixed-use development.

Residents and employees can just walk down the block to fulfill many of the daily needs that would otherwise require a car trip (“Internal Capture”). Internal Capture is a little bit about lifestyle choices. After all, many people will make the choice to live as close as possible to where they work if that option is available to them.

But it is also a lot about basic human laziness. *Why would you drive to get coffee if you can just walk around the corner?* Similarly, why would you drive into a development to *stop* for coffee if you know that that coffee shop will already be full of the development’s own residents?



18 of 40

18

Therefore:






- Employee parking demand (which accounts for most of the office demand and some of the retail) was adjusted downward by 15% for not driving alone.
- Residential parking demand was adjusted downward by 5% for less driving alone leading to lower car ownership on-site.
- Visitor parking demand (which accounts for most of the retail demand and some of the office) was likewise adjusted downward by 5% for not driving alone.

These are far more conservative reductions than would be implied by the American Community Survey (ACS) statistics just cited.

- Retail parking demand was further reduced by 20% for internal capture.
- Residential parking demand was further reduced by 5% for internal capture

These are, again, conservative estimates for internal capture, especially for a transit-oriented development. However, even for those who are skeptical of this latter category of deductions, the combined reduction for alternative transportation modes *plus* internal capture still comes out to be a lower reduction than would be justifiable just on the basis of ACS data.

Taking into account these reductions, our updated rates and resulting reduced peak values look like this.

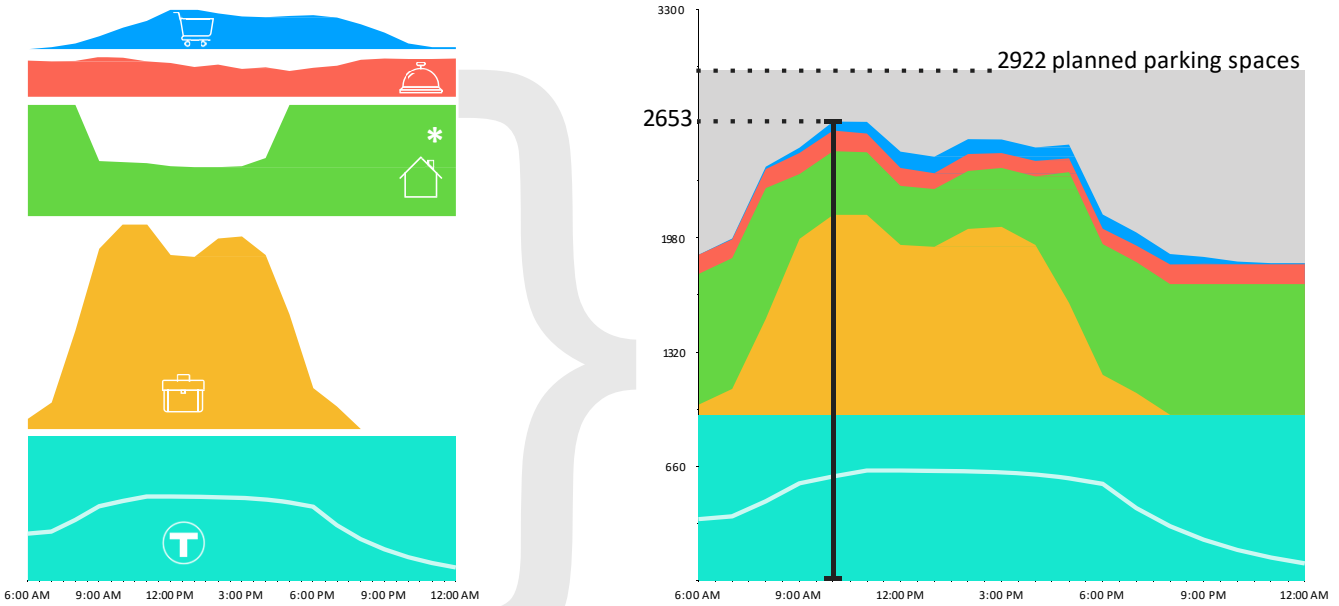
			reduced demand rate		reduced peak demand	effective 10am demand rate	10am demand	
Retail	65,000* ft ²	x	1.466 spaces/1000 ft ²		95	0.792	52	
Hotel	194 keys	x	0.626 spaces/key		121	0.613	119	
Residential	675 units	x	1.011 spaces/unit**		(682**)	0.545	368	
Office	562,000* ft ²	x	2.055 spaces/1000 ft ²		1156	2.055	1156	
MBTA							958	

Total: 2653

*Square footage cited here does not include mechanical penthouse space.

**Since residential peak occurs at 12am and the 756 residential spaces cited on Slide 3 are held reserved only from 6pm-8am, the adjusted peak value of 682 is not actually found anywhere on the demand curve shown on the next slide. However, it is used to calculate the shared demand from 8am-6pm.

Taking into account these reductions, our updated graphs look like this. Note: the final combined peak occurs at 10am.



Graph is also adjusted to show residential spaces being 100% reserved 6pm-8am.

21 of 40

21

That's a peak hour surplus of 269 parking spaces (~9%).

22 of 40

22

How does this work in practice?

23 of 40

23



Digital Parking Signage at Providence Place Mall 24 of 40

24

VPNE also has extensive experience with floor valet systems for maximizing parking garage space in unusual situations or high-volume environments.



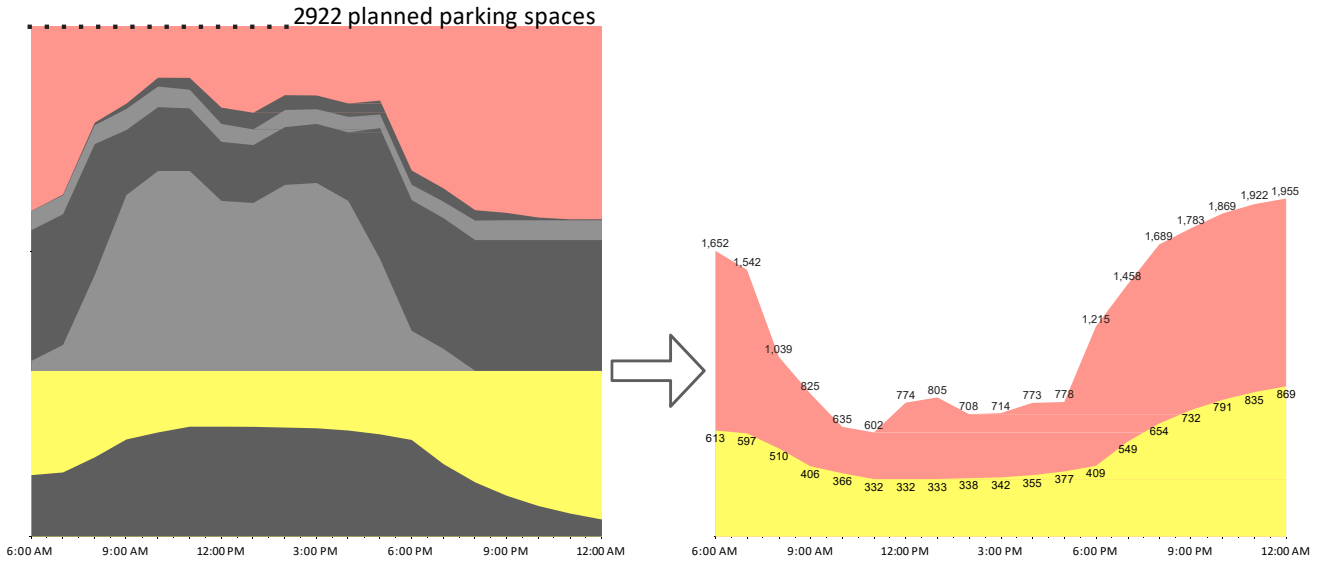
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**What about
a 'worst case scenario'?**

26 of 40

26

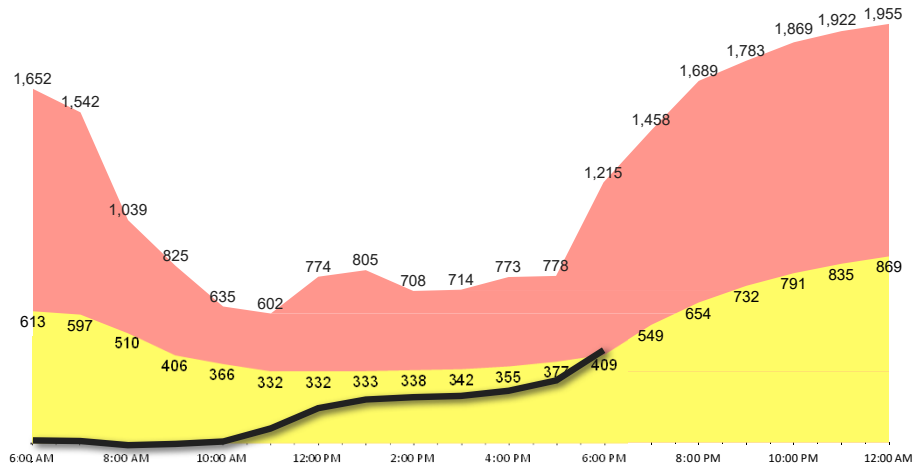
The graphs below highlight the **parking surplus** across the workday, combining observed surplus from the MBTA parking field (yellow, which would be used first for most special events) with the planned non-MBTA surplus (pink). Values are provided for the MBTA-specific surplus and the total surplus.



27 of 40

27

Looking at both observational data and MBTA revenue data, **a weekday Red Sox double-header** constitutes the currently-known ‘worst case scenario’ for special event parking at Riverside. However, as shown below, the parking surplus is more than adequate for this situation.



The heavy black line shows the increase in cumulative MBTA transactions at Riverside during a weekday double-header, as compared to cumulative transactions on a normal weekday. By 6pm, the potential demand still *barely* spills out of the reserved MBTA spaces. This leaves **794 additional surplus spaces at 6pm**—meaning that the development could actually accommodate *an additional evening event*.

28 of 40

28




LOWER FALLS IMPROVEMENT ASSOCIATION RIVERSIDE COMMITTEE

**PRESENTATION TO
THE LAND USE COMMITTEE**

JUNE 25, 2019

1

1



FOCUS ON THE NEIGHBORHOODS OLD AND NEW

Newton Lower Falls and Auburndale should matter.

The quality of our neighborhoods matter. The wrong development at Riverside can hurt our neighborhoods and they must be protected from:

- Too much traffic
- Too much noise
- Too much incompatibility with the existing neighborhood character
- Too much for Grove Street – it would be overwhelmed by a wall of buildings

Riverside should be a great place for people to live.

Riverside should be a healthy, safe and comfortable place to live—designed to encourage community by the inclusion of high-quality, indoor and outdoor civic spaces.

2

2



SPECIAL PERMIT CRITERIA IN SEC. 7.3.3.C

No special permit may be granted unless:

1. The specific site is an appropriate location for such use, structure;
2. The use as developed and operated will not adversely affect the neighborhood;
3. There will be no nuisance or serious hazard to vehicles or pedestrians;
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved; and
5. the site planning, building design, construction, maintenance or long- term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.

3

3



IT'S TOO BIG



From Mark Development's 3D Fly-Through Video

4

4



1.5 MILLION SQ. FT. AND 230 FT. TOWERS ARE INAPPROPRIATE AT RIVERSIDE

Boston Landing in Brighton: A close comparison.

Mark Development Proposed Project	Boston Landing
1.5 Million Sq. Ft. on 14.4 Acres	1.7 Million Sq. Ft. on between 14-15 Acres
Tallest building - 18 stories (226 ft.)	Tallest building – 17 stories



5

5



RIVERSIDE SHOULD COMPLEMENT THE SURROUNDING AREA

Development at Riverside should be appropriately sized to fit in with the surrounding neighborhoods and Grove St. It should not overwhelm or overburden them.

This is consistent with the Comprehensive Plan which says:

“Development is to be guided to reflect the character held or sought by existing residential neighborhoods, protecting the qualities of that which exists.”

“We seek to assure development densities well related to both neighborhood character and infrastructure capacity.”

6

6



TRAFFIC: A HUGE CONCERN

(TO BE FULLY ADDRESSED LATER)

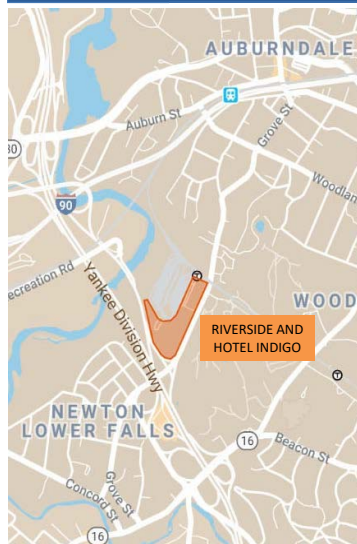
- TOO BIG A TOPIC TO ADDRESS TONIGHT
- STILL WAITING FOR IMPORTANT DATA FILES FROM MARK DEVELOPMENT, REQUESTED REPEATEDLY BY COUNCILOR GENTILE
- BASED ON INFORMATION AVAILABLE SO FAR, BACKUPS WILL BE A SIGNIFICANT PROBLEM FOR THE NEIGHBORHOODS AND WILL DISCOURAGE USE OF THE GREEN LINE AND BUS SERVICES

Note: 580,000 sf plan approved in 2013 had an exit from the site to Rt. 128 northbound. 1.5M sf plan proposed by Mark Development adds only an entrance to the site from Rt. 128 northbound. No direct access to or from Rt. 128 southbound. All traffic to or from Rt. 128 southbound will go through Lower Falls. 7

7



THE POTENTIAL DEVELOPMENT PARCEL



Located between Lower Falls and Auburndale on Grove Street: a narrow, designated scenic roadway

8

8

RIGHT SIZE RIVERSIDE
LPA Riverside Committee

NOT ISOLATED FROM LOWER FALLS RESIDENCES

400 ft. from Lower Falls houses
(less than the distance from the front door of City Hall to the other side of Walnut Street)

Abutting Condominiums at 416 Grove St.

Newton Lower Falls
Grove St. Condominiums
© 2018 Google
Google Earth

9

9

RIGHT SIZE RIVERSIDE
LPA Riverside Committee

PROPOSED TOWERS WOULD LOOM OVER LOWER FALLS

Lower Falls Houses
400 ft.
121 ft. 8 stories
226 ft. 18 stories
217 ft. 14 stories
101 ft. 8 stories

From Mark Development's 3D Model Video

The one tall building approved in 2013 was 120 feet

10

10



EXISTING HOTEL INDIGO FROM LOWER FALLS – IT'S RIGHT THERE



The Indigo would be replaced with an even taller building and the two massive towers would be just to the left.

11

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BALLOON TEST

Example of
Balloon Test



Courtesy of Digital Design and Imaging Service Inc.

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RIGHT SIZE RIVERSIDE
UVA Riverside Committee

OVERWHELMING GROVE STREET



A scenic road would become a wall of imposing buildings

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From Mark Development's 3D Fly-Through Video

13

RIGHT SIZE RIVERSIDE
UVA Riverside Committee

LONG WALLS OF BUILDINGS



From Mark Development's 3D Fly-Through Video

14

14



RIGHT SIZE RIVERSIDE
UTA Riverside Committee


TOO LITTLE SETBACK: NO ROOM FOR BIKES AND PEDETRIANS



From Mark Development's 3D Fly-Through Video

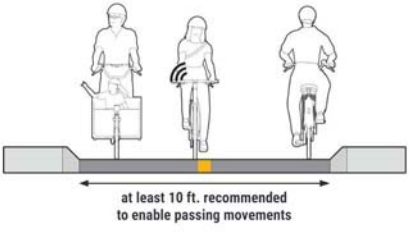
15

15



RIGHT SIZE RIVERSIDE
UTA Riverside Committee

MASSDOT BIKE LANE GUIDELINES FOR TWO-WAY OPERATION



at least 10 ft. recommended to enable passing movements

Bidirectional Bicyclists/ Peak Hour	Bike Lane Width (ft.)	
	Rec.	Min.*
<150	10.0	8.0
150-400	11.0	10.0
>400	14.0	11.0

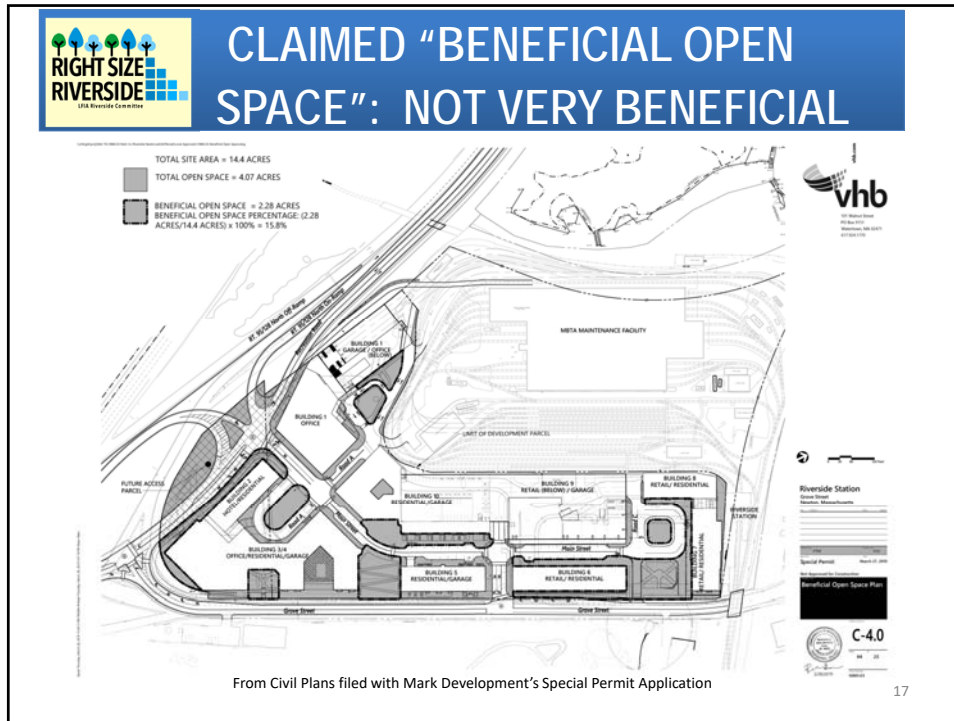
* A design exception is required for designs below the minimum width.

EXHIBIT 3: Bike Lane Widths for Two-way Operation

From MassDOT Separated Bike Lane Planning & Design Guide

16

16



17



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RIGHT SIZE RIVERSIDE
LFA Riverside Committee

"TRANSIT SQUARE": THE BUS STOP IS "BENEFICIAL OPEN SPACE"



GO Buses
MBTA Buses
Private Shuttles
Cars, Taxis, Ubers

From Mark Development's 3D Model Video with labels added by the LFIA Riverside Committee

19

This slide features a blue header with the 'RIGHT SIZE RIVERSIDE' logo on the left and the title 'TRANSIT SQUARE: THE BUS STOP IS "BENEFICIAL OPEN SPACE"' in white text. Below the header is a 3D architectural rendering of a transit square. The rendering shows a multi-story building on the left and a paved area on the right. The paved area is divided into sections labeled 'GO Buses', 'MBTA Buses', 'Private Shuttles', and 'Cars, Taxis, Ubers'. The area is landscaped with trees and a walkway. The rendering is viewed from an elevated perspective.

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RIGHT SIZE RIVERSIDE
LFA Riverside Committee

ONE NOISE CONCERN: HIGHWAY NOISE REFLECTED INTO LOWER FALLS?



Lower Falls

From Mark Development's 3D Fly-Through Video with labels added by the LFIA Riverside Committee

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This slide features a blue header with the 'RIGHT SIZE RIVERSIDE' logo on the left and the title 'ONE NOISE CONCERN: HIGHWAY NOISE REFLECTED INTO LOWER FALLS?' in white text. Below the header is a 3D architectural rendering of a highway interchange. A red arrow points to a section of the highway labeled 'Lower Falls'. The rendering shows a multi-lane highway with a concrete barrier wall. In the background, there are several modern buildings and a clear blue sky. The rendering is viewed from a low angle, looking down the highway.

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 **NOISE CONCERNS WITHIN THE DEVELOPMENT SITE**




From Mark Development's 3D Model Video with labels added by the LFIA Riverside Committee

21

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 **CONSTRUCTION IMPACTS: WE NEED TO KNOW NOW**

What will the neighborhood be put through for FIVE YEARS?



22

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NO ADVERSE EFFECT ON THE NEIGHBORHOOD IS ALLOWED

Zoning Ordinance Sec. 7.3.3.C.2: A special permit may not be granted absent a finding that:

“THE USE AS DEVELOPED AND OPERATED WILL NOT ADVERSELY AFFECT THE NEIGHBORHOOD”

- If there are any adverse effects on the neighborhood the City Council must deny the special permit.
- For special permits, the City Council acts in a quasi-judicial capacity and may not weigh adverse effects against perceived policy benefits.

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RIVERSIDE REPRESENTS:

One of the last significant opportunities to increase the supply, diversity and affordability of housing in Newton.

1

RIVERSIDE IS THE RIGHT SIZE

Key Benefits include:

- Diversity of Housing Options
- Affordable Housing
- Mixed-use Development

2

DIVERSITY OF HOUSING OPTIONS

Newton Needs:

- **Rental Housing:** Only 29% of Newton residences are rentals, well below the state average of 39%
- **Single-family Alternatives:** Over 75% of Newton's housing units are in single-family homes (55%) or 2-3 family homes (21.3%)

3

AFFORDABLE HOUSING

Newton Needs:

- Housing for people earning between 50% and 80% of Area Median Income:

Income Level	Household Size			
	1	2	3	4
50% AMI	\$41,500	\$47,400	\$53,350	\$59,250
80% AMI	\$62,450	\$71,400	\$80,300	\$89,200

- Housing that people can AFFORD: Rental prices will be restricted to no more than 30% of the household income limit, including utilities.

Riverside will include a minimum of 15% affordable units, 94 rental units and 8 condominiums.

4

AFFORDABLE HOUSING

Rental Units			
Bedrooms	Total	50% AMI	80% AMI
Studio	57	4	4
One-Bedroom	350	27	26
Two-Bedroom	189	14	14
Three-Bedroom	22	2	3
Total	618	47	47

5

AFFORDABLE HOUSING

For Sale Units			
Bedrooms	Total	50% AMI	80% AMI
One-Bedroom	32	3	2
Two-Bedroom	25	1	2
Total	57	4	4

6

AFFORDABLE HOUSING

Newton Needs:

- Affordable housing for people who already live here: Almost 5,000 lower income households in Newton are housing cost-burdened right now (spending more than 30% of income on housing).
- Housing that is attainable: The median sales price for a single family home in Newton has nearly doubled since 2003 from \$638,000 to \$1,100,000 in 2016.

7

MIXED-USE DEVELOPMENT

Newton Needs:

- Walkable, vibrant, mixed-use communities: Many people are seeking this kind of housing choice – seniors looking to downsize, young professionals who don't want to drive, people who work here and can't afford to live here
- Development on transit sites

8



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Nadia Khan

From: David A. Olson
Sent: Friday, June 28, 2019 10:42 AM
To: Nadia Khan
Subject: Fwd: Green Newton Testimony to the Land Use Committee regarding Riverside

Get [Outlook for iOS](#)

From: Dan Ruben <dan_ruben@usa.net>
Sent: Thursday, June 27, 2019 12:23:04 PM
To: City Council
Cc: Marcia Cooper
Subject: Green Newton Testimony to the Land Use Committee regarding Riverside

Dear City Councilors.

Tuesday night, I gave the official Green Newton testimony about the Riverside development to the Land Use Committee. I pasted the written version of this testimony below.

Dan Ruben
Chair, Green Newton

--

Green Newton Testimony about the Riverside Project

Right now, humanity is making a big bet. We're betting our entire future on the notion that the world's climate scientists are wrong. Because if they're *right*, and they have been largely right so far, we're in big trouble

As a world, GHG emissions are still rising. But the UN climate scientists tell us that we have to *reduce* emissions by 45% by 2030, and close to 100% by 2050, or we'll hit some important tipping points. The changes on earth will be *irreversible* and catastrophic. The pace of climate destabilization will escalate.

U.N. Secretary General António Guterres recently said "We are in trouble. We are in deep trouble with climate change. It is hard to overstate the urgency of our situation. Even as we witness devastating climate impacts causing havoc across the world, we are still not doing enough, nor moving fast enough, to prevent irreversible and catastrophic climate disruption."

Indeed the U.S. government climate scientists said much the same in their Fourth National Climate Assessment in November. They said that without a sharp reduction in GHG emissions, there will be, "substantial damages to the U.S. economy, human health, and the environment." It's our young people, who will suffer the most, because they will see the worst of climate change.

Last month, U.N. scientists said that *1,000,000* species will go extinct in the next several decades due to climate change and other stressors.

Climate change is damaging our world as we speak. Historic floods have devastated farms and communities in the Midwest. Indeed, the U.S. just had its rainiest 12 months *on record*—even though drier regions of the U.S., like California, have suffered historic drought and record wildfires—yet again.

In MA, sea level rise and stronger storms caused by our warming ocean make us particularly vulnerable. Our leaders seek *billions* to protect us and buy us some time. The latest report says that we must raise \$18 billion to fortify our coastline alone. Indeed, many of our state’s buildings, jobs and people are now in harm’s way.

What does this have to do with the Riverside project? *Plenty!* When we provide housing near mass transit stations, it reduces the number of cars on the road, and the associated carbon pollution. When we build dense housing units as opposed to suburban sprawl, we take down fewer trees that sequester carbon. People have to live somewhere. Better they live near mass transit.

This is why Green Newton supports dense building at the Riverside site. Such a project will benefit our environment and our future.

We also want the Riverside project to be very energy efficient. We have met with the staff at Mark Development four or five times so far, and recommended very aggressive green building standards to them. They responded by hiring a leading engineering firm, New Ecology, to study whether they can apply our principles at the Riverside site. Indeed, Mark Development has spent considerable time and a small fortune studying Green Newton’s request, and we are deeply grateful.

Mark Development hasn’t finished their final analysis about the extent to which they will adhere to Green Newton’s energy efficiency principles, so we can’t fully endorse this project yet. But we have met with Mark Development leaders enough to know that they’re fine citizens who would make good neighbors.

If we kill this project like we did the last one—by requiring it to be too small to be financially viable, we will miss an opportunity to address the housing crisis and we will make our greenhouse gas emissions even worse.

The climate crisis is a crisis of responsibility. We’re in this mess because too many people say, “I like wind power, but somewhere else. I’m all for solar, but I don’t want to see the panels. I support transit-oriented development, but *just not here.*” We will *only* have a fighting chance when we start saying “Yes me! Yes here! Yes now!”

Climate change is not somebody else’s problem and it’s not somebody else’s responsibility. It’s *everybody’s* problem and *everybody’s* responsibility.

Let’s make the *safer* bet. Let’s make the right moves that will help secure our future. Let’s do right by our children. Let’s build a dense, green Riverside development.

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