



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, May 15, 2018**

**Present:** Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo

**Also Present:** Councilors Leary, Ciccone, Albright, Norton, Baker

**City Staff Present:** Associate City Solicitor Bob Waddick, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Valerie Birmingham

All Special Permit Plans, Memos and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](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.

**#217-18**      **Petition to amend Order #275-14 to allow for-a learning center at 320 Needham St FUSION EDUCATION INC./320 NEEDHAM DE, LLC.** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #275-14 to allow a for-profit learning center in the existing office space, at 320 Needham Street, Ward 8, Newton Upper Falls, on land known as Section 83, Block 31, Lot 26, containing approximately 97,600 sq. ft. of land in a district zoned MULTI USE 1. Ref: 7.3, 7.4, 4.4.1, 6.3.14, 5.1.13 of the City of Newton Rev Zoning Ord, 2015

**Action:**      **Land Use Approved 7-0 (Laredo not Voting); Public Hearing Closed 05/15/2018**

**Note:**          Attorney Franklin Schwarzer, office of Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioner, Fusion Education to present the request for a for-profit education center at 320 Needham Street. Atty. Schwarzer noted that the 97,600 site at the corner of Needham Street and Christina Street contains a two-story structure with daycare space and vacant space. The petitioner hopes to operate in the vacant space, where an office was previously located.

Petitioner Lizzie Leblanc, Fusion Education Group, 72 Munroe Center, Grand Rapids Michigan, reviewed the programming for Fusion Education. With 45 locations across the country, Fusion Education services approximately 200 students and hopes that the Newton location will be the first of five in the Greater Boston area. Ms. Leblanc noted that the educational center is an alternative or supplemental education center that operates on an appointment only basis with a student/teacher ratio of 1:1 for students between 6<sup>th</sup> and 12<sup>th</sup> grade. As the program is appointment based, no pickup/drop-off plan is necessary. Ms. Leblanc stated that there is no athletic or food service component to the education center but noted that high school students may earn off campus privileges. Ms. Leblanc confirmed that appointments will not typically be scheduled on the weekends, but stated that the center might be opened for testing, on occasion.

Attorney Schwarzer noted that traffic for Fusion Education will access the property from Christina Street, at the east end of the Barry Price Center, mimicking the traffic pattern approved in 2014 for the Bright Horizons daycare. Schwarzer noted that the Planning memo states that the site has sufficient parking and that there will be minimal impact on traffic and parking due to the configuration of the parking lot and its proximity to Needham Street.

Planning Associate Valerie Birmingham presented an overview of the requested relief and criteria for consideration as shown on the attached presentation. Ms. Birmingham demonstrated the location of the proposed education center in the Business Use 1 zone in the Needham Street commercial corridor. Ms. Birmingham noted that the condo building across the street is the only residential property in the area. Ms. Birmingham demonstrated access to the site through the Barry Price Center and confirmed that access and egress is through the same curb cut. She noted that due to grading at the site, the structure is two-stories at the rear and one-story facing Needham Street. Additionally, the proposed education center will have an independent entrance from the entrance used for Bright Horizons. Ms. Birmingham confirmed that the Planning Department visited the site and found sufficient parking. She noted that the one-way traffic circulation allows students to be dropped off and due to the lot configuration, any queues would be on site.

A Committee member questioned whether the petitioner should be required to submit a landscape plan for plantings on the perimeter of the site. City Solicitor Ouida Young noted that the site is in the intersection (Oak/Christina) that will be reconfigured. She stated that it is likely that any landscaping will have to be removed during the construction. It was additionally noted that the petitioner is a tenant and not the property owner. Committee members questioned if students will be crossing Needham Street to get lunch, as there is no lunch program for the education center. Ms. Leblanc confirmed that only high school students will be given off campus privileges and noted that the majority of students will bring or order lunch.

The public hearing was opened. Seeing no member of the public wishing to speak, Councilor Lipof motioned to close the public hearing. Councilor Lipof motioned to approve the item. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members asked that the findings reflect that the proposed use is compatible with existing uses and will have adequate parking and traffic circulation. Atty. Young noted that all drop-off/pickup will occur on site, not on the street. As the petitioner and Bright Horizons are tenants at the site, Atty. Schwarzer suggested that consolidation of the Special Permit Council Orders might not be appropriate for this site. Atty. Young confirmed that because the Special Permits are unrelated, it may be appropriate to keep them separate. Committee members asked that the Planning Department work with the Law Department on the final orders and voted unanimously in favor of the motion to approve (Laredo not Voting).

**#180-18**      **Petition to amend Board Orders 43-10 and 370-12(2) at 199 Boylston Street**  
TIM FOX/SIMON MALLS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow non-accessory parking to lease 496 parking stalls to off-site, third party users, requiring amendments to Special Permit Board Orders #43-10 and #307-12, a waiver for 496 parking stalls and approval to allow non-accessory parking at 199 Boylston Street, Ward 7,

Chestnut Hill, on land known as Section 65 Block 08 Lot 100, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.4, 5.1.1 of the City of Newton Rev Zoning Ord, 2015.

**Action:** **Land Use Approved 7-0-1 (Laredo abstaining); Public Hearing Closed 05/15/2018**

**Note:** Petitioner Tim Fox, Simon Properties, 199 Boylston Street, presented the request for a Special Permit Petition for non-accessory parking at the Chestnut Hill Mall. Mr. Fox noted that the Simon Malls were approached with the request to consider parking for MASCO (a conglomerate of Longwood Area Hospitals) at the mall. He stated that after consultation with Bloomingdale, they contracted VHB to do a parking study to determine whether the mall could manage the additional parking. During the traffic study, a second entity questioned whether additional parking can be reserved to provide a shuttle service to St. Elizabeth's hospital. It was noted that the MASCO shuttle currently operates out of 300 Boylston Street so the increase in traffic would only apply to the new, St. Elizabeth's route. Mr. Fox noted that it was determined that the mall has an abundance of parking and noted that the hospital use (busier in the morning) is complementary to the mall use (busier on the weekend and evenings).

VHB Professional Engineer Sean Manning performed the technical work for the petitioner and presented the attached presentation. Mr. Manning provided an overview of the layout and parking at the mall and noted that the non-accessory parking would be located on the fourth floor of the garage as well as the northwest surface lot (the least used spaces). Mr. Manning presented a diagram that demonstrates the supply and demand of parking at the site. He stated that on Black Friday, there was a surplus of over 600 parking spaces and noted that a typical weekday showed a surplus of approximately 1000 parking spaces. The petitioner is seeking to locate 496 parking stalls for both MASCO and the St. Elizabeth's shuttle. Mr. Manning emphasized the abundance of parking at the site. When evaluating the impact of the St. Elizabeth's shuttle service, VHB conducted a study from where the existing shuttle service is, in Brighton. It was determined that the majority (approximately 90%) of people using the shuttle service arrive prior to 7:00 am. Mr. Manning stated that in order to arrive at St. Elizabeth's at the same time, shuttle users will need to arrive earlier and will avoid morning peak travel times. Mr. Manning noted that it is expected that the majority of shuttle users will use Route 9 and Hammond Pond Parkway to access the site and the impact on Beacon Street will be minimal.

One Councilor expressed concerns relative to the proposal. He noted that while the existing MASCO route has been operating without major impacts to the neighborhood, an additional shuttle route should not be permitted because of the potential impact on traffic and open space. He noted that the use of Hammond Pond Parkway is restricted by the Department of Conservation and Recreation and does not allow use for commercial purposes. He reiterated the lack of public benefit, noting that the petitioner and private entities will be the only ones to benefit and suggested that the Committee bifurcate the item, approving the MASCO parking, but not the parking for St. Elizabeth's.

Some Councilors noted that the park and ride service does have a public benefit, as it will reduce reliance on single occupancy vehicle trips. Mr. Manning noted that it is his expectation that many of the shuttle users are from Newton or west of Newton. A Committee member noted that visits to the mall have reduced in frequency as mall people are shopping online, creating available parking space.

Senior Planner Neil Cronin reviewed the requested relief and criteria for Council consideration as shown on the attached presentation. He demonstrated the location of the proposed non-accessory parking and the location of pickup/drop-off at the existing MBTA bus stop. He stated that the petitioner has agreed to widening the sidewalk at this location to provide a better amenity for bus and shuttle users. Additionally, the Planning Department has asked the petitioner to install lights and/or benches to enhance the space. Mr. Cronin reviewed details of the traffic study and noted that it is expected that commuters will use state roads, minimizing the impact on the local road network. A Councilor noted that locating parking on the northwest corner lot will increase activity near the City's conservation area and could compromise the environmental quality.

A Councilor questioned whether there is a Transportation Management Plan to encourage individuals to use alternate methods of transportation and reduce reliance on single occupant trips. Mr. Manning noted that the Longwood hospital area is often used as a successful example of reducing single occupant vehicles, nationwide. He stated that the Boston hospitals are required to have a TDM. Mr. Fox confirmed that each applicant would have a separate TDM plan.

The Public Hearing was opened. Seeing no member of the public wishing to speak, Councilor Lipof motioned to close the public hearing, which carried unanimously. Councilor Lipof motioned to approve the item. Committee members reviewed the draft findings. City Solicitor Ouida Young noted that the conditions should limit the non-accessory parking to the users presented in the traffic study (MASCO and St. Elizabeth's). Committee members asked that Atty. Young provide clarification on the appropriate use for Hammond Pond Parkway and voted 7-0 in favor of the motion to approve. Councilor Laredo abstained because he was absent for the beginning of the presentation.

**#216-18      Special Permit Petition to amend Council Order #96-17 for Washington Place**  
MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #96-17 to allow for a substitution of the previously approved plans for the 140-unit development option with plans for a revised 140-unit development option, which results in a hybrid between the originally approved 140-unit development option and the 160-unit development option by adding a fifth floor to the middle building fronting on Washington Street, and reducing massing at the rear of the east building along Walnut Street. The additional massing along Washington Street reflects what was already approved for the 160-unit scheme. The proposed amendment results in an overall increase of 1,970 sq. ft. to the 140-unit plan to accommodate the new layout but there is a total reduction of 14,575 sq. ft. compared with the approved 160-unit development option. The proposed amendment adds 170 sq. ft. of commercial square footage and relocates two at-grade parking stalls to the underground parking garage. In addition, the petitioner is requesting an amendment to Condition 24(i) to make the provision of a final Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan a condition precedent to the issuance of a temporary certificate of occupancy instead of a building permit at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street, 241 Walnut Street, 22 Bailey Place, 14-18

Bailey Place, an unnumbered lot on Bailey Place, and the private way known as Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, containing approximately 123,956 sq. ft of land in a district zoned BU1, BU2, Public Use (Board Order #95-17 approved for MU4 upon exercise of #96-17 Ref.: Sections 7.3, 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015.

**Action:** **Land Use Approved 8-0; Public Hearing Closed 05/15/2018**

**Note:** Attorney Stephen Buchbinder, office of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner, Mark Newtonville, LLC to request an amendment to the Special Permit Council Order #96-17 which authorized the development of Washington Place and included a 140-unit option and a 160 unit option. Atty. Buchbinder noted that after approval of the Special Permit, the decision was appealed and has been the subject of litigation. He stated that after ongoing discussions, the developer has a settlement agreement with three separate plaintiffs. As part of the agreement, the petitioner must submit a revised, 140-unit option for an amendment to the Special Permit, or to be determined consistent via a consistency ruling. Atty. Buchbinder noted that while the Commissioner of Inspectional Services John Lojek reviewed and determined that a consistency ruling would be appropriate, the developer felt it would be more appropriate to request an amendment to the Special Permit based on the amount on public scrutiny during the process.

Attorney. Buchbinder reviewed the proposed changed to the 140-unit option (Shown on the attached presentation), noting that an additional 1,970 sq. ft. is created due to reconfiguration of the building. He noted that the reconfiguration of the building includes shifting of the massing from the rear of the east building to the middle building. He stated that there will be an increase of 270 sq. ft. in commercial space and noted that two parking stalls would be relocated from the surface parking lot to the underground parking lot. He confirmed that the revised 140-unit option remains approximately 14,000 sq. ft. smaller than the 160-unit plan approved by the full Council. Attorney Buchbinder noted that the petitioner is seeking an amendment to the Special Permit 140-unit option, while maintaining the 160-unit option. He stated that if the amended Special Permit is appealed, the petitioner would reserve the right to settle the appeal in court. If no appeal is made relative to the revised Special Permit, the petitioner will proceed with the amended 140-unit option. He noted that three of the plaintiffs were present at the meeting.

Senior Planner Neil Cronin presented an overview, the requested relief and criteria for consideration. Mr. Cronin noted that the amended 140-unit plan incorporates elements of the approved 140-unit plan as well as the approved 160-unit plan. He reviewed the proposed changes to the 140-unit plan which include; the removal of massing from the third and fourth floor of the east building for relocation onto the middle building as a fifth floor, a revised landscape plan with increased plantings on the rear boundary, a revised photometric plan for the surface parking and a deck removed from the west building. Mr. Cronin demonstrated revised renderings depicting the added fifth story on Washington Street.

Atty. Buchbinder noted that the developer is appreciative of the efforts on behalf of the plaintiffs to work towards a compromise. The Public hearing was opened. No member of the public wished to speak, Councilor Auchincloss motioned to close the public hearing which carried unanimously. Councilor Auchincloss motioned to approve. Committee members expressed no concerns relative to the proposed amendments and expressed gratitude that the petitioner and the neighborhood worked together. Committee members voted unanimously in favor of the motion to approve.

The Committee adjourned at 10:30 pm.

**Respectfully Submitted,**

**Greg Schwartz, Chair**

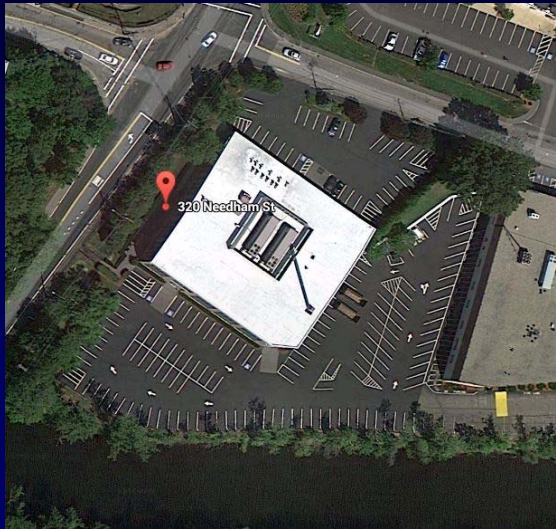


# 320 Needham Street

*Special Permit Application to the Land Use Committee of the Newton City Council*



## Aerial View



# Fusion Academy



- 1:1 student to teacher ratio for most classes
- Up to 65 students
- 25 teachers and 7 full-time staff

# Traffic Circulation





# Relief Requested



- special permit required for:
  - a for-profit educational institution



## Department of Planning and Development



**PETITION #217-18  
320 NEEDHAM STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND  
SPECIAL PERMIT BOARD  
ORDER #275-14 AND TO  
ALLOW A  
FOR-PROFIT LEARNING  
SCHOOL IN THE FIRST-FLOOR  
OFFICE SPACE

*MAY 15, 2018*



### Requested Relief

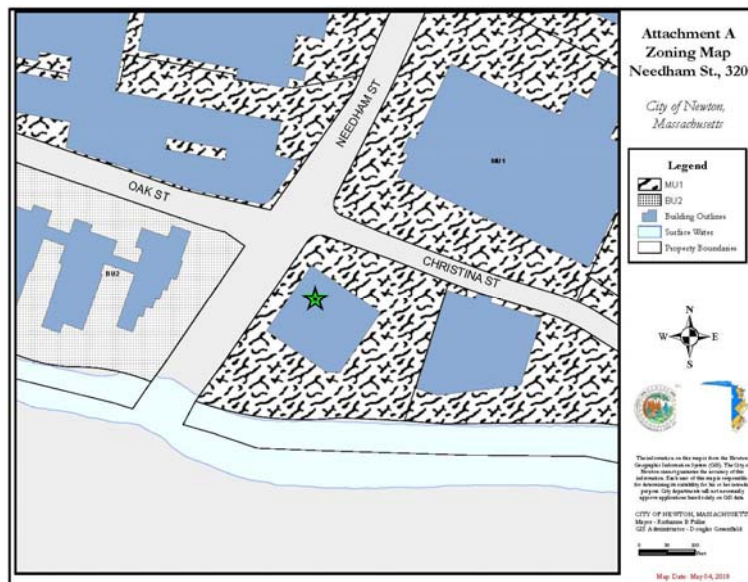
- Amend Board Order #275-14
- Special permit per §7.3.3 to allow a for-profit educational use in the Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2)

## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed for-profit educational use (§7.3.3.C.1);
- The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- The proposed for-profit educational use will create a nuisance or serious hazard to vehicles or pedestrians (§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).

## Zoning



# Land Use



**ATTACHMENT B**  
**Land Use**  
**Needham St., 320**

*City of Newton,  
Massachusetts*

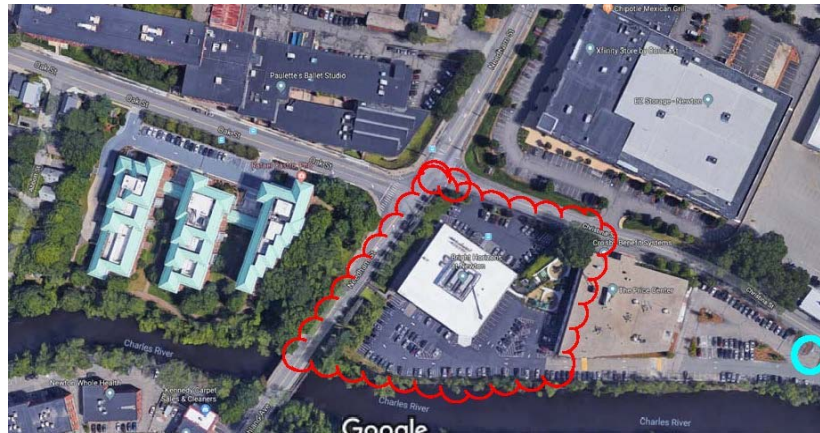
- Land Use**
- Commercial
  - Industrial
  - Multi Family Residence



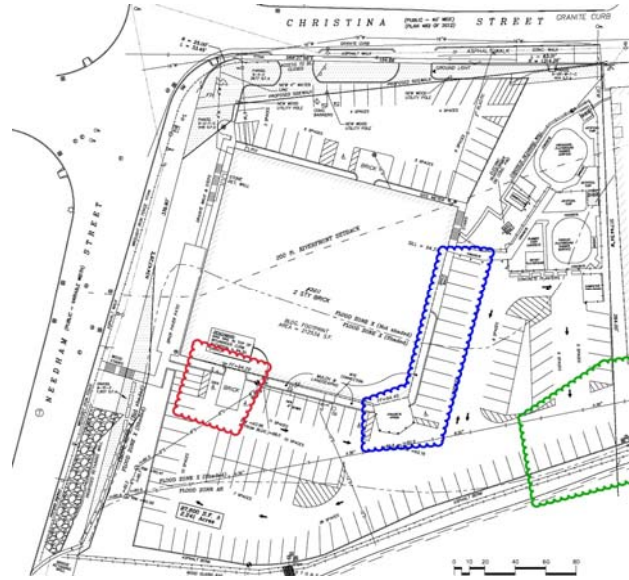
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**CITY OF NEWTON, MASSACHUSETTS**  
Mayor - Kathleen T. Parker  
122 Administration Building  
381-2000  
Map Date: May 14, 2018

# AERIAL/GIS MAP



### Site Plan (As-built)



### Photos



**Photos**



**Photos**



## Photos



## Proposed Findings

1. The specific site is an appropriate location for the proposed for-profit educational use as it is located in an active commercial corridor with a mix of retail, service, office and residential uses (§7.3.3.C.1);
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate off-site parking to meet the projected parking demand for the proposed use (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians as the site's existing parking lot is improved with adequate traffic circulation and the for-profit's school's entry will be located away from the existing daycare; (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the site is solely accessed via Christina Street, which experiences much lower traffic volume in comparison to Needham Street (§7.3.3.C.4).

## Proposed Conditions



**"This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #217-18 are null and void."**

1. Plan Referencing Condition
2. During regular operating hours the maximum number of staff allowed on site at any one time shall be 32, and the maximum number of students allowed on site at any one time shall be 65
3. Staff and students are required to enter the building from the designated rear parking lot entrance
4. Building Permit Condition
5. No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.

## Proposed Conditions (con't)



***Conditions incorporated from Board Order #275-14: (Bright Horizons)***

5. Plan Referencing Condition
6. During regular operating hours the maximum number of staff allowed on site at any one time shall be 25, and the maximum number of children allowed on site at any one time shall be 122
7. The petitioner shall provide two bicycle racks on the site





## Objective

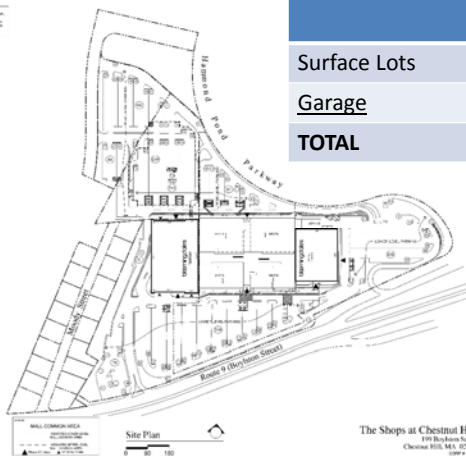
VHB has been retained by the Shops at Chestnut Hill to:

1. Quantify parking occupancies during the peak 2017 holiday shopping season (in November and December)
2. Define parking needs of two future tenants and demonstrate that their demands can be accommodated
3. Assess related traffic impacts

## The Shops at Chestnut Hill Existing Parking Spaces

Space Type	Parking Supply
Surface Lots	1,167 <sup>1</sup>
<u>Garage</u>	<u>949</u>
<b>TOTAL</b>	<b>2,116</b>

1. On Wednesday, December 14, 2017, 12 spaces were lost from the surface lot north west of the garage for snow removal equipment and so the overall capacity on the second study day was reduced by 12 spaces.



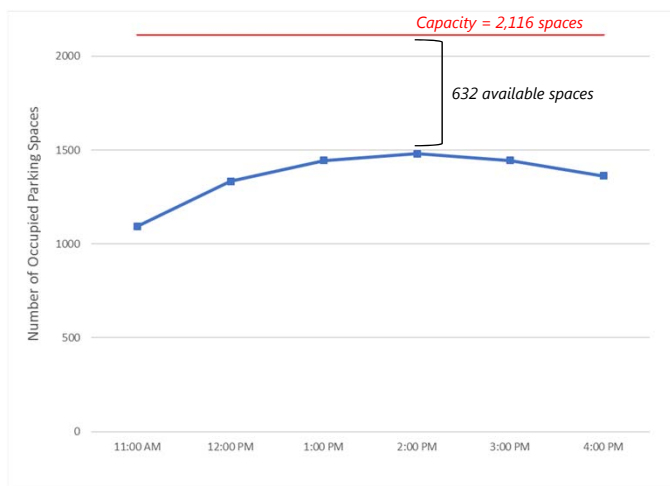
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The Shops at Chestnut Hill  
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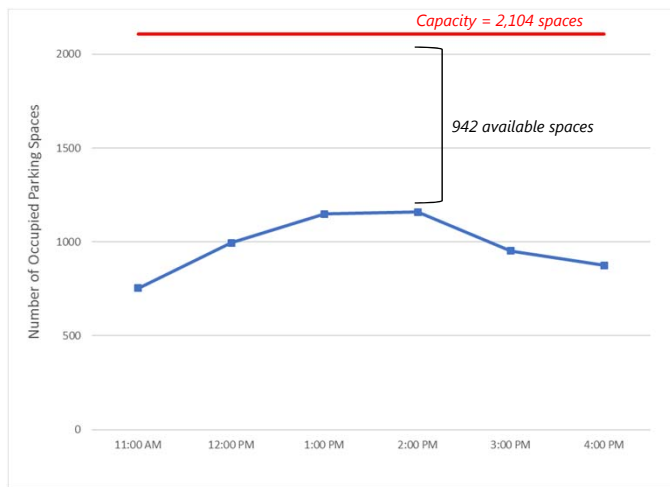


<sup>1</sup> On Wednesday, December 14, 2017, 12 spaces were lost from the surface lot north west of the garage for snow removal equipment and so the overall capacity on the second study day was reduced by 12 spaces.

## Black Friday (November 24, 2017) Parking Occupancy



## Wednesday (December 13, 2017) Parking Occupancy



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## Future Proposed Parking Leases

Third Party User	Leased Spaces
MASCO	243
<u>St. Elizabeth's Medical Center</u>	<u>253</u>
<b>TOTAL</b>	<b>496</b>

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## Key Parking Study Findings

1. Peak parking occupancy was observed at:
  - 2:00 PM on Black Friday (November 24, 2017)
  - 2:00 PM on Wednesday (December 13, 2017)
2. The maximum occupancy was:
  - 70% on Black Friday (November 24, 2017)
  - 55% on Wednesday (December 13, 2017)
3. Drivers park as close as possible to the mall entrances/exits
4. Drivers circulate throughout the front and side surface lots as they approach capacity
5. Spaces located in the rear lots (behind the garage), the roof and P2 levels of the garage, and the lower section of the front lot generally the least popular spots. These were observed to be the last resort for parkers
6. Lease demands can be easily accommodated with available weekday supply



## St. Elizabeth's Medical Center\Remote Parking Trip Generation Chestnut Hill Mall

Time Period	Chestnut Hill Mall Parking Lot		
	Future Vehicle Parking Lot Occupancy	% of Parking Lot Occupancy	Vehicles Entering/Exiting
before 6:30 AM	167	66%	-
<b>6:30 AM</b>	<b>167</b>	<b>66%</b>	<b>62</b>
7:30 AM	229	90%	20
8:30 AM	249	98%	3
9:30 AM	252	99%	2
10:30 AM	253	100%	0
Shuttle Service Ends at 10:45 AM			
Shuttle Service Begins at 2:00 PM			
2:30 PM	235	93%	6
3:30 PM	217	85%	18
4:30 PM	166	65%	51
5:30 PM	118	46%	48
<b>6:30 PM</b>	<b>63</b>	<b>25%</b>	<b>55</b>



## Employee Trip Distribution

Route	% Trips	AM Peak Hour Vehicles (6:30-7:30 AM)	PM Peak Hour Vehicles (5:30-6:30 PM)
Beacon Street to/from the East	1%	9*	9*
Beacon Street to/from the West	10%	6	6
Hammond Pond Parkway to/from the South	50%	31	27
Route 9 to/from the West	33%	20	18
Route 9 to/from the East	6%	4	3
<b>Total</b>	<b>100%</b>	<b>70</b>	<b>63</b>

\*Includes future shuttle bus trips



## Trip Distribution Findings

1. The rate of arrival and departure will be spread out over multiple hours
2. The shift requirements have been designed so that essential staff can get to the hospital outside of traditional commuter peak periods
3. Most cars path of travel will be limited to Hammond Pond Parkway (DCR) and Route 9 (MassDOT)
4. There will be only a small amount of incremental traffic generated on local Newton Streets



## St. Elizabeth's Medical Center Employee Shuttle Bus Route



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## Traffic Study Findings

### MASCO:

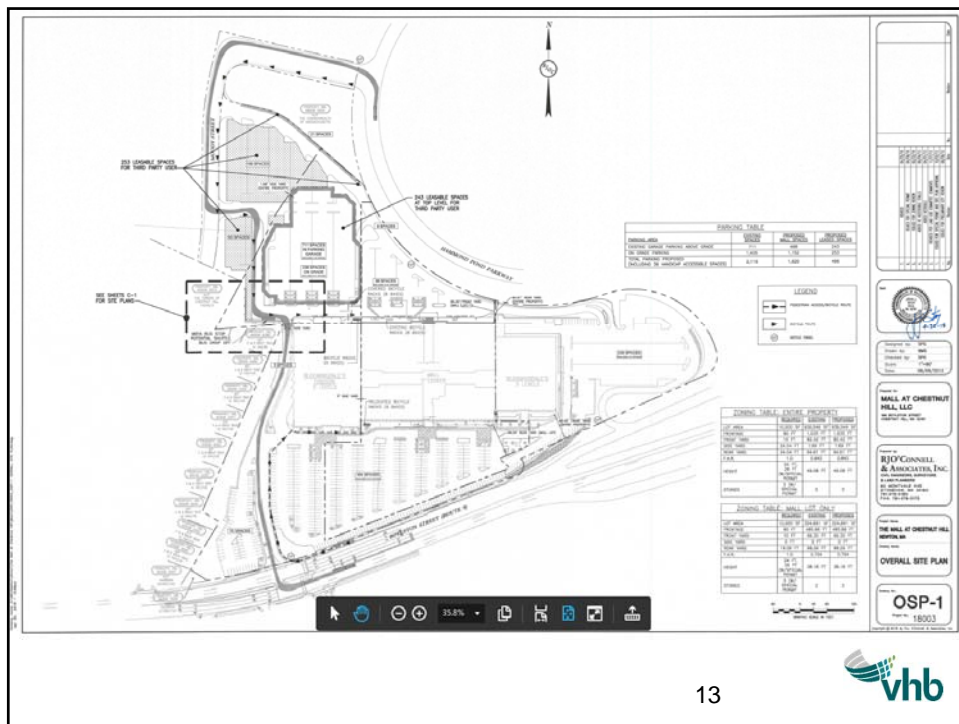
1. Existing parking and shuttle currently operates just north of the site at 300 Hammond Pond Parkway
2. Trips already occur in the area during peak hours and relocating the park and ride to the project site will not affect traffic
3. Shuttle operation would remain unchanged on area streets

### St. Elizabeth's Medical Center:

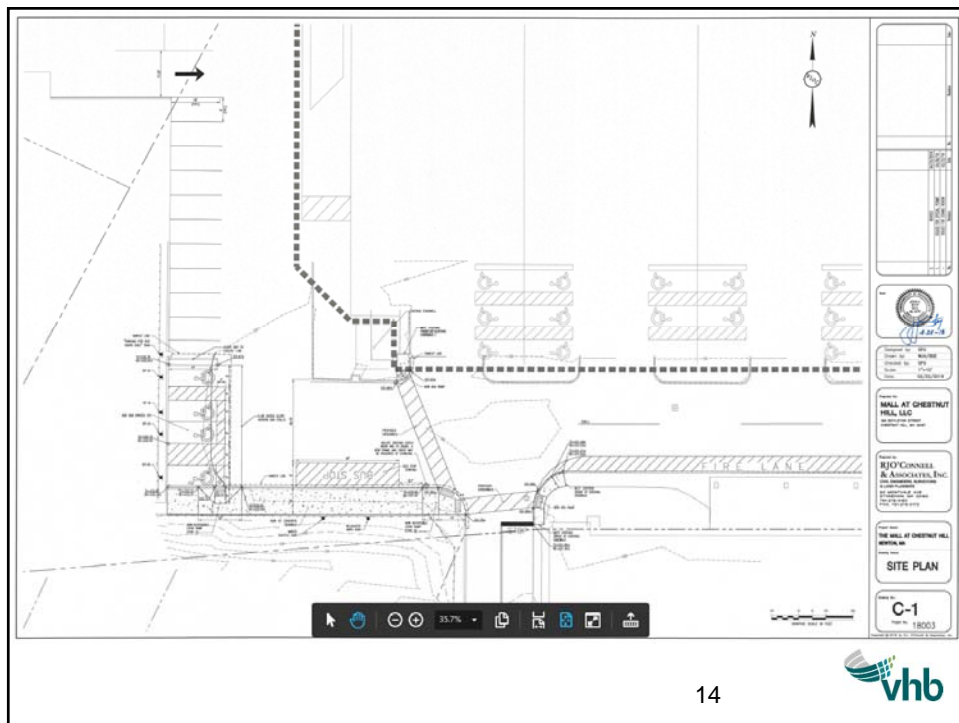
1. Will not create a measurable impact on surrounding traffic network due to operations occurring mainly outside of the typical peak hours for this area
2. Shuttle bus will operate along major roadways and will not travel down local streets and neighborhoods

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14

## Department of Planning and Development



### **PETITION #180-18**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND COUNCIL  
ORDERS #43-10 AND #370-12(2)  
TO WAIVE 496 PARKING STALLS  
AND TO ALLOW NON-ACCESSORY  
PARKING AT 199 BOYLSTON STREET



MAY 15, 2018

## Requested Relief

- To amend Board Orders #43-10 and #370-12(2)
- To waive 496 parking stalls (§5.1.4)
- To allow non-accessory parking (§4.4.1).



## Special Permit Criteria

- The specific site is an appropriate location for non-accessory parking. (§7.3.3.C.1)
- The non-accessory parking 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. (§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)

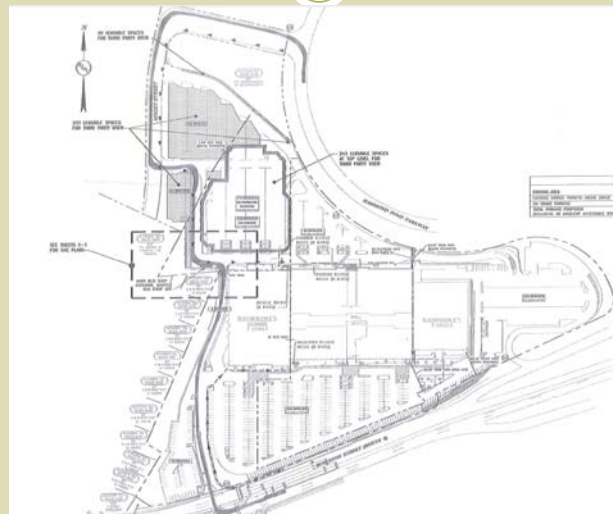
## Waivers to Parking Requirements

- Literal compliance with the parking requirements of the Newton Zoning Ordinance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)

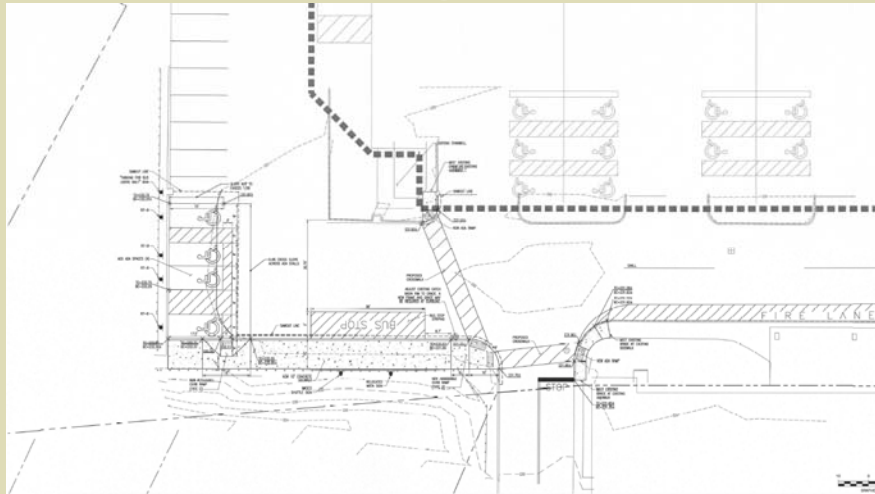
# AERIAL



# Overall Site Plan



## Bus Stop



## Non-Accessory Parking

- The petitioner is seeking to reserve 496 stalls to third-party users allowing for two shuttles: one serving St. Elizabeth's Medical Center; the other serving Longwood Medical Center.
- The shuttle serving Longwood Medical Center currently operates out of 300 Hammond Pond Parkway. The St. Elizabeth's shuttle is new.

## Parking and Traffic

- Petitioner submitted a parking study which indicated the parking facilities on site are underutilized. On Black Friday, the peak hour of the study showed the facilities were at 70% capacity representing 672 unused parking stalls.
- Petitioner also submitted a traffic study which indicated most of the trips would occur before peak hours, and would utilize State roads thereby not affecting the local road network.

## Findings

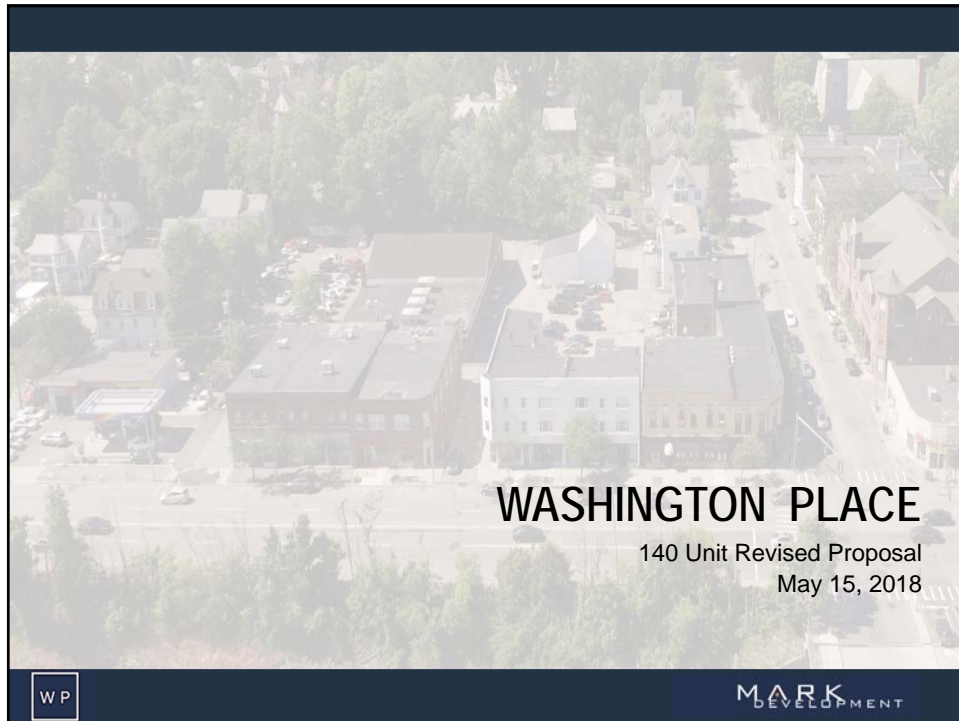
1. The specific site is an appropriate location for non-accessory parking because the site consists of underutilized parking facilities. (§7.3.3.C.1)
2. The non-accessory parking, as developed and operated, will not adversely affect the surrounding neighborhood because the resulting trips will occur outside of peak hours and will not impact the local road network. (§7.3.3.C.2)
3. The non-accessory parking will not create a nuisance or serious hazard to vehicles or pedestrians because all pick-up and drop-off of passengers will occur within the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is located on the Boylston Street/Route 9 corridor with sufficient ingress and egress points. (§7.3.3.C.4)

## Findings Continued

5. A waiver of 496 parking stalls is in the public interest because the site's parking facilities are underutilized and allowing non-accessory parking will allow for a new use on site without affecting the existing businesses on site. (§5.1.4 and §5.1.13)

## Conditions

1. This Order incorporates conditions from previous Orders.
2. Standard Plan Reference Condition.
3. The parking stalls shall only be dedicated to the third-party users Monday through Friday from 6 a.m. to 7 p.m.
4. Any increase in parking stalls dedicated to third-party users shall require an amendment to this Special Permit/Site Plan Approval.
5. The petitioner shall distribute and make information readily available to mall guests stating which stalls are dedicated to shuttle users during which hours.
6. Standard Certificate of Occupancy Condition



### 140 Unit Revised Proposal

	160 Unit Approved	140 Unit Approved	Revised Proposal	Net Change
Gross SF	231,475	214,930	216,900	+1,970
Studios	16	13	13	0
1 Bedroom	75	65	65	0
2 Bedroom	63	56	56	0
3 Bedroom	6	6	6	0
Commercial SF	43,860	47,165	47,335	+170
At Grade Parking	108	101	99	-2
Total Parking	351	309	309	0

Approved 140 – Washington & Walnut Street Intersection



Revised 140 – Washington & Walnut Street Intersection



Approved 160 – Washington & Walnut Street Intersection



Approved 140 – Walnut Street Entrance





### Revised 140 – Walnut Street Entrance



WP

MARK  
DEVELOPMENT

### Approved 140 – Parking Lot



WP

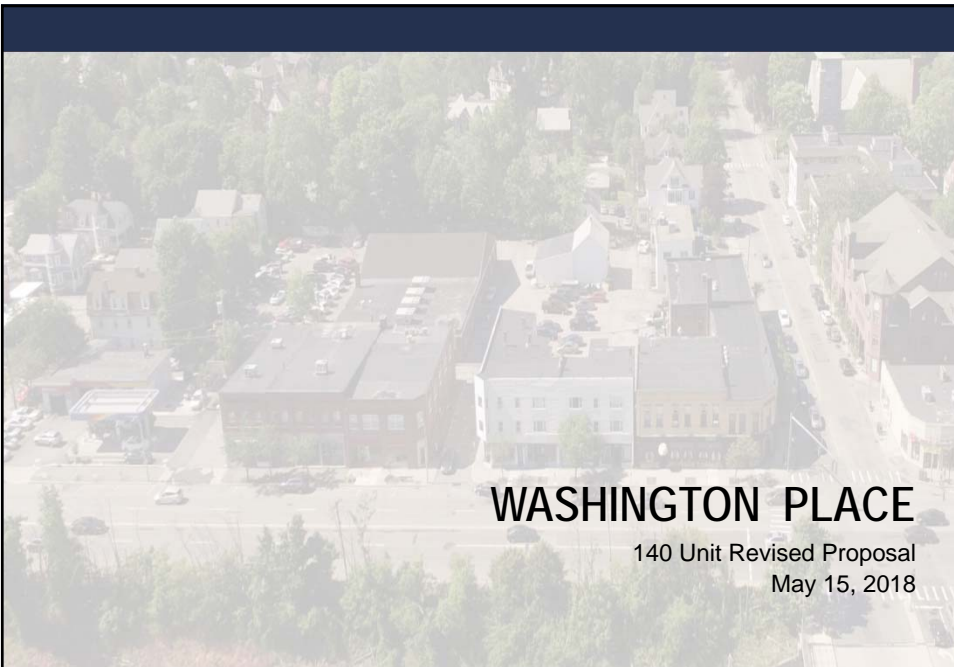
MARK  
DEVELOPMENT

Revised 140 – Parking Lot



WP

MARK  
DEVELOPMENT



WASHINGTON PLACE

140 Unit Revised Proposal  
May 15, 2018

WP

MARK  
DEVELOPMENT

# Department of Planning and Development



## **PETITION #216-18**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND COUNCIL ORDER  
#96-17 TO RECONFIGURE THE  
BUILDINGS AND TO RESTRUCTURE  
CONDITIONS PERTAINING TO  
INCLUSIONARY ZONING



OCTOBER 24, 2017

## **Requested Relief**



➤ To amend Council Orders #96-17

## Special Permit Criteria

- The specific site is an appropriate location for the amendments to Council Order #96-17. (§7.3.3.C.1)
- The amendments to Council Order #96-17 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. (§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)

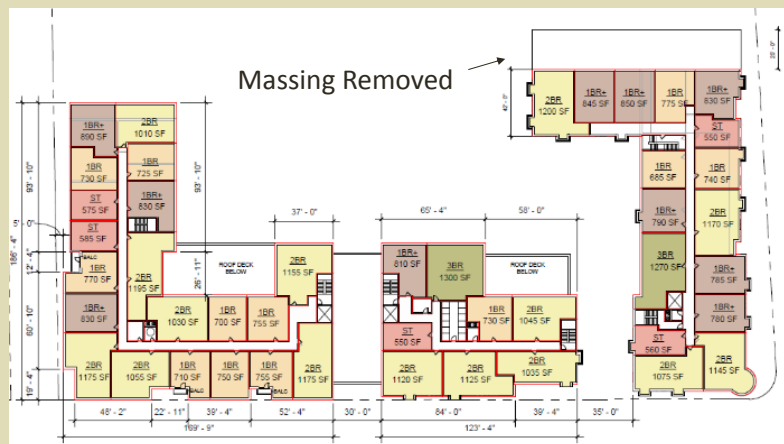
## Project History

- On June 19, 2017 the City Council approved petitions #95-17 and #96-17 rezoning most of the site from Business Use 1 and 2 to Mixed Use 4.
- The approvals allowed the petitioner to construct a mixed use development consisting of three interconnected buildings containing residential and commercial space.
- The approvals allowed the petitioner to pursue the development at either 160 residential units or 140 residential units.

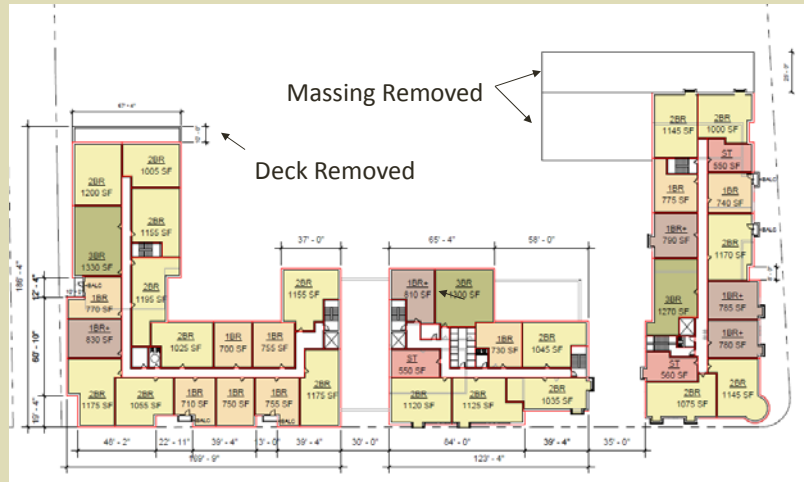
## Special Permit Request

- The petitioner is seeking to incorporate elements of the 160-unit plan into the 140-unit development such as the trash and ramp locations.
- The petition seeks to remove massing from the third and fourth stories of the east building and to relocate it in the form of a fifth floor on the middle building along Washington Street.
- The petitioner also submitted a revised landscape plan showing an increased in the buffer along the rear property line and a revised photometric plan of the surface parking facility.

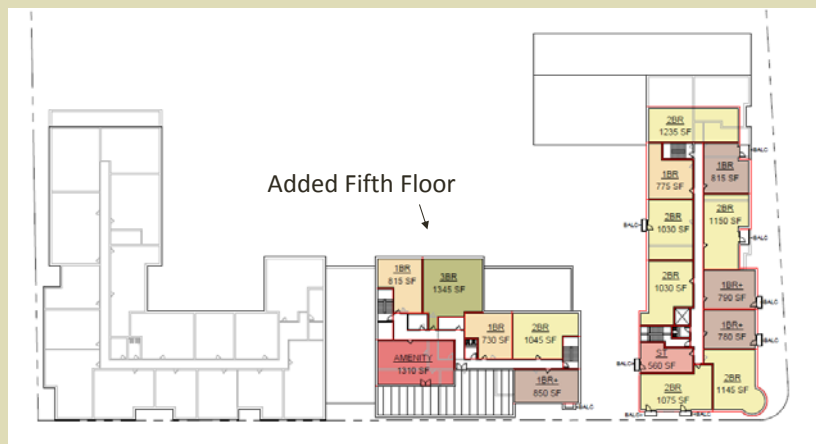
## Proposed Third Floor Plan



# Proposed Fourth Floor Plan



# Proposed Fifth Floor Plan



## Council Order #96-17

- Council Order #96-17 requires the petitioner to complete all steps regarding Deed Restricted units prior to the issuance of a building permit.
- Deed Restricted units are subject to the approval of the Department of Housing and Community Development (DHCD) and the City.
- The Planning Department coordinated with the Housing Division and DHCD to ensure the Orders are structured to comply with DHCD and Housing and Urban Development (HUD) guidelines. As a result, staff believes Order #96-17 can be amended to require certain milestones to the building permit and temporary certificate of occupancy stages, while still ensuring compliance with the guidelines set forth by DHCD and HUD.

## Findings

1. The specific site is an appropriate location for the amendments to Council Order #96-17 because the site is governed by a special permit allowing the construction of mixed use development of four and five stories. (§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)

## Conditions



1. This Order does not incorporate conditions from previous Orders.
2. Standard Plan Reference Condition.
3. Petitioner shall comply with all other conditions pertaining to building permits stated in Order #96-17
4. Prior to the issuance of a building permit, the petitioner shall submit an Inclusionary Housing Plan (IHP) including an Affirmative Fair Housing Marketing and Resident Selection Plan and draft Regulatory Agreement to the Director of Planning and Development for review and approval. Once approved, the petitioner shall submit the IHP to the Department of Housing and Community Development and provide evidence of such submittal to the Director of Planning and Development.

## Conditions Continued



No Temporary Certificate of Occupancy shall be issued until the petitioner has:

1. Provided evidence confirming the marketing, lottery, and resident selection for the Inclusionary Units has been completed to the Director of Planning and Development for review and approval.
2. Entered into a Regulatory Agreement and Declaration of Restrictive Covenants for each of the Inclusionary Units with the City of Newton and the Department of Housing and Community Development, in a form approved by the Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity. The Regulatory Agreement and Declaration of Restrictive Covenants shall be recorded at the Middlesex Registry of Deeds and evidence of such recording shall be submitted to the Director of Planning and Development and Law Department.
3. Petitioner shall comply with all other conditions pertaining to occupancy certificates stated in Order #96-17