



Land Use Committee Report

City of Newton In City Council

Tuesday, October 9, 2018

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

Also Present: Councilors Baker, Ciccone, Grossman, and Lappin

City Staff Present: City Solicitor Ouida Young, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Planning Associate Katie Whewell, Planning and Development Director Barney Heath, Americans with Disabilities Act Coordinator Jini Fairley, and Director of Housing and Community Development Amanda Berman

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.

#420-18 Petition to allow multi-family dwellings at 424-432 Cherry Street

DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing single-family dwelling to a three-story, six residential unit building with ground floor units, to construct a second three-story, three residential unit building with ground floor units, to allow a reduction in the parking requirements to 1.25 per dwelling unit, to allow parking within 5' of a building with residential units, to allow a reduction in the minimum stall width, to waive perimeter landscape screening requirements and to waive lighting requirements in Ward 3, West Newton, at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,204 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4.A, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved Withdrawal without Prejudice 7-0 (Crossley not voting)

Note: The Committee received a letter from the petitioner's attorney requesting withdrawal of the petition without prejudice, as additional information and revisions are required to move forward with the petition. The petitioner expects to refile the petition in the near future. A motion to approve withdrawal without prejudice was made and approved by a unanimous vote of the Committee.

#481-18 Special Permit to amend Special Permit #176-16 and extend FAR at 47 Lewis Street

KATHERINE GRENZEBACK AND RONAN WOLFSDORF petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE to amend Special Permit #176-16 to allow the addition of dormers to the attic level where 3.5 stories exist and 2.5 stories is allowed at 47 Lewis Street, Ward 1, Newton, on land known as Section 13 Block

02 Lot 20, containing approximately 10, 315 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0-1 (Crossley abstaining); Public Hearing Closed

Note: Petitioner Ronan Wolfsdore, owner of 47 Lewis Street, presented the request to amend Special Permit #176-18 to the Committee. Mr. Wolfsdore received a special permit in August 2016 to further increase the already nonconforming number of stories by adding dormers to the third story of the house. After receiving the special permit, the petitioner's builder reviewed the plans and discovered that the project architect miscalculated the existing square footage. The existing FAR was calculated at .46 resulting in a proposed increase of .47 with the dormers where .50 is allowed. In actuality, the dormers will add an additional 145 sq. ft. to the two-family home resulting in an increase in the existing non-conforming FAR of .52 to an FAR of .53. The petitioner stopped all work and consulted with the City's Inspectional Services Department. The Inspectional Services Department informed the petitioner that an amendment to the original special permit for further relief to increase the non-conforming FAR is required before the addition of the dormers. The public hearing was opened and no one spoke for or against the petition. There was a motion to close the public hearing, which carried unanimously.

The Planning Department's presentation provided proposed findings for the Committee to consider. The Planning Department believes that the proposed dormers are similar to dormers on a number of houses in the neighborhood and that the house is in scale with the other homes in the neighborhood. Therefore, the proposed findings affirm that the requested nonconforming FAR is not substantially more detrimental than the existing nonconforming structure and will continue to be similar in size, scale and design of the other residences in the neighborhood. Senior Planner Neil Cronin added that the proposed conditions for the special permit are the standard conditions. The Committee had no questions pertaining to the amendment and Councilor Greenberg moved approval. The motion to approve carried by a vote of seven in favor and one abstention with the findings and conditions in the Planning Department presentation. As Councilor Crossley was not present for the discussion of this item, she abstained.

#479-18 **Special Permit to allow three-story structure and oversized dormer at 63 Cherry Street**
LINO GONCALVES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raise the roof of the existing 2.5-story house and add oversized front and rear dormers to the attic level and creating a third story where 2.5 is allowed at 63 Cherry Street, Ward 3, West Newton, on land known as Section 34 Block 42 Lot 14, containing approximately 7,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.1.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed

Note: Petitioner Lino Goncalves presented the request for a special permit for 63 Cherry Street to add oversized dormers to the front and rear of the attic and increase the single-family house to three stories. The petitioner is seeking the special permit in order to expand the living space for his expanding family. The property is located in a Single Residence 3 Zone where 2.5 stories is the maximum number

allowed by right. The dimensions of the proposed dormers also require zoning relief. Lauren Goncalves submitted signatures from neighbors in support of the renovations to 63 Cherry Street. The petitioner's architect provided the attached presentation.

Senior Planner Neil Cronin reviewed the request with the Committee. He suggested that the Committee should consider whether the site is an appropriate location for a three-story building, whether the proposed structure will adversely affect the neighborhood, and whether the three-story home will cause any problems for vehicles and pedestrians. He informed the Committee that the proposed structure remains compliant with dimensional requirements for Single Residence 3 districts. Furthermore, there are a number of nonconforming multi-family homes in the neighborhood and several residences with similarly sized dormers.

The public hearing was opened. No one was present to speak on the petition. Councilor Kelley moved to close the public hearing, which carried unanimously. Councilor Kelley moved approval of the petition because there is no consistent height of structures in the neighborhood and several homes in the area have dormers that exceed the dimensional requirements. The proposed renovations have also had a historic review and been approved. The chair noted that the Planning Department memo notes a change in the footprint of the structure. Mr. Cronin stated that there is no change to the footprint of the buildings and that it is a typo in the Planning Department memo.

The Committee unanimously supported the motion to approve the petition with the standard special permit conditions with the following finding:

1. The specific site is an appropriate location for the proposed three-story structure because three-story structures exist in the neighborhood.
2. The proposed three-story structure will not adversely affect the neighborhood because dwellings in the neighborhood feature dormers on the front façade.
3. The proposed three-story structure will not create a 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.

#421-18 Special Permit to amend Special Permit for Kessler Woods

KESSELER WOODS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(15) at Kessler Woods to allow off-site relocation of the inclusionary zoning units as well as 24 additional units at 219 Commonwealth Avenue (Section 63 Block 08 Lot 19), containing approximately 10,347 sq. ft. of land in a district zoned MULTI RESIDENCE 1 from the approved site at 200 Estate Drive, Ward 8, on land known as Section 82 Block 37 Lot 95, containing approximately 640,847 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: 7.3, 7.4, 5.11.4, 5.11.6, 7.8.2.C of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: The petitioner's attorney, Frank Stearns, provided the committee with a presentation outlining the petitioner's proposal to relocate four of the thirteen inclusionary zoning units at the

Hancock Estates on Lagrange Street to 219 Commonwealth Avenue and provide an additional 24 affordable rental units at 219 Commonwealth Avenue, which is newly renovated. The additional 24 units will have a range of affordability from 30% of the Area Median Income (AMI) to 120% AMI. In response to the Planning Department, the petitioner is reducing the AMI level of the accessible unit at 219 Commonwealth Avenue to 30% AMI.

The housing lottery for the nine inclusionary zoning units remaining at Hancock Estates is complete. Over 600 households participated in the lottery. In proposing this amendment to the existing special permit Chestnut Hill Realty and B'nai B'rith are expanding the number of affordable units and providing a range of affordability resulting in a project that includes work force housing units. The petitioner feels that the proposal meets all of the City's affordable housing goals by providing both one and two bedroom units at Hancock Estates, providing affordable housing at a transit oriented site (219 Commonwealth Avenue), and providing affordable housing for a range of income levels.

In response to input from the Planning Department, the petitioner agreed to provide bike storage, a three-year T-Pass subsidy for residents, striping of the parking lot, and parking space priority for residents at 80% AMI and lower at 219 Commonwealth Avenue. The presentation also addressed the issue raised in the letter previously submitted by Livable Newton. The responses state that the objectives of the swap are to create additional affordable housing and create diversity in the affordable housing inventory. The petitioner received approval from the City and the Department of Housing and Community Development for the unit mix, unit distribution and the advertising of the affordable units. The petitioner believes that though the 219 Commonwealth Avenue units are not comparable to the Hancock Estate units in terms of amenities, the net increase of 24 affordable units is an enormous benefit. For further information on the petitioner's proposal, please refer to the attached presentation from Chestnut Hill Realty and B'nai B'rith Housing.

Senior Planner Neil Cronin reviewed the request to amend Special Permit #102-06(15) to allow the relocation of four inclusionary units offsite and provide an additional 24 units of affordable housing at the offsite location. The attached PowerPoint presentation from the Planning Department provides additional details. The Zoning Ordinances allow inclusionary units required in a development to be located offsite by special permit, as long as the petitioner enters into an agreement with a non-profit housing development organization.

Mr. Cronin reviewed the petition history with the Committee. The petitioner filed a request to amend Special Permit #102-06(15) in 2017. The initial petition proposed relocation of all thirteen of the inclusionary units at Hancock Village to 219 Commonwealth Avenue. The petitioner proposed two revisions to that petition but ended up withdrawing for further revision to address comments and concerns raised by the Council and abutters. The petitioner is now proposing relocating four of the required 13 inclusionary units from Hancock Estates to 219 Commonwealth Avenue. The petition also includes an additional five units of affordable housing that is at or below 80% of the AMI. The nine affordable at or below 80% AMI average at 65% of the AMI and include an accessible unit at 30% of the AMI. The proposal also includes 19 units of workforce housing at up to 120% of the AMI. All of the additional units would be located at 219 Commonwealth Avenue and would remain affordable in perpetuity.

The Planning Presentation provides a comparison of the affordable units at Hancock Estates and 219 Commonwealth Avenue that includes the affordability mix and average size of the units. The presentation also states that 219 Commonwealth Avenue is not comparable to Hancock Estates in terms of accessibility. The Hancock Estates' units are accessible and visitable and two of those inclusionary units are fully accessible. There is only one accessible unit at 219 Commonwealth Avenue and none of the remaining 27 units is accessible or visitable. Hancock Estates has accessible parking where there is currently no accessible parking at 219 Commonwealth Avenue. The Planning Department has requested that the petitioner reserve two parking stalls to create a van accessible space, if needed.

Mr. Cronin provided an overview of site characteristics of 219 Commonwealth Avenue and explained that the property is on the National Register of Historic Places, which limits modifications to the buildings. The petitioner is renovating the interior of the building, which results in a reduction in the number of units from 29 units to 28 units. The petitioner agreed to stripe the existing parking area, which will result in eight substandard spaces. The petitioner includes a ninth space (Space #7) in the striping plan (refer to presentation) but the petitioner needs to remove that space due to insufficient length. The Planning Department's presentation provides a list of recommended changes to the Transportation Demand Management Plan. In addition, the presentation includes the Planning Department's analysis of the petitioner's proposal and a list of possible inclusionary zoning conditions.

Public Comment

Judy Jacobson, 289 Cypress Street – I am one of the signers of the Livable Newton letter. I do not think the developer through his attorney provided an adequate response and I am happy to answer any questions on specific issues. I have additional thoughts that I wanted to share. We really need housing in Newton that serves people at all income letter. If you have not looked at the marketing information for the market rate apartments at Hancock Estates, you might not know that these are super big units with so-called dens, none of which are inclusionary units and are renting for upwards of \$8,000 a month. It is not a rent that regular, not super rich, family can afford. It is important to remember that the City of Newton created the value for the \$8,000 plus apartments. Some fifteen years ago, we used Community Preservation Act Funds provided by Newton taxpayers to acquire the Kessler Woods site and the Council granted a special permit to allow the development there today that does not meet underlying zoning requirements. State law requires a municipality to get something special like affordable housing in exchange for a special permit. So the inclusionary units at Hancock Estates are required by State and local law and they are important. Including these units in a market rate development is one of the few ways that we can ensure that regular people can be part of that community, our community. I hate to fuel the false narrative put forward by some in our community regarding greedy developers. Most rational people know that you cannot characterize an entire group of people in one way; however sometimes the label fits. As many of you know, I work in affordable housing. Over the years, I have seen many mixed income developments in communities across the state. In my experience, most developers do not have affordable units that are half the size of the market units. Most developers do not cluster the affordable units in the least desirable locations in the building. Most developers do not rent out most of the market rate units before they get around to

holding a lottery for some of the units. Most developers do not engage in discriminatory advertising. In other communities when you have a developer acting as the Hancock developer has, the municipality does not let them get away with it. I am disappointed that we have a developer that has rode roughshod over our inclusionary zoning ordinance and I am even more disappointed that our City government has been asleep at the switch or compliant; I do not know which, maybe some of both. In any event, it is deeply disturbing. We know from the basketball court sized banner at the Chestnut Hill Mall that white people that sit around drinking champagne are the preferred occupants at Hancock Estate. The developer and perhaps the Planning Department may think they outsmarted the State, although I doubt it. I am a former state housing official myself and this is the kind of advertising that the State uses in its fair housing training as to what developers cannot do if the municipality requires the units count on the state's subsidized housing inventory and Newton does. We need you our elected officials to enforce our zoning ordinances and stand tall for the principles of diversity and inclusion that are core values in our community. Please take a hard look at what happened here, exercise the remedy that the City has, and make sure that this never happens again. I ask that the legal department provide a full written report available to the public in some reasonable timeframe analyzing the compliance of Hancock Estates with the Newton Zoning Ordinance, its special permit, its inclusionary housing plan and the regulatory agreement. The report should be clear about how the City is going to ensure full compliance in future developments going forward. There should be no further accommodations for the Hancock Estates Development. It is concerning that the Planning Department's memo did not include any financial analysis of either location. No analysis was done to quantify the financial windfall for the developer, if the swap is approved. There is a reason the Boston agency is called Planning and Development. I hope that the Hancock Estates fiasco serves as a wakeup call to the Council and the Mayor. Lastly, until the Planning Department has development expertise we will continue to be outgunned by those developers who are motivated solely by profit. As for 219 commonwealth Avenue, once a housing resource in our community, relieving pressure from the Boston College students and now sitting empty, I very much hope that the City will encourage and support the redevelopment of this property as affordable mixed-income housing. Thank you for your careful review of this matter.

Jason Korb, 21 Carver Road – I grew up in Newton and went to Newton Public School and I am a for-profit developer. I am the one that did the financial analysis on the project (attached). Someone asked me to look at this. I do market rate housing and I do affordable housing. I did a back of the envelop analysis. I have a good sense of what rents are because I do this every day. I have a good sense of operating costs because I do this every day and I calculated that the developer would be getting about a \$1.8 million profit by doing this. I do not know if anyone has ever asked them why they want to do this and the reason is that the rents at 219 Commonwealth Avenue are so much lower than at Hancock Estates. So that is one of the significant points. The other is that the asset quality of 219 Commonwealth Avenue demands what is called a higher capitalization rate, which actually means a higher rate of return because it is a Class B/B+ asset, whereas Hancock Estates is a Class A/A+ asset. Not only are they getting a \$1.8 million profit by shifting the units over, what do you think happens when they take a development that is 88 units with 13 affordable units and make it an 88-unit development with nine affordable units. You reduce the number of affordable units significantly, what do you think happens to the value of Hancock Estates. Therefore, it is not just the money that they are realizing by shifting the nine units, it is also the fact that Hancock Estates goes up as well. The cap rate on Hancock Estates goes down.

Reverend Howard Haywood, 69 Walker Street – Walking into Chestnut Hill Mall and seeing a banner as big as a basketball court inviting people to live at this new facility called Hancock Village with white people drinking champagne for me was disgusting, insulting, and it implies that is who was going to be welcomed there and invited there. Beyond that, it implies that the only people that could afford to live in these apartments would not look like me. If people that look like me want to be included in this project, they would have to go to 219 Commonwealth Avenue, where the prices are less, which implies that people of color could only afford to pay prices that are lower than market value, which is another insult. If this was a neophyte developer that does not have experience in doing development in this area, there might be excuses but this is an experienced developer that I believe intentionally put the ad up. If you people approved that sign shame on you. I have no doubt that there is not one person on the Council that agrees with the implications of that sign but proof is in the pudding. This City in order to increase their affordable housing stock, every development has gone through with kicking and screaming to make sure it happens and for you now to turn around and change the rules is not right. First of all, I believe that the change in the location should have been part of the original petition. This proposal hurts me and the members of my community to think that the City would try to put something over like this. Hancock Village is okay for some people but not for others and that is what this change does. Why can't everyone mix together?

Lynn Weisberg, 5 Alden Street – Between previous testimony and the letter from Livable Newton, that should be enough to tell each of you that this is not a swap. Of the two choices that the developer put up, the choice should be to hold them to the original terms of the special permit. This is many years later and this is a significant change in the project and should not be allowed after the fact.

Kevin Kane, representing the trustees of the condominium at 209 Commonwealth Avenue – On the financial end of things, I did an analysis as well and the range was quite a bit broader but it was at a minimum of \$1.5 million to \$2.5 million. This is all about money; it is really simple. With respect to the legal issues; however, as I read Zoning Ordinance 5.1.1.6.C to the extent that offsite inclusionary units are to be provided they have to be completed no later than the applicants market rate units. As far as I know, those are already built. With respect to 5.1.1.7.C, it essentially says that the materials used, quality of construction, etc. have to be essentially identical and I went online to take a look at what Hancock Estates has to offer. At Hancock Estates you get, amongst other things, concierge service, package acceptance, dry cleaning kiosk, activity room, community lounge, entertainment suites, cafes, home office center, conference rooms, etc. You also get quite a bit of outdoor area, which is important for kids and families. The outside area includes a grilling area, fire pit, putting green, and playground and if you are a pet owner, you get a fenced in dog run, a grooming station and many other amenities that are not at 219 Commonwealth Avenue.

Gail Silberstein, 55 Woodlawn Drive – It was stated that 219 Commonwealth Avenue is appropriate for the use, that the use does not adversely affect the neighborhood and that there is not increased hazard to vehicles or pedestrian. The developer may not be aware that this particular neighborhood and this particular corner have many parking issues. It is going to a change from a student population to a family, working population. Letters were sent to the neighbors asking if there was any willingness to rent either a garage or a driveway space to potential new tenants meaning

despite the T-Pass and the eight spots they are looking for more parking. They know that there is not enough parking. This is a densely used area. The bus stop for the middle school and high school is on the carriage lane at the corner of Manet Road and Commonwealth Avenue. The Mount Alvernia drop off and pick up makes Manet Road very tight. It is very dangerous for pedestrians. The entire neighborhood suffers from the number of cars, as drivers use the entire neighborhood as a parking lot. This is only going to increase with the change of the population in the building. I think that the City needs to look long and hard at how this change will impact traffic and parking in the area.

Elizabeth Benedict, 137 Commonwealth Avenue and owner of 242 Commonwealth Avenue - As you will recall, there was a long battle with special permits and parking issues at 242 Commonwealth Avenue. When I took ownership of the building, we completely abided by everything the Council laid out: we gave up a lot of parking, we switched our business hours, and we did landscape projects for the neighborhood to make it a safer neighborhood environment. I have four children that attend or attended Ward School. When my oldest attended fifth grade at Ward, there were 38 kids in the class. Now I have a ten year old in fifth grade with 58 or more kids in the class. Most of this is due to the multi-family housing that went up at 33 Commonwealth Avenue. I also get all of the traffic from Mount Alvernia pickup at my home. We love the student population that is at 219 Commonwealth Avenue. They do not bother parking at my home or business. This new multi-functional housing is crazy. It is going to congest the neighborhood. It is also going to make an impact on my business across the street where we park. My parking lot went from six or seven spaces down to four. I think this is an overload on the whole neighborhood, the schools, business and the parking. We also received the letter in the mail asking if we were willing to rent parking space.

Arnie Servais, 4 Garrison Street – It is important to stop this maneuver by Chestnut Hill Realty to turn 219 Commonwealth Avenue into basically low-income affordable housing only. Chestnut Hill Realty should follow the present permit requirement to establish living complexes as mixed communities with no income, income affordable, moderate income, and high-income residents living together not segregating low income and affordable income residents off by themselves in project-like complexes. 33 Commonwealth Avenue just a few blocks down the street is a good example of mixed income living together as neighbors with common values. There should be diversity in both locations – 219 Commonwealth Avenue and Hancock Estates. Separating affordable housing away from Hancock Estates reduces incentive for maintenance, trash collection, and snow removal. It seems that the inclusionary affordable units planned for 219 Commonwealth Avenue are going to be smaller. The people living in affordable units should also have the benefits of some of the larger spaces and amenities at Hancock Estates. The shift of the inclusionary units also results in a loss of accessible apartments.

Irina Drogobetwsky, 209 Commonwealth Avenue – It is not possible to have 28 units and only 8 parking spaces. There is not enough parking at 219 Commonwealth making it inappropriate for this type of housing.

Jennifer Walkowiak, 3 Garrison Street – Mixed-housing really works. I worry that 219 Commonwealth Avenue is not mixed. I work with low-income families and they have cars. Cars are

essential for quality of life. People need to be able to commute to work. Inadequate parking at 219 will exacerbate the existing parking issues in the neighborhood.

David Edelman, 209 Commonwealth Avenue – the parking at 219 Commonwealth Avenue is in the back. The space between 219 and 209 Commonwealth Avenue is a right of way, which really reduces the spaces to six. The planned accessible parking space will require the person to go all the way around the building to get to the front of the buildings. This does not come close to the accessibility offered at Hancock Village.

Marita Treseler, 79 Manet Road – I do not think that the shift creates diversity in both neighborhoods. The reduction of affordable units at Hancock Estates does not increase diversity but it may enhance the profits of Chestnut Hill Realty. The petitioner states that if the proposal is not approved, the four units that were to be relocated will remain at Hancock Street. The permanently deed restricted workforce units at 219 are really only restricted for 30 years. This 100% affordable housing at 219 Commonwealth Avenue defeats the idea of diversity and inclusionary zoning.

The Chair brought the item back into Committee for discussion. Several Councilors voiced concern, including the Ward Councilors from Wards 8 and 7, that the offsite units are not comparable in terms of size and amenities available to residents. Moreover, there is only one accessible unit available at 219 Commonwealth Avenue and no visitable units. ADA Coordinator Jini Fairley stated that new construction is one of the few places where you can find accessible apartments. It is difficult to renovate an old building to provide accessibility. There is a demand for accessible units and it would be terrific if there were more accessible, affordable units at Hancock Estates.

Many Councilors are not supportive of how the petitioner handled the marketing and advertising of the market rate units and the housing lottery for the nine housing units at Hancock Estates. The Committee requested that the Planning Department and/or Law Department review the State's Department of Housing and Community Development (DHCD) and the ordinances to determine whether the petitioner followed the requirements for marketing and advertising. City ordinances require that the petitioner market both the affordable and market rate units at the same time. The ordinances also require that inclusionary units comprise at least 15% of the units to have been offered for sale or rental at each point in the marketing of the development. It is not clear that the petitioner has met these requirements. In addition, committee members noted that in the past 219 Commonwealth Avenue was a natural affordable building. The petitioner displaced all of the occupants of 219 Commonwealth Avenue.

Director of Planning & Development Barney Heath assured the Committee that DHCD is involved in this project. DHCD is onboard with the marketing plan and lottery for the affordable units. DHCD does not approve marketing plans for market rate units, as it is not within their purview. The petitioner inherited this project and since then has met the DHCD requirements. Director of Housing and Community Development Amanda Berman added that the DHCD has worked with the City on this project. DHCD is the last stop when it comes to how a petitioner handles the inclusionary zoning requirements. She pointed out that even the 120% AMI units (workforce units) are not market rate units in Newton, there can be up to a \$2,000 difference in rent. The Planning Department did not

support the petitioner's original request for the relocation of affordable units as all of those units were being relocated. The Planning Department is supportive of this request as nine affordable units remain at Hancock Estates and the City is gaining additional affordable housing stock. Chief Planner Jennifer Cairra explained that the petitioner has not received their final occupancy permit for 26 units. The occupancy permits would be released on a one-to-one basis for each market rate unit and each affordable unit.

The Chair suggested the Committee hold the item for further discussion and answers to the questions raised. He suggested that Councilors submit any additional questions to the Planning Department. There was a motion to close the public hearing, which carried unanimously. The Chair took a straw vote for approval, which no committee member supported. The Law Department will draft a denial order that states the reasons for denial for review at the next discussion of the item. A motion to hold was approved unanimously.

#137-18 **Petition to allow 1812-unit multi family dwelling at 189-193 Adams St/19 Quirk Ct**
183-193 ADAMS STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district with greater than 20,000 gross floor area, with a ~~four~~ three-story structure 41' in height, containing a ~~18~~ unit dwelling with ground floor units, to allow an FAR of 1.31, ~~to allow a density bonus to reduce the lot area per unit and increase the number of inclusionary units, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to allow parking in the setback, to allow parking within 5' of a building containing dwelling units,~~ to waive minimum stall dimension requirements, ~~to allow a reduction in the minimum width of an entrance/exit drive,~~ to allow a reduction in the minimum width of maneuvering aisles, to waive lighting requirements and to waive perimeter landscape screening requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 38 and 19 Quirk Court Section 14 Block 15 Lot 44, containing a combined lot area of approximately 19,349 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.8.A.1, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved Subject to Second Call 6-0-2 (Markiewicz and Schwartz abstaining);**
Public Hearing Closed

Note: The petitioner's attorney, Terry Morris, presented the amended petition. The petitioner has reduced the number of units from 18 to 12 units and reduced the building to a three-story structure resulting in a Floor Area Ratio of .99 and a structure height of 33 feet. The driveway width has been revised to accommodate two vehicles entering and exiting the site without idling or disrupting traffic on Adams Street. Attorney Morris added that it is important to understand that it is the number of bedrooms that dictates the density of a project. If the number of units were further reduced, the petitioner would need to create larger units with more bedrooms, which is likely to generate more traffic and parking demand. The petitioner believes that the project now fits with the character of the neighborhood. The petitioner held a community meeting to discuss the revisions. Although there is not

unanimous support for the project, the neighbors felt that the revisions were an improvement over the original petition.

Attorney Morris continued the review of the proposal. The revised petition provides for two 2-bedroom inclusionary zoning units at 65% of the Area Median Income (AMI). One of the inclusionary units is an accessible unit. The project also includes 1,000 square feet of office space located on the first floor of the proposed building facing Adams Street. There is a reduction in the number of residential units from 15 to twelve; the number of parking spaces accommodates two cars for each unit and parking for the office space. The project includes 12 below grade parking spaces and 16 parking spaces at the rear of the site. The petitioner is requesting a waiver to reduce the minimum parking stall dimensions from 9' to 8.5' wide. In addition, the petitioner continues to request waivers for lighting requirements and perimeter landscape screening requirements.

One of the proposed conditions of the special permit would require the petitioner to provide \$25,000 to the City for the purchase and installation of a bus shelter on Adams Street in front of the property. The petitioner is requesting that the condition state that the petitioner is responsible for the cost and installation of the bus shelter and will consult with the Planning & Development Department regarding the design of the shelter.

Senior Planner Neil Cronin provided the Committee with the attached presentation highlighting the changes in the amended petition. A Committee member believes that it is not appropriate to include two spaces for each of the units. It does not encourage people to use other modes of transportation like the MBTA or bicycles. Other Councilors felt that it is important to attempt to get as many parked vehicles off an already congested Adams Street. The parking on Adams Street is a major concern for the neighborhood and the community is in favor of the added parking. The petitioner worked hard to address the parking concerns.

The public hearing was opened and the following people spoke on the petition:

Ruggiero Cerqua, 183 Adams Street, stated that the building is too big for the lot and that the petitioner will need to use his family's land to make the driveway. Mr. Cerqua does not agree with the use of the driveway. He questioned why the City waives zoning requirements for large projects. It is important to note that the petitioner could change the project from an apartment building to a condominium, which would create neighborhood problems.

Terry Sauro, 50 Cook Street, is a life-long resident of the neighborhood. She is worried that the project is too dense for the neighborhood. In addition, she feels that the proposed building is too large for the site. There will be added traffic in an already congested area of the City. Ms. Sauro wished that the petitioner continued to work with the neighbors to reach a better compromise. She noted that the conditions in the draft special permit order do not include previously agreed upon conditions for snow removal and construction hours. At a previous meeting, Councilors requested that a condition stating that there would be no construction on Saturday and Sunday be added along with a condition that the petitioner is responsible for all onsite snow removal.

Simon French, 47 Glen Avenue, stated that there are no significant changes to the project, which is disappointing. It still appears that the petitioner is using the side abutters' setback for the driveway. It should be noted that there was only one person in favor of the project at the community meeting. The neighbors are not in favor of this amended petition.

Alicia Loucasi, Adams Street, expressed concern regarding the density, traffic and parking on Adams Street, which is already terrible. The Fire Department could not access Quirk Court when responding to a fire.

Debra Visco, 153 Adams Street, reiterated that the two agreed upon conditions from the prior proposal need to be added the special permit order. The driveway is better than it was before but she still feels that the project is too large. Adams Street and the general area is already too dense. There are a number of apartment buildings on the street with more to come, which is creating parking and traffic issues.

Perter Harrington, 157 Lowell Avenue, stated that he is against the petition because the building is too large for the site, the developer has to use the property of 183 Adams Street to provide access, and the increase in density in the neighborhood because of the project is too great.

No other person wished to speak on the petition and a motion to close the public hearing was made and approved. A Committee member requested that a condition prohibiting construction on Saturdays and Sunday be added to the draft order, as well as a condition stating that snow removal is the responsibility of the petitioner. The Committee was in favor of both suggested conditions and requested that the Planning Department include language to that effect in the order. The Planning Department will use the previous proposed language for the conditions.

Mr. Cronin reviewed the changes in this draft compared to the previous draft council order for this project. There was a suggestion that the draft order include a condition that the inclusionary units be a 2-bedroom and a 3-bedroom unit. The petitioner's attorney does not feel that this is a requirement of the inclusionary zoning ordinance and does not agree with the condition. A Committee member asked for clarification of the inclusionary zoning requirements before the full Council takes the item up at the October 15, 2018 meeting. The Planning memo raises an issue with the lighting on the site. The Planning Department would like the petitioner to reduce the mounting height of the fixtures or shield the fixtures to reduce light trespass on the abutting properties. The petitioner is willing work with the Planning Department to reduce the light trespass. Councilor Greenberg moved approval of the item subject to second call. The Committee voted six in favor with two abstentions to support the motion. Councilor Schwartz and Councilor Markiewicz are abstaining in order to consider whether to support the petition due to concerns related to density.

The Committee adjourned at 10:15 PM.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #481-18
47 LEWIS STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND
COUNCIL ORDER #176-16 TO
FURTHER EXTEND THE
NONCONFORMING FLOOR
AREA RATIO

OCTOBER 9, 2018



Requested Relief



Special Permits per §7.3.3 of the NZO to:

- Amend Council Order #176-16
- Further extend the nonconforming floor area ratio from .52 to .53, where .48 is the maximum allowed as of right (§3.2.3, §3.2.11, and §7.8.2.C.2)

Criteria to Consider



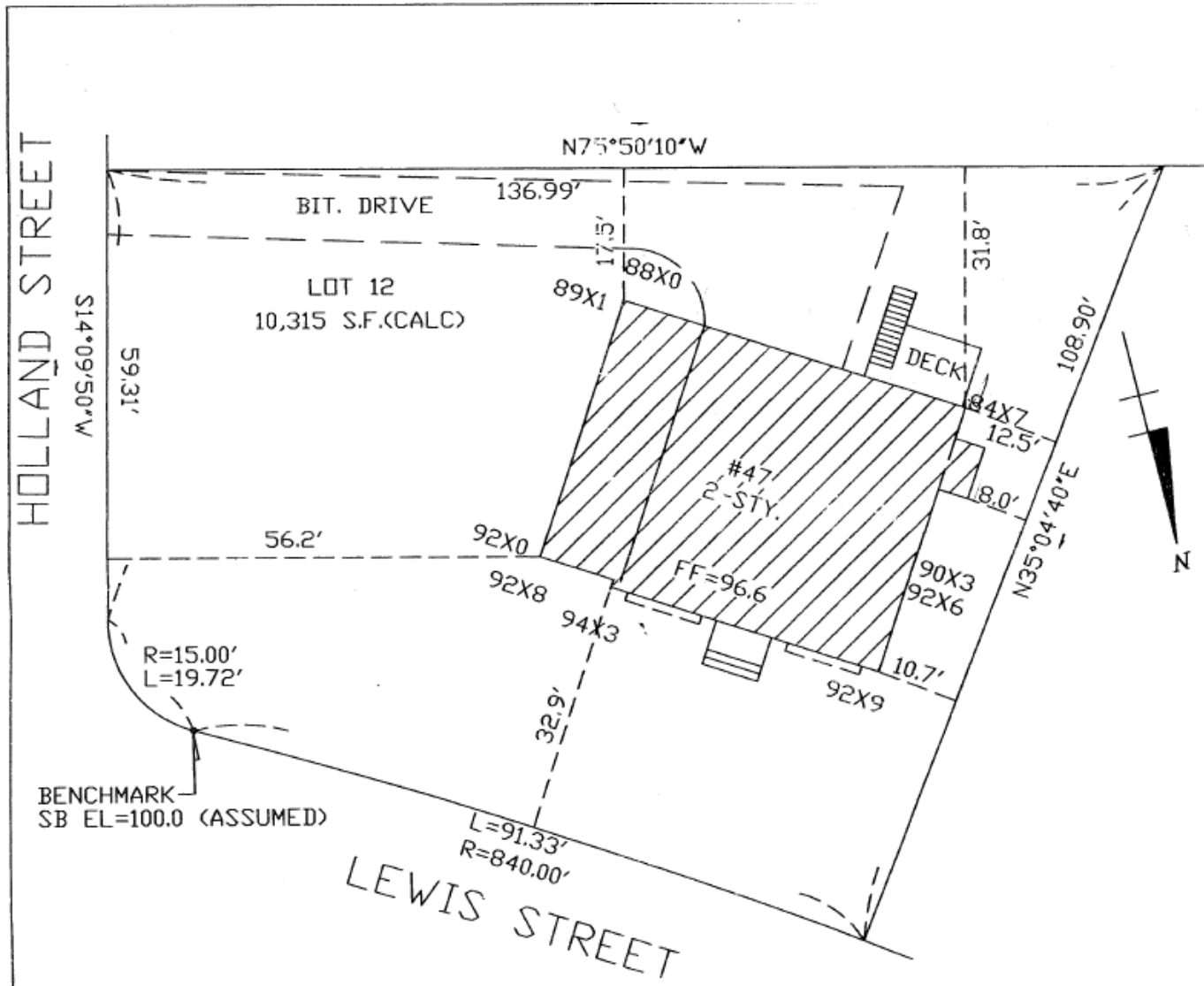
When reviewing this request, the Council should consider whether:

- The proposed extension of the nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.2.3, §3.2.11, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is consistent with and not in derogation of the size, of the size, scale and design of other structures in the neighborhood. (§3.2.11 and §3.2.3)

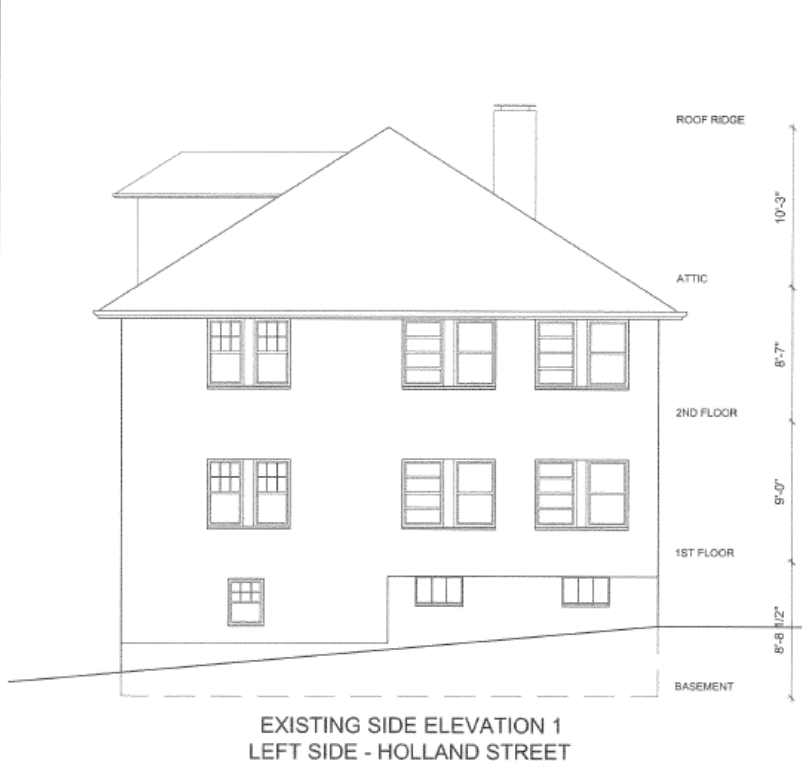
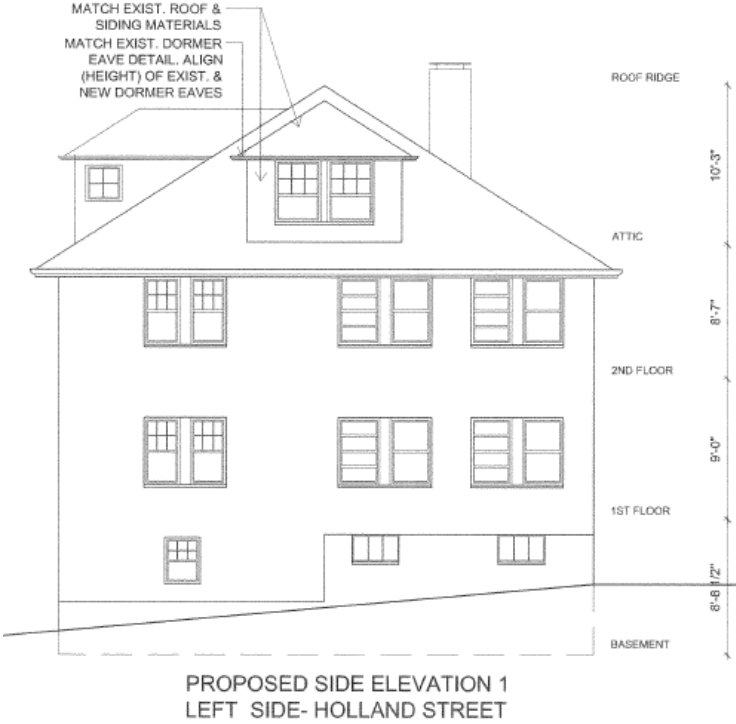
AERIAL/GIS MAP



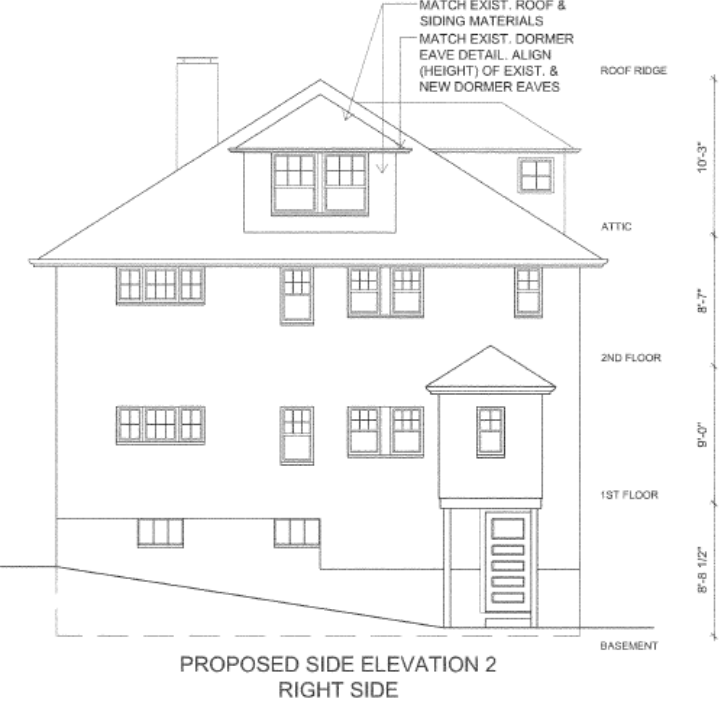
Site Plan



Front Elevations



Right Elevations



Proposed Findings



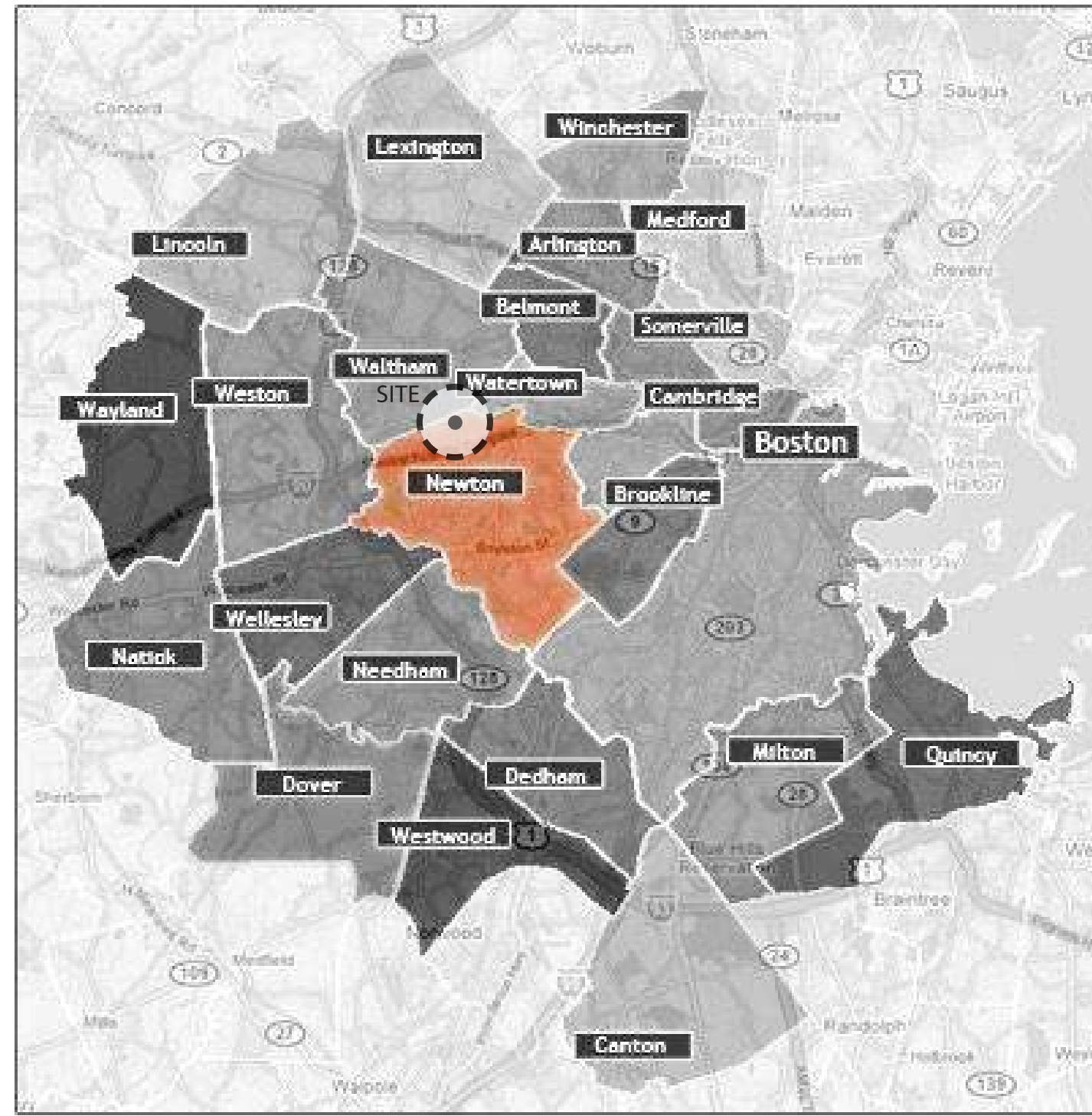
1. The proposed extension of the nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the increase in square footage is minimal as compared to the previously approved petition. (§3.2.3, §3.2.11, and §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed dormers are in keeping with the character of the neighborhood. (§3.2.11 and §3.2.3)

Proposed Conditions

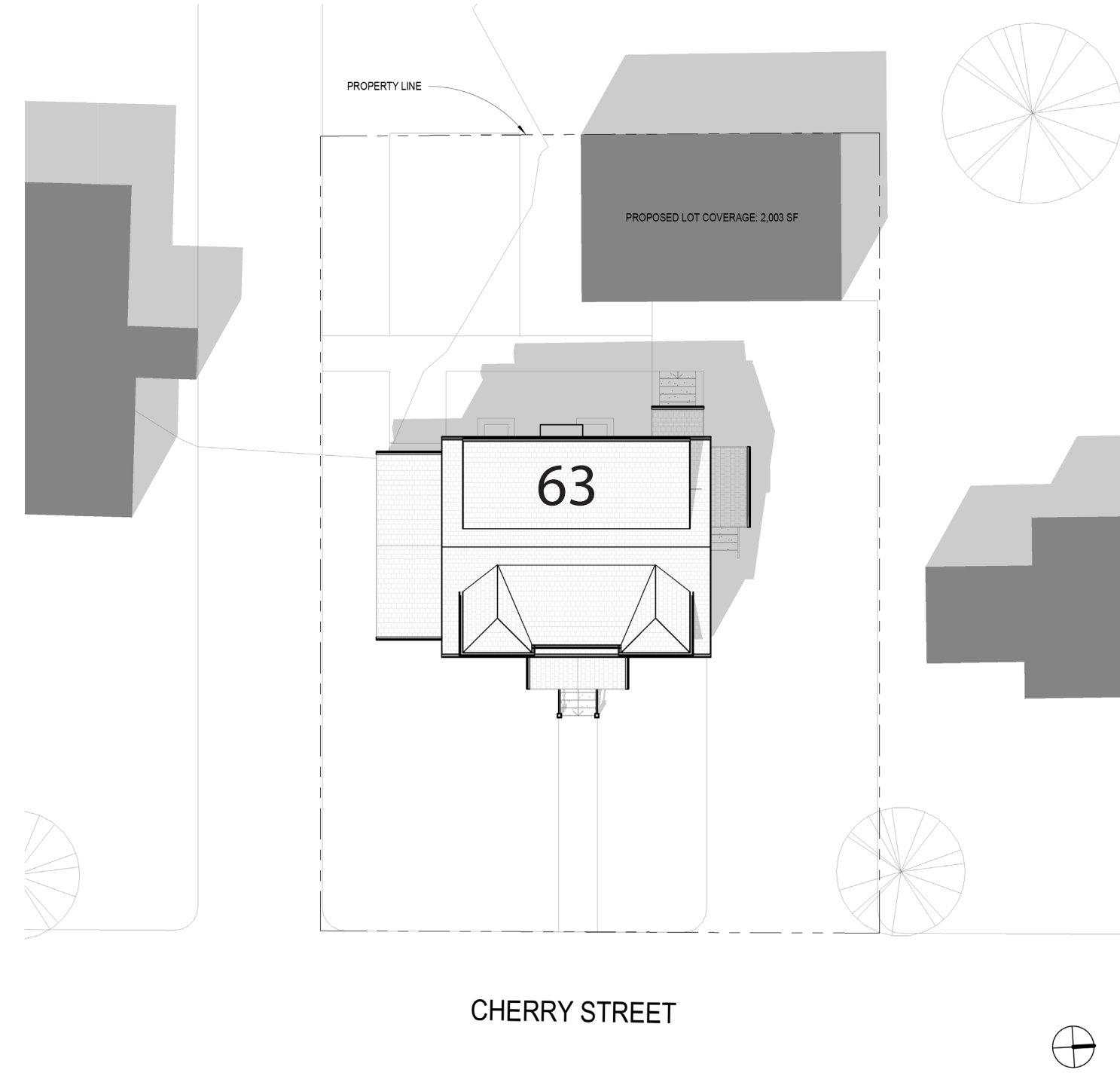


1. Plan Reference Condition.
2. Standard Building Permit Condition.
3. Standard CO Condition.

63 CHERRY STREET PROJECT REVIEW



LOCUS MAP



SITE PLAN



SITE: EXISTING CONDITION

PROPOSED PROJECT SCOPE:

ADD NEW DORMERS TO 3RD FLOOR PROVIDING BETTER LIVING SPACE FOR EXISTING SINGLE FAMILY HOUSE. THIS PROJECT WILL INCREASE BEDROOM COUNTS BY ONE, BUT IT WILL NOT RESULT THE FAR TO BE HIGHER THAN ALLOWED. THE INTENT IS TO SIMPLY PROVIDE A BETTER LIVING ENVIRONMENT FOR THE EXISTING 3RD FLOOR.

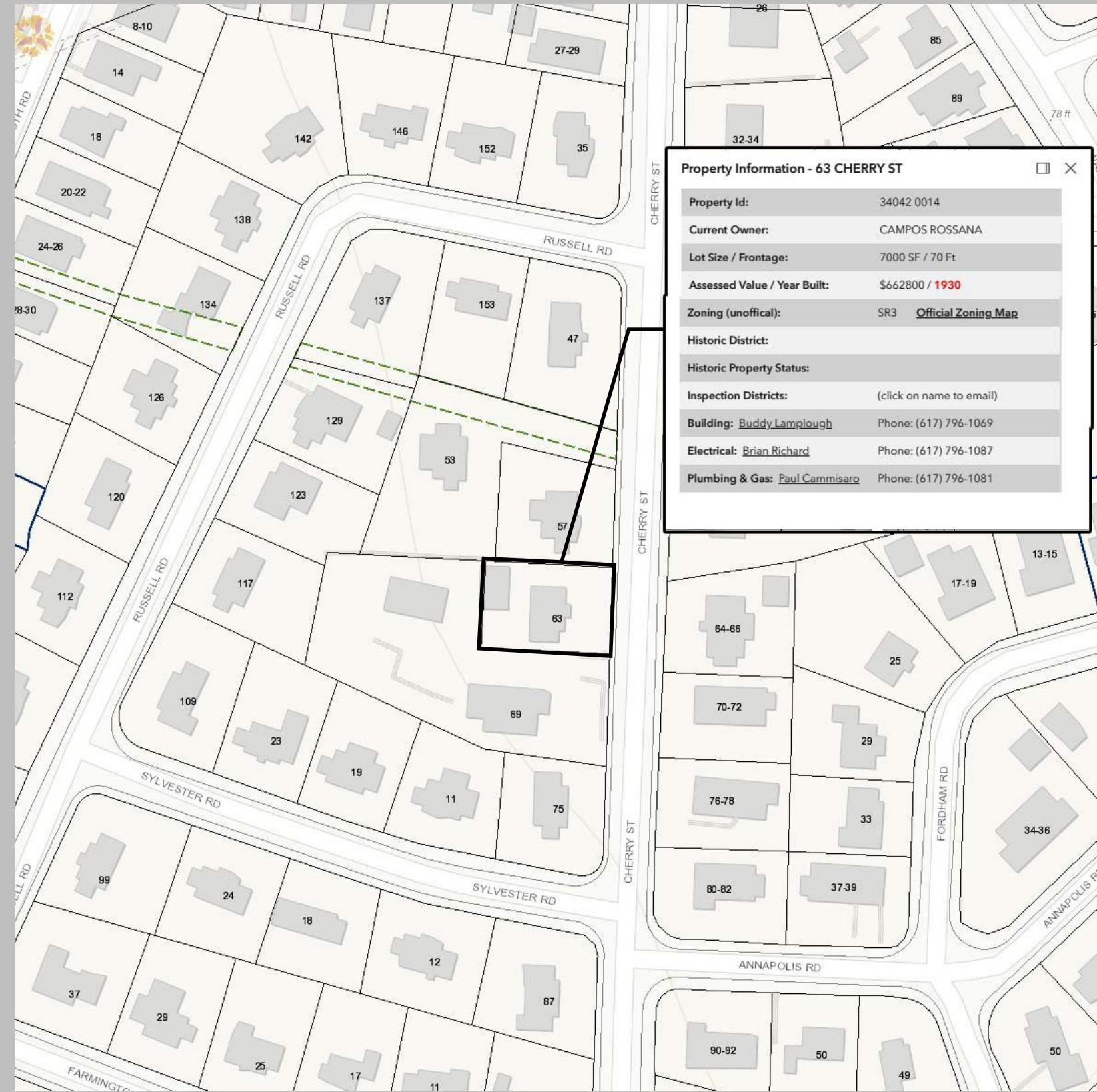
DETACHED GARAGE
720 SF

Area Schedule (Proposed Gross)				
Level	Name	Area	Comments	
Basement	BASEMENT	1030 SF	DEDUCT 100% (0 SF TOTAL)	
DEDUCT 100% (0 SF TOTAL): 1				
Level 1	DETACHED GARAGE	720 SF		
Level 1	LEVEL 1	1061 SF		
Level 2	LEVEL 2	852 SF		
Level 3	LEVEL 3	783 SF		
-4		3415 SF		
Grand total		3415 SF		

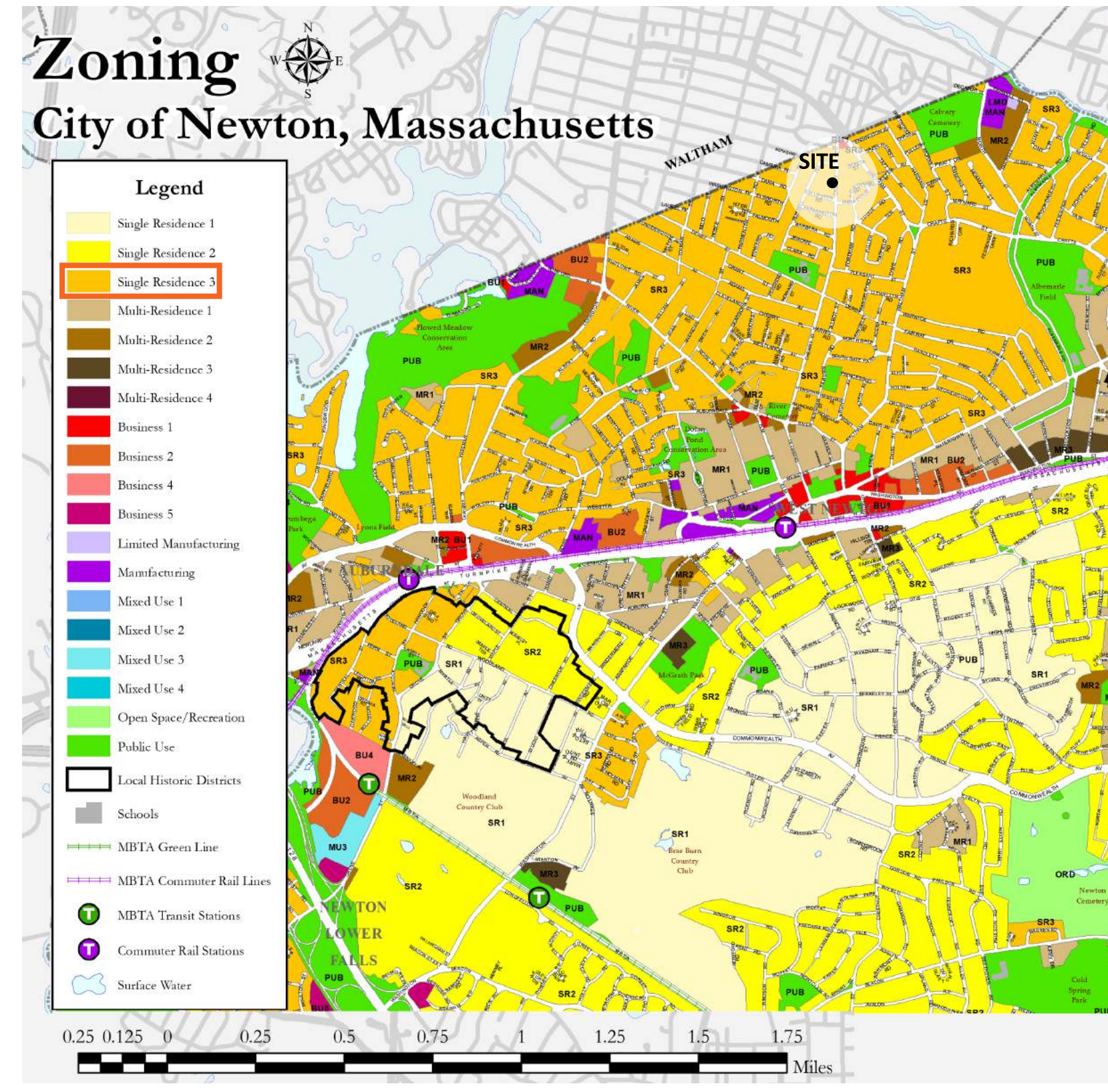
Area Schedule (Existing Gross)				
Level	Name	Area	Comments	
Basement	BASEMENT	1030 SF	DEDUCT 100% (0 SF TOTAL)	
DEDUCT 100% (0 SF TOTAL): 1				
Level 1	DETACHED GARAGE	650 SF		
Level 1	LEVEL 1	1061 SF		
Level 2	LEVEL 2	852 SF		
Level 3	LEVEL 3	2563 SF		
-3		2563 SF		
Grand total		2563 SF		

ZONING TABLE				
CITY OF NEWTON - ZONING REGULATIONS SUBDISTRICT: SR3				
SUBDISTRICT - SR3	PERMITTED DIMENSION	EXISTING DIMENSION	PROPOSED DIMENSION	RELIEF REQUIRED
LOT AREA (SF) MINIMUM	7,000	7,000	7,000	N
ADDITIONAL LOT AREA PER DWELLING UNIT	10,000	-	-	N/A
LOT COVERAGE	30%	29%	29%	N
LOT FRONTAGE (FEET) MINIMUM	80'	70'	70'	N
FLOOR AREA RATIO (FAR) MAXIMUM	0.48	0.45	0.48	N
BUILDING HEIGHT (STORIES) MAXIMUM	2.5	2	2.5	N
BUILDING HEIGHT (FEET) MAXIMUM	36'	25'	29'	N
USABLE OPEN SPACE (MIN.)	50%	75%	75%	N
FRONT YARD MIN. DEPTH...	25'	33'	33'	N
SIDE YARD DEPTH (FEET)	7.5'	7.5'	7.5'	N
REAR YARD DEPTH (FEET)	15'	1.8'	1.8'	N

FOOTNOTES TO TABLE
 1. The Front Yard Setback shall be determined through Small or Large Project Review if applicable, but shall be a minimum of 5 feet along First Street to provide additional pedestrian right of way, or the modal front yard depth as calculated by the method provided in Section 18-2 of this Code, whichever is greater.
 2. Where a lot is less than 1,000 square feet in area, the maximum number of dwelling units shall be one (1).



63 CHERRY STREET PROJECT REVIEW



ZONING MAP

63 CHERRY ST

34042 0014

Property SBL: 34042 0014
Property Address: 63 CHERRY ST
Land Use: 101
Land Use Descr: SINGLE FAMILY

Tax Bill Number: 2903480
Zoning: SR3
Map ID: 095SE
Neighborhood: 1B

Sale Date: 2/7/2017
Sale Price: \$1
Legal Reference: 068667/0532
Current Owner: CAMPOS ROSSANA GONCALVES GIULIA A TRS
PO BOX 461 FRANKLIN, MA 02038

Prior Sale Date: 1/14/2014
Prior Sale Price: \$1
Prior Legal Reference: 063177/0043
Prior Owner: CAMPOS ROSSANA GONCALVES GIULIA A TRS

Residential Information

Style: Colonial	Rooms: 6	Finished Attic Area: 425 sq ft
Story Height: 2	Bedrooms: 3	Basement Area: 850 sq ft
Year Built: 1930	Baths: 2	Finished Basement Area: 251 sq ft
Exterior Walls: Vinyl Siding	Half Baths: 1	Recent Field Visit: 11/28/2016
Masonry/Trim: Full Wall	Fuel Type: Gas	Prior Field Visit: 1/26/2016
Foundation: Concrete	Air Conditioning: 1	
Roof Type: Gable	Fireplaces: 1	
Roof Material: Asphalt Shingl	Kitchen Quality: Above Average	
Attached Garage: 0	Bath Quality: Average	
Carport Area: 0	Interior Condition: Average	
Deck Area: 0	House Size: 1,876 sq ft	
Porch Area: 60 sq ft		
Enclosed Porch: 21 sq ft		
Basement Garage: 0		

Assessment History

FY 2018	\$682,800
FY 2017	\$625,300
FY 2016	\$584,400
FY 2015	\$548,200
FY 2014	\$524,000
FY 2013	\$524,000
FY 2012	\$524,000
FY 2011	\$534,100
FY 2010	\$545,000
FY 2009	\$556,100
FY 2008	\$566,100
FY 2007	\$568,300
FY 2006	\$551,700
FY 2005	\$525,400
FY 2004	\$480,300
FY 2003	\$428,800
FY 2002	\$428,800
FY 2001	\$414,000

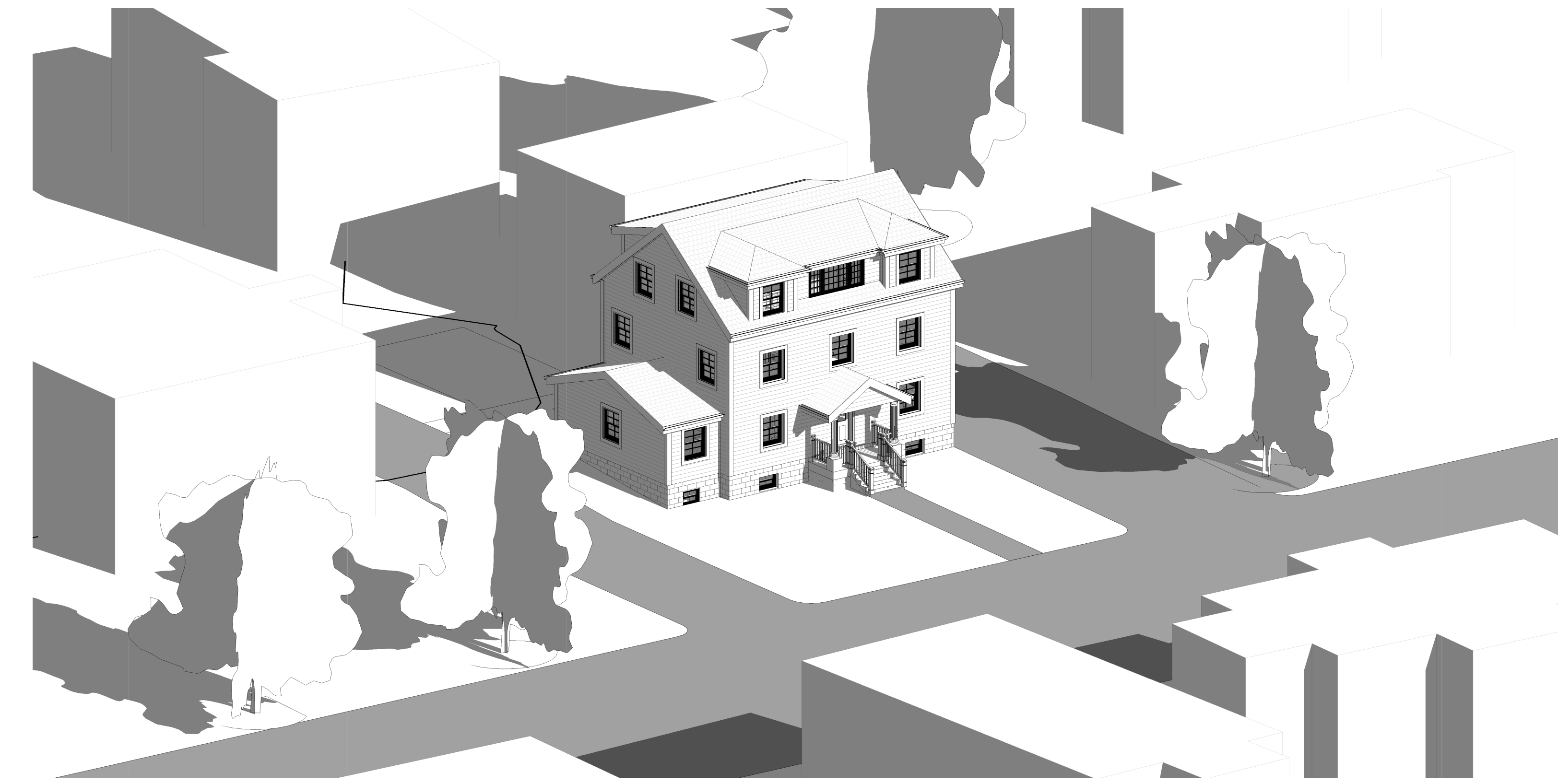
Land Information

Lot Size:	7,000 sq ft
Frontage:	70 ft
Zoning:	SR3

Detached Structures (Data to right of category)

Detached Garage Area:	1,338 sq ft
Living Space in Garage:	252 sq ft
Shed Area:	0
Tennis Courts:	0
Swimming Pool:	0
Cabana Area:	0

* The land use and description listed here are for Assessing Department purposes based on historical records in the Assessing Department. For an official listing on the legal use of the property, please contact the State Building Code and/or Newton Zoning Ordinance, contact the Inspection Services Department. For reference purposes only. Please check with Engineering Department for official zoning designation. Date Printed: Friday, July 06, 2018. City of Newton Assessing Department Property Record Card. Fiscal Year 2018 Tax Rates: Residential: \$10.82 Commercial: \$28.82



AREAL VIEW



Department of Planning and Development



PETITION #479-18
63 CHERRY STREET

**SPECIAL PERMIT TO ALLOW A
THREE-STORY DWELLING AND
TO ALLOW WAIVERS TO THE
DORMER REGULATIONS**

OCTOBER 9, 2018



Requested Relief



Special Permits per §7.3.3 of the NZO to:

- Allow a three-story dwelling. (§3.1.3)
- Allow a dormer wider than 50% of the exterior wall below. (§1.5.4.G.2.b)
- Allow a dormer less than three feet from the end of the wall plane below. (§1.5.4.G.2.c)

Criteria to Consider

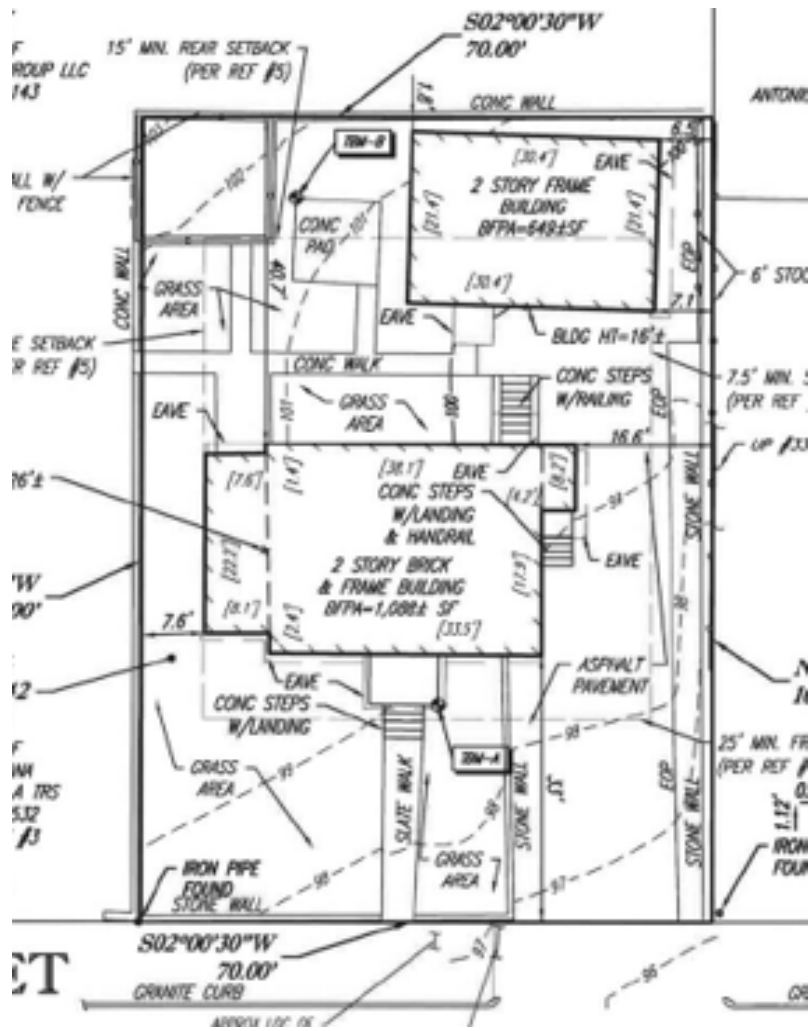


- The specific site is an appropriate location for the proposed three-story structure. (§7.3.3.C.1)
- The proposed three-story structure, as developed and operated, will not adversely affect the neighborhood. (§7.3.3.C.2)
- The three-story structure as proposed will not be a nuisance or serious hazard 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)

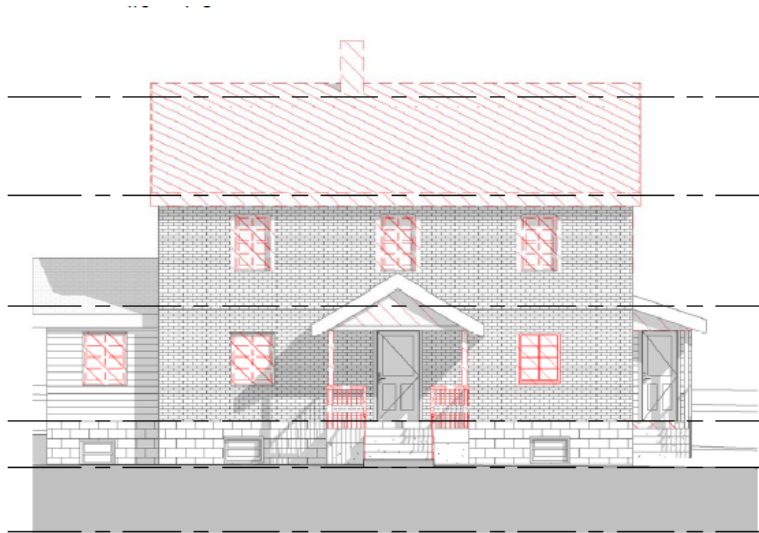
AERIAL/GIS MAP



Site Plan



Front & Rear Elevations



① South - Existing
1/8" = 1'-0"



② South - Proposed
1/8" = 1'-0"

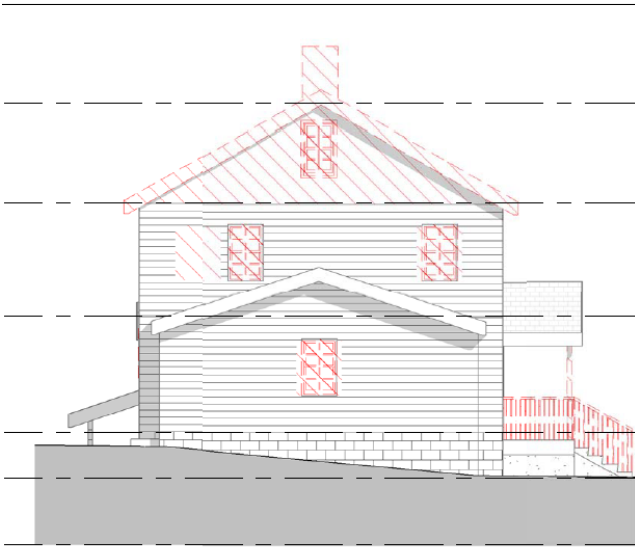


③ North - Existing
1/8" = 1'-0"

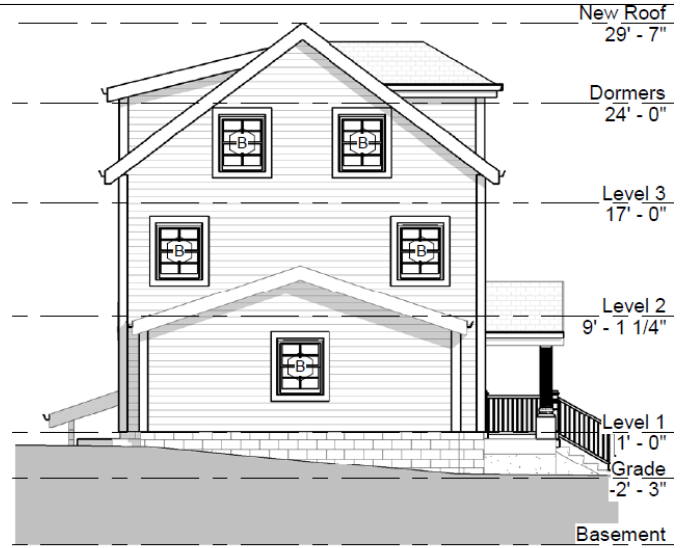


④ North - Proposed
1/8" = 1'-0"

Left & Right Elevations

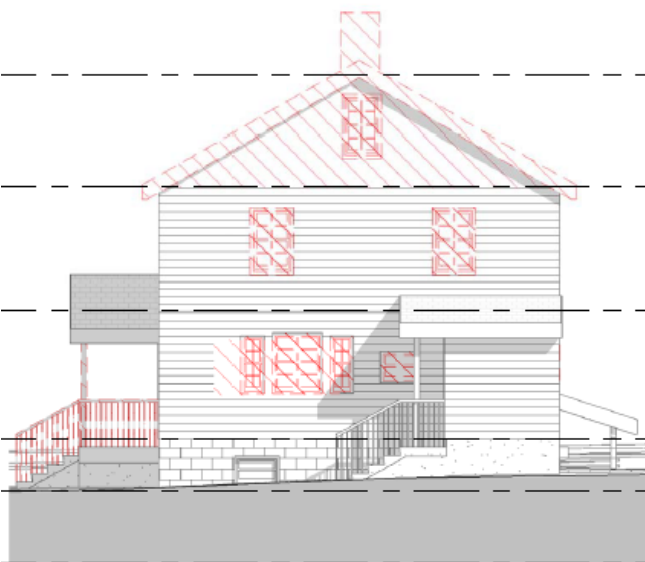


③ West - Existing
1/8" = 1'-0"



④ West - Proposed
1/8" = 1'-0"

New Roof
29' - 7"
Dormers
24' - 0"
Level 3
17' - 0"
Level 2
9' - 1 1/4"
Level 1
1' - 0"
Grade
-2' - 3"
Basement
-6' - 10 1/2"
New Roof



⑤ East - Existing
1/8" = 1'-0"



② East - Proposed
1/8" = 1'-0"

Proposed Findings



1. The specific site is an appropriate location for the proposed three-story structure because three-story structures exist in the neighborhood. (§7.3.3.C.1)
2. The proposed three-story structure will not adversely affect the neighborhood because dwellings in the neighborhood feature dormers on the front façade. (§7.3.3.C.2)
3. The proposed three-story structure 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)

Proposed Conditions



1. Plan References.
2. Standard Building Permit Condition
3. Standard CO Condition

Hancock Estates and The Chestnut Hill

Creating Affordable Housing in Newton



**This proposal creates 24 new, rent restricted
apartments in Newton.**

***All in a newly renovated building on public transportation.
Your support will allow 24 affordable households
to have new homes in 2019.***

The Choice

Option 1 – Make no change to the Hancock Estates Special Permit

OR

Option 2 – Amend Special Permit to allow the creation of 24 new rent restricted apartments

The Choice

Option 2 – Amend Special Permit - Resulting in:

- 9 affordable apartments staying at Hancock Estates
- Units at 50, 65 and 80% AMI
- Move 4 units at or below 80% AMI to The Chestnut Hill
- Produce another 5 units between 30% and 80% AMI at The Chestnut Hill
- Create 19 Workforce Housing units at or below 120% AMI at The Chestnut Hill
- 24 additional units eligible for the Subsidized Housing Inventory

Need for Affordable Housing in Newton

- The Hancock Estates lottery attracted over 600 households
 - Over 80 households applied for the Local Preference units
 - The residents applied for the 50%, 65% and 80% AMI units
- The Hancock Estates lottery for 9 new affordable units is completed
- If approved, The Chestnut Hill lottery will generate 28 new affordable homes

The Chestnut Hill

Chestnut Hill Realty and B'nai B'rith are trying to expand both the number of affordable housing units and the diversity of choices in Newton.

- Hancock Estates remains home to 10% affordable units
- The Chestnut Hill is providing a range of affordability from 30% AMI to 120% AMI
- Creating affordable housing at The Chestnut Hill raises the combined inclusionary percentage to 20%
- Including Workforce Housing units raises the total combined affordability to 32%
- In response to Planning Department, CHR lowered AMI level for the accessible unit at The Chestnut Hill to 30% AMI

The Chestnut Hill



B'NAI B'RITH HOUSING

Creating Places to Call Home



Chestnut Hill Realty

The Chestnut Hill Proposal

- The Chestnut Hill, an historic building, is renovated to include 28 rent restricted units
- 9 affordable units from the Special Permit will remain at Hancock Estates
- The affordability for 4 units will move from Hancock Estates to The Chestnut Hill
- The remaining 24 units at The Chestnut Hill will be income and rent restricted in perpetuity
- The level of affordability of the original four units at Hancock Estates is matched at The Chestnut Hill
- Adds one additional Type 2 accessible unit to the City's inventory of fully accessible units
- Overall 37 rent restricted units will be created

Meets all of the City of Newton's Affordable Housing Goals

- Maintaining a critical mass of both 1 BR and 2 BR units at Hancock Estates
- Providing additional affordable housing opportunities at a transit oriented site
- Serving a wide range of income levels from 30% of AMI to 80% of AMI, and adding units for Workforce Housing.

The Chestnut Hill Location

- On the Green line
- Near employment
- Near a public school and a college
- Near amenities such as church, restaurant, shops, etc.
- Near playground and open space
- It's a very different choice of location compared to the more remote Hancock Estates

The Chestnut Hill Renovation

To make housing that Newton can be proud of....

- All 28 units are being upgraded with new appliances and finishes
- The common areas are being refurbished
- The exterior is being repaired
- A new washer/dryer is being added to the third floor
- A new accessible unit will be added at 30% AMI
- Adding a fire protection sprinkler system for the entire building
- New weather protected bike storage
- The quality of the unit renovations at The Chestnut Hill meets all market-rate standards

Parking

- Working with the City on a Transportation Demand Management Plan
- 8-9 parking spaces can be stripped
- The Inclusionary Zoning units will get priority for the parking spaces
- Handicapped parking space will be provided if needed
- Zip car on-site can be accommodated
- Transportation Demand Management coordinator at CHR to assist residents
- Weather protected bike storage
- CHR will contribute \$136,800 to subsidize the T passes for residents

Benefits of the Proposal

- 9 of the 13 affordable units from the Special Permit will remain at Hancock Estates
- All 28 units at The Chestnut Hill will be income and rent restricted in perpetuity
- Matches the level of affordability of the original 4 units at Hancock Estates
- Increases direct public benefits to the City
- Meets all of the City of Newton's Affordable Housing Goals
- Adds one additional Type 2 accessible unit to the City's inventory of fully accessible units
- Adds one additional hearing and vision accessible unit
- Historic building (1899) will be renovated

Responses to Planning Department Input

- Changed the 50% AMI accessible unit to 30% AMI
- Agreed to providing weather protected bike storage
- Agreed to a three year \$136,800 T- Pass subsidy for residents
- Agreed to stripe the parking lot
- Agreed to giving parking space priority to residents at 80% AMI and lower

Response to issues raised

1. The primary objective of the proposed swap is to create more affordable housing in Newton.
2. An additional objective is to create additional diversity to the City's affordable housing inventory.
3. The Unit Mix was approved by the City in 2015 and by the City and DHCD in 2018.
4. The Unit Distribution was approved by the City, Newton Housing Partnership and DHCD.
5. The timing of Unit Marketing was allowed by Special Permit which has intentionally carried forward from 2006.
6. The advertising of the affordable units was approved by the City and DHCD.

Response to issues raised

7. Financial Analysis of the Swap was done in 2017.
8. Inclusionary Zoning allows off site units.
9. Comparability – the units at the Chestnut Hill and Hancock Estates are different but the net increase of 24 affordable units is of enormous benefit to the City.
10. Public Funding – the proposal to swap the 4 units does not rely on any public funding.

Special Permit Criteria

- The site is appropriate for the use
- The use will not adversely affect the neighborhood
- There will be no nuisance or hazard to vehicles or pedestrians
- Access is appropriate

**This proposal creates 24 new, rent restricted
apartments in Newton.**

All in a newly renovated building on public transportation.

And it preserves affordable units at Hancock Estates.

***Your support will allow 24 affordable households
to have new homes in 2019.***

Illustrative Example of Unit Rehab



B'NAI B'RITH HOUSING

Creating Places to Call Home

700-800 sq. ft. 2-bedroom unit



Chestnut Hill Realty

Illustrative Example of Unit Rehab



B'NAI B'RITH HOUSING

Creating Places to Call Home

700-800 sq. ft. 2-bedroom unit



Chestnut Hill Realty

Illustrative Example of Unit Rehab



Illustrative Example of Unit Rehab



B'NAI B'RITH HOUSING

Creating Places to Call Home

700-800 sq. ft. 2-bedroom unit



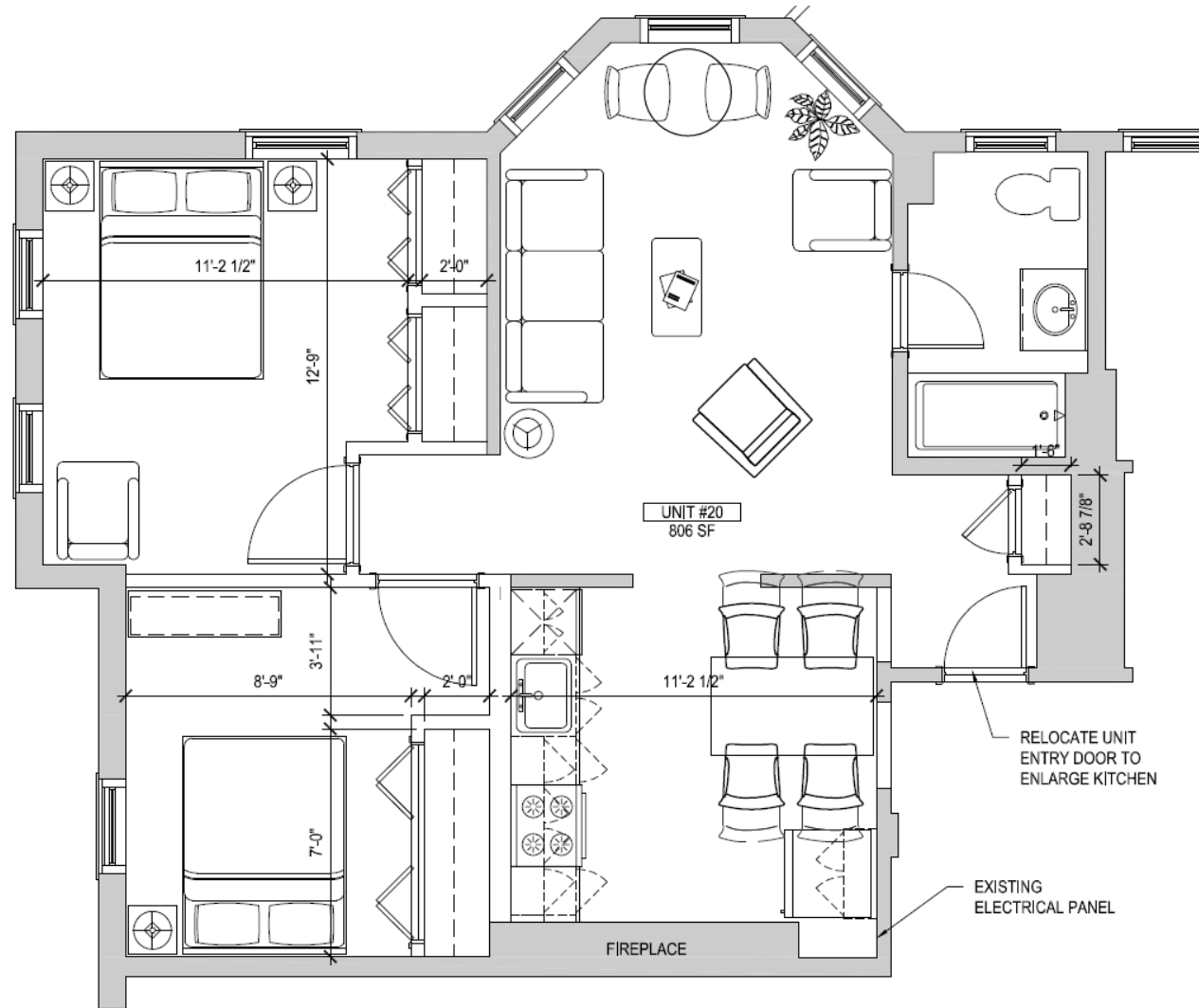
Chestnut Hill Realty

Illustrative Example of Unit Rehab



700-800 sq. ft. 2-bedroom unit

Illustrative Example of Unit Rehab



Department of Planning and Development



PETITION #421-18

**200 ESTATE DRIVE AND 219
COMMONWEALTH AVENUE**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDER #102-06(15) TO LOCATE
FOUR INCLUSIONARY UNITS OFF
SITE



OCTOBER 9, 2018

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Amend Council Order #102-06(15) to locate four inclusionary zoning units from 200 Estate Drive to 219 Commonwealth Avenue

Council Order #102-06(15) (Hancock Estates)



- Allows a four-story, 88-unit structure with thirteen deed restricted units.
 - Six units are deed restricted to households earning 50% of Area Median Income (AMI).
 - Six units are deed restricted to households earning 80% of AMI.
 - One unit is deed restricted to households earning 65% of AMI.

Hancock Estates Unit Mix



Unit Type	Total Units	# of Inclusionary Units	Average Square Footage
One Bedroom	34	5	893
Two Bedroom	54	8	1,000
Total	88	13	N/A

Newton Zoning Ordinance



- Section 5.11.6 states that inclusionary units required in a development may be located off site by Special Permit, provided an applicant enters into an agreement with a non-profit housing development organization.

219 Commonwealth Avenue



- Legal nonconforming 3.5-story, 29-unit multi-family structure.
- Listed on the National Register of Historic Places which limits modifications.
- Located approximately one-half mile from the Boston College stop on the MBTA's Green Line.
- The petitioner is renovating the building's interior which will decrease the number of units by one, from 29 units to 28 units.

AERIAL/GIS MAP



Petition History



- The petitioner sought a special permit in 2017 with a similar proposal.
- Initially the petitioner sought to locate all required 13 inclusionary units to 219 Commonwealth Avenue. The petitioner revised the proposal twice before withdrawing the petition.
 - The first revision still sought to locate all 13 units to 219 Commonwealth Avenue, but included an additional six inclusionary units at 80% of AMI; the remaining nine units were at 100% of AMI.
 - The second revision maintained five one-bedroom inclusionary units at Hancock Estates, and proposed to locate eight two-bedroom units at 219 Commonwealth Avenue. This option also included four additional inclusionary zoning units, for a total of 12 at 219 Commonwealth Avenue.

Off Site Proposal



- The petitioner proposes to locate four of the required 13 inclusionary units from Hancock Estates to 219 Commonwealth Avenue.
- An additional five units at or below 80% AMI would be provided at 219 Commonwealth Avenue and the remaining 19 units would be workforce housing units available to households earning up to 120% of AMI.
- The nine affordable units at 219 Commonwealth will average at 65% of AMI, including one accessible unit which will be dedicated to households earning up to 30% of AMI.

219 Commonwealth Avenue



Unit Type	Units at 30% of AMI	Units at 50% of AMI	Units at 65% of AMI	Units at 70% of AMI	Units at 80% of AMI	Units 80%-120% of AMI	Total Units
Studio	0	0	1	1	0	0	2
One Bedroom	1*	0	0	0	2	14	17
Two Bedroom	0	2	0	0	2	5	9
Total	1	2	1	1	4	19	28

Comparison of Affordable Units



Location	Unit Type	Total	Average Size	Affordability
Hancock Estates	One Bedroom	5	841 Square Feet	50%-80% of AMI
Hancock Estates	Two Bedroom	8	1,005 Square Feet	50%-80% of AMI
219 Commonwealth	Studio	2	325 Square Feet	65%-70% of AMI
219 Commonwealth	One Bedroom	17	586 Square Feet	30%; 80%-120% of AMI
219 Commonwealth	Two Bedroom	9	892 Square Feet	50%; 80%-120% of AMI

Accessibility



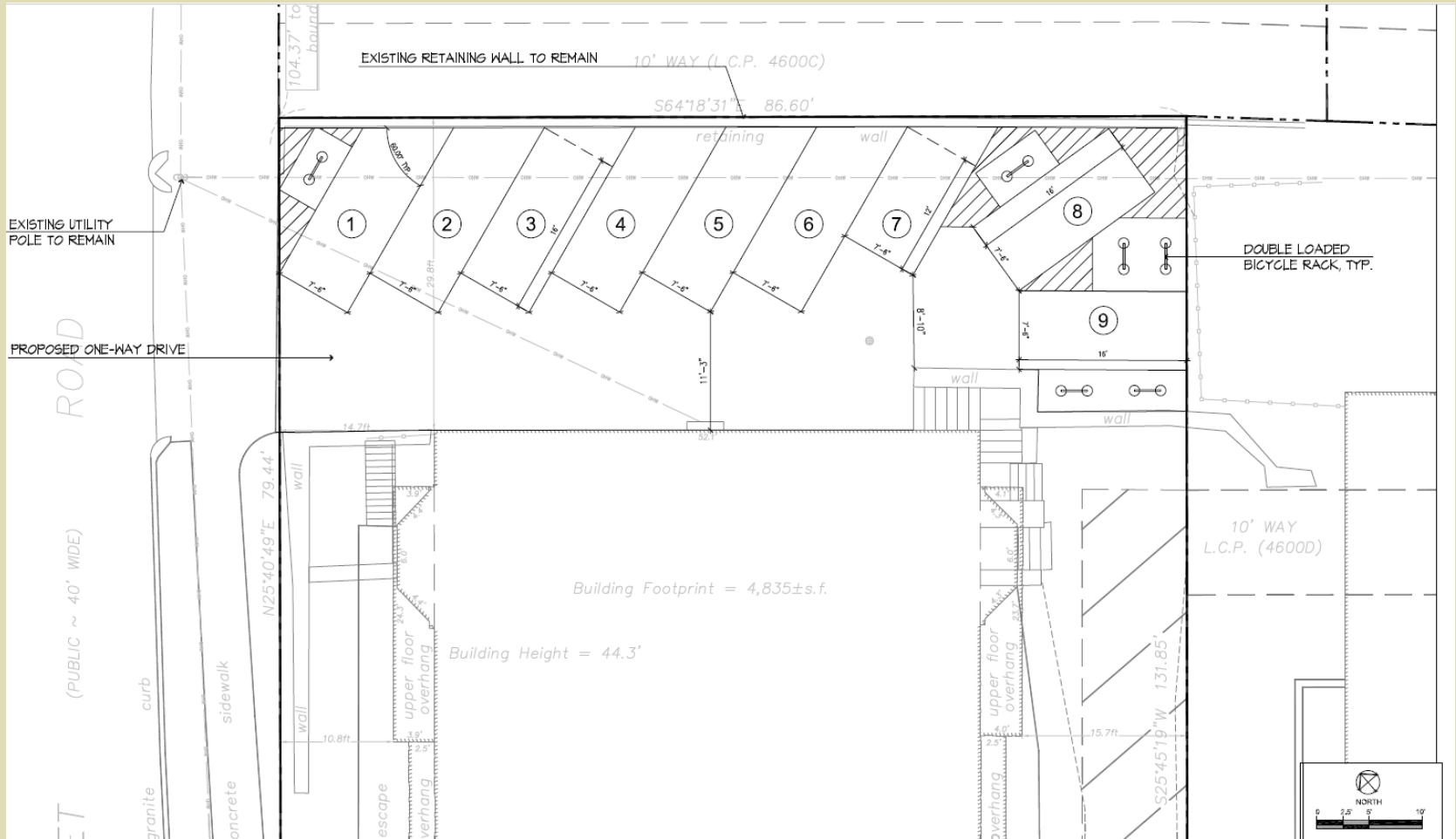
- Staff believes that 219 Commonwealth Avenue is not comparable to Hancock Estates regarding accessibility.
- Hancock Estates is an elevator building where all units are accessible and “visitable” to those with disabilities. Two of the required inclusionary units are fully accessible to those with disabilities.
- Only one unit is fully accessible at 219 Commonwealth and none of the remaining 27 units are adaptable or visitable.
- Hancock Estates has accessible parking. Staff has asked for two stalls at 219 Commonwealth to be reserved to create one van accessible stall, should the need arise.

Parking



- The existing parking area at 219 Commonwealth is legally non-conforming and is not striped.
- Staff asked the petitioner to stripe the area to include as many spaces as can safely be provided.
- The proposed striping plan includes 9 substandard spaces, one of which will need to be removed due to insufficient length.
- The petitioner has proposed stalls 8 and 9 at the end of the parking area be converted to van accessible if needed. A template showing that a wheelchair could safely access a van ramp is necessary to confirm this is possible; the bike racks will need to be relocated.

Parking



Transportation Demand Management



- Staff suggests the following changes be made to the TDM Plan:
 - Subject all parking stalls to a lottery amongst the nine inclusionary units. The fee for such parking in addition to rent and utilities shall not exceed 30% of the applicable income limit.
 - Make all units without a parking stall on site eligible for reimbursement of up to \$200 per month for transit passes, for the first three years.
 - Require the TDM Coordinator to conduct a survey on tenant parking and transportation usage six months after full occupancy and annually thereafter. The TDM Coordinator shall share the results of such surveys with the City of Newton Transportation Planning staff.
 - Provide a snow storage plan for the parking facility.
 - Confirm the number of weather protected bicycles and explore locating a bicycle rack on the Commonwealth Avenue frontage.

Analysis



- The current proposal represents trade-offs between the accessibility, parking, and amenities at Hancock Estates and the proximity to transit and the additional units that could be provided at 219 Commonwealth.
- Planning staff believes the proposal presents a rare opportunity to locate 28 deed-restricted units near transit, to households with a range of incomes, while still retaining 9 affordable, accessible units at Hancock Estates.

Inclusionary Zoning Conditions



1. Prior to the issuance of any building permits for the construction of the Project, the Petitioner shall provide a final Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan for review and approval by the Director of Planning and Development. The Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.9. of the Newton Zoning Ordinance. In accordance with DHCD's current guidelines, the units will be affirmatively marketed and leased through a lottery.

Inclusionary Zoning Conditions Continued



2. No temporary occupancy permit for the use covered by this Special Permit/Site Plan approval shall be issued until the Petitioner has:
 - a. 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.
 - b. 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.

Inclusionary Zoning Conditions Continued



- a. Deed Restricted Units shall be constructed and available for occupancy coincident with market rate units such that no more than “X” market rate units may receive occupancy permits until the corresponding affordable unit has received its occupancy permit.

Department of Planning and Development



PETITION #137-18 189-193 ADAMS STREET

SPECIAL PERMIT/SITE PLAN APPROVAL
TO CONSTRUCT A MULTI-FAMILY
DWELLING WITH GROUND FLOOR UNITS
AND TO ALLOW WAIVERS FROM
PARKING REQUIREMENTS



OCTOBER 9, 2018

Requested Relief



- To allow a multi-family dwelling with ground floor units. (§4.4.1)
- To allow a three-story structure, 33 feet in height. (§4.1.2 and §4.1.2.B.3)
- To allow parking in a setback (§5.1.8.A.1 and §5.1.13)
- To allow waivers to the parking stall dimensions. (§5.1.8.B.1 §5.1.13)
- To allow a reduction in the minimum width of maneuvering aisles. (§5.1.8.C.1, §5.1.8.C.2, and §5.1.13)
- To allow an FAR of .99. (§4.1.3)
- To waive requirements pertaining to parking facilities containing more than five stalls. (§5.1.9.A, §5.1.10.A, and §5.1.13)

Special Permit Criteria



- The specific site is an appropriate location for the proposed multi-family dwelling. (§7.3.3.C.1)
- The multi-family dwellings 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)

Additional Criteria



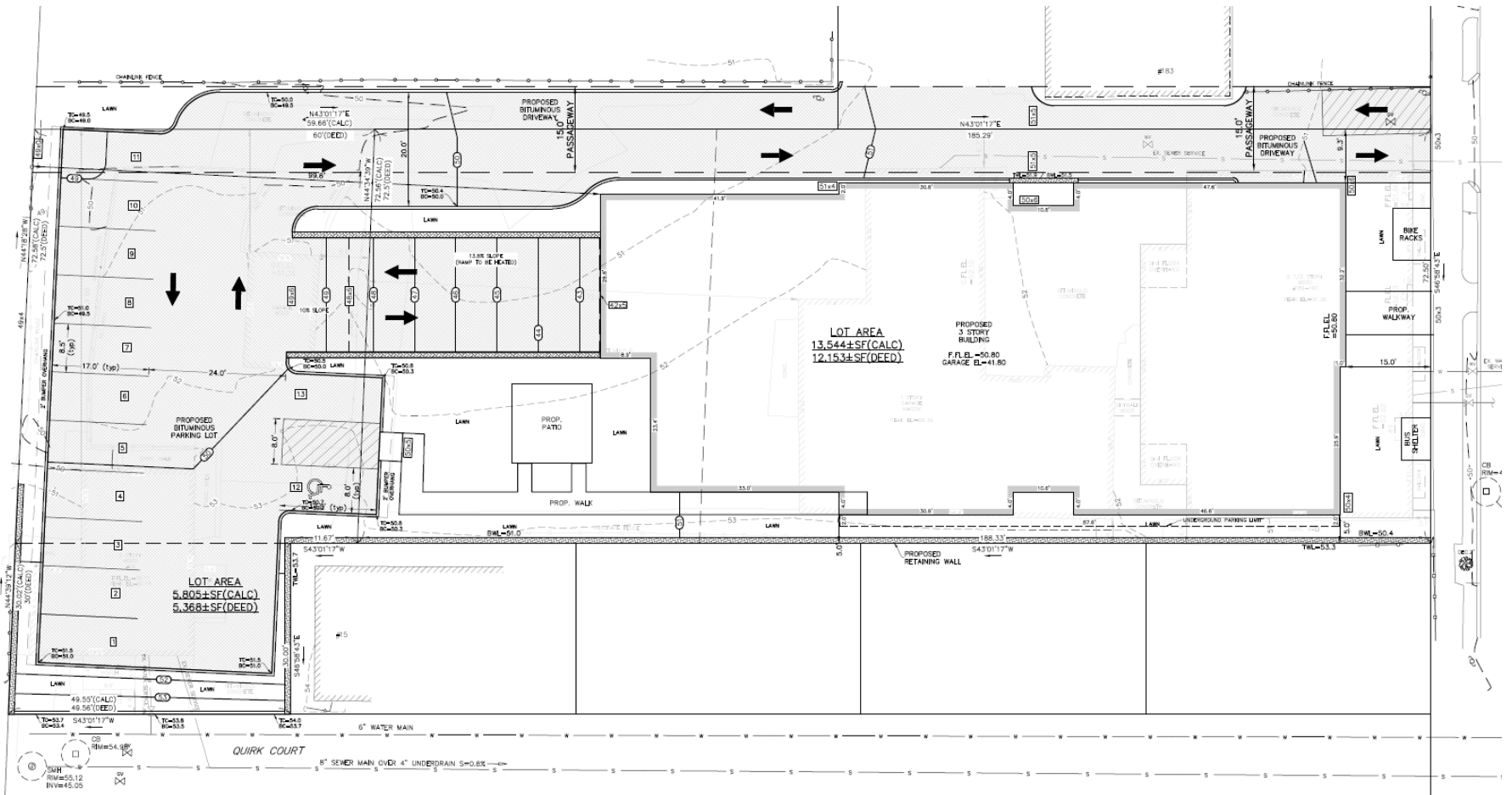
- Literal compliance with the parking requirements of the Newton Zoning Ordinance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental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

Program Modifications



- Reduction in the number of residential units from 15 to 12.
- Addition of 1, 000 square feet of office space.
- Parking for both uses is accommodated on site.
- Increase in the side setback to the north from 9.3 feet to 14.3 feet.
- Increase in the width of the curb cut to 24 feet.
- Increase in the driveway width to 20 feet.

Previously Approved Site Plan



Proposed Site Plan

