



# **Land Use Committee Report**

## **City of Newton** **In City Council**

**Tuesday, October 23, 2018**

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

**Also Present:** Councilor Cote

**City Staff Present:** City Solicitor Ouida Young, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Katie Whewell

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

**Note:**            The Committee accepted a request to withdraw without prejudice on October 9, 2018. The full Council approved the request to withdraw on October 15, 2018.

**#462-18      Petition to allow Veterinary Hospital in a BU2 district at 858 Walnut Street**  
ISAAC MAXMEN/858 WALNUT STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate a veterinary hospital in the existing building and waive up to five parking stalls in the BUSINESS USE 2 district at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.4.A of the City of Newton Rev Zoning Ord, 2017.

**Action:**        **Land Use Approved 7-0 (Crossley not Voting); Public Hearing Closed 10/23/2018**

**Note:**            The petitioner, Mr. Isaac Maxmen presented the request to locate a veterinary clinic in a BU2 district at 858 Walnut Street. A public hearing was opened on October 2, 2018 and it was

determined that the petition required re-advertising to include relief relative to parking. Mr. Maxmen stated that the veterinary clinic will treat only dogs and cats during daytime hours.

Ms. Katie Whewell presented requested relief, criteria for consideration and an overview of the petition as shown on the attached presentation. She stated that there is an existing free-standing sign at the site that will remain and showed photos of the site. Ms. Whewell noted that 39 of the 64 parking stalls in the parking lot are leased to Whole Foods. While the petitioner has a lease for 16 parking stalls; the existing, unmanned RCN server room requires three parking stalls and the proposed veterinary clinic requires 18 parking stalls, requiring a parking waiver for five stalls. Ms. Whewell noted that the Planning Department has observed that there is excess capacity in the parking lot and believes that the location will serve the veterinary use well.

The Public Hearing was Opened.

Ian Collier, 58-60 Brentwood Avenue, has concerns about noise at the site, the use and outside boarding at the site.

It was confirmed that a condition of approval prohibits the petitioner from boarding animals at the site overnight or providing outdoor space. Any exception to this would require an amendment to the special permit. Mr. Maxmen confirmed that no after hours emergency services will be provided at the clinic. Committee members expressed support for the petition and acknowledged that there is often excess capacity in the parking lot. Councilor Auchincloss motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions. With no proposed changes to the draft order, a motion from Councilor Auchincloss to approve the petition carried unanimously.

**#482-18      Special Permit to waive 17 parking stalls at 2330 Washington Street**

ARTISAN CHILD CARE/CURTIS HOUSE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in the number of teachers and children in the program by waiving 17 parking stalls at 2330 Washington Street, Ward 4, Newton Lower Falls, on land known as Section 42 Block 31 Lot 18, containing approximately 27,277 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3, 7.4, 5.1.4, 6.3.4.B.3.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action :**      **Land Use Held 8-0**

**Note:**      Attorney Frank Stearns of Holland and Knight, Boston, Mass., represented the petitioner, Artisan Child Care. Atty. Stearns noted that the child care facility at 2330 Washington Street was approved by Administrative Site Plan Review in 2014 and the petitioner has since been serving 60-65 children with 11 staff members. The rear of the site includes 19 parking stalls for staff and visitors to the site and the front of the site has 5 spaces dedicated to child pickup and drop-off. The petitioner is seeking a special permit to waive 17 parking stalls to allow the expansion of the child care facility in order to serve up to 85 children in Phase 1 and up to 106 children in Phase 2.

Bob Michaud, MDM Transportation Consultants, presented an overview of the traffic and parking study

and parking management plan. Mr. Michaud noted that part of the parking study included analysis of the parking operations at the Artisan Child Care facility in Woburn, which operates with over 80 children (shown on the attached presentation). The parking study was conducted on one April weekday. The data shows that peak time is from 8:00 am – 9:00 am (23 transactions). In the evening, 4:45 pm – 5:45 pm was the peak hour, with 20 transactions. Mr. Michaud noted that on the day of this study, staff was required to park off site. Mr. Michaud stated that the patterns for visits to the site mirror the patterns at the Woburn facility. In order to accommodate the expanded service, the petitioner proposes to implement staff assisted pickup and drop-off, reducing the average visit to the site from 10 minutes to approximately 2-3 minutes. The petitioner believes that the parking demand can be reduced with active management and has established internal policies to limit the parking demand during the day. Atty. Stearns noted that special events/programming/teacher conferences will be scheduled outside of business hours. Additionally, the petitioner proposes to incentivize staff members to park off-site and will consider implementation of a carpooling or shuttle system to transport staff from the Woodland station. Atty. Stearns requested that the Committee hold the public hearing open until the petitioner has time to address comments from the Transportation Division (received on 10/23/18) but suggested that many city childcare institutions operate with no off-street parking and noted that a robust parking management plan can be beneficial for operations. Atty. Stearns stated that the Newton Zoning Ordinance is strict with regard to parking requirements for childcare facilities in comparison to neighboring communities.

Senior Planner Michael Gleba presented requested relief, criteria for consideration, photos, zoning and land use of the site as shown on the attached presentation. Mr. Gleba confirmed that Planning staff visited the site during evening pickup times and observed that the front pickup and drop-off spaces were full, requiring visitors to the site to park on the street, in the rear or in other locations.

The Public Hearing was Opened.

Tracy Young, 2364 Washington Street, noted that there is very little parking available in the neighborhood. Ms. Young noted that from 8:00 am on, Concord Street is full and noted that her staff is dependent on available parking.

Molly Hanson, parent of two children at Artisan, stated that she drops her children off from 8:00 am – 9:00 am and she picks up between 5:00 – 5:45. Ms. Hanson is supportive of the expansion of the facility, noting that the staff at Artisan has been communicative and professional. She is confident that the proposed plan will work and noted that trips in the neighborhood are transient. Ms. Hanson does not believe that 17 additional cars will be detrimental.

Becca Tidmarsh, parent of two students at Artisan, is supportive of the proposed plan to expand the childcare facility. Ms. Tidmarsh noted that she drops her children off from 7:30 am – 9:00 am. She noted that she has never had an issue finding parking and typically parks in the front lot in the morning. During evening pickup, she uses either the front or the back lot.

Atty. Stearns confirmed that the petitioner is committed to reducing the duration of trips to the site and would consider an active drop-off, allowing some parents to remain in their vehicles. Committee

members were in agreement that the Transportation Demand Management Plan (TDM) should be more detailed and should include a plan for staff parking as well as details of the proposed shuttle. Some Committee members expressed concerns that the parking data was only collected during one day. Atty. Stearns noted that the proposed plan includes phasing with ongoing monitoring of conditions at the site. He stated that the added staff would correspond to the growth in enrollment and confirmed that the petitioner could have a lookback after the first phase. Committee members voted unanimously in favor of a motion to hold the item until November 27, 2018.

**#294-18      Special Permit Petition to allow development at 1314 Washington and 31, 33 Davis St.**  
HQ, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements in Ward 3, West Newton, at 1314 Washington Street, 31 Davis Street and 33 Davis Street (Section 33 Block 10 Lots 01, 11, 12), containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.1, 7.8.2.C.2, 4.4.1, 6.4.29.C.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.C, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.12 of the City of Newton Rev Zoning Ord, 2015.

**Action:**      **Land Use Approved 8-0-1 (Laredo abstaining); Public Hearing Closed 10/23/2018**

**Note:**      Attorney Steve Buchbinder, office at 1200 Walnut Street, represented the petitioner, HQ, LLC. to present updates to the petition. Public Hearings were held on June 8, August 7, and September 20, 2018. Since the public hearing on September 20, 2018 the petitioner has worked with the Planning Department to respond to concerns raised by Planning, members of the public and Committee members. The petitioner has reduced the request for restaurant seating from 150 seats to 120 seats, the parking waiver from 27 to 23 stalls and proposes to locate a 6' high cedar fence for screening along the eastern edge of the property. The petitioner has indicated that they will fund the cost of constructing a parking facility for 18 stalls at the First Unitarian Universalist Church. Atty. Buchbinder noted that the petitioner has submitted data to the Planning Department relative to deliveries to the site, how the proposed development will incorporate the use of efficient resources and how the petitioner intends to incentivize reduced vehicle trips to the site.

Transportation Engineer Damien Chaviano presented an overview of the analysis of parking in West Newton square, as was requested by the Committee and the Planning Department. Mr. Chaviano stated that the petitioner was asked to evaluate parking on weekdays and weekends and Stantec added



Saturdays and Thursdays. He noted that there are 49 parking stalls in the lot of the proposed development. During peak time (weekdays at 12:00 pm), the petitioner anticipates a demand of 50 spaces, including the restaurant use. Mr. Chaviano showed the occupancy of parking stalls in the square during different times as shown on the attached presentation. He noted that the West Newton Square Enhancements project will add 19 parking spaces and the church parking lot will be an additional 18 spaces. In response to a request for an enhanced TDM plan, the petitioner proposes to provide additional outdoor bicycle parking, indoor bike storage for building tenants, an opportunity to participate in a bike share (3 on site for employees) and an annual mobility meeting to provide information. The petitioner also proposes to provide a \$25,000 transit subsidy for employees at the site. It is anticipated that the petitioner will subsidize \$5,000/year to encourage public transportation.

Senior Planner Michael Gleba presented an overview of the updates to the petition as shown on the attached presentation. He noted that the TDM has been discussed and the Planning Department proposes a lookback after full occupancy in order to address any parking issues. He stated that the Planning Department recommends that the petitioner commit to a number of transit passes.

A Committee member questioned why the parking data stops at 6:00 pm. It was noted that the counts were taken until after 7:00 pm, when the demand dropped off significantly. A Committee member suggested that the number of bicycle facilities may not represent the actual use and questioned whether it may be more realistic to encourage ridesharing options. Atty. Buchbinder noted that the bicycle facilities were enhanced at the request of the City.

### **Public Comment**

Melissa Bernstein, 17 Chatham Road, Artistic Director, Newton Theatre company, supports the petition, noting that the petitioner has been supportive of the art community and allow non-profits and art communities use their spaces for free.

George Mira, Dugal Salon, 1345 Washington Street, believes the proposed plan will be beneficial to the square. He believes that the evening plans may need to be evaluated, but he is excited and supportive of the project and believes it is tastefully done. He is hopeful that there will be new visitors in the square frequenting other businesses.

Annette Seaward, 17 Davis Street, has concerns that the parking lot will not be sufficient for the new businesses in the square and that parking will overflow into the neighborhood. Ms. Seaward noted that visitors to the restaurant will have to find a new parking spot if they wish to see a movie, which could impact business at the cinema.

Kiristen Tuohy, 15 Davis street, noted that there is insufficient parking on Davis Street and questioned whether there can be limitations posed to those parking on Davis Street.

Committee members questioned whether the proposed restaurant might be receptive to allowing restaurant guests to remain parked in order to attend a movie. Atty. Buchbinder noted that the petitioner is open to discussing solutions with the restaurant operator, when one is selected. He

confirmed that it is possible that the parking lot could have an attendant or valet parking but confirmed that the petitioner could discuss additional parking management options with the Planning Department at the post occupancy lookback. Committee members questioned how the City will ensure that operations are still effective after multiple years. Chief Planner Jennifer Caira stated that the Planning Department has been tracking lookbacks but is still working on a system. Ms. Caira noted that the draft Newton Zoning Ordinance has a TDM section which requires annual updates and reporting.

Committee members were generally supportive of the proposed project and TDM measures, noting that many of the concerns relative to the project are due to existing traffic and parking conditions in the square. Seeing no other member of the public who wished to speak, Councilor Kelley motioned to close the public hearing. Councilor Kelley motioned to approve the item, subject to second call, pending a review of the revised Draft Council Order. Committee members reviewed the draft findings and conditions as shown on the attached draft Council Order. Committee members asked that the Order include a condition that deliveries shall be made at the location identified on the site plan. Additionally, it was noted that a revised TDM must be submitted prior to the Council meeting. Committee members voted 7 in favor, none opposed and 1 abstention from Councilor Laredo.

**#483-18      Petition to allow 20-unit multi-family dwelling at 182-184 & 166 California Street**  
LA&CA, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the expansion of a nonconforming multi-family dwelling use by constructing a three-story multi-family development 32.6' in height in a manufacturing district with greater than 20,000 sq. ft. new gross floor area, allowing a nonconforming front setback, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to waive maneuvering space for restricted parking stalls, to allow tandem parking and to allow retaining walls greater than four feet in height in the setback in Ward 1, Newton, at 182-184 California Street (Section 11 Block 12 Lot 12) and 166 California Street (Section 11 Block 12 Lot 13), containing approximately 18,121 sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3, 7.4, 4.4.1, 7.8.2.2, 4.3.2.B.1, 4.3.3, 7.8.2.C.2, 4.3.2.B.3, 5.1.4, 5.1.8.B.6, 5.1.13, 5.1.8.E.1, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0**

**Note:**      Attorney Laurance Lee, of Rosenberg, Freedman and Lee represented the petitioner, LA&CA, LLC. Atty. Lee presented an overview of the petition to replace an existing four-family non-conforming residence with a 32.6', three-story, 20-unit multi-family dwelling in the manufacturing zone at 182-184 & 166 California Street. The proposed development includes 25 parking stalls (two accessible) in an underground garage, bike storage, elevator access to all floors, EV charging capability and is located near public transportation. As part of the development, one curb cut on California Street will be eliminated and the underground garage will be accessed from Los Angeles Street.

Atty. Lee demonstrated the proposed floor plans as shown on the attached presentation, highlighting the existing 47' office building to the east. Atty. Lee noted that the neighborhood contains many residences and stated that a by-right building could cover the site and could include a variety of manufacturing uses. The petitioner proposes to locate solar panels and mechanical equipment on the roof. Atty. Lee stated that the petitioner has been working with the Planning Department, Fair Housing

Committee, Ward Councilors and community members. The proposed development includes two affordable units. Additionally, the proposed structure will be fully accessible. The Fair Housing Committee submitted the attached letter after a presentation by the petitioner October 3, 2018. The letter is supportive of the proposed development and notes that the project meets or exceeds the goals of: accessibility, affordability, visitability, housing and transportation proximity and discriminatory impacts. Atty. Lee confirmed that the Historic Commission did not find the property to be preferably preserved and the Urban Design Commission is supportive of the design.

Atty. Lee noted that the Engineering Department has assessed an Infiltration and Inflow fee of approximately \$500,000 to address the additional impact of the added use at the site. He stated that the City Engineer is able to reduce the flow rate based on the proposed use of low flow appliances but cannot reduce the fee for number of units. Atty. Lee noted that the Committee may credit the petitioner for the existing units at the site, in order to base the fee on the additional number of units. Atty. Lee also requested that the petitioner be allowed to pay half of the fee at the beginning of construction and the other half towards the end of the project.

Patrick Dunford, Transportation Engineer, VHB, conducted separate traffic and parking studies. He noted that the access to the garage from Los Angeles is 100' back from the intersection. Within the garage the petitioner proposes to locate 25 parking stalls for 20 units. Mr. Dunford noted that the ratio of cars per unit is higher than in neighboring communities and explained that 10 of the cars will be parked in tandem configuration. It is expected that neighbors will share copies of their keys in order to access the car parked on the inside of the tandem space. Atty. Lee noted that the petitioner is considering the option to have a garage attendant to move the cars parked in tandem. The proposed garage configuration is shown in the attached presentation. Mr. Dunford noted that the parking spaces are not included in the purchase of the condos and can be sold separately.

Senior Planner Michael Gleba reviewed the requested relief, criteria for consideration, land use and zoning at the site and photos and elevations of the proposed structure as shown on the attached presentation. Mr. Gleba demonstrated the proposed floor and garage plans and confirmed that the Transportation Division is reviewing the garage plan. He noted that the Planning Department does have some concern about the tandem configuration and operations in the garage as well as the impact on Los Angeles Street, but is waiting for feedback.

The Public Hearing was Opened.

Kevin Coster, 194 California Street, noted that he did not see the plans until September. He has concerns about the impact on traffic and parking and noted that when cars are parked on both sides of the street, parking is tight.

Steven Comey, 192 California Street, noted that it will be mostly families in the new structure, making it difficult to have only one parking spot. Mr. Comey has concerns that the excess cars will flow onto Los Angeles Street. He believes that the proposed dwelling should have more parking and is supportive of access to the garage from California Street.

Phyllis Desantis, 59 Faxon Street, has concerns about the parking demand. She noted that California street gets backed up to bridge street from 3:00 pm on. Ms. Desantis has concerns about parking and traffic.

Amy Tai, 66 Alison Street, commended the efforts of the builders with regard to the solar panels. Ms. Tai has concerns about the width of the streets in the neighborhood and whether they will be able to accommodate the additional traffic. She noted that many neighbors are concerned, and she is not supportive of the proposed parking plan.

Ted Hess-Mahan, Fair Housing Committee, is supportive of the proposed development. It was noted that while the 2 affordable units satisfies the current Zoning Ordinance, they would like to see another affordable unit as well as one with an AMI lower than 80%. Mr. Hess-Mahan noted that this project is one of the best projects for visitability, proximity to transit and accessibility.

Committee members shared concerns relative to the parking in the underground garage and overflow parking on neighborhood streets. Some Committee members expressed support for a third affordable unit at the site. A Committee member questioned whether the Planning Department is evaluating and considering the loss of manufacturing zones, noting that they can be an important revenue source to the City. Chief Planner Jennifer Caira confirmed that the Planning Department is considering the manufacturing zones in the City. She noted that the new Zoning map lists the north side of California Street as manufacturing but rezones the south side of California Street to “neighborhood general”, which will be used for transition areas. A Committee member asked the petitioner to provide details to the storm water management at the site and consider a blue roof design in addition to solar panels. Committee members requested that the petitioner consider sustainability measures accepted by previous developments as well as the inclusion of some open space at the site. With a motion to hold the item until November 27, 2018, Committee members voted unanimously in favor. The Committee adjourned at 10:30 pm.

**Respectfully Submitted,**

**Greg Schwartz, Chair**

## Department of Planning and Development



**PETITION #462-18**  
**858 WALNUT STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW A  
VETERINARY HOSPITAL IN A  
BU-2 DISTRICT AND WAIVE  
UP TO FIVE PARKING STALLS

OCTOBER 23, 2018



### Requested Relief



- Allow a veterinary hospital in the Business 2 (BU-2) zoning district (§4.4.1 and §7.3.3)
- Waive 5 parking stalls (§5.1.4 and §5.1.13)

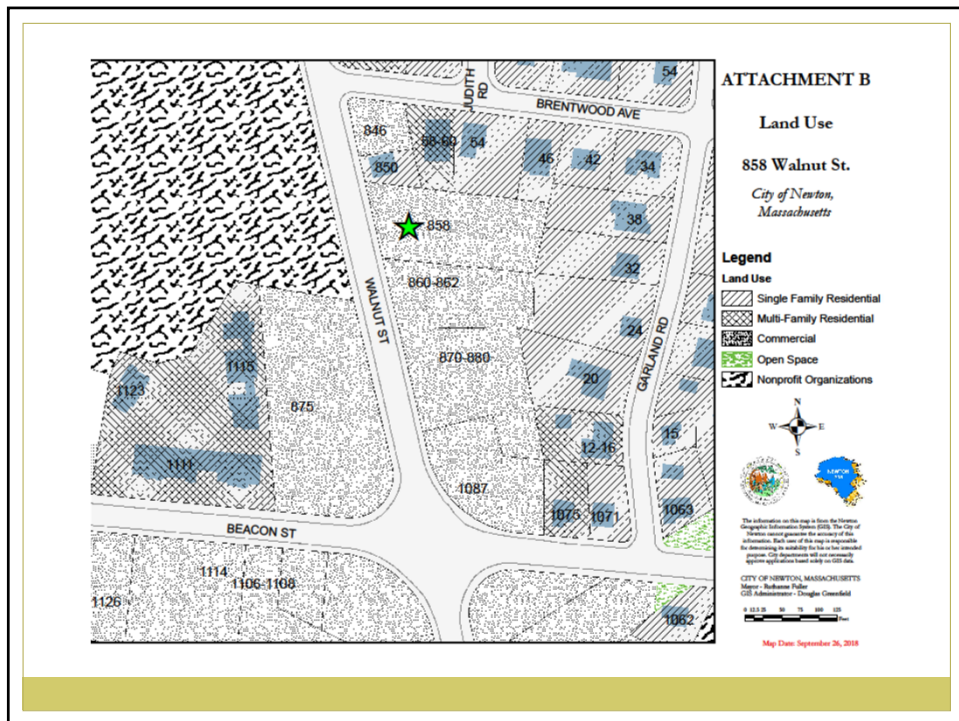
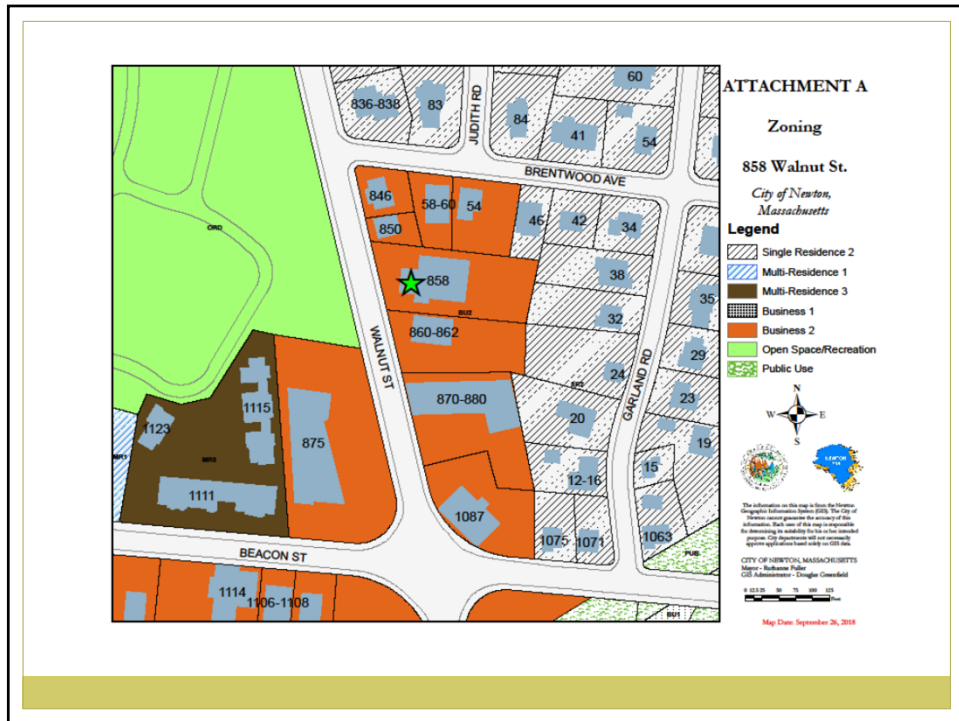
## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for veterinary hospital (§7.3.3.C.1);
- The proposed veterinary hospital will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed veterinary hospital 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).
- Literal compliance with the parking requirements 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. (§5.1.4 and §5.1.13)

## AERIAL/GIS MAP







## Photos





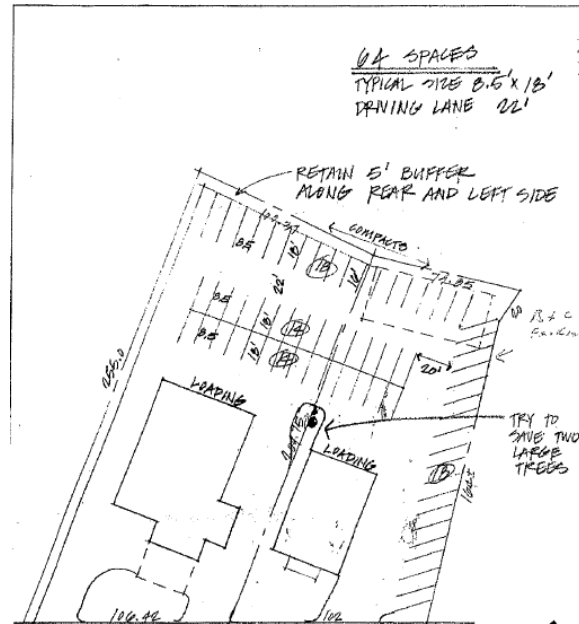




## Photos



## Site Plan



## Proposed Findings

1. The specific site is an appropriate location for the proposed veterinary hospital because the site is located in an area containing a mix of uses and the proposed use is compatible with that mix. (§7.3.3.C.1.)
2. The proposed veterinary hospital will not adversely affect the neighborhood given the mixed use nature of the area. (§7.3.3.C.2)
3. The proposed veterinary hospital will not create a nuisance or serious hazard to vehicles or pedestrians because the use does not require any alterations to the site. (§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)
5. Literal compliance with the parking requirements 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 because the shared parking facility will be able to accommodate the five stall waiver due to the mix of uses utilizing the facility. (§5.1.4 and §5.1.13)

## Proposed Conditions



- Standard plan referencing condition
- Standard building permit condition
- Standard Certificate of Occupancy condition
- The petitioner shall not board animals overnight or provide outdoor space for the animals.
- The veterinary hospital shall have no more than 6 employees on the largest shift. Should the petitioner seek to increase the number of employees on the largest shift, an amendment to this Special Permit/Site Plan Approval is required.
- The petitioner shall maintain consistency with Special Permit #257-94 which permits a free standing sign within the front setback. The dimensions of future signs shall meet the dimensions of the current sign allowed in special permit #257-94.

2330 Washington St. – Newton, MA

# Traffic & Parking Assessment

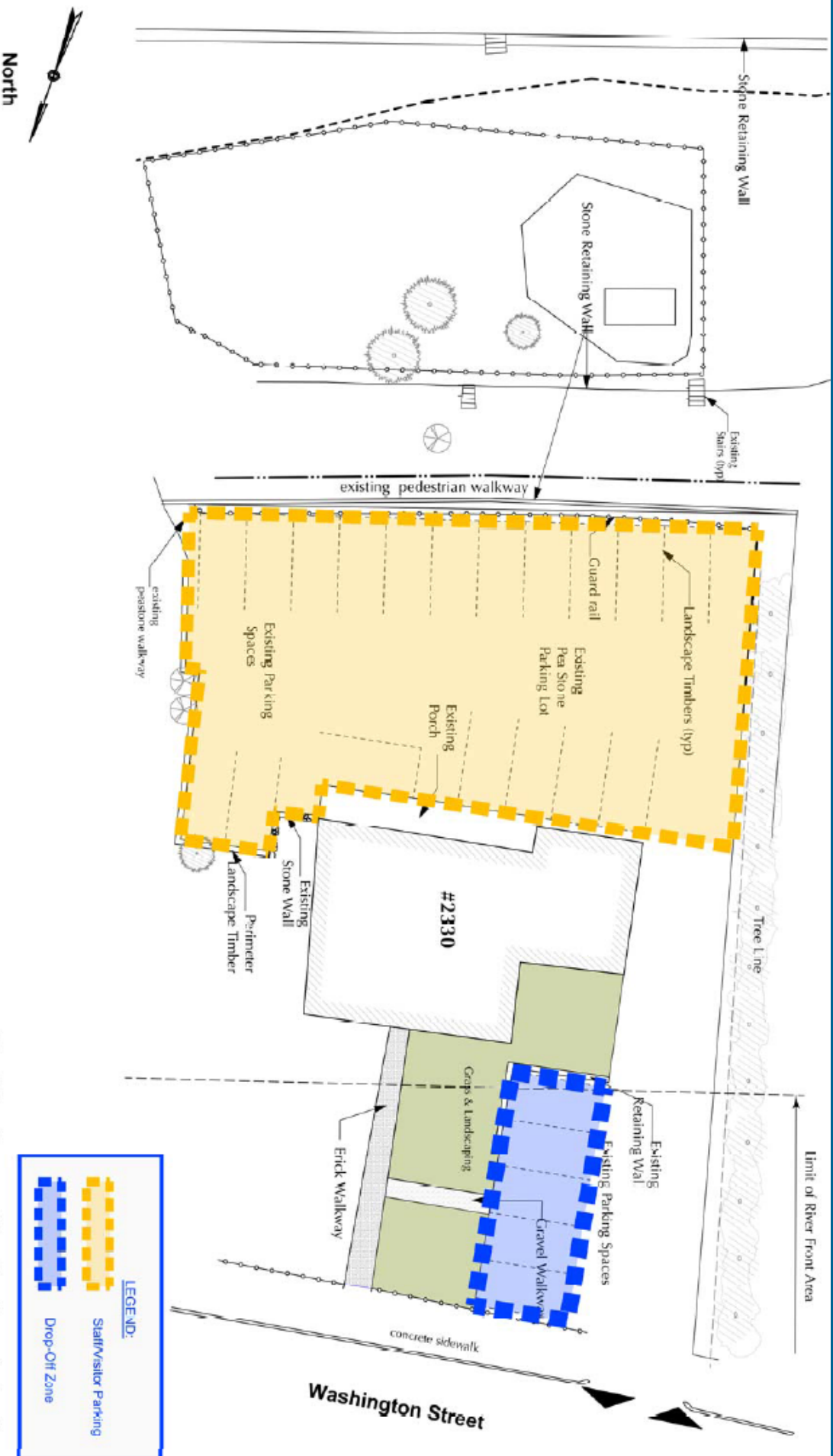
Newton Artisan Day Care

Robert J. Michaud, P.E., Managing Principal

October 23, 2018

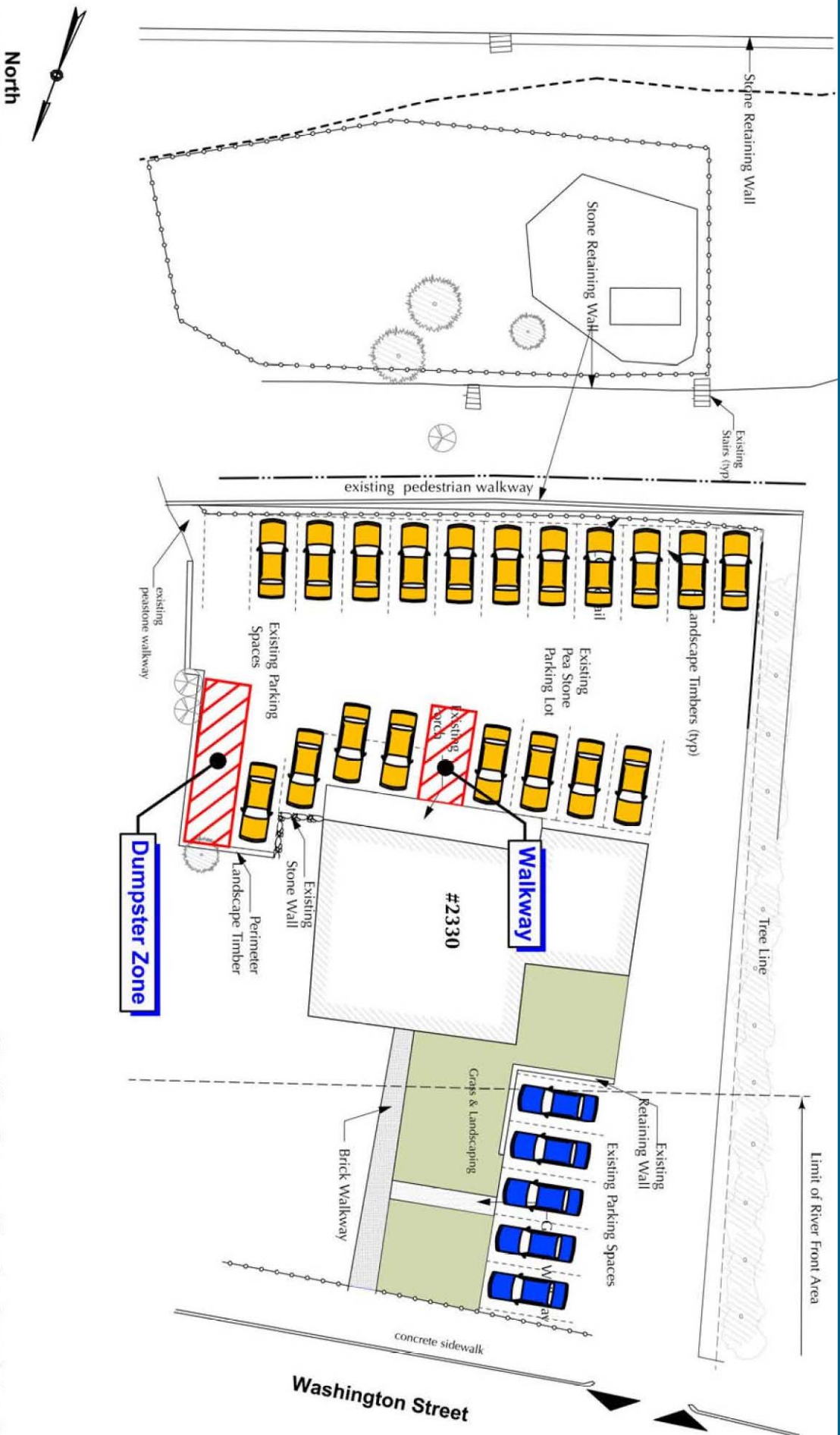
MIDM

# Parking Designation





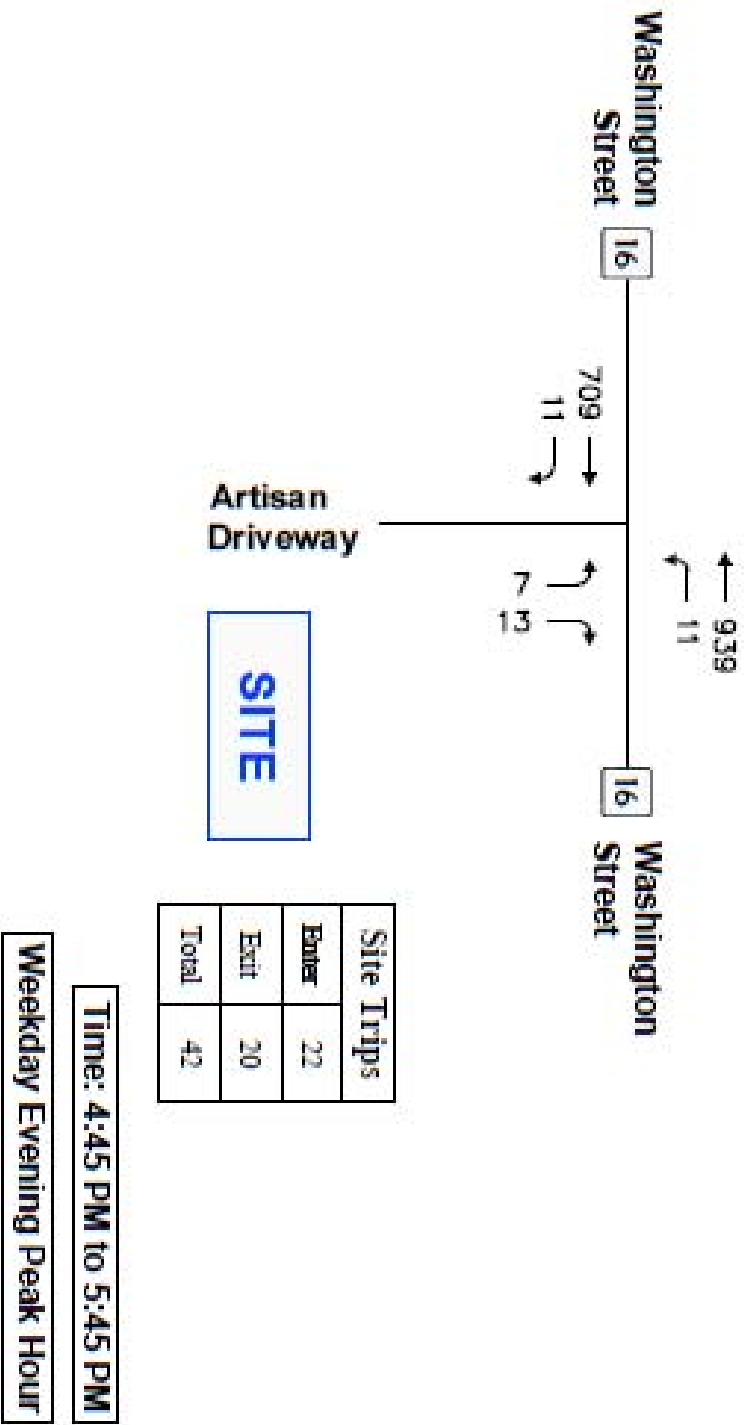
# Parking Layout Plan



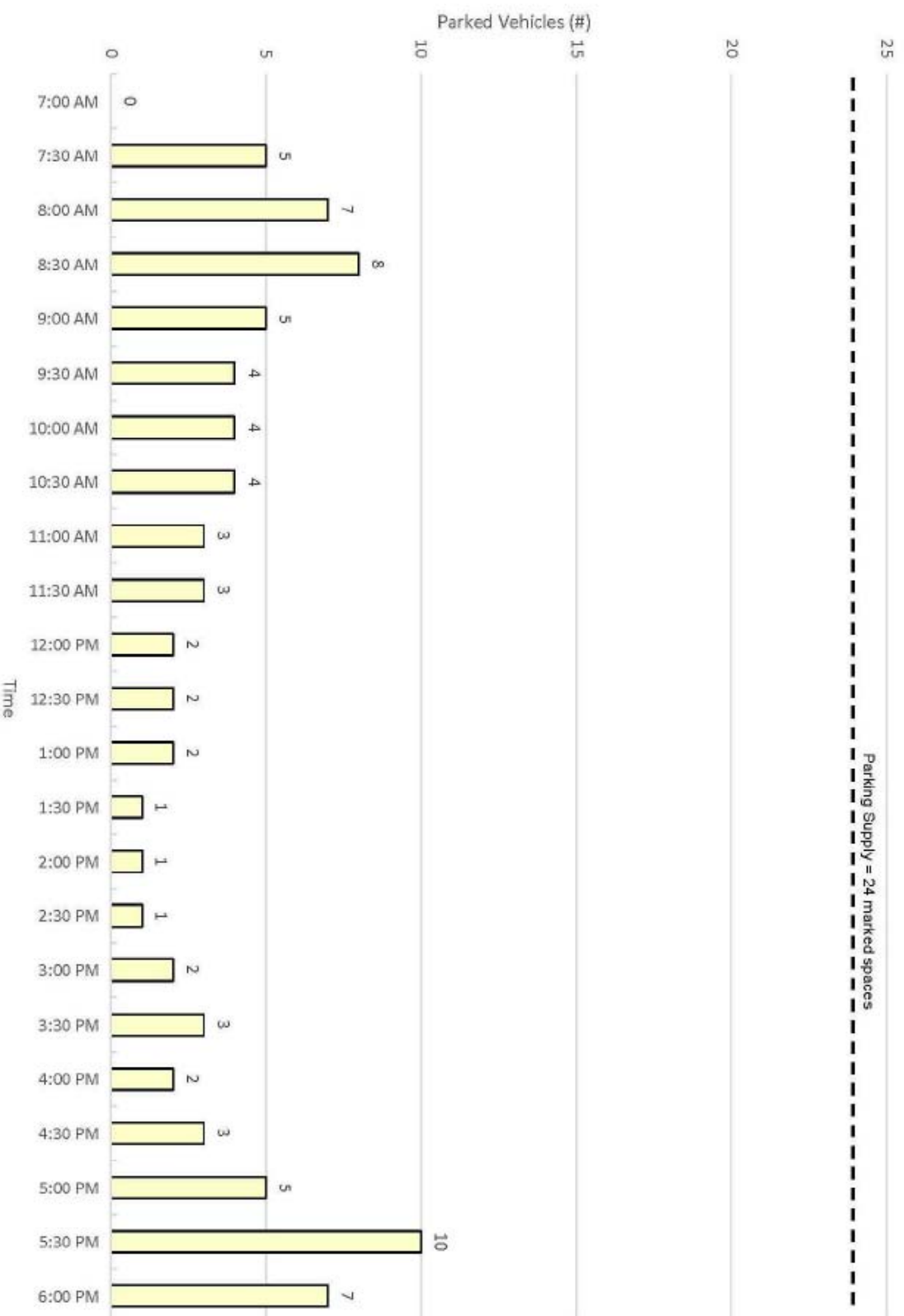




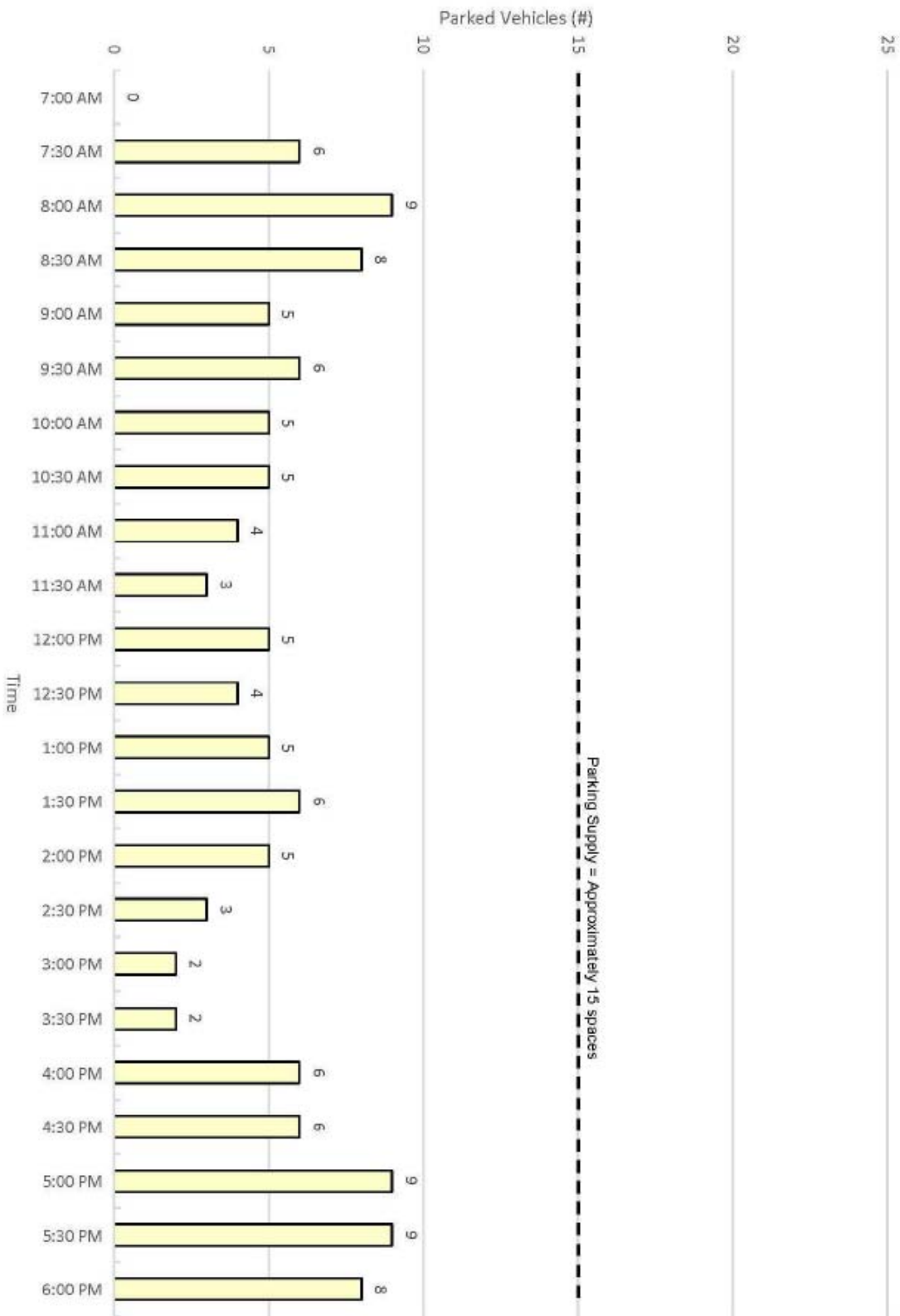
# Baseline Conditions – Weekday Evening



# Newton Parking Activity – 65 Children (Staff Excluded)



# Woburn Parking Activity – 85 Children (Staff Excluded)



# Parking Management Policies & Practices

## • **Parking and Pick-Up/Drop-Off Operations**

- *Staff Assisted Loading and Unloading*
- *Concurrent Loading/Boarding of Students – 2 Minute Processing Time*
- *Staff Management at Driveway and Restrict Un-Designated Loading Areas*
- *Monitoring and Revision of Pick-Up/Drop-Periods as Required*
- *Off-Site Parking Arrangement for Special Event Programming*

## • **Designated Parking Areas**

- *Designate 5-Parking Spaces Near Entrance for Staff Assisted Pick-Up/Drop-Off*
- *19-Spaces in Rear Lot for Staff and Visitors*
- *Staff Management of Lot During Peak Pick-Up/Drop-Off Periods*

## • **Monitoring Program**

- *Phased Enrollment (85 students, 100 students, 106 students)*
- *Monitoring of On-Site Parking for Each Phase of Enrollment*
- *Results Shared With the City of Newton Planning Department*
- *Parking Mitigation Measures to be Implemented if Required*

# Parking Mitigation Measures

*If it is determined that the combination of the active pick up/drop off area in front and the nineteen (19) parking stalls in the rear of the Site are not adequate to meet the needs of growing enrollment, Artisan will implement the mitigation measures below.*

- a. Artisan will incentivize employees to ride share or use public transportation through subsidy of transit passes or other means.*
- b. Artisan will require certain staff not to park at the site. Artisan staff would have at least two options for offsite parking: On-street parking on Concord Street, which has shown ample availability for our earliest morning shifts. The second option is the Woodland T Station parking lot. This lot offers a shuttle regularly that passes by Artisan, is walking distance from Artisan and allows for staff members to carpool to the center as needed.*

## Department of Planning and Development



**PETITION #482-18**

**2330 WASHINGTON STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW AN  
INCREASE IN THE NUMBER OF  
TEACHERS AND CHILDREN IN  
THE PROGRAM BY WAIVING 17  
PARKING STALLS

*OCTOBER 23, 2018*



### Requested Relief



Special permit per §7.3.3 to:

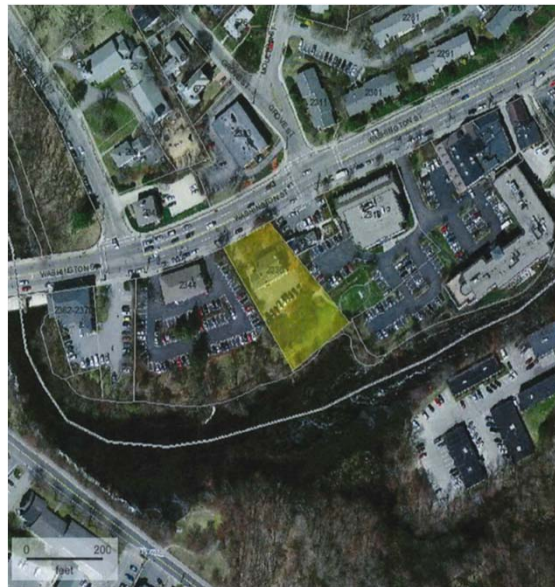
- waive 17 required parking stalls (§5.1.4, §6.3.4.B.3.c)

## Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

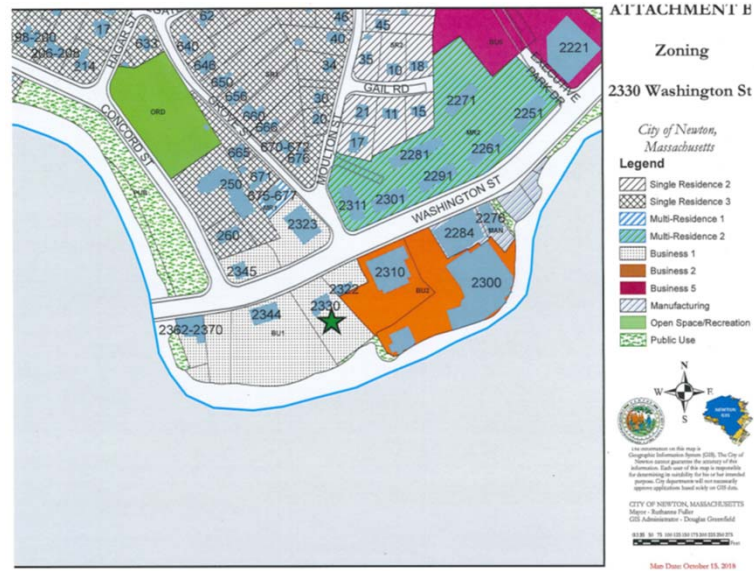
- literal compliance with the provisions of NZO §5.1 requiring 17 additional parking stalls for the proposed expanded enrollment and staffing of the existing day care center is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.4)

## AERIAL/GIS MAP

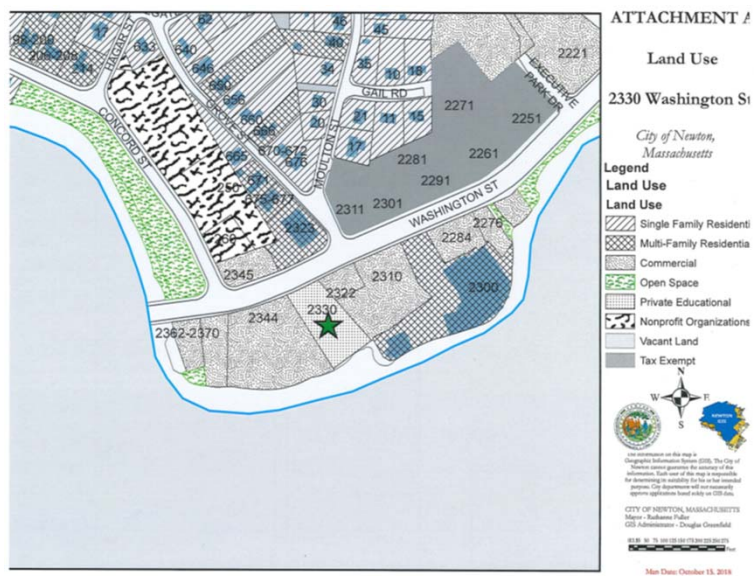




## Zoning

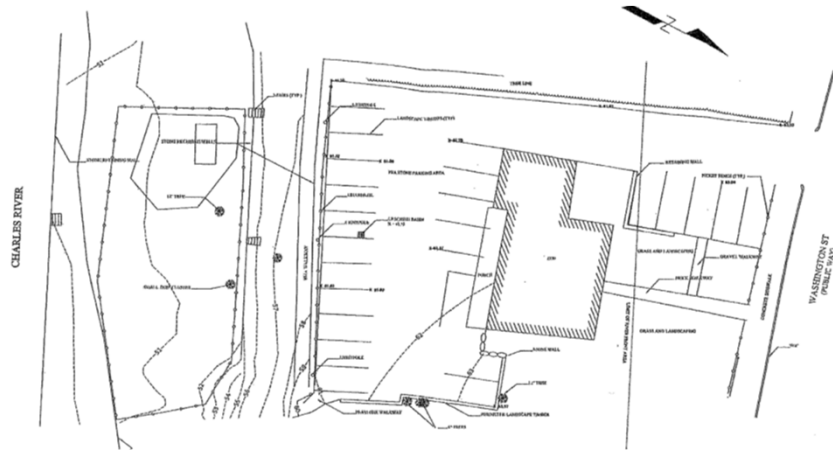


## Land Use





## Site Plan- existing



## Photos



## 1314 Washington Street: Weekday Parking

- Peak weekday demand of 50 occurs at noon -1 for capacity

Land Use	Shared Parking (12 PM)
Office	29
Bank	5
Restaurant	16
<b>1314 Washington Street</b>	<b>50</b>

- Weekday demand in W. Newton Square for Public Parking

Public Parking (Only) 250 Spaces Total	W. Newton Parking (12 PM)
Number of Occupied Spaces	170
<b>Number of Vacant Spaces</b>	<b>80</b>

MARK  
DEVELOPMENT

## 1314 Washington Street: Weekend Parking

- Peak weekend demand of 39 occurs at 7:00 PM

Land Use	Shared Parking (7 PM)
Office	0
Bank	0
Restaurant	39
<b>1314 Washington Street</b>	<b>39</b>

- Weekend demand in W. Newton Square for Public Parking

Public Parking (Only) 250 Spaces Total	W. Newton Parking (7 PM)
Number of Occupied Spaces	186
<b>Number of Vacant Spaces</b>	<b>64</b>

MARK  
DEVELOPMENT

## 1314 Washington Street: Weekend Parking

- What happens to the displaced cars currently using the parking lot?

Land Use	Shared Parking (7 PM)
West Newton Public Parking	186
1314 Demand Today	60
Combined Demand	246
<b>Current Occupancy</b>	<b>98%</b>
<b>Adjusted Occupancy (37 Spaces)</b>	<b>85%</b>

- 19 net new spaces created through the W. Newton improvements and 18 spaces at FUUSN (2019)

MARK  
DEVELOPMENT

## 1314 Washington Street - TDM

- Covered and secure bicycle parking will be provided on site.
- MD will encourage tenants to participate in a bike share program if one is started in Newton. In addition, MD will purchase and store 3 bikes on site for employee usage.
- An Annual Mobility Education Meeting will be offered to all tenants and their employees.
- MD will provide a \$5,000 annual subsidy for transit passes to all tenants and employees (capped at 5 years).

MARK  
DEVELOPMENT

## Department of Planning and Development



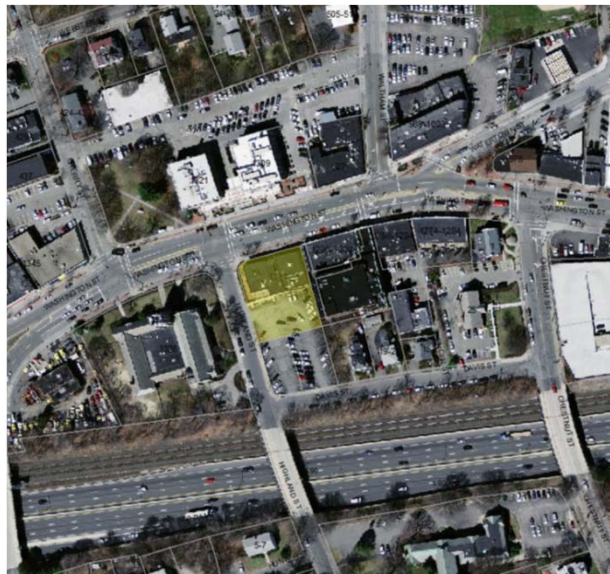
**PETITION #294-18**  
**1314 WASHINGTON AND 31, 33 DAVIS ST.**

SPECIAL PERMIT/SITE PLAN APPROVAL TO CONSTRUCT A THREE-STORY ADDITION IN THE BU1 DISTRICT TO BE USED FOR MIXED USES, TO ALLOW A BUILDING IN EXCESS OF 20,000 SQ. FT., TO EXTEND THE EXISTING NON-CONFORMING STRUCTURE WITH REGARD TO HEIGHT, TO EXTEND THE EXISTING NON-CONFORMING STRUCTURE WITH REGARD TO SIDE SETBACK, TO ALLOW A RESTAURANT WITH MORE THAN 50 SEATS, TO WAIVE THE REQUIREMENT OF USING THE A-B+C PARKING FORMULA, TO ALLOW A REDUCTION IN THE OVERALL PARKING REQUIRED BY 1/3, TO WAIVE 27 PARKING STALLS, TO ALLOW PARKING IN THE FRONT AND SIDE SETBACK, TO ALLOW REDUCED PARKING STALL DIMENSIONS, TO WAIVE END STALL MANEUVERING SPACE REQUIREMENTS, TO ALLOW REDUCED AISLE WIDTH, TO WAIVE PERIMETER SCREENING REQUIREMENTS, TO WAIVE INTERIOR LANDSCAPING REQUIREMENTS, TO WAIVE REQUIREMENTS FOR INTERIOR PLANTING AREA, TREE PLANTING, AND BUMPER OVERHANG AREA LANDSCAPING, TO WAIVE LIGHTING REQUIREMENTS, TO WAIVE OFF-STREET LOADING FACILITY REQUIREMENTS

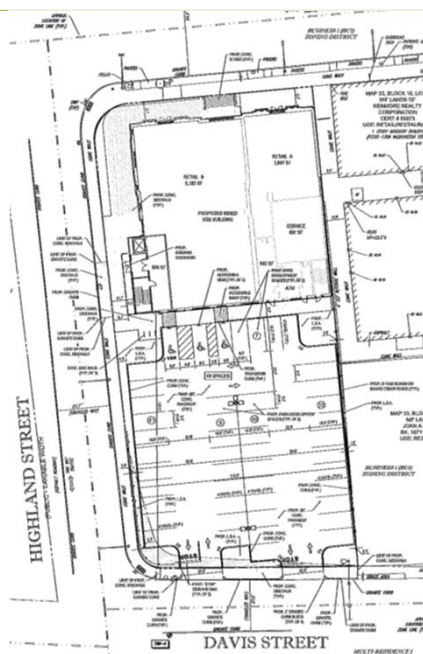
*OCTOBER 23, 2018*



### AERIAL/GIS MAP



**Revised site plan  
(accommodate truck  
movements)**



### Elevations- North (Washington St.)



## Perspectives



## Updates



Petitioner provided additional information regarding:

- Additional parking study information focusing on public parking
  - Capacity is shown onsite and throughout the square at all times except for noon on weekdays when the petitioner's onsite demand is one stall greater than capacity
- Transportation Demand Management (TDM) plan
  - Planning staff recommends the following conditions with the inclusion of a look back provision after full occupancy to assess the parking and have the opportunity to modify TDM measures as necessary

## Proposed Transportation Demand Management (TDM) Measures

- Transit Passes- The Petitioner will provide transit passes to its employees on an annual basis at no cost to the employees.
  - Planning recommends the petitioner commit to a minimum number of transit passes and these be available to employees of tenants if not used by petitioner's direct employees.
- Bicycle Services
  - Covered and secure bicycle parking will be provided on-site in a bike room.
  - Petitioner will participate in a Newton bike share program or purchase three on-site bicycles for use by the Petitioner's employees
- Shared Vehicle Services
  - Carpool Matching: employees will have the option to join MassDOT-MassRIDES NuRide ride matching program

## Proposed Transportation Demand Management (TDM) Measures (cont.)

- Marketing and Education
  - Annual Mobility Education Meeting
  - Petitioner's employees will be given information regarding carshare membership, bikeshare membership, and local transit and bicycle maps
- Qualified Transportation Fringe Benefits
  - Federal Commute Benefit program
    - Pre-tax payment of \$20 per month for employees who commute by bicycle
    - A pre-tax transit pass up to \$260 annually
    - Pre-tax parking payment up to \$260 annually
    - Vanpool fees (including UberPOOL and LyftLine) up to \$260 annually

## City efforts in West Newton Square

- **West Newton Square Enhancements Project**
  - will result in approximately 20 new on-street public parking spaces
  - scheduled to begin construction in 2019, pursuing construction of 7 spaces now
- Examining strategies regarding time limits and metering of existing and proposed spaces (Traffic Council).
- **Shared Pilot Parking Program.**
  - Now in effect; allows private owners to open excess spaces to the public.
  - City staff will continue to work with property owners in West Newton Square to identify opportunities for shared parking.
- Possible expanded use of MBTA parking facility



## Proposed Findings

1. the site in a Business 1 (BU1) district is an appropriate location for the proposed mixed use development as designed given the adjacent neighborhood's mix of residential and commercial land uses and structures of varying scales and heights, (§7.3.3.C.1);
2. the proposed project as designed, developed, and operated will not adversely affect the neighborhood (§7.3.3.C.2);
3. the proposed project as designed, developed, and operated 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)
5. the site in a Business 1 (BU1) is an appropriate location for a restaurant with 120 seats (§7.3.3.C.1);
6. the proposed restaurant with 120 seats will not adversely affect the neighborhood (§7.3.3.C.2);

## Proposed Findings (cont.)

7. the proposed restaurant with 120 seats will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
8. access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
9. the proposed extension of the existing structure's nonconformities with regard to height and side setback would not be substantially more detrimental to the neighborhood than the existing nonconforming use to the neighborhood (§7.8.2.C.2);
10. literal compliance with the parking facility requirements of §5.1 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).

## Requested Relief



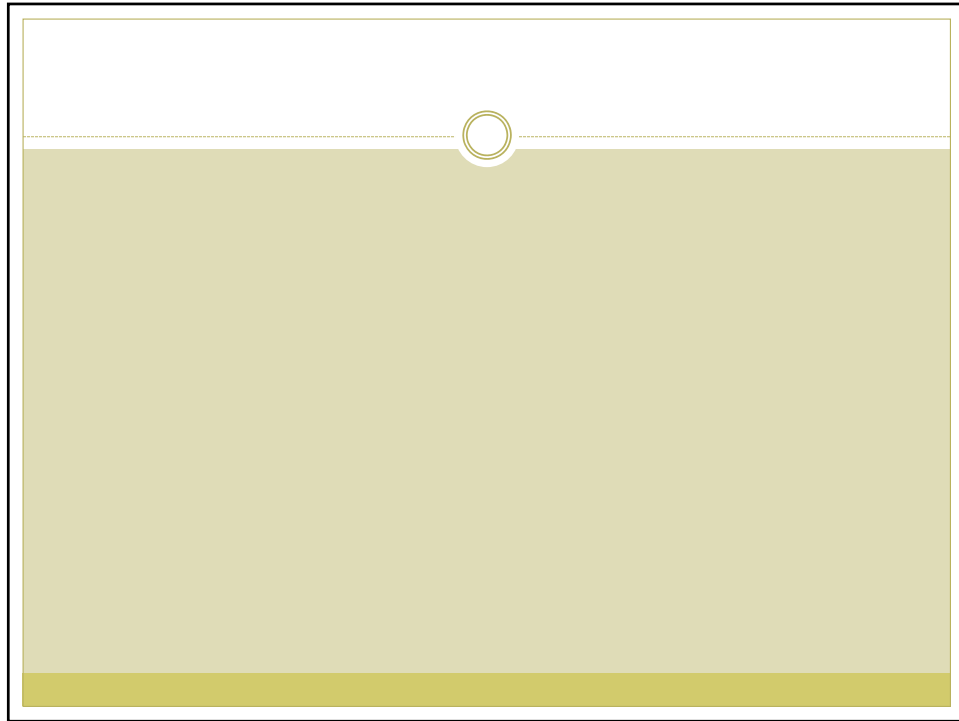
Special permit per §7.3.3 to:

- allow a building in excess of 20,000 square feet (§4.1.2.B.1)
- allow a three-story building in the BU1 district (§4.1.2.B.3, §4.1.3)
- Extend a nonconforming structure with regard to height (4.1.3, §7.8.2.C.2)
- extend a nonconforming structure with regard to side setback (§4.1.3, §7.8.2.C.2)
- allow a restaurant with more than 50 seats (§4.4.1, §6.4.29.C.1)
- waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
- allow a 1/3 reduction in overall parking (§5.1.4.C)
- waive 27 required parking stalls (§5.1.4, §5.1.13)

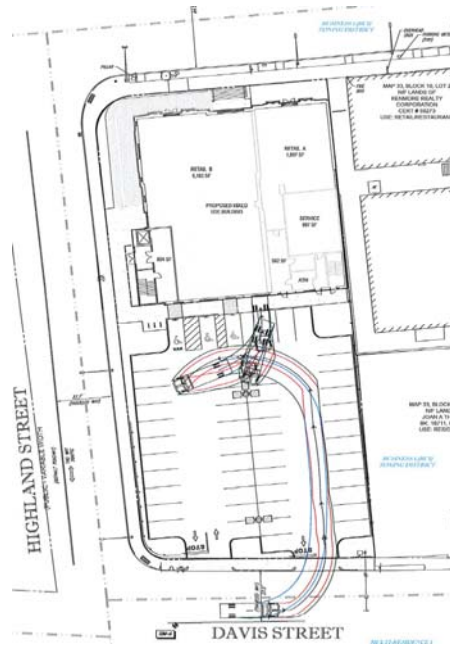
## Requested Relief (cont.)

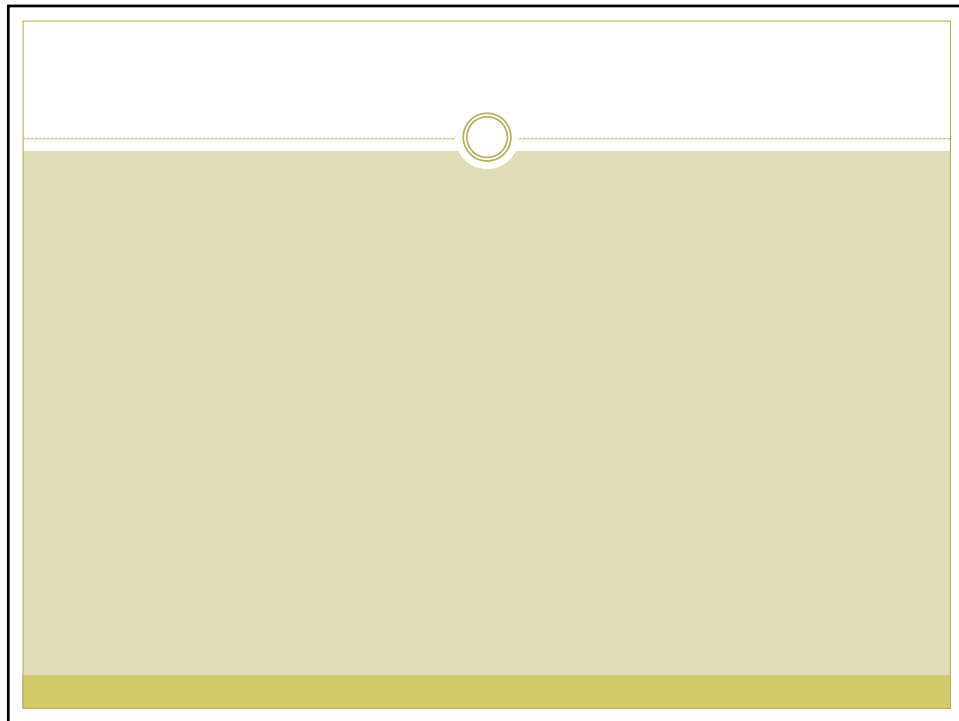


- allow parking in the front and side setbacks (§5.1.8.A.1, §5.1.13)
- allow reduced parking stall dimensions (§5.1.8.B.2, §5.1.13)
- waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- waive the off-street loading facility requirements (§5.1.1, §5.1.13)



## Truck movements





## Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

- the site is an appropriate location for the proposed three-story building in excess of 20,000 square feet in the Business 1 (BU1) (§7.3.3.C.1);
- the proposed three-story building in excess of 20,000 square feet will adversely affect the neighborhood (§7.3.3.C.2);
- the proposed three-story building in excess of 20,000 square feet will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5);
- the site in a Business 1 (BU1) is an appropriate location for a restaurant with more than 50 seats (§7.3.3.C.1);

## Criteria to Consider (cont.)

- the proposed restaurant with more than 50 seats will adversely affect the neighborhood (§7.3.3.C.2);
- the proposed restaurant with more than 50 seats 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);
- the proposed extension of the existing structure's nonconformities with regard to height and side setback would be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2);
- literal compliance with the parking facility requirements of §5.1 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).

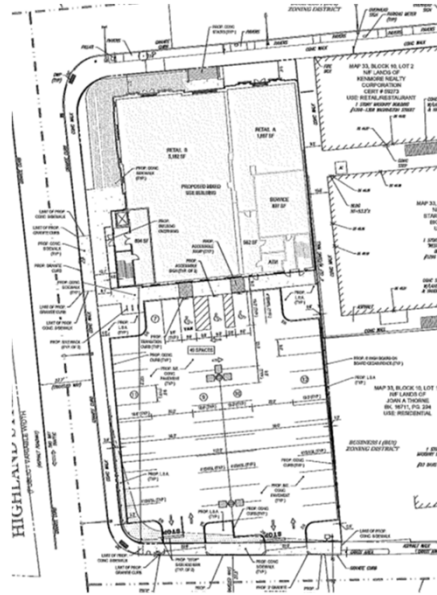
## Updates (Previous)

- *Petitioner has reduced restaurant seats for 150 to 120*
  - *revised zoning memo indicates resulting reduced parking waiver from 27 to 21*
- *Petitioner has submitted parking counts memo. Transportation Division and Planning Department recommends resubmission with:*
  - *more detailed breakdown/categorization of parking spaces in area by availability to public (i.e., focus on capacity at public metered lots and on-street spaces)*
  - *analysis of conditions on Friday and Saturday nights*
- *Petitioner has submitted plans showing fence along abutting property line and truck turning movement*

## Updates

- **Updated site plan**
  - 2 “employees only” parking stalls in location of projected delivery truck movement in rear of the structure, etc.
- **Revised parking counts memo**
  - In response to Planning Department and Transportation Division comments re:
    - need for more detailed categorization of parking spaces by availability to public (i.e., capacity at public metered lots and on-street spaces)
    - analysis of conditions on Friday and Saturday nights
  - Staff currently reviewing; additional clarification likely needed as to extent data supports requested parking relief
  - Staff continues to work with petitioner

## Revised site plan (fence)



## Next Steps (Previous)

- Petitioner should submit revised parking study per Transportation & Planning recommendations
- Petitioner should provide additional information regarding:
  - deliveries to the site (especially the proposed restaurant), would be handled (i.e., whether on-street, in the rear of the structure, etc.)
  - Proposed Traffic Demand Management (TDM) plans and approaches
  - how the proposed development would address issues related to the efficient use and conservation of natural resources and energy



1314 Washington St.  
City of Newton,  
Massachusetts

### Legend

-  Single Residence 2  
 Single Residence 3  
 Multi-Residence 1  
 Multi-Residence 2  
 Multi-Residence 3  
 Business 1  
 Manufacturing  
 Public Use



The information on this map is from the National Geographic Information System (NGIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

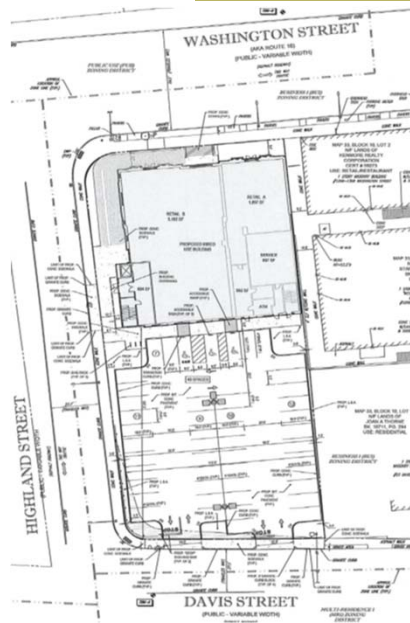
CITY OF NEWTON, MASSACHUSETTS  
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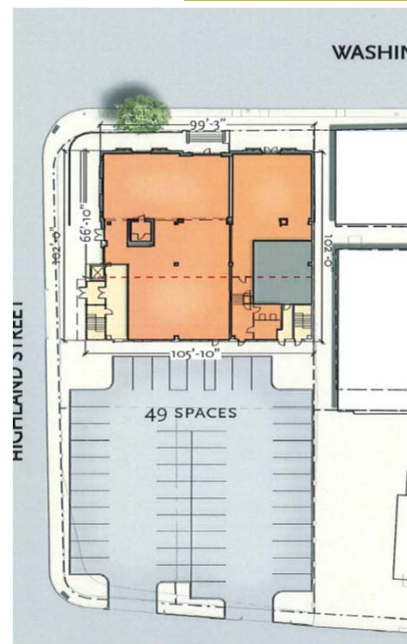
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## Site Plan- proposed



## Site Plan- proposed



## Elevations- West (Highland St.)



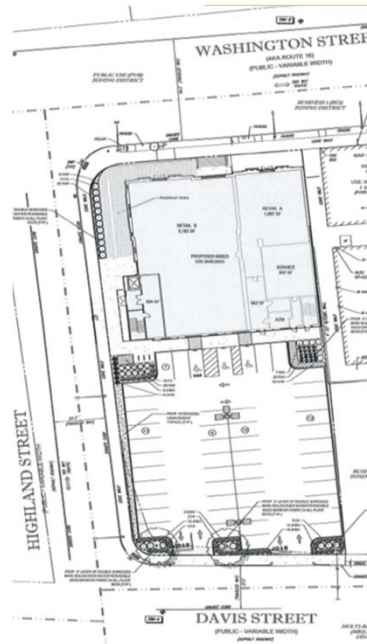
## Elevations- South (Davis St.)



## Elevations- East



## Landscape plan





### Photos



### Photos



**Photos**



**Photos**





## Photos



## Photos



## Photos



## Photos



CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 29,952 square foot mixed use development including bank, office, and retail use and a restaurant with 120 seats, three stories, and 40 feet high, extend height and setback nonconformities, reduce the number of required parking stalls, waive certain parking facility dimensional, screening and landscaping requirements, and waive certain off-street loading facility requirements, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

- 1) the site in a Business 1 (BU1) district is an appropriate location for the proposed mixed use development as designed given the adjacent neighborhood's mix of residential and commercial land uses and structures of varying scales and heights (§7.3.3.C.1);
- 2) the proposed project as designed, developed, and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- 3) the proposed project as designed, developed, and operated 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)
- 5) the site in a Business 1 (BU1) is an appropriate location for a restaurant with 120 seats (§7.3.3.C.1);
- 6) the proposed restaurant with 120 seats will not adversely affect the neighborhood (§7.3.3.C.2);
- 7) the proposed restaurant with 120 seats will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- 8) access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);

- 9) the proposed extension of the existing structure's nonconformities with regard to height and side setback would not be substantially more detrimental to the neighborhood than the existing nonconforming use (§7.8.2.C.2);
- 10) literal compliance with the parking facility requirements of §5.1 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).

PETITION NUMBER: #294-18

PETITIONER: HQ, LLC

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

LOCATION: 1314 Washington Street, 31 Davis Street, 33 Davis Street, Ward 3,  
on land known as Section 33, Block 10, Lots 1, 11, and 12,  
containing approx. 30,301 sq. ft. of land

OWNER: HQ, LLC

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

TO BE USED FOR: Bank, restaurant or retail, and office use

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- allow a building in excess of 20,000 square feet (§4.1.2.B.1)
- allow a three-story building in the BU1 district (§4.1.2.B.3, §4.1.3)
- Extend a nonconforming structure with regard to height (4.1.3, §7.8.2.C.2)
- extend a nonconforming structure with regard to side setback (§4.1.3, §7.8.2.C.2)
- allow a restaurant with more than 50 seats (§4.4.1, §6.4.29.C.1)
- waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
- allow a 1/3 reduction in overall parking (§5.1.4.C)

- waive 24 required parking stalls (§5.1.4, §5.1.13)
- allow parking in the front and side setbacks (§5.1.8.A.1, §5.1.13)
- allow reduced parking stall dimensions (§5.1.8.B.2, §5.1.13)
- waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- waive the off-street loading facility requirements (§5.1.1, §5.1.13)

ZONING: Business 1 (BU1)

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with
  - a. A plan entitled "ALTA/NSPS Title Survey, Mark Development, LLC, 31 & 33 Davis Street & 1314 Washington Street, City of Newton, Middlesex County, Commonwealth of Massachusetts," prepared by Control Point Associates, Inc., dated August 1, 2017 as revised through August 3, 2018, signed and stamped by Gerry L. Holdright, Registered Land Surveyor.
  - b. A set of site plans entitled "Site Development Plans for Mark Development, Location of Site Map #33, Block # 10, Lots # 1, 11 & 12, 31 & 33 Davis Street and 1314 Washington Street, City of Newton, Middlesex County, Massachusetts," prepared by Bohler Engineering, as revised through September 10, 2018, signed and stamped by J.G. Swerling, Registered Professional Engineer, consisting of the following sheets:
    - i. Proposed Site Plan (Sheet Number 1 of 4);
    - ii. Average Grade Plane Exhibit (Sheet Number 2 of 4);
    - iii. Site Lighting / Photometric Plan (Sheet Number 3 of 4);
    - iv. Proposed Landscape Plan (Sheet Number 4 of 4). Existing Conditions Plan of Land (SV-1).
  - ii. A set of architectural plans entitled "1314 Washington, Special Permit Submission," prepared by Elkus Manfredi Architects, dated March 19, 2018, signed and stamped by John Hall Martin, Registered Architect, consisting of the following sheets:
    - i. Conceptual Site Plan (p. 2)

- ii. Basement Level Comparison (p. 3);
  - iii. Ground Level Comparison (p. 4);
  - iv. Second Level Comparison (p. 5);
  - v. Third Level Comparison (p. 6);
  - vi. Washington Street Elevation (North) (p. 7);
  - vii. Highland Street Elevation (West) (p. 8);
  - viii. Davis Street Elevation (South) (p. 9);
  - ix. Alley Elevation (East) (p. 10);
  - x. Context Section (p. 11).
2. The petitioner shall comply with the City's Noise Control Ordinance, Sections 20-13 et seq of the Revised Ordinances 2012, at all times, which may require among other measures, the installation and maintenance of acoustical treatments of any and all Heating, Ventilation and Air Conditioning (HVAC) units to comply with the provisions of said Ordinance.
  3. All utilities shall be located underground from the property line.
  2. Deliveries to the property shall be limited to 8:00 AM – 5:00 PM; deliveries shall be made only with so-called "box trucks" or smaller vehicles (excepting only in the event of emergencies where additional supplies are required, such as a storm or flood, and as approved by the Inspectional Services Department)
  3. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant and recorded at the Middlesex South District Registry of Deeds herewith. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
  4. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  5. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall
    - a. record at the Middlesex South District Registry of Deeds an Approval Not Required (ANR) plan duly-approved in accordance with Massachusetts General Laws Chapter 41 Section 81P that has the effect of combining the three separate lots that are the subject of this special permit (land presently known as Section 33, Block 10, Lots 1, 11, and 12) into one lot as well as all required documents evidencing such combination of the lots and their conveyance into common ownership; and
    - b. file certified copies of such recorded documents with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

6. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval the petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
  - a. 24-hour contact information for the general contractor of the project.
  - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. The petitioner shall consider local traffic and pedestrian activity relating to the nearby public school in determining hours and routes for construction vehicles.
  - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
  - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
  - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
  - f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
  - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
  - h. A plan for rodent control during construction.
  - i. The CMP shall also address the following:
    - safety precautions;
    - anticipated dewatering during construction;
    - site safety and stability;
    - impacts on abutting properties.
7. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
8. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:



- a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the Final Site Plan.
  - d. Provided a Final Landscape Plan showing all new plantings, for review and approval by the Director of Planning and Development.
  - e. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
  - f. Recorded the approved Operations and Maintenance Plan ("O & M") referred to in Condition #3, above, with the Middlesex South District Registry of Deeds, and obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #3.
9. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
10. No Final Inspection/Occupancy Permit for the use 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 engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed as required in Condition #1.
  - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.

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e. Filed with Department of Planning and Development, a statement evidencing the project's compliance with the standards for LEED Silver Certification.

11. Notwithstanding the provisions of Condition #10 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping providing that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
12. All landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.
13. Upon occupancy of the Project, the Petitioner shall institute a Transportation Demand Management Plan ("TDM Plan"), the details of which are set forth in Schedule A attached hereto. The Petitioner shall be obligated to continue such TDM Plan for the life of the Project and bear any and all costs associated with said plan.

[ALSO, LOOKBACK PROVISION](#)

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LA@CA CONDOMINIUMS  
166/182-184 CALIFORNIA STREET  
NEWTON

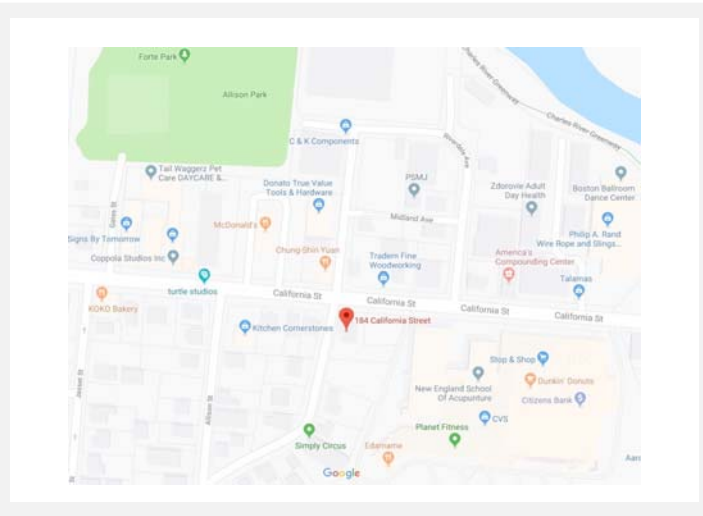
Land Use Committee Public Hearing  
October 23, 2018

166/182-184 CALIFORNIA STREET

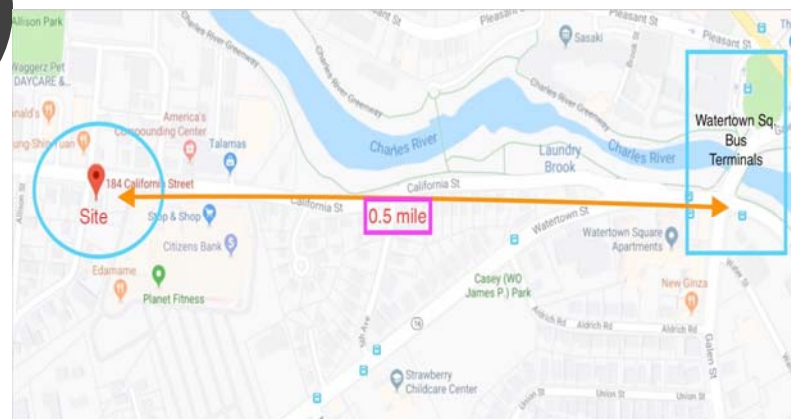
- Manufacturing Zoning.
  - By-Right Uses: Examples - Parking Facility; Assembly or Fabrication of Materials; Contractors' Yard; Food Processing; General Manufacturing; Paint Store.
- Existing Legal Non-Conforming Residential Use Better for Neighborhood
- 18,121 SF of land
- Three Stories; 32.6 Feet in Height (36 Feet allowed)
- 20 Residential Units including 2 Affordable Units
- Underground Garage Parking

### SITE LOCATION & AREA AMENITIES

- Restaurants/Bakery/Coffee Shop
- Stop & Shop
- Health Club
- CVS Pharmacy
- Charles River & Greenway
- Public Parks (Stearns Park & Forte/Allison Park)



### TRANSIT ORIENTED LOCATION



## EXISTING CONDITION



## LA@CA CONDOMINIUMS



## PROPOSED TRANSITION



California St



Aerial view

## STREETSCAPE BALANCE

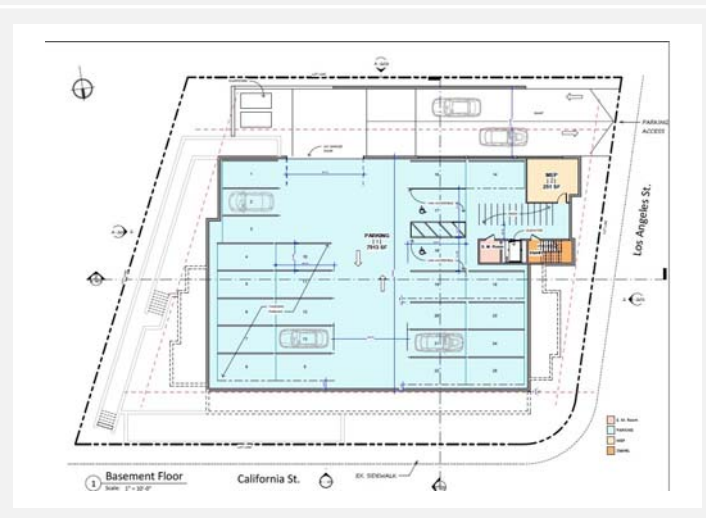


## STREET- SCAPE BALANCE



## GARAGE

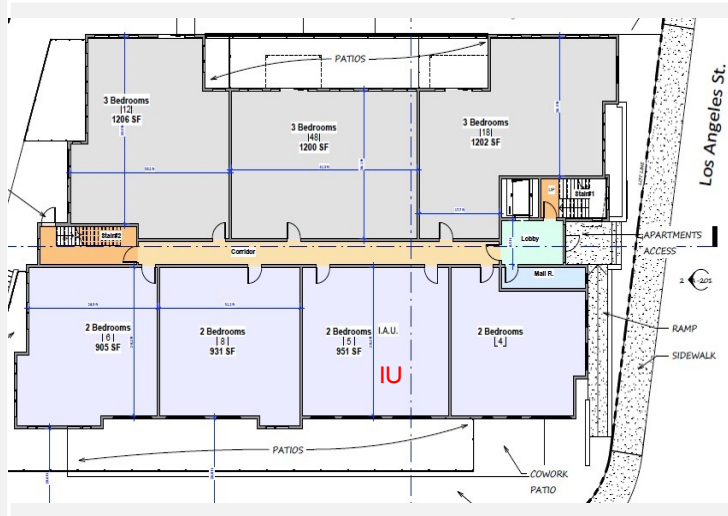
- 25 Parking Spaces (20 tandem)
- Includes 2 HP Spaces
- Bike Storage
- Elevator Access
- EV charging capabilities





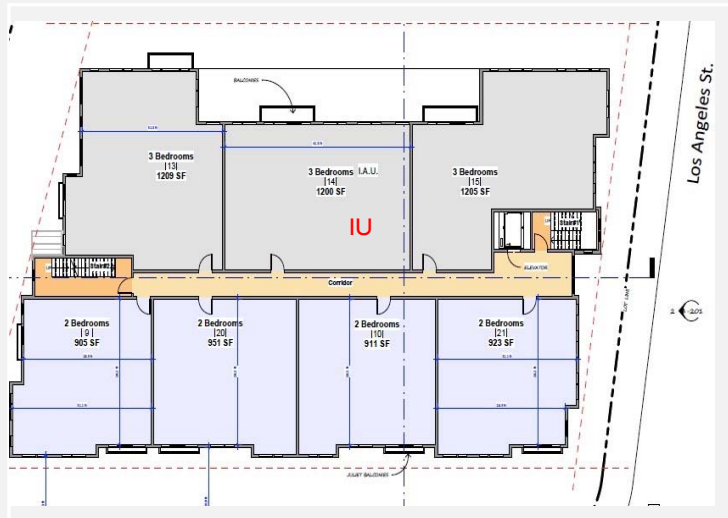
## FIRST FLOOR

- Main Entrance and Lobby
- HP Ramp Accessible & Elevator Access
- Four(4) two-bedrooms (w/ One Affordable Unit)
- Three (3) three-bedrooms
- Units are “Flats” without interior stairs – accessibility purposes



## SECOND FLOOR

- Elevator Access
- Four (4) two-bedroom units
- Three (3) bedroom units (w/ One Affordable Unit)
- Units are “Flats” without interior stairs – accessibility purposes



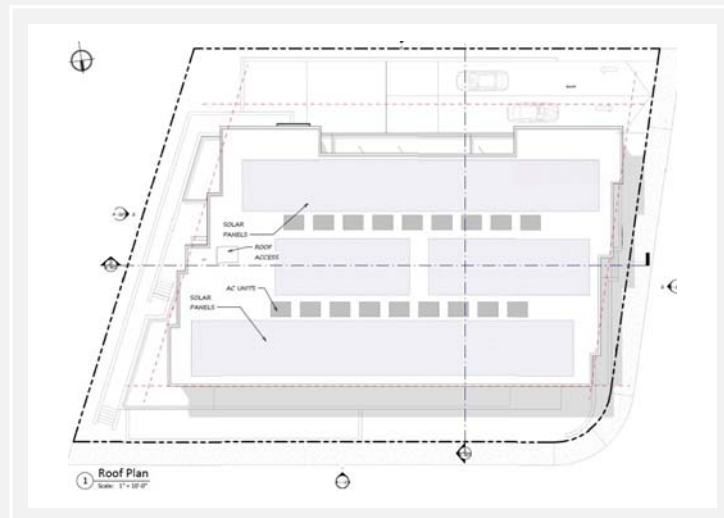
## THIRD FLOOR

- Elevator Access
- Six (6) three-bedrooms units
- Units are “Flats” without interior stairs – accessibility purposes

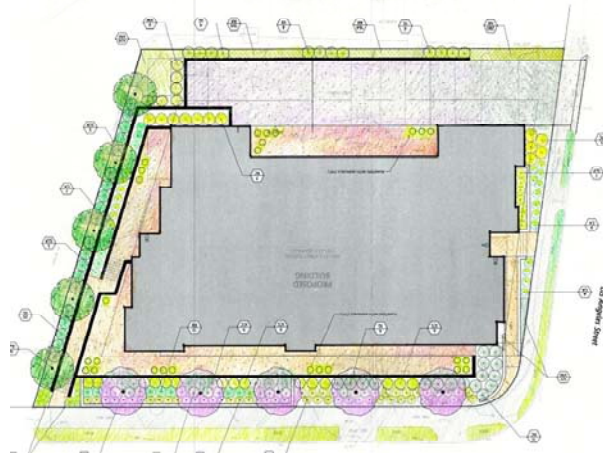


## ROOF PLAN

- Solar Panels
- A/C Units



## LANDSCAPE AND OUTDOOR SPACES



## PROJECT BENEFITS

- Provides 20 units of housing to the City of Newton that are not readily available –
  - Elevator; Flats; HP Accessible, and Transit Oriented Location
- Meets or Exceeds Fair Housing Goals
- Two Affordable Units
- Maintains Residential Use – More Appropriate than Manufacturing Use
- Underground parking
- Sustainability and Energy Efficiencies

## Department of Planning and Development



### **PETITION #483-18**

**182-184 CALIFORNIA STREET AND 166  
CALIFORNIA STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL TO ALLOW THE EXPANSION OF A NONCONFORMING MULTI-FAMILY DWELLING USE BY CONSTRUCTING A THREE-STORY MULTI-FAMILY DEVELOPMENT 32.6' IN HEIGHT IN A MANUFACTURING DISTRICT WITH GREATER THAN 20,000 SQ. FT. NEW GROSS FLOOR AREA, ALLOWING A NONCONFORMING FRONT SETBACK, TO ALLOW A REDUCTION OF THE REQUIREMENT FOR PARKING TO 1.25 STALLS PER UNIT, TO WAIVE MANEUVERING SPACE FOR RESTRICTED PARKING STALLS, TO ALLOW TANDEM PARKING AND TO ALLOW RETAINING WALLS GREATER THAN FOUR FEET IN HEIGHT IN THE SETBACK



*OCTOBER 23, 2018*

## Requested Relief



Special permit per §7.3.3 to:

- allow an expansion of a nonconforming multi-family dwelling use (§4.4.1, §7.8.2.2)
- allow a development in a Manufacturing district with more than 20,000 square feet of new gross floor area (§4.3.2.B.1)
- extend a nonconforming front setback (§4.3.3, §7.8.2.C.2)
- allow a three-story structure (§4.3.2.B.3, §4.3.3)
- allow a reduction in required parking for a multi-family dwelling to 1.25 stalls per unit (§5.1.4)
- waive maneuvering space for restricted parking stalls (§5.1.8.B.6, §5.1.13)
- allow tandem parking (§5.1.8.E.1, §5.1.13)
- allow retaining walls greater than four feet in height in the setback (§5.4.2)

## Criteria to Consider

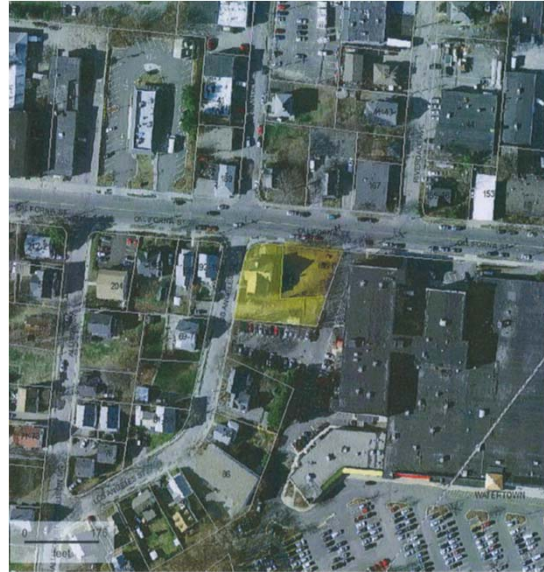
When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed twenty-unit dwelling (§7.3.3.C.1)
- The proposed twenty-unit dwelling as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)
- The specific site is an appropriate location for the proposed retaining wall system greater than four feet in height in a setback (§7.3.3.C.1)
- The proposed retaining wall system greater than four feet in height as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)

## Criteria to Consider (cont.)

- 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)
- The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) 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/GIS MAP



## Zoning



### ATTACHMENT I

#### Zoning

182-184 California S

City of Newton,  
Massachusetts

#### Legend

- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Manufacturing
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton does not guarantee the accuracy or the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not separately approve information based solely on GIS data.

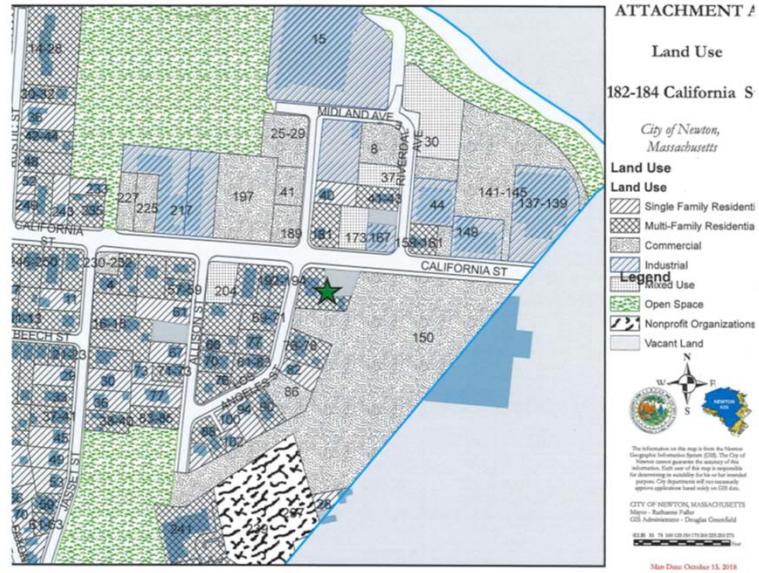
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Palmer  
GIS Administrator - Douglas Greenfield

DATE: 09-15-2018 09:00:00 AM

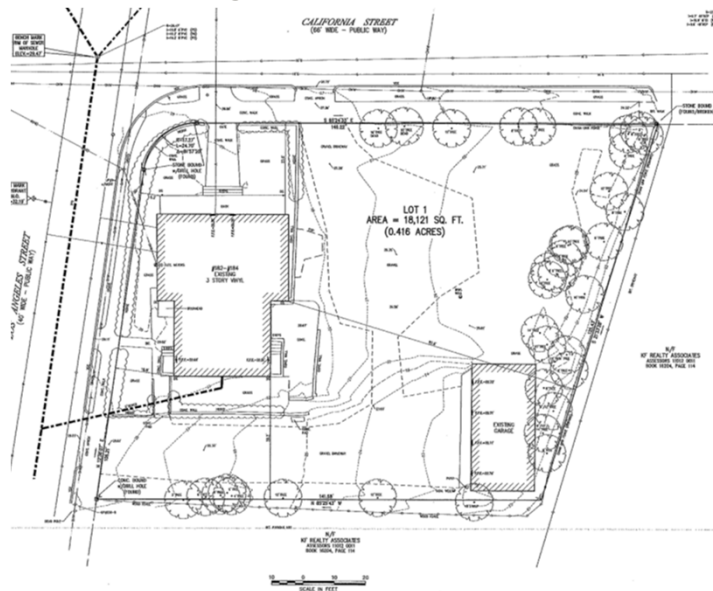
Map Date: October 15, 2018



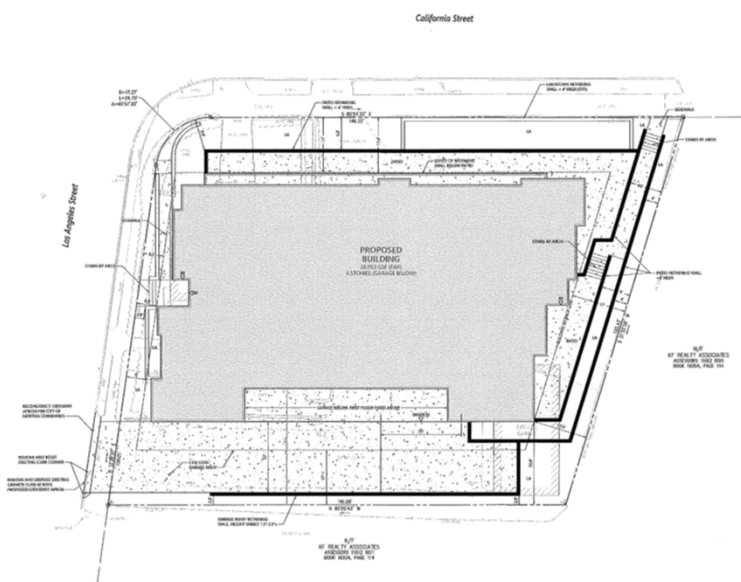
## Land Use



## Site Plan- existing



## Site Plan- proposed



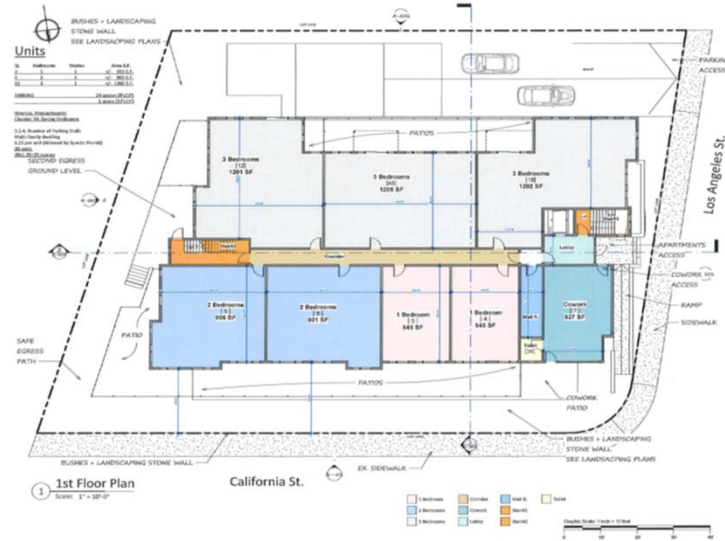
## 10/19/18 Plan Update

Petitioner has proposed:

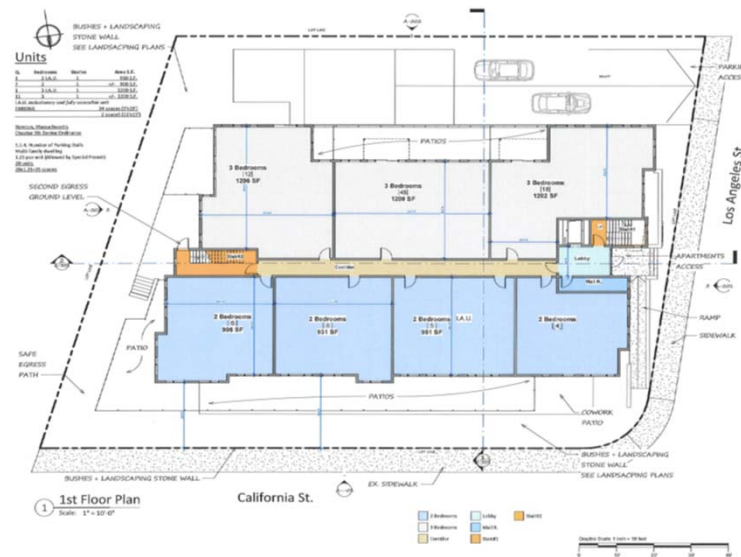
- Modified 1<sup>st</sup> floor plan-
  - Two 1-bedroom units and common space replaced by two 2-bedroom units (common space eliminated)
- Affordable Units:
  - One 2-bedroom unit located on the 1<sup>st</sup> floor
  - One 3-bedroom unit located on the 2<sup>nd</sup> floor



## Floor plan- 1<sup>st</sup> Floor (original)



## Floor plan- 1<sup>st</sup> Floor (modified)



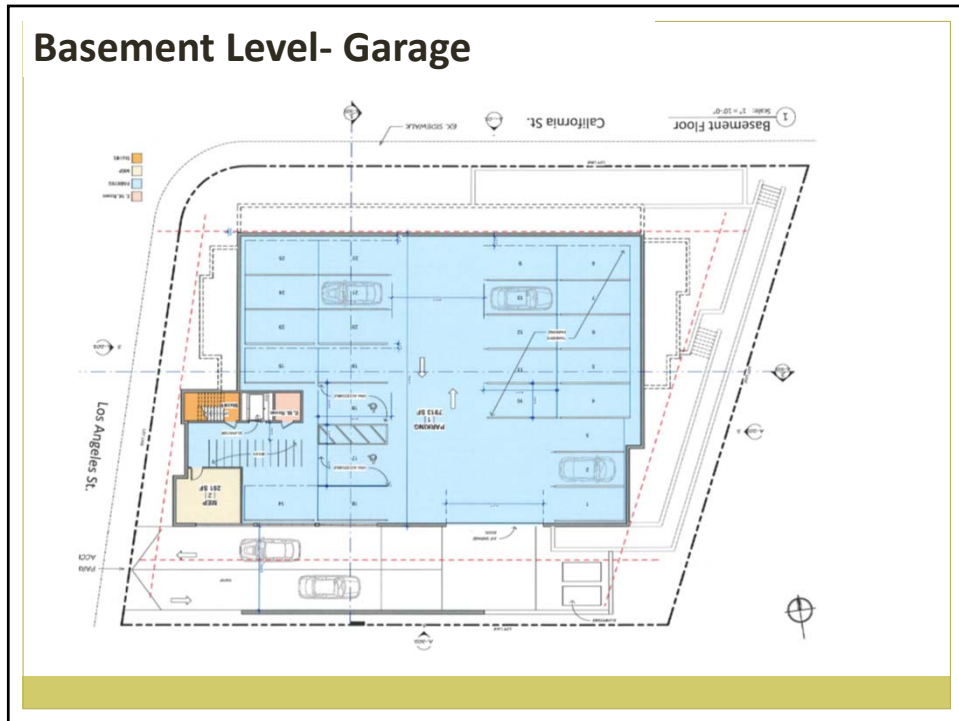
## Floor plan- 2<sup>nd</sup> Floor



## Floor plan- 3<sup>rd</sup> Floor



## Basement Level- Garage

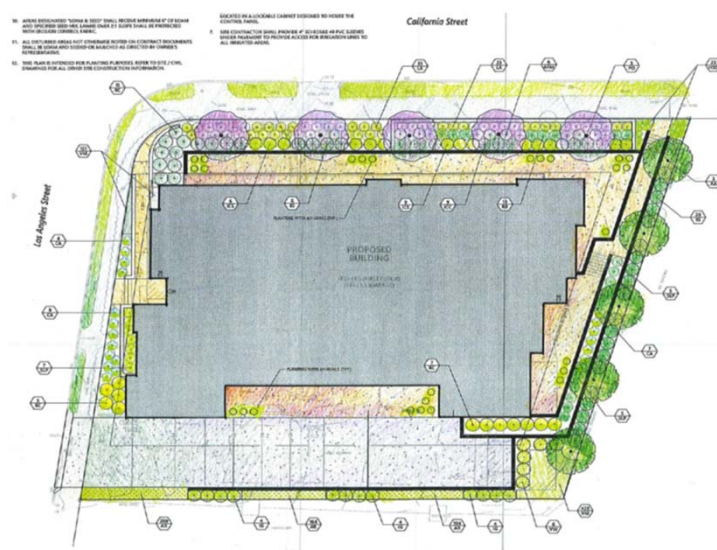


## Elevations- West & North





## Landscape plan



### Perspectives- California St.



### Perspectives- California St.







Ruthanne Fuller  
Mayor

Barney Heath  
Director of  
Planning & Development

Malcolm Lucas  
Housing Planner

*Members*

Kathy Laufer, Chair  
Ted Hess-Mahan, Vice-Chair  
Phil Herr  
Esther Schlorholtz  
Josephine McNeil  
Donna Rigg

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142

[www.newtonma.gov](http://www.newtonma.gov)

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## CITY OF NEWTON, MASSACHUSETTS

### Fair Housing Committee

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October 19, 2018

Gregory R. Schwartz, Chairman  
Land Use Committee  
Newton City Council  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: #483-18: Petition to allow 20-unit multi-family dwelling at  
182-184 & 166 California Street (the "Project")

Dear Chairman Schwartz:

At the request of the Petitioner, LA@CA, LLC, The Newton Fair Housing Committee (the "NFHC") recently reviewed the above-referenced petition for a special permit. In 2015, the City of Newton agreed with the U.S. Department of Housing and Urban Development ("HUD") to "review all applicable projects for their inclusion of fair housing goals, and note in writing in all applicable project reviews a statement that 'the objectives of the City's Consolidated Plan, including fair housing, have been considered in this review'" as a part of the Conciliation Agreement between the City, HUD and the Supporters of Engine 6 to resolve a fair housing complaint. That charge complements the usual review by City staff in that it is asking for review that focuses on goals and policies that are documented in the Consolidated Plan, which calls for consideration thereof, and not necessarily consistency with such goals and policies.

In September 2016, the NFHC drafted a set of criteria for reviewing project developers' consideration of the City's fair housing goals, a copy of which is attached hereto. These criteria reflect the following ways in which developers might go beyond regulatory requirements in order to serve the City's currently documented fair housing goals:

- Going beyond the required minimum share of project housing units that are committed to being affordable;
- Going beyond the regulated minimum share of project housing units that meet housing accessibility standards;
- Providing "visitability" for housing units not required to be fully accessible;

- Developing at a site that is well located in relation to commercial services and job accessibility;
- Developing at a location close to good public transportation; and
- Going beyond legal obligation to avoid any possible discriminatory impacts on “protected classes.”

The Petitioner, represented by its counsel, Laurance Lee, architect, Mark Dooling, and the Petitioner’s Manager, Enrique Darer, gave a presentation providing an overview of the Project, and answered questions and received comments from the members of the NFHC and City staff. As you know, the Petitioner proposes to raze the existing nonconforming 4-family dwelling, and construct a three story, multi-family building with twenty (20) units, two of which are affordable. The Petitioner is seeking a special permit to expand a pre-existing nonconforming use, as well as associated parking waivers and other relief.

Based on its review of the Project, the NFHC offers the following comments and observations concerning the extent to which the Project supports the City’s fair housing goals, for consideration by the Land Use Committee and the City Council in connection with granting a special permit.

**Affordability.** The Project currently meets, but does not exceed, regulatory requirements for affordability. The Project includes 2 affordable units, as required by the City’s current Inclusionary Zoning Ordinance (“IZO”). Under the IZO, the purchase price for inclusionary units in a project with fewer than 3 inclusionary units is based on the applicable household income limit, which is 80% of the Area Median Income (“AMI”) set by HUD for the designated statistical area that includes the City of Newton. The NFHC would like to see at least one additional affordable unit, and the inclusion of at least one unit with a purchase price based on a household income limit lower than 80% of AMI.

**Accessibility.** The Project appears to exceed the regulatory requirements for accessibility. The building and 100% of the dwelling units in the Project, as represented by the Petitioner, will comply with accessibility requirements. This multi-family housing project is new construction and by providing an elevator to all levels in the building, the project exceeds the regulatory requirements, adhering to the rules and regulations of the Massachusetts Architectural Access Board (“MAAB”) and Fair Housing Act as Amended (“FHAA”). One hundred percent (100%) of the dwelling units will have Group 1 (MAAB) accessibility features which are accessible/adaptable. In addition, the project meets the requirements of MAAB and FHAA by providing one fully accessible Group 2A (MAAB) dwelling unit, and one unit which incorporates features for visually and hearing impaired residents (FHAA). The underground parking exceeds MAAB and FHAA requirements by providing more than one accessible parking space. The common areas meet the MAAB and FHAA requirements by providing an accessible route to all units and parking, and from the sidewalk into the accessible entrance. Because the plans reviewed by the NFHC did not contain sufficient details about, for example, door widths in each unit, further plan review and inspection by the Inspectional Services

Department and/or the City's ADA Coordinator will be needed to ensure compliance with MAAB and FHAA accessibility requirements.

**Visitability.** For all of the reasons set forth above with respect to accessibility, the Project also appears to exceed regulatory requirements for visitability, in that the building, garage and 100% of the units, as represented by the Petitioner, meet MAAB and FHAA accessibility requirements.

**Housing/Employment/Transportation Proximities.** The Project is adjacent to a residential neighborhood consisting primarily of one and two-family houses, as well as an area with commercial activity and major employers, which include a grocery store, restaurants, retail and other businesses. It is also within one-half mile of substantial commercial activity and employment opportunities in both Watertown Square and the village of Nonantum. In addition, the Project is also close to public transportation, including MBTA bus lines within a 10-15 minute walk.

**Discriminatory Impacts.** The Project does not appear to have a disparate impact on any protected class (i.e., race, national origin, color, religion, sex, disability, familial status, sexual orientation or gender identity). Indeed, the Project meets or exceeds minimum fair housing regulatory requirements in several respects. For example, as previously noted, the building, garage and 100% of the units are accessible for people with disabilities. In addition, a residential development that contains only 1 bedroom and studio dwelling units could be seen as having a disparate impact on families with children under eighteen. Significantly, in addition to two 1-bedroom and six 2-bedroom units, the Project includes twelve 3-bedroom units, which offer housing opportunities for families with children under 18. Finally, in order to avoid any disparate impact, the NFHC notes that the marketing plan for sale/rental of the units should support the City's fair housing goals.

Thank you for your consideration. If you have any questions for the NFHC, please contact the City's Housing Planner, Malcolm Lucas, who staffs the committee, by tele phone at 617-796-1149 or by email at [mlucas@newtonma.gov](mailto:mlucas@newtonma.gov).

Sincerely,

*/s/Kathy Laufer*

Kathy Laufer, Chair

*/s/Ted Hess-Mahan*

Ted Hess-Mahan, Vice Chair

Attachment



Gregory R. Schwartz, Chairman

October 19, 2018

Page 4

cc: Laurance Lee, Esq.  
Barney Heath, Director of Planning & Development  
Jennifer Caira, Chief Planner  
Amanda Berman, Housing Development Planner  
Malcolm Lucas, Housing Planner  
Rachel Powers, Community Development Programs Manager  
Jini Fairley, ADA Coordinator  
Nadia Khan, Land Use Committee Clerk

# DRAFT

## REVIEWING PROJECT CONSIDERATION OF CITY FAIR HOUSING GOALS

---

Newton Fair Housing Committee  
September 21, 2016

The material following the first two pages of this memo are an effort to assure that as stated in the Engine 6 Agreement the review of housing development proposals will look beyond the specifics of regulations in assuring that the City's intentions for fair housing are being considered. That will apply even when those intentions as expressed in our *Consolidated Plan* and related documents go beyond the current reach of our regulatory tools.

### EXAMPLES

We looked at four developments in some early stage of approval to “test” the considerations that we are reviewing, not to evaluate the developments. The four reviewed are:

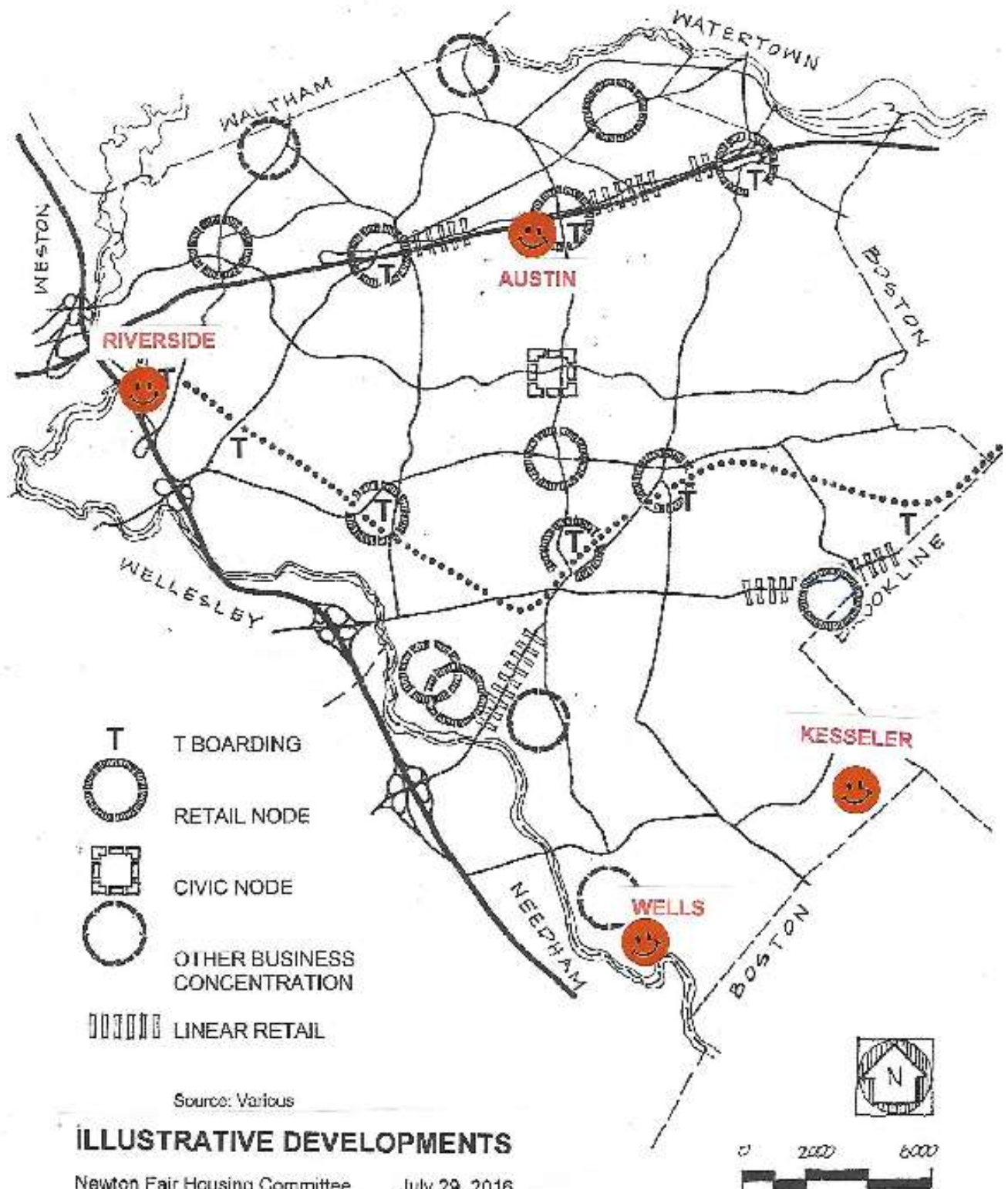
- ❖ Austin Street, approved although not yet being constructed;
- ❖ Kessler Woods, approved and under construction;
- ❖ Riverside, approved by the City but not yet being constructed; and
- ❖ 135 Wells Avenue, CC&F's proposal under litigation.

The four developments were informally reviewed under the criteria below to try out those criteria's appropriateness. Evaluations for each of the four developments covered above are described at 0, 1, 2 and 3 levels from least to most contribution to the City's fair housing intentions. That table is just illustrating the approach, and may not have been in all cases based upon the most recent info, so shouldn't be used for current comparative evaluation.

Two of the four projects are on what was City land at the outset. One of them, Austin Street, goes beyond requirements in three of the six considerations, while another, Kessler Woods, has not gone beyond that required on any of those considerations. Riverside and Wells at least meet three of the considerations.

Criterion	Austin St	Kessler	Riverside	135 Wells
Affordability	1	0	0	0
Accessibility	1	0	0	0
Visitability	0	0	0	0
Commercial proximity	3	0	3	3
Transport proximity	3	0	3	1
Discriminatory impacts	3	0	2	2

Providing a clear indication that the City values efforts that go beyond those required in regulations and publicizing that some developers do so seems likely to result in more developers choosing to make clear their intention to provide such “extra” efforts in their projects.



## REVIEWING PROJECT CONSIDERATION OF CITY FAIR HOUSING GOALS

Newton Fair Housing Committee  
September 21, 2016

The City of Newton agreed with HUD in 2015 to “...review all applicable projects for their inclusion of fair housing goals, and note in writing in all applicable project reviews a statement that ‘the objectives of the City’s *Consolidated Plan*, including fair housing, have been considered in this review” as a part of the Engine 6 Conciliation Agreement<sup>1</sup>. That charge complements the usual review by City staff in that it is asking for review that focuses on goals and policies that are documented in a plan, and asks about the consideration of those goals and policies, not necessarily consistency with them.

The City has a well-structured process for reviewing project proposals at the various stages in moving from conceptual early sketches to highly detailed construction documents, with a good record in timely reviews and inspections. However, there is less structure and documentation at early stages regarding objective consistency with considerations that are documented not in regulations but rather in less-familiar documents which bear on fair housing, including the *Newton Consolidated Plan* and other documents that are cited in it, so are within the scope of the agreed reviewing, in particular these:

- *Newton FY11-15 Analysis of Impediments to Fair Housing Choice*, in its sixth year;
- *Newton’s Fair Housing Action Plan*, drafted in 2008, and the
- *Newton Comprehensive Plan*, now nearing 10 years old.

No developer could be expected to study those many hundreds of pages of relevant guidance in deciding project location, design, and operation by seeking beyond rules for consistency with those documents. However, after careful review seven ways stand out through which developers might go beyond regulation to serve the City’s currently documented fair housing goals:

- Going beyond the required minimum share of project housing units that are committed to being affordable;
- Going beyond the regulated minimum share of project housing units that meet housing accessibility standards;
- Providing “visitability” for housing units not required to be fully accessible;
- Developing at a site that is well located in relation to commercial services and job accessibility;
- Developing at a location close to good public transportation; and
- Going beyond legal obligation to avoid any possible discriminatory impacts on “protected classes.”

None of those actions are obliged by current law or regulation, but each of them would be supportive of fair housing through goals cited in the *Consolidated Plan* and/or documents that that *Plan* cites, and all but one of them (“visitability”) has been provided in one or more recently approved developments in Newton.

---

<sup>1</sup> Page 6 of “Conciliation Agreement...between Supporters of Engine 6...and...City of Newton ...,” 5/12/2015.

## **AFFORDABILITY**

Is the project planned for more units priced below-market than is required by law?

- o. No, the number of below-market units will equal that required
- 1. Yes, but fewer than twice the required number of units will be below market
- 2. Yes, at least twice as many units as required but not all will be priced below market
- 3. Yes, all of the units will be below market.

## **ACCESSIBILITY**

Is the development planned for more units meeting accessibility rules than are required by State or federal regulation?

- o. No, the number will be that which is required, if any.
- 1. Yes, but fewer than twice the required percentage will be accessible;
- 2. Yes, and at least twice the required percentage will be accessible;
- 3. Yes, 100% of the units will be accessible.

## **VISITABILITY**

A “visitable home” as noted in the Newton *FY11-15 Analysis of Impediments to Fair Housing Choice* must have “(1) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk; (2) that entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space; and (3) at least one half-bath is on the main floor.”

To what extent do the dwelling units in the proposed development meet that description of what is called “visitability?”

- o. No dwelling units meet all three criteria
- 1. A few housing units meet all three criteria
- 2. Most housing units meet all three criteria, or all meet most of them
- 3. All housing units meet all three criteria.

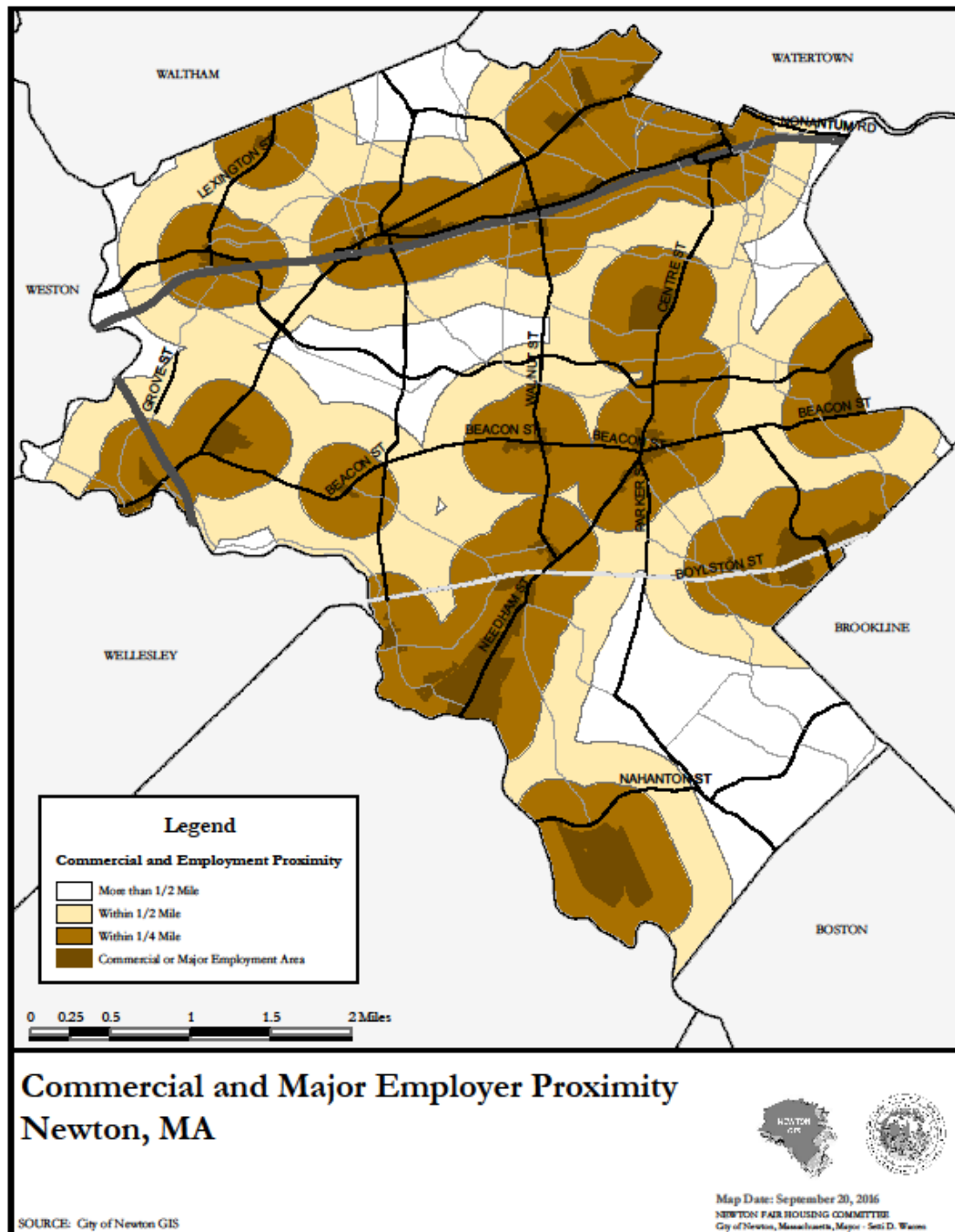
## **HOUSING/EMPLOYMENT/TRANSPORTATION PROXIMITIES**

Newton’s *FY 11–15 Analysis of Impediments to Fair Housing Choice* speaks highly of how many locations in Newton benefit from their proximity to employment opportunities, commercial services, community services, and proximity to public transportation for access to such assets that may be beyond walking distance. Some locations within the City are far richer than others regarding those opportunities and services, and locations within the City differ in proximity to and frequency of service of public transportation than are others. It is important for affirmatively furthering fair housing that sites of affordable housing be served no less well than other sites in those two regards. The following two maps enable evaluating how well a proposed housing development serves that consideration as expressed in the *Analysis of Impediments*.

## Proximity to commercial or major employment

How close is the housing site's proximity to commercial activity and employment as shown by City data on the map below?

0. More than 1/2 mile from such a site
1. Within 1/2 mile of such a site
2. Within 1/4 mile of such a site
3. Within or adjacent to a commercial or major employment site

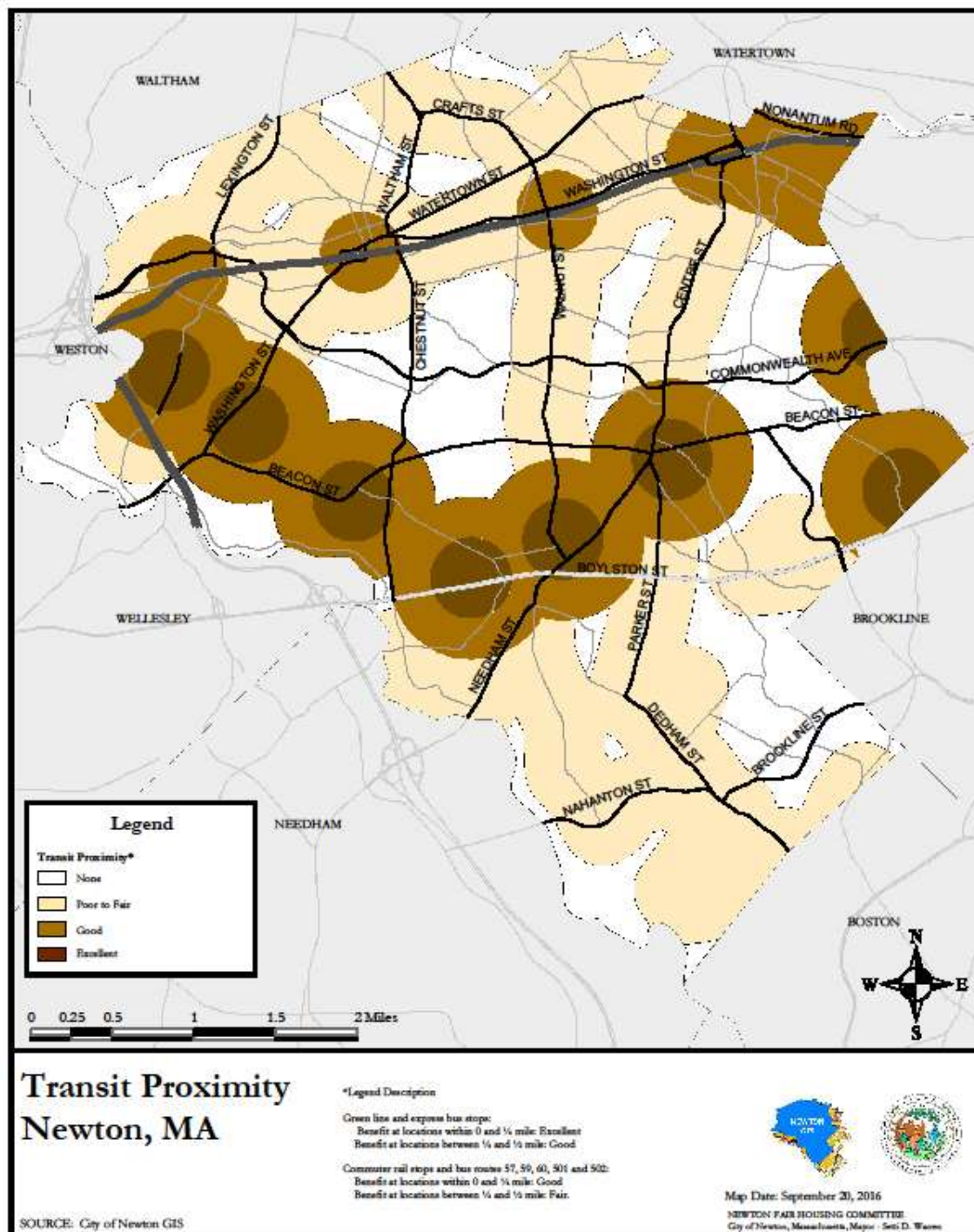




## Proximity to good public transportation

How good is the site's transit proximity as City-defined?

- 0 - None
- 1 - Poor, Fair
- 2 - Good, Very good
- 3 - Excellent, Superior





## **DISCRIMINATORY IMPACTS**

(A) Would the proposed development be free of unequal (disparate) negative impacts for “protected classes” based on race, national origin, color, religion, sex, familial status, or disability, even though no regulation might be violated? For example,

- A sizable development that contains only one-bedroom and studio apartments could be seen as having disparate impact on families with children under 18, or
- A proposed townhouse development having no units that have first-floor bedrooms and bathrooms could be seen as having a disparate impact on persons having a disability; or

(B) Might the City’s approval of the development be seen as creating, increasing, reinforcing, or perpetuating segregated housing patterns based on protected class status?

(C) In either such case, what is the justification provided for that proposal? Is the justification supported by the facts? Is the proposal necessary to achieve a “substantial, legitimate, nondiscriminatory interest”? If so, can that interest be served by modification of or an alternative for the proposal which has less discriminatory effect?

These are the potential findings:

0. Whether or not in compliance with all regulations, the proposed development would have disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, and there is no feasible means of lessening impact through modification or an alternative.
1. Whether or not in compliance with all regulations, the proposed development would have a disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, but the impact could possibly be lessened through major modification or an alternative.
2. Whether or not in compliance with all regulations, the proposed development would have a disparate impact on a protected class, as illustrated at (A) above, and/or it would perpetuate segregated housing patterns, but the impact could possibly be lessened through small revisions or minor alteration.
3. The proposed development appears to have no disparate impact on any protected class, nor does it perpetuate segregated housing patterns.

## **SOURCES FOR RELEVANT CONSOLIDATED PLAN OBJECTIVES**

### **Affordability**

#### *FY 16-20 Consolidated Plan*

Page 112: "...this Consolidated Plan puts the need for affordable housing at the top of the priority list..."

Page 113: SP-25 Priority needs table, row 2, "Provide affordable housing in mixed income developments."

Page 113: SP-25 Priority needs table, row 4, "Increase production of new affordable housing units."

Page 132: SP-45 Strategic Goals table, row 1, "Increase production of new affordable ... units."

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Page 16: "providing incentives to developers to exceed the mandated amount of inclusionary zoning."

### **Accessibility**

#### *FY 16-20 Consolidated Plan*

Page 113: SP-25 Priority needs table, row 3, "Additional accessible rental units ..."

Page 132: SP-45 Strategic Goals table, row 1, "Increase production of new ... accessible ... units."

### **Visitability**

#### *FY 16-20 Consolidated Plan*

Page 113: SP-25 Priority needs table, row 3, "Additional ... visitable housing"

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 26 - 27: "Visitability in Housing" discussion at length.

### **Proximity to commercial or major employment**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 21-25: "Employment- Housing – Transportation" discussion at length.

### **Proximity to good public transportation**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 21 – 25 as above, especially page 23: Proximity to Transit Legend Description.

### **Discriminatory impacts**

#### *FY11-15 Analysis of Impediments to Fair Housing Choice,*

Pages 12 – 13, "B. 2002 Analysis of Impediments to Fair Housing Choice Update.