



Land Use Committee Report

City of Newton In City Council

Tuesday, June 7, 2016

Present: Councilors Laredo, Schwartz, Lennon, Lipof, Crossley, Cote, Harney, Auchincloss

Also Present: Councilors Fuller, Albright, Brousal-Glaser, Baker, Norton, Leary, Sangiolo

City Staff Present: Associate City Solicitor Ouida Young, Chief Planner Alexandra Ananth, Planner Neil Cronin, Associate City Solicitor Bob Waddick

#180-16 Special Permit Petition to rezone the Orr block to Mixed Use 4

MARK NEWTONVILLE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a change of zone to MIXED USE 4 for a portion of land located at Walnut Street, Washington Street, Washington Terrace, also identified as Lots 10, 11, 12, 13, 14, 16, 19, 20, 21, 22, Block 29, Map 201 currently zoned Business 1 and Business 2.

#179-16 Special Permit Petition for Orr Building at Walnut St. and Washington St.

MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development in excess of 20,000 sq. ft. consisting of three interconnected buildings with building heights of 60 feet and five stories, total gross floor area of 238,075 sq. ft., incorporating 171 residential units, approximately 39,745 sq. ft. of commercial space to permit office use, medical use, retail and personal establishment of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft. retail banking and financial services and health club establishments, and approximately 2,030 sq. ft., of office/community space; 346 on-site parking stalls within a below-grade garage and surface parking, and to allow an FAR of 1.92; waive the setback and façade transparency, waiver of 97 parking stalls and dimensional requirements for parking stalls, interior landscaping, lighting, curbing, wheel stops, guard rails and bollards, waive entrance and end stall maneuvering space requirements, waive number of signs and allow for free-standing signs and loading bay at 241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace, Ward 2, Newtonville, on land known as SBL 21029 0010, 21029 0011, 21029 0012, 21029 0017, 21029 0016, 21029 0018, 21029 0019, 21029 0019A, 21029 0013, 21029 0014, 21029 0015, 21029 0020, 21029 0021, 21029 0022, 21029 0023, containing approximately 123,956 sq. ft. of land in a district zoned BUSINESS USE 1 and BUSINESS USE 2. Ref:7.3.3, 7.4, 4.2.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.4, 4.2.5.A.6.a, 4.2.5.A.6, 4.2.5.A.6.b, 4.2.5.A.6, 4.4.1, 5.1.4.A, 5.1.4.C, 5.1.4, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.10.B.3, 5.1.8.B.6, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5, 5.1.12, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: **Land Use Committee Held 8-0.**

NOTE: After reading the items into the record, and an introduction from the Planning and Development Board, the Chair of the Committee provided an overview of how the meetings for Washington Place will proceed. He indicated that the petitioner would provide an overview of the project. He noted that Chief Planner Alexandra Ananth would review the relief and design components to the project. The Chair added that the Public Hearing would remain open and would continue until July 12, 2016. The Chair noted that opinion letters are welcome and should be submitted to the Committee Clerk. Additionally, he stated that all documents pertaining to the petition will be posted on the City website.

Attorney Stephen Buchbinder representing Mark Newtonville, LLC presented an overview and PowerPoint presentation for the Washington Place project at the corner of Washington and Walnut Street in Newtonville. The project requires a special permit for various relief in addition to a change in zone. The site is composed of approximately 24,000 sq. ft. and the lots are currently zoned Business 1 or Business 2. The petitioner proposes to demolish a variety of businesses at the site including retail stores, offices, personal service uses, a service station, and restaurants. The petitioner hopes to erect a mixed use development in its place. The petitioner has done community outreach in Newtonville and with the Newtonville Area Council by holding informational meetings with abutters; residential and commercial.

The project consists of 3 buildings, with a maximum height of 60' and 5 stories tall. The petitioner plans for the inclusion of 40,000 sq. ft. of commercial space on the first floor, 2,000 sq. ft. of community space on the second floor, and 171 residential units on floors 2-5. Although there are currently no plans for 3 bedrooms, the petitioner would be entertain this option. At present, they plan to have 15% of the units would be affordable in accordance with the City's inclusionary housing ordinance. The development would have 346 total parking spaces on site, 236 of which would be in an underground garage.

David Solinsky on behalf of the petitioner appeared to familiarize the Committee with the details of the neighborhood. He spoke to the intention on behalf of the petitioner to make streetscape improvements. Mr. Solinsky gave historic background to the square and noted buildings of larger scale that were previously in what was then called Newtonville Square. Mr. Solinsky noted that the proposed buildings vary in height and setback to maintain the character in the neighborhood. They intend to meet the complete streets guidelines and incorporate extended sidewalks and allowing outdoor commercial use. There are breaks between the buildings that would include a courtyard and space to allow for restaurant and retail use. Mr. Solinsky noted that from a sustainability perspective, they expect that the building will be Silver Certifiable. It was noted that they plan to have a majority of the parking underground on the Northern edge of the property. The main access points to the garage would be off of Walnut Street and Washington Street. They plan to have green roofs and decks that overlook the courtyard.

Shawna Gillis Smith, Landscape Architect, Stated the petitioner's intention to maintain and create an active street scape in addition to a vibrant and flexible plaza. Ms. Smith demonstrated how the plans include extended large sidewalks with bump outs to allow for planting and bicycle racks in

addition to clear walking paths where there may be retail and restaurant space. Ms. Smith detailed the plaza courtyard which includes an artistic green feature wall. The petitioner would like to revitalize the area by adding these features.

Damian Chaviano, partner with Mark Newtonville, LLC reviewed programming on the ground level of the development. The petitioner envisions a lively and diverse environment that will welcome the community. Community programming could include live music, local bands, choirs and live entertainment. Mr. Chaviano noted that the community space would welcome New Arts Center & Newton Cultural Alliance to provide beneficial community programs. They intend to establish amenities for the general public and tenants. While affordable housing is a regional issue, the petitioner is prepared to go over the 15% requirement for affordable housing. They will return with an enhanced affordable housing plan during the summer. Connecting the North and South side of Newtonville via the bridge is important to the petitioner. As such they are additionally prepared to make enhancements to the bridge. The petitioner will supply a detailed plan for the bridge this summer as well.

Randy Hart, Transportation Consultant for the project noted that the current site under existing conditions generates traffic already. His job was to identify what the change to traffic would be. The consultant identified 12 points to analyze in determining the current traffic and sampled data from peak commute times. The calculations show that the morning commute would increase by approximately 90 trips. The evening commute would remain unaffected. To confirm this, the traffic consultant performed additional studies and found that the ballet school that is currently there generates a lot of evening traffic and no longer would. He noted the opportunities for residents to visit the pedestrian oriented area by foot. He noted the proximity to bus lines and the commuter rail. Mr. Hart anticipates that access management will also be improved due to the consolidation of 6 current driveways. Additionally the petitioner intends to locate the driveways as far from the streetlight intersections as possible. As the City has identified concerns with the traffic signals, the petitioner plans to introduce a traffic signal. They will modify the current crosswalk to have ADA compliant crosswalks and technology.

Attorney Buchbinder provided an overview of the necessary relief. The development proposes a building greater than 20,000 sq. ft., 5 stories, a building above 40 ft., waivers for transparency and entrance requirements, and an FAR of 1.92. Because it is unclear who the tenants will be, the petitioner is requesting various types of permitting to accommodate the potential tenants including retail, restaurants, personal services, health clubs and animal services. Relief is requested to allow for 1.25 parking stalls as opposed to the required 2.0 parking stalls per unit. Atty. Buchbinder noted that the net fiscal benefit would be slightly over \$200,000 as indicated by the Fiscal Impact Study.

The Chair announced the Site Visit Meeting for June 13, 2016 at 8:00 am.

Chief Planner Alexandra Ananth provided an introduction to the Washington Place Project and the criteria for approval that the Committee should consider when reviewing the project details. The

Planning Department is supportive of the project which is in line with the City's Comprehensive Plan and Housing Strategy. Due to the projected increase in population and demographic information, housing has become a significant need for future generations. The location of the Washington Place project maximizes the potential use of public transportation. Concerns of the project include the waivers for the height and setback on Walnut Street and Washington Terrace. Pulling the building or top floor back will help decrease the perceived height to the building. Considering the addition of additional landscaping and modifications to the South side of Washington Street as mitigation for the proposal was suggested. Ms. Ananth noted that the various studies submitted by the petitioner would be reviewed at a subsequent meeting as would an independent traffic study that has already been commissioned. Additionally, the Planning Department has recommended that the developer change the percentage of affordable housing units from 15% to 20%.

The Chair requested that Councilors pose questions for the petitioner, Planning department, Law Department to consider for future meetings and refrain from additional comment. The Chair encouraged Councilors to email questions to be posted as well. Councilors posed the following questions and requests:

If there would be any opportunities for additional architectural ingenuity.

How the intersection design and reconfiguration would impact vehicle and pedestrian traffic.

A refined definition of City Center.

The appropriateness of some uses in the development (i.e. medical and if the petitioner would be willing to exclude some uses.

If the petitioner would be willing to plant trees or include solar canopies in the parking lot.

How the petitioner plans to meet the criteria for special permits relating to natural resources and energy.

Can three bedroom units be considered and their appropriateness for the location.

Requests to investigate further the options to mitigate massing on Washington Terrace.

A review from Planning about how the reduction in MBTA service to Newtonville will affect the proposal.

A comparison to parking in Chestnut Hill Square.

Additional bridge details.

If the petitioner would consider 25% affordable housing.

An analysis of how the number of additional students will impact the student/teacher ratio.

If Planning could provide a comparison of similarly sized buildings in Newton.

Can the development be built to greater than Silver Certification standards.

A request to be considerate in discussing the area in Newtonville.

Would the petitioner consider office space as opposed to additional market rate housing in order to be a greater fiscal benefit to the city.

A review of the Fiscal Impact Analysis

How traffic will be impacted on Washington Terrace and Washington Street.

Decoupling parking spots from the units in the development.

A request to evaluate the realistic proportions in the renderings.

Consideration to the location of the elevator that is not close to the community space.

The Public Hearing was opened.

Planning and Development whether any zoning changes should be made while the zoning ordinance is being rewritten. Should the Council be considering a full rezoning of the area.

Jeffrey Codson, 321 Central Street, has been disappointed about the lack of development in Newtonville. He thinks his family could take advantage of the restaurants, fitness and community space.

George Flesh, 245 Highland Avenue, has concerns that approximately 300 additional people in one city block will create additional tax burdens for residents and in schools. He also has concerns about the height.

Megan Smith, 34 Foster Street, Feels that the development would be too urban for the village community. Ms. Smith represented 21 abutters whose homes are in a historic district and do not feel that the transition is appropriate. Additionally, they have concerns about the construction pollution and potential damage. She feels that it is important to wait until other high density projects are completed.

Craig Hammer, 281 Nahanton Street, is willing to travel to patronize businesses in all Newton villages and looks forward to seeing improvements made to the Orr Block.

Kathleen Hobson, 128 Dorset Street, spoke on behalf of Livable Newton. Livable Newton supports inclusive living, sustainability and affordable living. While they currently do not have a position on Washington Place, they are generally supportive of mixed use developments.

Adel Foss, 16 Page Road, is an environmental impact professional with related experience. He reiterated the need to wait until other high density projects are complete. He noted the need for an independent traffic study as well.

Gerard Slattery, 221/227 Walnut Street, feels that the development will be too dense and large. He has concerns about the shadow falling on abutting properties and the impact on traffic. He has concerns about the negative impact the construction could have on abutting properties and possible tremors from the garage.

Mr. Jack Porter, 79 Walnut Street, noted that because the land is costly, large projects will return his investment. He would like to see something smaller and more tasteful.

Fred Arnstein, 7 Briar Lane, presented a PowerPoint on behalf of a number of approximately 10 people. They do not feel that there is a real reason to work outside the constraints of current zoning regulations. These residents have concerns that the essence of the Garden City will be lost. He compared demographic tracts in an effort to demonstrate the diversity in Newtonville. He has concerns about the impact on rent and property taxes.

Helen Nayar, 75 Grove Hill Avenue, has concerns about the impact of the project on traffic, rent increases and school overcrowding.

Ellen Fitzpatrick, 20 Foster Street, Feels that the massive development is in an inappropriate location, too close to the historic district and that the development will destroy the cohesion of the neighborhood.

Fred Goldstein, 69 Commonwealth Park, noted that the street parking is inadequate and has concerns about the impact of the development on traffic.

Bob Kavanaugh, 69 Court Street, noted that current train transportation is inadequate and inconvenient and has limited options. The current Newtonville MBTA station is unsafe and needs to be made accessible.

Peter Harrington, 157 Lowell Avenue, Requested a notice of decision. Mr. Harrington noted that Neighbors for a better Newtonville have been circulating a petition and have acquired about 1200 signatures. Mr. Harrington requested that members of interest be notified of changes to the petition and provided a copy of the recodification of the zoning code.

Pam Shufro, stated the need for affordable housing in Newton. She presented information detailing how costly it can be to purchase a home in Newton and also requested consideration relating who will be able to afford the new property. Neighbors for a Better Newtonville believe the petitioner should consider 75% affordable housing.

Abby Kessler, 815 Washington Street, works in the area and supports the Neighbors for a Better Newtonville concerns. She has major concerns about traffic and the impact the development will have on affordable rents.

Marianne Louderback, 137 Elgin Street, feels that the independently owned businesses are support systems and a major part of the community.

Paula Parkis, owns Dancers Image, understands that change is inevitable and would hope that the petitioner will consider niche retail shops in the development.

Kenneth Roberts, 252 Cabot Street, provided a review of the small businesses in the area and requested that the small business owners are taken into consideration during the process.

The Committee held the item and the Public Hearing will continue on July 12, 2016. Presentations given at the meeting can be found at the following link:

http://www.newtonma.gov/gov/aldermen/special_permits/special_permits_2016.asp

Respectfully submitted,

Marc C. Laredo, Chair