



Land Use Committee Report

City of Newton

In City Council

Tuesday, September 13, 2016

Present: Councilors Laredo (Chair), Schwartz, Crossley, Lipof, Auchincloss, Harney, Cote; also present: Councilors Baker, Norton, Leary, Albright, Fuller, Blazar. Absent: Councilor Lennon.
Planning & Development Board Members: Barney Heath, Peter Doeringer.
City Staff Present: Alexandra Ananth, Robert Waddick, Ouida Young

#283-16 McGOVERN CHRYSLER JEEP DODGE RAM

777 Washington Street
Newton, MA. 02460 Class 1

ACTION: **Land Use Approved 5-0. (No Cote, Harney)**

NOTE: Matt McGovern presented the petition to obtain a Class 1 Dealer License at 777 Washington Street. Councilor Crossley motioned for approval which carried 5-0.

#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.

Public Hearing Opened on June 7, 2016 and continued to July 12, 2016.

#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

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

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.

Public Hearing Opened on June 7, 2016 and continued to July 12 and September 13 2016.

ACTION: **Land Use Held 7-0.**

NOTE: The Chair stated that the focus of the meeting would be the Fiscal Impacts of the project with a presentation from the petitioner and the Planning Department. He noted that the Public Hearing would remain open for continued public comment to the following meeting where the item would be discussed.

Attorney Buchbinder reviewed details to the petition and noted that the site does not represent an environmental challenge for new development and the proposed development will facilitate the required cleanup to the area.

Damian Chaviano, Partner with Mark Newtonville, LLC. presented changes to the petition including the change in percentage of affordable housing with inclusionary zoning. They have decided to change from 15% to 25% with changes in the number of affordable units 17 total with 3 as studios, 18- 1 bedroom units and 22-2 bedroom units. The petitioner indicated awareness for the need of affordable housing based on the average rent burdened households in the City. He noted that there are currently no affordable housing options for residents who fall above the 80% AMI level. The petitioner proposes to allow units at affordable costs to people who fall within 80-120% of the AMI level in an effort to keep people in the City. He provided an overview of who Inclusionary Zoning includes from an income standpoint and what the corresponding rates would be in the different tiers of 50-80% AMI and 80-120% AMI citing City employees, college graduates, postal workers and waiters/waitresses. The petitioner proposes to set aside 70% of the affordable units to be approved at the DHCD's discretion. The remaining units would be based on a lottery system based system for those who live in Newton, have a family member that works in Newton or has a family member attending school in the Newton Public School System.

When reviewing the existing housing stock, the petitioner noted that the existing housing is limited in terms of what is qualified/considered affordable housing by the Inclusionary Zoning Ordinance. He noted that only 2/4 properties that were considered affordable housing currently have been rented. When reviewing the quality of the residences, the petitioner has identified that the standards are lacking, not ADA accessible, not well maintained/updated and as a result the rents may

be depressed. The petitioner stated that they would get additional clarification on whether the additional affordable units would be in perpetuity or not.

The Land Use Committee previously requested that the petitioner evaluate additional commercial space in lieu of residences was addressed. Mr. Chaviano stated that they considered two options (one floor of the buildings/one entire building) when reviewing the request for additional office/commercial space. They did not find either option feasible.

In changing a single level to include office space the petitioner found it cost prohibitive to do as each floor would require additional space because office requires more than residential which would increase the total height of the building. Additionally, the building is made of higher quality and would require additional resources than if it were residences. The traffic and parking would be significantly increased. Parking would require 3 spaces per 1000/sq. ft. The petitioner stated that the current proposal would cost \$25 million dollars. When changed to incorporate additional office space, the petitioner stated that the cost would total \$40 million dollars. The Chair requested that the petitioner supply the backup to support this claim. The petitioner noted that at the \$40 million, the office space would not be cost effective.

John Connery, Fiscal Analyst for Connery Associates presented an overview of the Fiscal Impacts. An analysis of service costs to the site vs tax revenue currently and as proposed results in a positive net change of \$206,163. Mr. Connery noted that this number is read as if the project existed today. The estimates include public education costs and general service costs. He also noted that the current housing would also depreciate so the corresponding revenue at the properties will decrease accordingly. He stated that the assessed value of the property will increase by approximately \$49,433,000 as proposed. Mr. Connery estimates that there will be an average of 24 additional students as at the site. He emphasized the importance of noting that some years will be more and some will be less. Committee members asked how the addition of 3 bedroom units would affect the development. Mr. Connery noted that there will be an approximate increase of 4-5 students after accounting for the reductions from the 2 bedroom units that the 3 bedroom units would replace. Attorney Buchbinder added that other benefits would be increased consumer spending at the site and noted that the detailed fiscal analysis was submitted and can be found on the City's website.

Ms. Ananth reviewed the Fiscal Impacts of the Project, the projects consistency with the Comprehensive Plan and recent studies, the demand for office space, and the petitioner's inclusionary housing plan. She added that while it may not be incorrect, the fiscal analysis utilizes conservative figures including for the net positive benefit and the increase in proposed school children. While the number of school children could increase with a number of deed restricted units and 3 bedrooms; other amenities traditionally offered (pools, play areas) is typically more attractive to families. She stated that the site would encourage families to use public amenities. Ms. Ananth added that the fiscal and school impacts are not part of the special permit criteria for consideration. Ms. Ananth noted that fiscal benefits of the proposed project include: an increase in the assessed value of the property, job creation and increases in consumer spending at the site. She agreed that Newtonville is well below the national spending per sq. ft. of retail space and the RKG report prepared for Austin Street demonstrates a demand for additional retail activity in the village.

Ms. Ananth highlighted section 2 of the City's Comprehensive plan which calls for controlled growth while enhancing vitality in Newton's village Centers and offering diverse housing options. She noted that the Comprehensive plan also encourages the locating of developments where there are multiple transit options. She added that the project proposed to bring new commercial, restaurant and retail to Newtonville. She agrees with the determination that office use at the location would increase the traffic and required parking at the site. Planning does not feel that the market for additional office space exists and stated that generally companies are looking to be able to grow at the sites where they locate the businesses. There are locations for office space in the City. When asked to provide an example, Ms. Ananth noted that the Star Market parking lot could be used if underground parking was created and manufacturing areas in the City.

Ms. Ananth reviewed the petitioner's proposal for 26 deed restricted units in perpetuity as inclusionary units. 13 units will be for households earning up to 50% of AMI and 13 of the units will be for households earning up to 80% of AMI with the blended average income at 65% of AMI as required by the City's Ordinance. 26 units can be counted on the City's subsidized housing inventory with an annual report to the Planning that the residents remain qualified. Another 10% of units will be designated for those who are within 80%-120% of AMI and will confirm if that will be in perpetuity. Ms. Ananth confirmed that there is a discrepancy in how the state views inclusionary zoning. The 80-120% AMI is not recognized by the state.

The petitioner is working with the Planning Department in regard to the building design and street improvements. The street improvements including modern traffic signals and reconstruction of the intersection would help in reducing vehicle queues at the site. The redesign of Washington Street corridor is where the Planning and Public Works Departments would like to see mitigation funds applied.

Councilors noted that it was important to consider the opinion of the public prior to making a decision on the project. Committee members requested that the Planning Department provide a more comprehensive definition of city center. Ms. Ananth stated that Planning reviews each petition on a case by case basis and city center is not necessarily concrete. Committee members considered in the City's Zoning and Planning Committee should discuss defining different City Centers. While the amount of driving space would be changing to incorporate bike lanes, the paved area would not be. As such, the perceived height of the proposed structure should still be appropriate.

Committee members questioned if the additional revenue was significant. Ms. Ananth stated that it is fairly consistent with other developments. Councilors requested that the petition consider a gym or movie theatre at the site. Some Councilors felt that it is important to evaluate the project as a whole cohesive project that does not necessarily need commercial renters. Committee members agreed on the necessity to use caution when reviewing the impacts on the school system.

The Public Hearing was opened.

Mr. Swaby, feels that additional affordable housing options will be a benefit to the City and residents. He noted that many people are being pushed out by the rising housing costs.

David W., 224 Crafts Street, does not feel that the proposal is visually appealing.

Barbara Andersen, 853 Washington Street, noted that the buildings at the Orr Block are run down and old and that the proposal would be an improvement for living and affordable housing options.

Priscilla Lasmarias Kelso, 11 Harrington Street, feels that the City should wait before one development is complete and know the impacts before approving another one.

Dave Scott, 17 Crafts Street, is in support of the project and tax revenue. Supportive of additional affordable housing options.

Maureen Rice, Hyde Street, has concerns about the stress on parking in the area and the loss of business to the site.

John L. noted that the population will increase and that the community should not be scared of development. He added that it is better to go up than out in developing.

Jonathan Stevens, 857-859 Washington Street, is in support of the project and noted that the developer has been very pleasant and helpful throughout the process of relocating from the site. He has concerns that the project will take too long.

John Conroy, noted that it can be difficult to find a place to live in the City.

Tarik Lucas, 36 Central Avenue, noted that Washington place would be an upgrade to what currently exists however he does have concerns about parking.

Rosalie Weiner, cannot live in Newton anymore but would love to and feels that the proposed project is beautiful.

Candy K. Gold, 14 Columbine Road, supports the project and the way she thinks it will help foster a more engaged community.

Renee Renata, cannot afford to live in Newton anymore and feels that Washington place's affordable housing options are really attractive.

Ms. Anusha, 197 Boylston Street, Boston, grew up in Newton but can no longer afford to live in the City. She noted that she would like to be able to return and support the community.

Tracy Johnson, Employee, Centre Realty Group, stated that residents seeking housing are looking for affordable, modern housing.

Mr. Allen, Director of Operations, Centre Realty Group, noted that the modernization of the housing options in Newton is necessary in addition to new retail and restaurants.

Ernesto Gonzales, 143 Withington Road, thinks that the quality of life will be negatively impacted with the approval of Washington Place. He hopes to see the proposal minimized to preserve the quality of life for the current residents.

Ann Duvall, 33 Madison, is with Neighbors for a Better Newtonville. She feels that the proposal is too large.

Bonnie Foss, 16 Page Road, welcomes development, but feels that this project is too large.

Gail Gordon, 32 Walnut Place, feels that the project is too large and will change the quality and character of Newtonville.

Pamela Guy, 7 Briar Lane, does not feel that people understand how many affordable units there will actually be and feels as though it has been misrepresented.

Judith Laduc, 148 Linwood Ave, feels that it is important to note that the train to Newtonville is very infrequent.

With no additional comment, the Committee adjourned at 9:55 with the plan to meet again to discuss design elements of the project on October 6, 2016.

Respectfully submitted,
Marc C. Laredo, Chair