

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

WEDNESDAY FEBRUARY 15, 2012

Present: Ald. Johnson (Chairman), Baker, Yates, Sangiolo, Swiston, Danberg, Lennon, Kalis

Also present: Ald. Gentile, Harney, Crossley, Hess-Mahan

Planning Board: David Banash

Economic Development Commissioner: Christopher Steele

#400-11      ALD. GENTILE, HARNEY, SANGIOLO requesting establishment of a Business 5/Riverside Zone: a mixed-use transit-oriented district at the site of the current Riverside MBTA rail station. The proposed new zone shall allow by special permit a single commercial office building not to exceed 225,000 square feet with a maximum height of 9 stories, two residential buildings not to exceed 290 housing units in total, retail space not to exceed 20,000 square feet, along with a multi-use community center.  
[11/17/11 @3:36 PM]

**ACTION:**      **HELD 8-0**

**NOTE:**      The Zoning and Planning Committee convened to continue discussions on the proposed Riverside zone change. The purpose of this meeting was to review the draft language presented by the Planning Department (attached to this report). Candace Havens, Director of Planning and Development began the meeting by giving a brief overview of the language. In order to address the different interests, she crafted the text into two tiers. The first tier honors the docket language. The second tier is supplementary language that offers incentives and after-studies. They are not competing items, but rather area complementary. The language that is shaded are part of the tier two category.

Ms. Tapper walked the committee through a recap of decisions made at the last meeting before beginning to address the text. She also noted that pre-construction studies for public facilities were added into the language based off the comments from the last meeting.

Ald. Gentile asked for clarification on the notion that the development is currently 945k square feet since the latest version that he has seen is 550k. Ms. Tapper explained that the Planning Departments measurement of development footage is inclusive of all visible development, so their number includes the parking that is above ground. Additionally, the 1 million square feet limit does not take into account the parking structure for the MBTA reserved for the public use.

After reviewing the purpose section of the ordinance, the committee would like the Planning Department to again take another look and introduce some more specific

language into this section so as to ensure that the language regarding the location isn't too broad.

Seth Zeren, Chief Zoning Code official then went over the uses chart, pointing out to the committee that the department has separated office and retail into different categories, changed multi family dwelling to by-right (which would allow for dwellings to be located on the first floor and above), and added the provision that any retail, service, or food establishment over 5,000 square feet will need a special permit. The Planning Department also took the committees suggestion and has required all retail banking and financial services to have a special permit.

It was clarified that gas stations would be excluded from the development, and fast food establishments would not be allowed by right. To allay Ald. Yates fears that this special permit requirement for fast food would inhibit food establishments that would be beneficial for the development and the commuters, Ouida Young, Associate City Solicitor, explained that, per Newton ordinance, "fast food" is defined as a food establishment surrounded on all sides by pavement; therefore, the only establishments in Newton that qualify as "fast food" are two McDonalds. Regardless of this fact, Ald. Yates would still like it to be clarified that certain establishments should be allowed. Ald. Johnson suggested that the simple phrase "as defined by ordinance" be added to the fast food reference in the uses chart.

Mr. Zeren moved on to page three of the text explaining that there is a requirement in section 30-13(g) that if a development proposal comes in that is more than 20k gross floor area then the development must abide by this section as well as 30-15 and 30-24.

Ald. Gentile inquired as to why the hard cap of office space is not within the draft language. Mr. Zeren explained that at the previous meeting the committee felt that setting a requirement up front might impede future development, and that things like this would be determined during the special permit process. Ald. Gentile responded by stating that 225k square feet of office space was a hard number and he is not willing to bend on it. Since the office use is the use that creates the most trips it is important that this number doesn't go any higher.

Ald. Sangiolo understands the flexibility that the Planning Department is trying to provide by allowing a window of office space up to 300k but believes that there should be a hard cap set at 300k.

The conversation then moved on to the topic of incentives. The Planning Department describes incentives as a means to encourage developers to use the zone and as a means of providing more public benefit to a project. For example, if height is set lower, the developer would be allowed to increase their height (to the cap) if they provide more open space. Incentive A and incentive B (p.4 of draft) are only applicable should direct access from the highway be achieved. Ald. Sangiolo expressed some concern over Incentive A more so that incentive B, opining that 250k additional square feet is too generous. Ald. Harney would like to see "direct access" qualified as relating to both northbound and southbound travel.

Regarding height, Ald. Gentile stressed that the language of the ordinance must allow for the developer to achieve 10 stories so that they are able to eliminate the parking garage between the residential units and the Hotel Indigo and put the parking under the office space. The first 5 stories of the 10 story office building would be parking. The

latest rendering (attached) shows the lot without the garage. Not having this garage is very important to the neighbors across Grove Street. Mr. Zeren drew the Aldermen's attention to page 11 of the draft language, pertaining to building height, and explained that a 10 story building would require a height of 200ft. Ald. Gentile made clear that he doesn't want to limit the developer up front in terms of their ability of reaching 10 stories. He doesn't want this to only be reached through incentives. He is concerned that the line between what should be determined in a zone change and what should be determined during the special permit process is being blurred. He would like to see a document that reflects the request of the docketers as documented in the docket item. Should that be voted down then the committee is free to docket something that is different.

Ald. Johnson requested that the Planning Department provide the Committee with a chart of cause and effects if you apply incentives- what that does to height, square feet. In the interest of time, Ms. Havens quickly reviewed the remainder of the text. The committee will take the time to look over this document in more detail prior to their next meeting on the 27<sup>th</sup>. The motion to hold was made, and carried unanimously.

Respectfully Submitted,

Marcia Johnson, Chairman

#400-11

Petition # \_\_-12

\_\_\_\_\_, 2012 - Hearing Draft

WHEREAS, the 22-acre area including the Massachusetts Bay Transportation Authority ("MBTA") Station and lands adjacent to existing highway infrastructure in the Riverside area of the City of Newton represents an unique opportunity to encourage mixed use development in that area based upon smart growth principles; and

WHEREAS, the purpose of a mixed-use development within the Riverside area is to allow development appropriate to the area and its surroundings, provide enhancements to infrastructure, integrate with and protect nearby neighborhoods, provide a mix of compatible and complementary commercial and residential uses appropriate for transit-oriented sites, and advance the City's long-term goal of strengthening alternatives to single-occupancy automobile use while remaining consistent with the City's *Comprehensive Plan*; and

WHEREAS, the Zoning Ordinances of the City of Newton do not presently provide the appropriate development controls and incentives to encourage and control the transit-oriented development of the Riverside area; and

WHEREAS, such controls and incentives are in the public interest and further the objectives of the City's *Comprehensive Plan*; and

WHEREAS, this proposal does not rezone any land but provides a new zoning district for Mixed-Use Development; No land will be placed in this zone until the Board of Aldermen approves a map change;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

1. *By re-designating the current Section 30-13(f) as Section 30-13(h); re-designating the current Section 30-13(g) as Section 30-13(i); and inserting a new Section 30-13(f) and a new Section 30-13(g) as follows*

(f) *Establishment and purpose of the Mixed-Use 3/Transit-Oriented District.*

(1) *Purpose.* The purpose of the Mixed-Use 3/Transit-Oriented District is to allow the development of mixed-use centers on large parcels pursuant to the City's *Comprehensive Plan*, particularly the Mixed-Use Centers and Economic Development Elements. This district shall encourage comprehensive design within the site and with its surroundings, integrate complementary uses, provide enhancements to public infrastructure, connect beneficial open spaces, protect neighborhoods from impacts, allow sufficient density to make development economically feasible, foster use of alternative modes of transportation, and create a vibrant destination where people can live, work and play.

(2) *Allowed uses.* In the Mixed-Use 3/Transit-Oriented District, land, buildings, and structures may be used or may be designed, arranged, or constructed for one or more of the purposes listed in Section 30-13 Table A, subject to the density and dimensional controls of Section 30-15 and the parking requirements of Section 30-19.

**TABLE A: PRINCIPAL USES**

<i>Mixed-Use Development</i>	
• <b>Mixed-Use Development per section 30-13(g)</b>	SP
<i>Office:</i>	
• <b>General office:</b> including but not limited to research and development, professional offices, medical offices, and similar uses	BR
• On the ground floor	SP
<i>Retail, Service, Food, and Entertainment</i>	
• <b>Retail sales</b> including but not limited to retail bakery, and similar uses, excluding sales of motor vehicles	BR
• <b>Retail banking</b> and financial services	SP
• <b>Automated Teller Machines</b>	BR
• <b>Personal services:</b> including but not limited to barbershop, salon, tailor, cobbler, personal trainer or fitness studio, and similar uses, excluding repair of motor vehicles	BR
• <b>Retail laundry or dry cleaning</b>	BR
• <b>Eating and drinking establishments,</b> excluding fast-food establishments	BR
• <b>Health club</b>	BR
• On the ground floor	SP
• <b>Place of entertainment and assembly,</b> theater	SP
• <b>Lodging,</b> hotel, motel	SP
• <b>Parking,</b> non-accessory commercial	SP
• Any retail, service, food, and entertainment establishment of over 5,000 square feet of gross floor area	SP
• <b>Drive-in business</b>	
<i>Residential</i>	
• <b>Multifamily dwelling</b> (a building containing three or more dwelling units)	BR
• <b>Live/work space</b> or home business	BR
• <b>Single-room occupancy dwelling,</b> Single-person occupancy dwelling	SP
• <b>Assisted living</b> or nursing home	SP
<i>Public and Community</i>	
• <b>Community use space</b>	BR
• <b>Day care (adult or child)</b>	BR
• <b>Place of religious assembly</b>	BR
• <b>Government offices or services</b>	BR
• <b>Park or garden</b>	BR
• <b>Nonprofit or public school</b>	BR
• <b>Rail or bus terminal</b>	BR
• <b>Public parking</b>	BR
• <b>Library or museum</b>	BR
• <b>Uses similar to or accessory to the above</b>	BR

\* A use listed in Table A is permitted as of right in the Mixed-Use 3/Transit-Oriented Districts where denoted by the letter "BR." Uses designated in the Table by the letters "SP" may be allowed only if a special permit is issued by the Board of Aldermen in accordance with the procedures Section 30-24. Uses denoted by an "X" are prohibited.

(g) *Development by special permit in the Mixed-Use 3/Transit-Oriented District.* Land and buildings in the Mixed-Use 3/Transit-Oriented District may be used for the purposes authorized in 30-13(f)(2). Notwithstanding section 30-13(i), any development that proposes an aggregate gross floor area of 20,000 or more square feet of gross floor area among all buildings within the Development Parcel shall require a special permit for a Mixed-Use Development, which is defined to include a Development Parcel combining a residential use with at least two other principal uses listed in Table A as allowed by right or by special permit, in accordance with the procedures provided in section 30-24. Any proposed Mixed-Use Development shall comply with the following provisions and the provisions of sections 30-15(v) and Table 3, 30-24(c)(7), 30-24(c)(8), 30-24(i), 30-24(j), and 30-24(f).

- (1) *Establishment of a Development Parcel.* The area developed under a special permit by this section must be organized into a Development Parcel of ten acres or more as defined in Section 30-1. The Development Parcel may contain more than one lot and/or a portion of a lot. The provisions of this Zoning Ordinance shall apply to the Development Parcel as it exists on the date that the special permit is granted as if the Development Parcel were a single lot for zoning purposes, without reference to interior lot lines dividing separate ownerships. After the grant of a special permit per Section 30-13(g), the ownership may be further divided (subject to the establishment of an organization of owners, in (3) below) and any interior lot lines shall be disregarded for zoning purposes. The Development Parcel may be modified from time to time to accommodate land swaps or the purchase of adjacent land, provided that the Development Parcel is not less than ten-acres in size and does not create or expand any nonconformities.
- (2) *Intensity of development.* The aggregate gross floor area of all structures including private accessory parking structures within the Development Parcel shall not exceed 1,000,000 square feet of gross floor area, excluding any structures or portions of structures dedicated to public use and owned by a state instrumentality. The number of dwelling units within the Development Parcel shall not exceed 290. The development must have at least three uses enumerated in Table A.
- (3) *Organization of Owners.* Prior to exercise of a special permit granted under this section, an organization of all owners of land within the Development Parcel shall be formed. The organization of owners will be governed by special permit, with the authority and obligation to act on behalf of all such owners in contact with the city or its representatives regarding compliance with the zoning ordinance. The organization shall serve as the liaison between the city and any owner, lessee, or licensee within the Development Parcel governed by a special permit granted under section 30-13(g). Such organization shall be the primary contact for the city in connection with any dispute regarding violations of the zoning ordinance and, in addition to any liability of individual owners, shall have legal responsibility for compliance of the Development Parcel with the terms of the special permit for a Mixed-Use Development, site plan approval, and other applicable provisions of the zoning ordinance. In addition, any special permit granted under this section shall provide for the establishment of an advisory council consisting of representatives of the adjacent neighborhoods and this organization to assure continued compatibility of the uses within the Development Parcel and its neighbors during and after construction.

2. By adding a new Section 30-15(v) as follows:

(v) *Mixed-Use Developments in the Mixed-Use 3/Transit-Oriented District.* Any development permitted by special permit per section 30-13(g) must meet the following requirements:

- (1) The Board of Aldermen may grant a special permit per section 30-24 to allow exceptions to the by-right dimensional standards of the Mixed-Use 3/Transit-Oriented District, provided that the requirements of this section are met and no dimension exceeds those allowed in Table 3 for the Mixed-Use 3/Transit-Oriented District.
- (2) Setbacks. All structures or buildings must be set back per the requirements in Table 3, except that for perimeter lot lines adjoining a state highway right of way or land owned by a state instrumentality the setback shall be zero feet for nonresidential uses.
- (3) *Exclusion of Public Structures from Zoning Requirements.* Any portion of the Development Parcel for the proposed development owned by a state instrumentality and devoted to a governmental function from which the general public is excluded, such as but not limited to a rail yard, maintenance facility, or railroad right of way and any portion of a building or structure dedicated for public use by a state instrumentality, such as a passenger station or associated facilities for use by customers of the Massachusetts Bay Transportation Authority, shall not be included in the calculation of:
  - i. The quantity of beneficial open space required;
  - ii. Minimum lot area; or
  - iii. Floor Area Ratio.
- (4) *Impacts of Takings by or Conveyances to a Public Entity:* The provisions of section 30-26(a) shall apply to any taking by or conveyance of land within the Development Parcel to a public entity or to any land otherwise dedicated and accepted as a public way.

(5) *Incentives.* The following incentives may modify the dimensional requirements of section 30-15, Table 3 provided that all other dimensional standards are met.

- a. *Direct access to and from an interstate highway.* For providing direct access to and from an interstate highway, the maximum allowed gross floor area shall be increased by 250,000 square feet of gross floor area and FAR increased by 0.6 not to exceed 1,500,000 square feet of gross floor area and an FAR of 3.5.
- b. *Connections to adjacent properties.* For providing on-site access to and from adjacent properties and thereby redirecting existing traffic to a controlled point of exit onto the public way, the maximum allowed gross floor area shall be increased by 250,000 square feet of gross floor area and FAR increased by 0.6 not to exceed 1,500,000 square feet of gross floor area and an FAR of 3.5.
- c. *Additional beneficial open space.* For each additional 5% of lot area devoted to beneficial open space, the maximum allowed contextual height of any one building or structure within the Development Parcel may be increased by 10 feet but not to exceed a contextual height of 200 feet.
- d. *Open space connections.* For providing access and connections to other recreational open space either within the site or off-site, the maximum allowed contextual height of any one building or structure within the Development Parcel may be increased by 10 feet not to exceed a contextual height of 200 feet.

- e. *Community use space.* If the development includes 10,000 square feet or more of space devoted to community uses, not including any space already included in the calculation of beneficial open space, then on-site publicly-accessible community space is exempted from the cap enumerated in section 30-13(g)(2).
- f. *Affordable housing.* For inclusionary housing provided in excess of that required by section 30-24(f), additional gross floor area of commercial space not to exceed 30,000 square feet may be allowed equal to the area of the additional inclusionary housing provided.
- g. *Environmentally friendly design.* For any building that contributes significantly to the efficient use and conservation of natural resources and energy above and beyond the standard required in section 30-24(d)(5) and the City's Stretch Energy Code, the maximum allowed contextual height of that building may be increased by 10 feet but not to exceed a contextual height of 200 feet.

3. By adding the dimensional requirements for the Mixed-Use 3/Transit-Oriented District to Table 1 and Table 3 of Section 30-15 as follows:

Table 1

Zoning District	Minimum Required Lot Area	Lot Area per unit <sup>1</sup>	Frontage	
MU3/TOD	40,000	1,200	80	SEE TABLE 3 for other dimensional controls

See page 11 for Table 3 and notes

4. By adding new sections 30-24(c)(7), 30-24(c)(8), 30-24(i), 30-24(j) as follows (and renumbering all the others):

(c)(7): *Project Phasing.* Any development subject to a special permit under section 30-13(g) may be built in multiple phases over a period of time, in accordance with the terms of the special permit granted, provided that all off-site improvements and enhancements to public roadways are completed prior to issuance of any occupancy permits.

(c)(8): *Adequacy of public facilities.* Transportation, utilities, water, sewer and storm water infrastructure, public safety, schools including capacity, and other public facilities and infrastructure serve the Mixed-Use Development appropriately and safely and without deterioration in service to other nearby locations. To determine the adequacy of public facilities, impact studies of the following must be undertaken by the applicant as part of the special permit application process under 30-13(g) with the project scope determined by the director of planning and development, the city engineer, and traffic engineer. A peer review by a consultant may be required, hired by the city and paid for by the petitioner.

- a) Adequacy of road and traffic infrastructure, including use of the traffic analysis required in section 30-24(j)(5)
- b) Adequacy of water, sewer, and storm water infrastructure, including use of the water, sewer, and storm water analysis required in section 30-24(j)(6)
- c) Net fiscal impacts including use of the fiscal impact analysis required in section 30-24(j)(7)



As part of any special permit granted per section 30-13(g), post-construction studies for impacts on road and traffic capacity and water, sewer, and storm water service shall also be required. These studies must be conducted within twelve months of full occupancy, or earlier if requested by the director of planning and development, the city engineer or traffic engineer, and continue annually for two years. If the actual impacts exceed projections, further mitigation shall be required. Annual follow-up studies shall be conducted until these studies show for five consecutive years that the impacts from the development comply with the special permit.

The special permit shall also require a bond or other security satisfactory to the director of planning and development, the city engineer, and traffic engineer to secure performance. If the petitioner fails to complete any required mitigation or to manage impacts within acceptable levels identified by special permit, subject to reasonable extensions under the circumstances, the bond or other security may, at the city's election, be forfeited and proceeds used by the city for mitigation.

(i) *Additional special permit criteria for a Mixed-Use Development in the Mixed-Use 3/Transit-Oriented District.* In granting a special permit for a Mixed-Use Development under section 30-13(g), the Board of Aldermen shall not approve the special permit unless it also finds, in its judgment, that the proposal meets all of the following criteria in addition to those criteria in section 30-24(d):

- (1) *Not inconsistent with the Comprehensive Plan.* The proposed Mixed-Use Development is not inconsistent with the City's Comprehensive Plan in effect at the time of filing an application for a Mixed-Use Development, and applicable general laws relating to zoning and land use;
- (2) *Housing, public transportation and parking improvements, and utility infrastructure enhancements.* The proposed Mixed-Use Development offers long-term public benefits to the city and nearby areas such as:
  - a) Improved access and enhancements to public transportation;
  - b) Enhancements to parking, traffic, and roadways;
  - c) On- and off-site improvements to pedestrian and bicycle facilities, particularly as they facilitate access to the site by foot or bicycle;
  - d) Public safety improvements;
  - e) On-site affordable housing opportunities except where allowed in subsection 30-24(f)(5), the inclusionary zoning ordinance; and
  - f) Water and sewer infrastructure enhancements
- (3) *Improved access nearby.* Pedestrian and vehicular access routes and driveway widths are appropriately designed between the proposed Mixed-Use Development and abutting parcels and streets, with consideration to streetscape continuity and an intent to avoid adverse impacts on nearby neighborhoods from such traffic and other activities generated by the Mixed-Use Development as well as to improve traffic and access in nearby neighborhoods.
- (4) *Enhanced open space.* Appropriate setbacks as well as buffering and screening are provided from nearby residential properties; the quality and access of beneficial open space and on-site recreation opportunities is appropriate for the number of residents, employees and customers of the proposed Mixed-Use Development; and the extent of the conservation of natural features on-site, if any.

(5) *Excellence in place-making.* The proposed Mixed-Use Development provides a high quality architectural design so as to enhance the visual and civic quality of the site and the overall experience for residents of and visitors to both the Mixed-Use Development and its surroundings.

(6) *Comprehensive signage program.* Notwithstanding the requirements of Section 30-20, all signage for the proposed Mixed-Use Development shall be in accordance with a comprehensive signage program developed by the applicant and approved by the Board of Aldermen, which shall control for all purposes, shall supersede any other sign requirements, and shall be complementary to the architectural quality of the Mixed-Use Development and character of the streetscape.

(7) *Pedestrian scale.* The proposed Mixed-Use Development provides building footprints and articulations appropriately scaled to encourage outdoor pedestrian circulation; features buildings with appropriately spaced street-level windows and entrances; includes appropriate provisions for crossing all driveway entrances and internal roadways, and allows pedestrian access appropriately placed to encourage walking to and through the Development Parcel.

(8) *Public space.* The proposed Mixed-Use Development creates public spaces as pedestrian-oriented destinations that accommodate a variety of uses and promote a vibrant street life making connections to the surrounding neighborhood, as well as to the commercial and residential components of the Mixed-Use Development, to other commercial activity, and to each other.

(9) *Sustainable design.* The proposed Mixed-Use Development at least meets the energy and sustainability provisions of subsections 30-24(d)(5), 30-24(g), and 30-23(c)(2)(h).

(10) *Pedestrian and Neighborhood Considerations.* If the proposed Mixed-Use Development project proposes any of the measures listed below, and if such measures, singly or in combination, create a substantial negative impact on pedestrians or surrounding neighborhoods, the applicant has proposed feasible mitigation measures to eliminate such substantial negative impact:

- a) Widening or addition of roadway travel or turning lanes or conversion of on-street parking to travel lanes;
- b) Removal of pedestrian crossing, bicycle lanes, or roadway shoulder;
- c) Traffic signal additions, alterations, or roundabouts; and
- d) Relocation or alterations to public transport access points.

(j) *Additional Filing Requirements for Special Permit in the Mixed-Use 3/Transit-Oriented District.* In addition to the provisions of sections 30-23 and 30-24, applicants for a grant of a special permit under section 30-13(g) shall submit:

- (1) Scaled massing model or 3D computer model consistent with section 30-24(b);
- (2) Narrative analysis describing design features intended to integrate the proposed Mixed-Use Development into the surrounding neighborhood, including the existing landscape, abutting commercial and residential character and other site specific considerations, as

well as an explanation of how the proposed Mixed-Use Development satisfies each criterion in this section;

- (3) Statement describing how the beneficial open space areas, to the extent open to the public, are intended to be used by the public;
- (4) Site plans showing any "by-right" or zoning-exempt alternatives;
- (5) A Roadway and Transportation Plan reflecting the "EOEEA Guidelines for EIR/EIS Traffic Impact Assessment" with further attention to public transportation and exceptions, subject to review by the city traffic engineer, director of planning and development, and peer review consultants. The Plan should include the following:
  - i. Graphic and narrative description of existing and proposed means of access to and within the site, including motor vehicular, pedestrian, bicycle, and public or private transportation alternatives to single-occupant vehicles;
  - ii. Description of a proposed transportation demand management (TDM) program identifying commitments, if any, to a designated TDM manager, employer contributions to employee public transportation passes, shuttle bus capital contribution, car pool, van pool, guaranteed ride home, flex hours, promotional programs, support for off-site pedestrian and bicycle accommodations, and similar efforts;
  - iii. Detailed analysis and explanation for the maximum peak hour and daily motor vehicle trips projected to be generated by the Mixed-Use Development, documenting:
    - a) the projected Base Volume of trips to and from the Mixed Use Development based upon the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers or other sources, such as comparable projects in Newton or nearby communities, acceptable to the city traffic engineer and director of planning and development;
    - b) the projected Adjusted Volume of trips net of reductions resulting from internally captured trips; access by public transport, ridesharing, walking or biking; and through the TDM program cited above; but without adjustment for "pass-by" trips, and noting how those reductions compare with the Mixed-Use Development guideline of Adjusted Volume being at least ten percent (10%) below the Base Volume on weekday evening peak hours;
    - c) the means of making mitigations if it is found pursuant to the monitoring under section 30-24(c)(7) of this section that the trips counted exceed the projected Adjusted Volume by ten percent (10%) or more, and;
    - d) The projected trip reduction adjustment based on "pass-by" trips for use in projecting impacts on street traffic volumes.
  - iv. Analysis of traffic impacts on surrounding roadways, including secondary roads on which traffic to the Mixed-Use Development may have a negative impact. Results are to be summarized in tabular form to facilitate understanding of change from pre-development no-build conditions to the build-out conditions in trip volumes, volume/capacity ratios, level of service, delays, and queues;
  - v. The assumptions used with regard to the proportion of automobile use for travel related to the site, the scale of development and the proposed mix of uses, and the amount of parking provided; and

- vi. Analysis of projected transit use and description of proposed improvements in transit access, frequency and quality of service;
- (6) Water, sewer, and storm water impact analysis (waiting on text from Engineering);
- (7) Fiscal impact analysis that includes school impacts analysis prepared by a professional analyst, subject to peer review;
- (8) Proposed phasing schedule, including infrastructure improvements;
- (9) Shadow study showing shadow impacts on the surrounding properties for four seasons at early morning, noon, and late afternoon; and
- (10) Applicants must submit in electronic form all documents required by sections 30-23 and 30-24 (including this section 30-24(i)) and any supplemental reports, memoranda, presentations, or other communications submitted by the applicant or its representatives to the Board of Aldermen and pertaining to the special permit application unless the applicant demonstrates to the satisfaction of the director of planning and development that electronic submission or compliance with that standard is not feasible. Documents created using Computer Aided Design and Drafting software shall comply with the Mass GIS "Standard for Digital Plan Submittal to Municipalities," or successor standard. Electronic submission must be contemporaneous with submission by any other means. The director of planning and development will arrange to have electronically submitted documents posted on the city website within a reasonable time after receipt.

5. *By replacing Section 30-19(d)(18) with a new Section 30-19(d)(18) as follows:*

- (18) In the case of a combination, in a single integrated development, of three (3) or more uses enumerated herein, the Board of Aldermen may grant a special permit, in accordance with the procedure provided in section 30-24, to reduce the sum total of stalls required for each of the uses involved. Applicants for such a special permit shall submit a shared parking analysis that shall be subject to review by the city's planning director (and may be subject to peer review at the applicant's expense if requested by the planning director) which demonstrates that the number of parking stalls proposed is sufficient for the combination of uses proposed in light of the proximity of public transportation or other factors. Following the grant of a special permit under this section 30-19(d)(18), no material change in the combination of uses will be authorized until the petitioner submits a revised analysis demonstrating to the satisfaction of the planning director that sufficient parking exists to accommodate the new combination of uses or requests and receives a modification of the special permit to authorize a change in the number of stalls provided.

6. *By deleting the definition of "Development Parcel" as it appears in Section 30-1, Definitions, and substituting the following definition:*

*Development Parcel:* The real property on which a Planned Multi-Use Business Development or a Mixed-Use Development is located in connection with a special permit under Section 30-15(s) or 30-13(g).

By deleting the definition of "Open Space, beneficial as it appears in Section 30-1, Definitions, and substituting the following definition:

*Open Space, Beneficial:* Areas open to the public for active or passive recreation, which shall specifically include, but are not limited to: landscaped areas, including space located on top of a portion of a structure, gardens, playgrounds, walkways, plazas, patios, terraces and other hardscaped areas, and recreations areas, and shall not include: (i) portions of walkways intended primarily for circulation, i.e. that do not incorporate landscape features, sculpture or artwork, public benches, bicycle racks, kiosks or other public amenities, (ii) surface parking facilities or associated pedestrian circulation, (iii) areas that are accessory to a single housing unit, or (iv) areas that are accessory to a single commercial unit, and controlled by the tenant thereof, and not made available to the general public.

And by adding the following Definition in Section 30-1 as follows:

*"Community Use Space:* Recreational space that is open to the public and used for, but not limited to, ball courts, gymnasias, play areas, community meeting rooms, social services, outdoor play areas, playgrounds, related seating areas, and similar uses."

7. By inserting a new Section 30-5(a)(4) as follows:

- (4) Public uses described in Section 30-6(a) through (k); provided that such uses shall be subject only to site plan review as required under Section 30-6 and shall not be subject to dimensional, parking or any otherwise applicable zoning requirement.

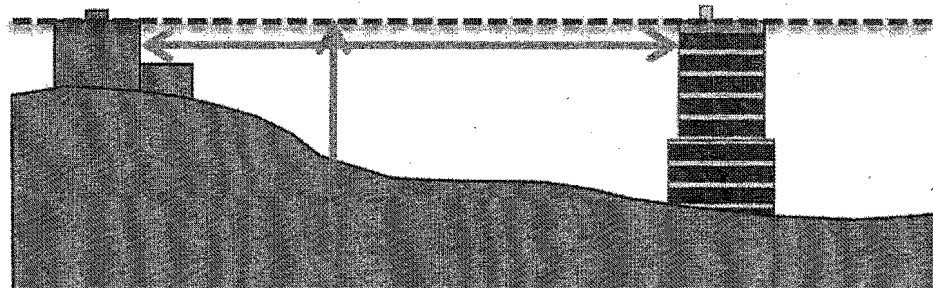
**Table 3**

Zoning District <sup>11</sup>	Max. # of Stories	Bldg. Height <sup>12</sup> (feet)	Total Floor Area Ratio	Gross Floor Area/Site Plan Approval (SF)	Threshold by Special Permit (Gross Floor Area; SF)	Minimum Lot Area (SF)	Lot Coverage	Beneficial Open Space	Front (feet)	Side (feet)	Rear (feet)
MU3/TOD As of Right	N/A	36	1.0	10,000-19,999	20,000	40,000	N/A	N/A	15 <sup>9</sup>	10	15
Mixed-Use Development Special Permit, per 30-13(g) <sup>13</sup>	N/A	135 <i>Contextual height of any building within 1,200 linear feet not to exceed a maximum of 200 feet.</i>	2.3	N/A	N/A	40,000	N/A	20% <del>10%</del>	½ bldg. ht.	0	0

13. See section 30-15(v) for additional dimensional requirements for developments within the Mixed-Use 3/Transit-Oriented District.

*Existing Definition of Height, Contextual:*

*Height, Contextual:* The vertical distance between the elevations of the following: (a) the Newton Base Elevation utilized by the city as implemented by the engineering division of the department of public works and (b) the highest point of the roof. Not included in such measurements are 1) cornices which do not extend more than five (5) feet above the roof line; 2) chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed fifteen (15) feet in height above the roof line; 3) enclosures for tanks which do not exceed twenty (20) feet in height above the roof line and do not exceed in aggregate area ten (10) per cent of the area of the roof; and 4) towers, spires, domes and other ornamental features.



# Estimated area of uses

Based on plans presented at community meeting

Use	Floor Area	% Non-Parking	% Total
Office	225,000	39.5%	33.8%
Residential	320,000	56.1%	2.1%
Retail/Commercial	20,000	3.5%	0.5%
Community Center	5,000	0.9%	-
Structured Parking	375,955	-	39.7%
<b>TOTAL (non-parking)</b>	<b>570,000</b>	<b>100.0%</b>	<b>-</b>
<b>TOTAL (including parking)</b>	<b>945,955</b>	<b>-</b>	<b>100.0%</b>

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## Estimated area of uses including MBTA Hub

Use	Floor Area	% Non- Parking	% Total
Office	225,000	39.5%	17.6%
Residential	320,000	56.1%	25.1%
Retail/Commercial	20,000	3.5%	1.6%
Community Center	5,000	0.9%	0.4%
Estimated MBTA Hub	330,000	-	25.9%
Structured Parking	375,955	-	29.5%
TOTAL (non-parking)	570,000	100.0%	-
TOTAL (including parking)	1,275,955	-	100.0%



#400-11

ARCHITECTURE + DESIGN



# Riverside Station

*A green, transit-oriented community*

BH Normandy Riverside LLC  
01.19.2012