

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
ZONING & PLANNING COMMITTEE AGENDA  
MONDAY, SEPTEMBER 10, 2012

7:45 PM  
Room 202

**ITEMS SCHEDULED FOR DISCUSSION:**

**THESE ITEMS ARE SCHEDULED FOR PUBLIC HEARING. THE CHAIRMAN WILL ENTER INTO COMMITTEE DISCUSSION AFTER THE HEARING IS CLOSED.**

- #150-09(7)     DIRECTOR OF PLANNING & DEVELOPMENT proposing that Chapter 30 section 30-13 be amended to establish a Mixed Use 4 (MU4) District; that Section 30-15 be amended to create a new Section 30-15(w) and revised Table 1 and Table 3 providing dimensional standards for development in the MU4; Section 30-15(w) shall include specific standards and special permit criteria for height, residential density, setbacks, accessibility, street-level transparency, lobbies for low-activity uses, open space, and an incentive for including mixed-use residential dwellings; and that Sections 30-13(h) and 13(i) be renumbered and revised to include specific special permit criteria and allow shared parking and connections with adjacent lots. [08-06-12 @ 11:53AM]
- #150-09(8)     DIRECTOR OF PLANNING & DEVELOPMENT proposing a certain parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, known as the Austin Street Municipal Parking Lot be rezoned to the Mixed Use 4 (MU4) District to allow a mixed-use development. [08-06-12 @ 11:53AM]
- #60-10(2)     ALD. HESS-MAHAN proposing that Chapter 30 sections 30-15(s)(10) and 30-24 be amended to substitute a requirement for a three-dimensional computer model for the option of providing a scaled massing model for special permit applications in the Planned Multi-Use Business District (PMBD), per Section 30-15(s)(10)a), and for commercial and/or multi-family development with a gross floor area of greater than 20,000 square feet, per Section 30-24(b) in order to facilitate compliance with recent amendments to the Open Meeting Law and that Sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [08-06-12 @ 11:59AM]

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:**

- #260-12      ALD. YATES proposing amendments to Sec. 30-19 to increase the vitality of village centers without adverse impacts on the residential neighborhoods around them. [08-17-12 @ 1:01 PM]
- #162-12      THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or opened for business on the ground floor of any building in any Business District within the city unless granted a Special Permit from the Board of Aldermen. [05-17-12 @ 4:18 PM]
- #214-12      ALD. DANBERG, BLAZAR, SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment. [07-09-12]
- #215-12      ALD. YATES proposing a RESOLUTION requesting that the Planning Department and the Economic Development Commission develop a Main Streets Program following the model of the National Trust for Historic Preservation to revitalize the Newtonville and Newton Centre business districts. [07-17-12 @ 2:55PM]
- #216-12      RECODIFICATION COMMITTEE recommending that the definition of “*Space, usable open*” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.
- #217-12      RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.
- #218-12      RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.
- #219-12      RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”
- #220-12      RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a be clarified with respect to “lot width,” “lot area,” or “lot frontage.”

- #152-10 ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]
- #60-10 ALD. HESS-MAHAN proposing that sections 30-15(s)(10) and 30-24(b) of the City of Newton Ordinances be amended to substitute a 3-dimensional computer model for the scaled massing model in order to facilitate compliance with recent amendments to the Open Meeting Law and that sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [02/23/10 @ 3:24 PM]
- #48-12 ALD. ALBRIGHT requesting a discussion with the Executive Office and the Planning Department on the creation of a housing trust. [02/10/2012 @ 9:13AM]
- #391-09 ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

- #102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]  
**FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012**

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

- #95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]  
**FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012**
- #64-12 ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances Sec 30-24(f)(8)b) to clarify the inclusionary zoning preference provisions for initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities. [03-14-12 @8:54AM]
- #49-11 ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning

& Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @8:44AM]

- #25-12      TERRENCE P. MORRIS, G. MICHAEL PEIRCE, JASON ROSENBERG, JOHN LOJEK proposing a zoning ordinance amendment to amend section 30-15(c)(3)(b) by inserting the word “*subject*” before the word “*lot*”, the word “*and*” before the word “*such*” and the word “*adjoining*” after the word “*such*” so that the paragraph reads as follows:  
*(b) if the subject lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the subject lot and such adjoining lot had on it a single-family or two-family dwelling.* [01/30/2012 @ 3:14PM]
- #11-12      ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]
- #61-10      ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]
- #164-09(2)      ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]
- #81-11      ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group’s Progress. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee. [3/14/2011 @ 11:16PM]
- #153-11      ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-

level windows for all commercial uses within the proposed overlay districts. [05-10-11 @3:19 PM]

- #153-11(2) ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting the map changes necessary to establish certain Retail Overlay Districts around selected village centers. [05-10-11@3:16 PM]
- #65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.
- #154-10(2) ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @11:34AM]
- #154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]
- #153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]
- #183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @12:00 PM]

Respectfully Submitted,

Marcia Johnson, Chairman

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The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at [TGuditz@newtonma.gov](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date



Setti D. Warren  
Mayor

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Candace Havens  
Director

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**PUBLIC HEARING MEMORANDUM**

**DATE:** September 7, 2012

**TO:** Alderman Marcia Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development  
James Freas, Chief Planner for Long Range Planning  
Seth Zeren, Chief Zoning Code Official 

**RE:** #60-10: Ald. Hess-Mahan proposing that sections 30-15(s)(10) and 30-24 of the City of Newton Ordinances be amended to substitute a requirement for a three-dimensional computer model for the option of providing a scaled massing model for special permit applications in the Planned Multi-Use Business District (PMBD), per Section 30-15(s)(10)a), and for commercial and/or multi-family development with a gross floor area of greater than 20,000 square feet, per Section 30-24(b) in order to facilitate compliance with recent amendments to the Open Meeting Law and that Sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen.

**MEETING DATE:** Public Hearing on September 10, 2012

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Board. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

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**EXECUTIVE SUMMARY**

On May 29, 2012, Alderman Ted Hess-Mahan introduced Petition #60-10 at a working session of the Zoning and Planning Committee. Petition #60-10 seeks to replace the existing requirement that applicants proposing large commercial or multi-family developments provide a physical model with an application for a special permit with a 3D computer model instead. Petition #60-10 also seeks to make the site plan review and special permit procedures of the Zoning Ordinance and the Rules of the Board of Aldermen conforming through other changes

to Sections 30-23 and 30-24. A physical model can help people visualize and understand the bulk of a proposed development during the special permit review process. However, these models must be made available to the public during the review process and preserved as part of the public record after this process is complete. Storage and public access requirements for these models can become a significant burden. A 3D computer model, on the other hand, can still aid in the visualization of the mass of a proposed structure, can be more easily stored digitally, and can be made available on the City's website in a commonly available format for easy access by the public.

Petition #60-10 also calls for changes to the Zoning Ordinance to update the site plan review and special permit procedures in Sections 30-23 and 30-24 to bring these requirements into consistency with the Rules and Orders of the Board of Aldermen, for example the requirements for Development Review Team meetings and a Zoning Review prior to submission of the special permit application are present in the Rules but not in the Zoning Ordinance.

These proposed changes to the Zoning Ordinance special permit procedures and submittal requirements will improve the ability of applicants, the City, and the public to prepare, store, and view models that illustrate proposed developments and also clarify the special permit process as it relates to the rules of the Board of Aldermen. The Planning Department seeks the input of the Board of Aldermen and the public on the proposed text changes of Petition #60-10 in order to prepare a final recommendation to the Zoning and Planning Committee.

#### **PROPOSED TEXT CHANGES**

**1. *Replace the current 30-15(s)(10)a) with the following:***

(10) Additional Filing Requirements for PMBDs. In addition to the provisions of sections 30-23 and 30-24, applicants for a grant of special permit for a PMBD shall submit:

a) A 3D computer model consistent with section 30-24(b);

**2. *Replace the current Section 30-24(b) with the following:***

(b) Contents of the Application. Each application for a special permit shall be accompanied by a site plan submission prepared in accordance with the provisions of section 30-23(b).

The applicant shall also submit a 3D computer-generated model, prepared by an architect, professional engineer or land surveyor as appropriate, for any commercial and/or multi-family development with a gross floor area of 20,000 square feet or more as follows: for a proposed development containing a gross floor area of 20,000 to 50,000 square feet, the model shall show the proposed development, all abutting properties and abutters to such abutting properties; for a proposed development containing a gross floor area 50,001 to 100,000 square feet, the model shall show the proposed development and all properties within 500 feet from the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater; for a proposed development containing a gross floor area in excess of 100,000 square feet, the model shall show the proposed development and all properties within 1,000 feet of the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater. The model shall be provided to the City in a file format acceptable to the Director of Planning and Development, in consultation with the Clerk of the Board of Aldermen, the City Solicitor, and the Director of Information Technology.

**3. Add the word “3D” to the current Section 30-24(j)(2), to read:**

(j)(2) 3D computer model that shows the relationship of the project to its surroundings consistent with section 30-24(b);

**4. Replace the current Section 30-23(a) with the following:**

(b) Applications. A written application for a site plan approval, on forms provided by the city clerk and accompanied by fifteen (15) sets of plans prepared as provided below, shall be submitted in accordance with the procedures of this section and the Rules and Orders of the Board of Aldermen pertaining to special permit and site plan approval petitions by delivery or registered mail, return receipt requested, to the city clerk, who shall transmit such application to the board of aldermen and the department of planning and development. If the application is submitted by delivery, the city clerk shall give the applicant a written receipt therefor, indicating the date of such submission.

**5. Replace the current Section 30-24(a) with the following:**

(a) Whenever a special permit is required under the provisions of this ordinance, a written application for a special permit, on forms provided by the city clerk and accompanied by plans prepared as provided in section 30-23(b) shall be submitted in accordance with the procedures of this section and the Rules and Orders of the Board of Aldermen pertaining to special permit and site plan approval petitions by delivery or registered mail, return receipt requested, to the city clerk, who shall transmit such application to the board of aldermen and the department of planning and development. If the application is submitted by delivery, the city clerk shall give the applicant a written receipt therefor, indicating the date of such submission. Whenever an application for a special permit is required under the provisions of this ordinance, site plan approval in accordance with section 30-23 shall also be required and an application for such approval shall be filed concurrently with the application for special permit.

**6. Add the following to Section 30-24(c) and renumber the other subsections accordingly:**

(c) Procedures.

- (1) As part of an application for special permit, an applicant must comply with the Rules and Orders of the Board of Aldermen pertaining to special permit and site plan approval

**NEXT STEPS**

A working session will follow the public hearing and at that time the Zoning and Planning Committee will have an opportunity to discuss the merits of the proposed text revisions. Staff will provide additional analysis as necessary to respond to public comments or questions.





Setti D. Warren  
Mayor

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Candace Havens  
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**PUBLIC HEARING MEMORANDUM**

**DATE:** September 7, 2012

**TO:** Alderman Marcia Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development   
James Freas, Chief Planner for Long Range Planning  
Seth Zeren, Chief Zoning Code Official

**RE:** #150-09(7): The Director of Planning and Development proposing that section 30-13 be amended to establish a Mixed Use 4 (MU4) District; that Section 30-15 be amended to create a new Section 30-15(w) and revised Table 1 and Table 3 providing dimensional standards for development in the MU4; Section 30-15(w) shall include specific standards and special permit criteria for height, residential density, setbacks, accessibility, street-level transparency, lobbies for low-activity uses, open space, and an incentive for including mixed-use residential dwellings; and that Sections 30-13(h) and 13(i) be renumbered and revised to include specific special permit criteria and allow shared parking and connections with adjacent lots. A complete copy of the proposed text can be obtained from the Planning Department on the second floor of City Hall, or at 617-796-1120, or [szeren@newtonma.gov](mailto:szeren@newtonma.gov).

#150-09(8): The Planning Department proposing a certain parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, known as the Austin Street Municipal Parking Lot be rezoned to the Mixed Use 4 (MU4) District to allow a mixed-use development.

**MEETING DATE:** Public Hearing on September 10, 2012

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Board. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

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## EXECUTIVE SUMMARY

In June, 2011, the Joint Advisory Planning Group (JAPG) for the City's Austin Street Parking Lot and the Planning Department presented their final reports concerning the reuse of the City's Austin Street parking lot. The report recommended that the lot be redeveloped as a mixed-use residential development providing no less than 18 affordable and market-rate apartments, with ground floor commercial, open space, and public parking that will add pedestrian life to the area and enhance the vitality of Newtonville. Beginning at a working session on May 29, 2012, the Zoning and Planning Committee (ZAP) and the Planning Department prepared a draft zoning text to accommodate the redevelopment of this site: a new Mixed Use 4 (MU4) zoning district (Attachment A). The proposed MU4 zone better meets the specific needs of the Austin Street site for both encouraging appropriate redevelopment and minimizing negative impacts on the vicinity than any existing zoning district. The MU4 may also be appropriate for guiding the redevelopment of other sites in Newtonville or in other village centers where the Board of Aldermen deems appropriate in the future. Attachment A presents the revised text for discussion at the ZAP public hearing on September 10<sup>th</sup>. Staff looks forward to receiving public comment on the draft zoning text and rezoning. Following approval of zoning for Austin Street, the City will release a request for proposals (RFP) to solicit development proposals for the lot.

## ANALYSIS

### Planning Context

By the early 20<sup>th</sup> Century, Newton's commercial village centers had grown into dense, walkable, mixed-use communities. Shops, residences, workplaces, and civic amenities shared three- and four-story buildings. Over the course of the 20<sup>th</sup> Century, many of these buildings were replaced by single-story structures served by multiple parking lots, which reduced the density and diversity of uses in Newton's villages. Today, planning best practices and market forces are moving towards higher-density, mixed-use development to restore the walkability, diversity of housing options, transit access, and variety of services that Newton's villages once enjoyed.

Initial discussions about the reuse of the City's Austin Street parking lot for mixed-use development began in 2005. Over the following years, the Planning Department and community explored the option of redevelopment through design charrettes, community workshops, and public meetings. In March 2011, the Board of Aldermen appointed a Joint Advisory Planning Group (JAPG) to consider the reuse of the site. In June 2011, the JAPG submitted "The JAPG Report Austin Street Parking Lot" (Attachment B), spelling out the group's recommendations. The Planning Department report supports the JAPG's recommendations with only slight variations, one of which was the question as to whether the BU4 zone is the most appropriate zone in this location (Attachment C).

### Key Recommendations of the JAPG

The JAPG agreed that the redevelopment of the Austin Street lot should be the "spark that lights the fire of rejuvenation in the Newtonville Village." To achieve this goal, the JAPG recommended a development consisting of multi-story, mixed-use building(s) set close to the street and in keeping with the existing context of Newtonville, incorporating affordable housing, active commercial uses, public parking, and public open space. These recommendations served as the starting point for the Planning Department's consideration of the best way to rezone the Austin Street lot to achieve the vision of the JAPG.

Planning staff divided the recommendations from the JAPG's report into two categories: those which are policy goals specific to the Austin Street site and those which are general zoning goals that might be applicable generally for similar sites (see the table below).

General village zoning goals	Site-specific policy goals
<ul style="list-style-type: none"> <li>• Compatibility with village context, including visual scale</li> <li>• A maximum setback along at least a portion of the street frontage</li> <li>• Encourage active uses and mixed-use residential</li> <li>• A transparent street façade, multiple pedestrian access points into the building and the lot</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum of 18 housing units on-site, at least 25% affordable and 5% accessible</li> <li>• At least 5,000 square feet of non-residential floor area for active uses</li> <li>• 5% open space</li> <li>• Minimum of 85 public parking stalls in addition to parking to support new uses</li> </ul>

While the Planning Department supports the site-specific policy goals identified in the right-hand column, staff also notes that they are most appropriate to the specific situation (size, location, and existing uses) of the Austin Street lot. For example, requiring a specific amount of public parking is an appropriate goal for a development replacing an existing public parking lot. However, if such a requirement were included in the zoning text, it could be inappropriate for other developments were the zone to be used elsewhere in the future. Site-specific policy goals are best pursued through the RFP or special permit process rather than through general zoning.

#### Existing Zoning Districts

The Planning Department next considered two existing zoning districts for the Austin Street site. The majority of Newtonville is currently zoned Business 1 (BU1). However, the BU1 zone allows up to three stories only by special permit where the JAPG report suggested that a relatively taller building, perhaps five stories, would be desirable to accommodate all the public and private benefits sought. The JAPG report recommended rezoning to the Business 4 zone, the only zone that allows a building height of five stories. However, the BU4 zone is the most intense zone in the City and allows buildings of up to eight stories, which may not be appropriate in village centers. In addition to concern over building height and overall density, the JAPG report called for a number of additional zoning tools that are not available in any existing Newton zoning district, including employing maximum setbacks and requiring street level transparency.

A new Mixed Use 4 (MU4) zone could enable the appropriate redevelopment of the Austin Street lot and in the future could be applied to other portions of Newtonville or other village centers to encourage their revitalization. The MU4 would only take effect as parcels are rezoned by act of the Board of Aldermen and could be incrementally applied to control the rate of redevelopment and minimize any detrimental impacts from new development.

Feature	BU1	BU4	Proposed MU4
Height/Stories	2 stories (3 by SP)	3 stories (8 by SP)	3 stories (4-5 by SP), minimum of 2 stories
FAR	1.0 (1.5 by SP)	1.5 (3.0 by SP)	1.5-2.0 (2.0-2.5 by SP)
Setbacks and building orientation	Minimum setback	Minimum setback	Minimum and maximum setback
Stepbacks for upper floors	Not addressed	Not addressed	Required
Active and Mixed Uses	Not addressed	Not addressed	Low-activity uses by SP at street level; incentive for residential uses
Street-level access and transparency	Not addressed	Not addressed	Required

#### Essential Elements of Zoning for Villages

In designing the proposed MU4 zone, staff consulted the City's *Comprehensive Plan*, including the recent Mixed-Use Element amendment to that *Plan*, and best practices in village zoning and planning. The *Comprehensive Plan* calls for "enhancing village centers [and] supporting their vitality" by providing "services to nearby neighborhoods," "housing alternatives," and "focal areas" to create a "sense of place" while recognizing the unique roles each village plays in the City. The *Plan* calls for "moderate growth" in the larger village centers and "revis[ing] the zoning rules that presently impose restrictions on residential uses in village centers and other business areas" to "encourage mixed uses in business areas and village commercial centers, particularly where public transportation is available." Incentives should be provided for the "creation of more multifamily housing" and "multi-story buildings;" zoning should also be more "proactive" in "encourage[ing] the uses and design criteria" that are desired. The Mixed-Use Element, though focused on guiding the development of larger sites in the City, also emphasizes the importance of fine-grained mixed uses, pedestrian appeal, and residential proximity in the past success of Newton's village centers.

Staff also consulted the American Planning Association on best practices in village zoning. Their resources recommend locating multiple-story buildings at the front of the property in a common street wall to create a sense of visual enclosure and sense of place. To encourage pedestrians to linger, greet each other, and visit many businesses in one trip, zoning can emphasize active uses and an attractive public environment, including plentiful street-level windows and entrances to buildings.

Parking is also an important issue for many desirable but high traffic uses, like restaurants, in dense areas, like village centers. Current practice in parking planning for villages and other dense mixed-use areas places less emphasis on each individual use providing parking for every customer and more emphasis on public parking management, shared parking, and pedestrians, bicycles, and transit use. At this time, parking management plans and a wide range of changes to the City's parking ordinances are under consideration under separate ZAP docket items and by the Mayor's Transportation Advisory Group (TAG). Given these parallel efforts that the Planning Department strongly supports, staff recommended not proposing changes to parking regulations as part of this new zoning district.

## **SUMMARY OF PROPOSED TEXT**

The proposed Mixed Use 4 zone (see complete text in Attachment A) embraces the above principles. To allow adequate density while fitting into the neighborhood context, buildings must be at least two stories in height and a maximum of three stories by right or four stories by special permit, plus a bonus story for development that includes residences on the upper floors to incentivize housing alternatives. Fourth and fifth floors are required to be stepped back from the building façade to conceal the height and bulk of structures from their surroundings. To ensure new buildings front the street so as to create a beneficial pedestrian environment, the ground floor of any proposed development must occupy at least 75% of the frontage between five feet and ten feet from a public street. Commercial spaces are also required to provide transparent windows into shop interiors and regularly spaced entrances. Parcels of an acre or greater (including the Austin Street site) are required to provide 5% beneficial open space to further strengthen the public realm in village centers. Active, mixed uses are encouraged by incentivizing residences on the upper floors with additional height and by requiring special permits for business establishments over 5,000 square feet and for uses such as doctors' offices and financial institutions that want to locate at street level. The proposed text also features numerous other improvements including a clear statement of purpose, a table of allowed uses similar to that employed by the Mixed Use 3/TOD zone, and clarifications to the requirement that all development greater than 20,000 square feet in MU zones obtain a special permit that ensure that neighboring parcels may share parking, rear access drives, and other similar features.

## **NEXT STEPS**

Following the public hearing, the Zoning and Planning Committee will decide on the appropriateness of the proposed zone. Staff will provide additional analysis as necessary to respond to public comments or questions.

## **PREVIOUS DISCUSSION**

- In 2005, initial discussions about the reuse of the City's Austin Street parking lot for mixed-use development began.
- In March 2011, the Board of Aldermen appointed a Joint Advisory Planning Group (JAPG) to consider the reuse of the site.
- In June 2011, the JAPG submitted "The JAPG Report Austin Street Parking Lot," spelling out the group's recommendations and the Planning Department prepared a staff report in response.
- On May 29<sup>th</sup>, 2012, the Planning Department presented an overview of the Austin Street JAPG report and staff analysis related to the proposed rezoning of the Austin Street parcel (see the Planning Department report dated May 25, 2012 for analysis of the JAPG recommendations).
- On June 11<sup>th</sup>, 2012, the Planning Department responded to Committee questions and presented draft zoning text for a new Mixed Use 4 (MU4) zone (see the Planning Department report dated June 8, 2012 for more information).
- On June 25<sup>th</sup>, 2012, the Planning Department provided answers to Committee questions and a revised zoning text (see the Planning Department report dated June 22, 2012 for more information).
- On July 16<sup>th</sup>, 2012, the Planning Department addressed additional Committee questions and suggestions and presented a third draft zoning text (see the Planning Department report dated July 13, 2012 for more information).
- On August 16<sup>th</sup>, 2012, the Planning Department presented a final draft zoning text for discussion and minor revisions (see the Planning Department report dated August 13, 2012 for more information).

**ATTACHMENT A:** Proposed Zoning Text Amendments creating a Mixed Use 4 Zone

**ATTACHMENT B:** The JAPG Report Austin Street Parking Lot, dated June 20, 2011

**ATTACHMENT C:** Planning Department Memorandum, dated June 20, 2011

## PROPOSED ZONING TEXT AMENDMENTS

**Add the following definitions to Section 30-1: Definitions**

- **Mixed-use residential building:** A building occupied by both residential and nonresidential uses.
- **Street level:** The level of a building the floor of which is nearest to the grade of the adjacent sidewalk.

**Section 30-13(h) Establishment and purposes of the Mixed Use 4 District** (existing 30-13(h), etc. to be re-lettered)**(1) Purposes.** The purposes of the Mixed Use 4 District are to:

- Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's *Comprehensive Plan*.
- Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
- Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
- Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

**(2) Allowed uses.** In the Mixed Use 4 District, land, buildings, and structures may be used or may be designed, arranged, or constructed for one or more of the purposes listed in Table B, below. In granting a special permit in accordance with the procedures of Section 30-24 for a use enumerated below, the Board of Aldermen shall make a finding that the proposed use will encourage an active, pedestrian-oriented streetscape throughout the day and week, that the proposed use fills a demonstrated need for the use within the vicinity, and that the proposed use is not inconsistent with the purposes of this Section, 30-13(h)(1) or the *Newton Comprehensive Plan*.

TABLE B: PRINCIPAL USES FOR THE MIXED USE 4 DISTRICT <sup>1</sup>	
Uses similar to or accessory to the following may be allowed as determined by the Commissioner of Inspectional Services <sup>2</sup>	
<b>Commercial</b>	
• General office, including but not limited to research and development, professional offices, and medical office, above or below street level	BR
• At street level <sup>3</sup>	SP
• Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding	SP
• Retail sales establishments that are 5,000 square feet or less in area, including but not limited to specialty food store, convenience store, newsstand, bookstore, food coop, retail bakery, art gallery, and general merchandize store	BR
• More than 5,000 square feet of gross floor area	SP
• Personal service establishments that are 5,000 square feet or less in area, including but not limited to barbershop, salon, tailor, cobbler, personal trainer or fitness studio, laundry, and dry cleaning drop-off	BR
• More than 5,000 square feet of gross floor area	SP
• Business service establishments that are 5,000 square feet or less in area, including but not limited to copying and printing establishments and shipping services	BR
• More than 5,000 square feet of gross floor area	SP
• Eating and drinking establishments with 50 seats or less	BR
• More than 50 seats	SP
• Open between the hours of 11:30 p.m. and 6:00 a.m.	SP
• Retail banking and financial services above or below street level	BR
• At street level <sup>3</sup>	SP
• Automated Teller Machines	BR
• Health club	SP
• Place of entertainment and assembly, theater, club	SP
• Lodging, including but not limited to bed and breakfast, hotel, motel	SP
• Open-Air Business	SP

<b>Residential</b>	
• Multifamily dwellings (a building containing three or more dwelling units) above street level	BR
• At street level	SP
• Live/work space or home business	BR
• Assisted living or nursing home	SP
<b>Civic, Public, and Community</b>	
• Community use space	BR
• Day care services for adults or children	BR
• Place of religious assembly	BR
• Government offices or services	BR
• Park or garden	BR
• Nonprofit or public school	BR
• Library or museum	BR
• Other uses allowed in Section 30-6	BR
<b>Transportation and Infrastructure</b>	
• Parking, public or accessory to an allowed use	BR
• Parking, non-accessory commercial	SP
• Car-sharing services, bike rental, electric car-charging stations	BR
• Public rail or bus station	BR
<b>Prohibited</b>	
Drive-in business, hospital, manufacturing, funeral home, sales of motor vehicles, car wash, gas station or motor vehicle service station, fast food establishments as defined in Section 30-1, personal storage warehouse	

<sup>1</sup> Uses listed in Table B are permitted as of right in the Mixed Use 4 District 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 in Section 30-24. Where more than one enumerated classification could apply to a proposed use, the most specific classification shall be employed; where the uses are equally specific, the most restrictive classification shall be employed.

<sup>2</sup> Any use determined to be similar to a use listed in Table B shall be subject to the same level of review as the use to which it is similar. An accessory use is only allowed if the use to which it is accessory is allowed, as shown in Table B.

<sup>3</sup> Street level as defined in Section 30-1; street-level entry lobbies permitted per Section 30-15(w)(5)

#### Add the following to Section 30-15, Table 1:

Zoning District	Minimum Required Lot Area	Minimum Lot Area per unit	Minimum lot Frontage	
Mixed Use 4	10,000	1,200	80	SEE TABLE 3 for other dimensional controls

#### Add the following to Section 30-15, Table 3:

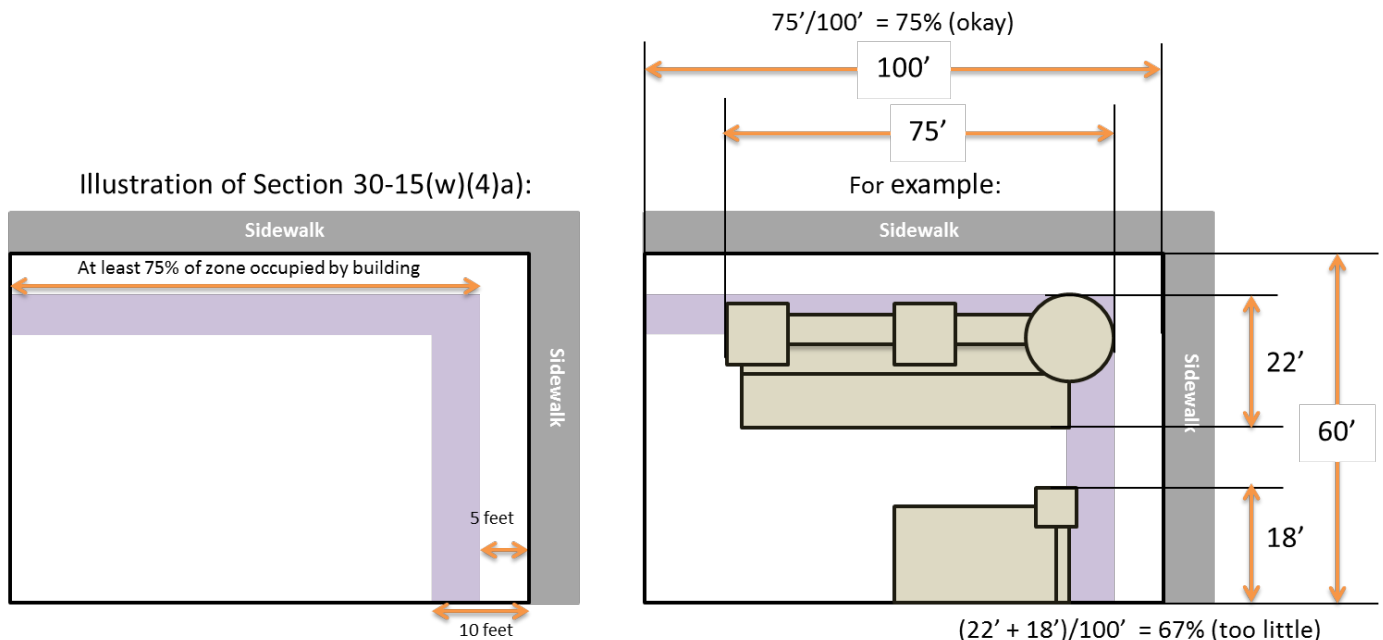
Zoning District	Max. # of Stories	Bldg. Ht. (ft.)	Total Floor Area Ratio	Gross Floor Area/ Site Plan Approval (SF)	Threshold by Special Permit (Gross Floor Area; SF)	Min Lot Area (SF)	Lot Coverage	Beneficial Open Space	Front (feet)	Side (ft.)	Rear (ft.)
<b>Mixed Use 4</b>											
As of Right <sup>14</sup>	2	24	1.0	10,000-19,999	20,000	10,000	N/A	0% or 5% <sup>14</sup>	5-10 <sup>14</sup>	0 or 20 <sup>14</sup>	0 or 20 <sup>14</sup>
By Special Permit <sup>14</sup>	4	48	2.0	10,000-19,999	20,000	10,000	N/A	0% or 5% <sup>14</sup>	5-10 <sup>14</sup>	0 or 20 <sup>14</sup>	0 or 20 <sup>14</sup>
Mixed-use residential, by right <sup>14</sup>	3	36	1.5	10,000-19,999	20,000	10,000	N/A	0% or 5% <sup>14</sup>	5-10 <sup>14</sup>	0 or 20 <sup>14</sup>	0 or 20 <sup>14</sup>
Mixed-use residential, by Special Permit <sup>14</sup>	5	60	2.5	10,000-19,999	20,000	10,000	N/A	0% or 5% <sup>14</sup>	5-10 <sup>14</sup>	0 or 20 <sup>14</sup>	0 or 20 <sup>14</sup>

<sup>14</sup> See sec. 30-15(w) for additional dimensional requirements for developments within the Mixed Use 4 Zone.

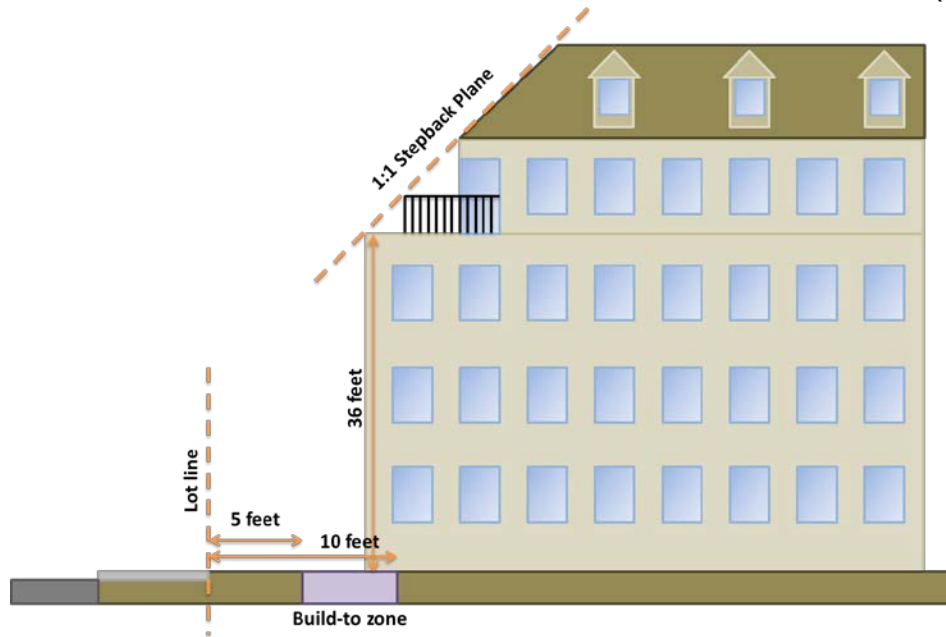


**30-15(w) Design Standards for the Mixed Use 4 District.** Notwithstanding any provisions of Section 30-15 to the contrary, buildings and structures in the Mixed Use 4 Zone shall conform to the following standards:

- (1) Height.** Buildings in the Mixed Use 4 Zone shall be a minimum of two (2) stories and shall conform to the limits for building height and stories established in Section 30-15, Table 3. The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to allow up to four (4) stories and forty-eight (48) feet of building height by finding that the proposed structure(s) is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of Section 30-13(h)(1).
- (2) Mixed-Use Residential Incentive.** Buildings that meet the definition of Mixed-Use Residential Buildings per Section 30-1 shall conform to the specific limits for building height and stories established in Section 30-15, Table 3. The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to allow up to five (5) stories and sixty (60) feet of building height by finding that the proposed structure(s) is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of Section 30-13(h)(1).
- (3) Residential Density.** The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to waive the lot area per dwelling unit requirement of Table 3 by finding that the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of Section 30-13(h)(1) than strict compliance with these standards.
- (4) Setbacks.** The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to waive the following setback requirements by finding the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of Section 30-13(h)(1) than strict compliance with the following standards.
  - a) A minimum of 75% of the frontage of the lot facing a public way shall contain a building(s), the first floor façade of which is setback between five and ten feet from lot line.



- b) No side or rear setbacks are required, except, where abutting a residential district, the required side and rear setbacks shall be no less than twenty (20) feet.
- c) Any portion of a building greater than 36 feet in height must be setback one foot from the adjacent lot line for each additional foot of height.



**(5) Accessibility.** The design of the building(s) and the site plan shall comply with the Americans with Disabilities Act and the rules and regulations of the Massachusetts Architectural Access Board.

**(6) Transparency and Entrances.** Commercial uses in a Mixed Use 4 Zone must meet the following requirement. The Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24 to waive these requirements by finding the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of Section 30-13(h)(1) than strict compliance with the following standards.

- a) There shall be at least one entrance every fifty feet of building frontage facing a public way.
- b) A minimum of 60% of the street-facing building façade between two feet and eight feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas.
- c) Display windows used to satisfy these requirements shall be changed and maintained to create an active window display; any illumination of the display shall be internal to the façade of the building.

**(7) Lobbies for low-activity uses.** Section 30-13, Table B, permits offices, retail banking, and financial service uses at street level by special permit only. Entryways and lobbies at street level are allowed for office, retail banking, and financial service uses occurring above or below street level subject to the following requirements:

- a) Any dedicated entranceway and lobby space for such uses may not exceed a total of fifteen (15) linear feet of an exterior building wall and 400 square feet of gross floor area.
- b) Exterior ATMs may occupy no more than an additional twelve (12) linear feet of an exterior building wall.

**(8) Open Space.** Parcels greater than one acre in area shall provide beneficial open space totaling no less than 5% of the total lot area. Parcels smaller than one acre in area are encouraged to provide and maintain attractive landscaping where it enhances the public realm, environmental sustainability, and/or the appearance of the site.

**Renumber Sections 30-13(h) and 13(i) to Sections 30-13(i) and 13(j) and revise the new Sections 30-13(i) and 13(j) as follows:**

**~~(h)~~ (i) Site Plan Approval, Building Size.** In all Mixed Use Districts, land and buildings may be used for the purposes authorized in their respective districts, provided that:

- (1) any proposed building(s) or structure(s) containing individually or in the aggregate between 10,000 and 19,999 square feet in gross floor area; or
- (2) any addition(s) to an existing building(s) or structure(s) containing individually or in the aggregate between 10,000 and 19,999 square feet in gross floor area which increases the total gross floor area to less than 20,000 square feet; or
- (3) any addition(s) to an existing building(s) or structure(s) which increases the gross floor area individually or in the aggregate to between 10,000 and 19,999 square feet in gross floor area

shall require site plan approval in accordance with Section 30-23, except that after August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure identified in subsection (2) or (3) of this section shall not be subject to site plan approval. All building(s), structure(s) and addition(s) thereto shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot. However, nothing herein prohibits phased development of a property, shared open space, pedestrian or vehicular connections between parcels, shared parking between the parcel(s) and other parcels in the vicinity, and/or similar design features that are in keeping with the vision for the subject parcel in the Comprehensive Plan and supporting documents.

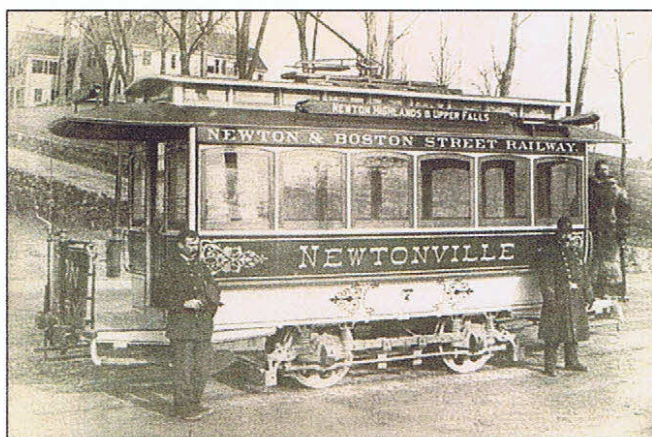
**~~(i)~~ (j) Special Permit, Building Size.** In all mixed-use districts, land and buildings may be used for the purposes authorized in their respective districts, provided that:

- (1) any proposed building(s) or structure(s) containing individually or in the aggregate 20,000 or more square feet in gross floor area; or
- (2) any addition(s) to an existing building(s) or structure(s) containing individually or in the aggregate 20,000 or more square feet in gross floor area; or
- (3) any addition(s) to an existing building(s) or structure(s) which increases the gross floor area individually or in the aggregate to 20,000 or more square feet in gross floor area

shall require a special permit in accordance with Section 30-24, except that after August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure identified in subsection (2) or (3) of this section shall only require site plan approval pursuant to Section 30-23. In granting a special permit, the Board of Aldermen shall make a finding that the proposed site plan and building form is compatible with the neighborhood context, that the proposed project improves the pedestrian environment through design, creation of open space, and/or improvements to the public way, including plans for their maintenance and use, and that the proposed uses enhance the commercial and civic vitality of the vicinity. All building(s), structure(s) and addition(s) thereto shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot. However, nothing herein prohibits phased development of a property, shared open space, pedestrian or vehicular connections between parcels, shared parking between the parcel(s) and other parcels in the vicinity, and/or similar design features that are in keeping with the vision for the subject parcel in the Comprehensive Plan and supporting documents.

2011

## The JAPG Report Austin Street Parking Lot



THE ORIGINAL TRANSIT ORIENTED DEVELOPMENT

June 20, 2011

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June 20, 2011

I wish to thank all of the members of the JAPG for their work over the last 90 days. The values that are contained in this report reflect the values of the people of Newton who come together for the common good. This report and the work it represents would not be possible without people who love Newton and its environs.

Looking to Newton's future, we must make sound choices that will provide for the prosperity of all.

Jack M Leader

## INTRODUCTION

The Austin Street parking lot Joint Advisory Planning Group (JAPG) was tasked to provide a vision of how reuse of this site might be catalytic in improving the future of Newtonville Village. Our group, comprised of 14 very thoughtful citizens of Newton, of which 7 were appointed by the Mayor and 7 by the Aldermen, including several direct abutters of the Austin St Parking Lot. The JAPG sifted through numerous preliminary reports and studies and engaged in wide ranging discussions regarding the Austin Street parcel. The point of this exercise was to make thoughtful recommendations to the Mayor and the Board of Aldermen regarding the future use of this valuable city resource.

After looking at such issues as commercial space, housing, infrastructure, open space, parking, physical design and zoning the JAPG has concluded that more than any other single criterion the capacity for this project to serve as the spark that lights the fire of rejuvenation in the Newtonville Village is paramount to all other issues influencing this project.

What should be built there?

The site can and should accommodate an exemplary mixed use development. The reuse would be dominantly housing, but importantly would also include one or more non-residential uses that would attract people to and enliven the vicinity. Parking to serve both new and existing demands would be a major part of the complex, likely divided between some surface and more structured parking. In essence, development would rebuild an urban environment within the confines of a village square that is already a transportation center. The building should reflect these strongly supported desires, among others (see page 7):

- An outcome that succeeds in attracting people to and enlivening the area
- Affordable housing that well serves the City's objectives
- An architectural design that would be both
  - Appealing and
  - Compatible in Scale
- A development that is likely to be physically, financially and politically feasible.

A portion of the residential piece of this project will be allocated to serve the low and moderate income base and at the same time attract the growing population of retirees that do not want to leave Newton, but rather need to downsize from their current dwellings. The City of Newton has expressed and devoted considerable time and money in making low and moderate income housing a high priority and this spot, the Austin Street parking lot, is just about perfect. This development will bring Newton a step towards the density that existed in Newtonville Square before it was destroyed by the Mass Pike extension 50 years ago. (see Appendix A)



We believe that Newton has a sense of obligation to utilize assets and tax dollars to create economic development and prosperity. The Austin St development can be an extension of those values. This development can be a transition; an opportunity to create an urban environment in a suburban setting. Public transportation is readily available. New citizens who commute to Boston and retirees who do not want to drive can easily live in Newtonville without owning a car. Grocery stores, drug stores, banks and places to meet other daily needs can be found within easy walking distance. Urban areas often have diverse social and cultural environments as well. Those beneficial conditions can be re-established in Newtonville.

And as gasoline hovers around \$4 a gallon, we believe there is growing desire to live in an urban environment without living in a major city. The Mayor and the Aldermen have an opportunity on this project, right here, right now to incrementally change the process of land development and how Newton does business by being proactive and deciding up front what should go on this site, rather than being reactive. To this end, what follows is our groups' agreed upon vision, discussion points and suggestions for the property.

## FINDINGS AND RECOMMENDATIONS

The City's determination to provide for the re-use of the Austin Street Parking Lot is principally focused on its potential contribution towards transforming Newtonville's village center into much better place. Achieving "Excellence in Place-Making" is essential to a successful project (see Chapter 2 of that name in the 2007 *Newton Comprehensive Plan*). These are important means by which that outcome might be achieved.

### PHYSICAL DESIGN

- The development, including building design and siting, must be compatible with its context, importantly including but not limited to compatibility in visual scale. Since buildings of four or more stories may be essential to achieve all programmatic requirements, meeting the compatibility requirement will require skill and sensitivity in both programming and physical design.
- The required street setback line should be considered as the build-to line for at least a portion of any building's length, with a substantial share of the first floor façade providing visibility from the sidewalk or paths into building interiors, and providing no fewer than three doorways or other pedestrian entrances into buildings or other public areas from Austin Street.
- The development must robustly serve the City's intent expressed at Zoning Section 30-24(d)(5) that, "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."
- Similarly, site planning, building design and landscaping must be shaped with sensitivity to privacy on adjoining properties.

### HOUSING

- No fewer than 18 housing units shall be included. More units would be welcomed. No maximum number of housing units has been identified, other than as dictated by the site, zoning requirements, and other spatial demands.
- No fewer than 25% of the dwelling units shall restrict resident income eligibility at or below 80% of the Area Median Income, assuring that those units will be eligible for "counting" in the State's Subsidized Housing Inventory that is the basis for determination of community status re Chapter 40B. The City would welcome additional income-restricted units, some of which might be targeted to those households having incomes up to 120% of the Area Median Income provided that the proposal is consistent with the provisions of Newton's Inclusionary Zoning, particularly the definition of "inclusionary units" at Chapter 30-24(f)(1). The City will facilitate developer's efforts to secure financial assistance to provide the affordability shares.

- No fewer than one unit or, if larger, 5% of the total number of housing units shall be constructed to be adaptable for full accessibility for a person having a mobility disability. All units in the development shall be “visitable” by such a person, assuring wheelchair access into the dwelling and to essentials within it such as a bathroom.
- No set mix of units (i.e. one-, two- and/or three- bedrooms) or tenure (rental or sale) or type (e.g. elderly) is mandated. The Developer must indicate the contemplated tenure and mix of dwelling unit sizes and be prepared to demonstrate the market need for them.

## ENLIVENING USES

- A key City intention for the development of this site is that it should bring enlivenment and added vitality to the Newtonville village center, benefitting not only those who occupy the site but others, as well, including nearby businesses and residents. As one element in meeting that intention, the development must be designed to include at least 5,000 square feet of flexible floor area for uses that would draw non-residents to the vicinity over a range of hours that include the evening. Any of many potential types of use might meet that intention, ranging from retail sales and services to community arts activity. The design should reflect the likely changes in such uses over time.

## OPEN SPACE

- At least 5% of the development parcel area shall be open space benefitting either or both occupants of the site and the broader vicinity. The creation of a public outdoor gathering space, such as that in Newton Highlands at Lincoln and Hartford Streets, is an admirable local example. In applying for selection, potential developers should provide a plan illustrating how they would address this intention, including enhanced connections with offsite places and amenities, and illustrating how the open space can complement the uses described above in adding to the vibrancy of the village center.

## PARKING

- The development must provide at least 85 public parking spaces, a rule that was a condition of the space being made available for sale or lease.

This requirement, coupled with others below, means that accommodating all of the functionally needed and required parking will necessitate some amount of structured parking below and/or above grade, which in turn means that more development than otherwise will be needed to support the cost of structured parking.

- The development must accommodate all of the parking demand from mixed-use development on the site and continue to serve all of the other parking demands currently being served on the site, using contemporary parking management approaches to reduce the necessary number of parking spaces.
- The necessary number of parking spaces per dwelling unit or per 1,000 square feet of floor area in non-residential uses will depend upon the housing types (e.g. senior or not) and sizes (e.g. number of bedrooms) and on parking management approaches as contained in developer proposals, rather than on numerical ratios to be stipulated in the RFP. Approval on that basis will require special permit approval by the Aldermen in the likely event that the number of spaces proposed above the 85 public spaces falls below the specifications of the Newton Zoning Ordinance.

## INFRASTRUCTURE

As a condition of being awarded use of this site, the developer will be expected to contribute to the planning for and financing of improvements to the community infrastructure that supports it. To the extent feasible, the City should perform initial explorations in order to scope what those improvements are likely to entail, and to clarify how the resultant costs are proposed to be shared among the City, the developer, and possible third parties. The types of infrastructure include the following.

- Redesign and reconstruct the Austin Street/Walnut Street/Newtonville Avenue intersection(s) to improve upon the present level of service and safety for motor vehicles, bicyclists and pedestrians.
- Redesign streetscape on the south side of Austin Street, removing unwanted trees and other landscaping materials. All landscape work shall follow the guidelines of the Newton Tree Manual and be approved by the Newton Urban Forester and the Newton Tree Commission. Plant species selected shall tolerate urban pollution and soil compaction, thrive in Austin Street's specific site conditions, and add to the City's species diversity goals. Employ current urban tree planting methods such as continuous tree pits, grouped plantings, and permeable pavements.
- Upgrade water, sewer, gas and electric service such that the present level of service will be maintained after service to new buildings and activities has begun, with a preference for undergrounding of cable utilities along Austin Street across the frontage of this property.
- Stormwater management provisions to meet all City requirements.

## ZONING

- The site should be rezoned to B-4 district, since no other district can accommodate the range of uses and dimensional needs for good usage of this site

without reliance on a PMBD overlay. Foreseeable development is not expected to utilize the whole building envelope which that zoning district allows.

- Rezoning should be acted upon by the City prior to the RFP being sent out in order to provide regulatory certainty to developers.

Members noted that one or more special permits will inevitably be required for the development of the site.

## DEVELOPER SELECTION AND AGREEMENTS

- Developer selection should be based not only on what the developer offers in financial terms but also on other specified considerations. An illustration of how information about that might be gained from applicants is noted below.
- The financial considerations in the selection should include a quantification of each proposal's direct and indirect impacts on municipal costs and revenues over some stated period, perhaps ten years. The fairness of that consideration would be enhanced if the impact estimates for each proposal could be measured using agreed-upon base information about costs and revenues related to development in this City and the use of a common model for making the estimates, such as that currently being developed by the Economic Development Commission.
- The Agreement with the City will set forth the business terms of the relationship between the City and the Developer, including without limitation the terms for the sale or lease of the property, sub-division if needed, estimated project costs, responsibilities of each party, and parking management.
- Rights to the site will expire if construction does not begin within two years from the date the Developer's Agreement with the City is signed.

## MECHANICS OF DEVELOPER SELECTION

Developer selection should not be based upon a single consideration, such as how much the developer is willing to pay for the site, since the City's interest in reuse of this site is motivated by much more than just a one-time revenue gain. However, assessing applicants over an array of considerations is difficult, especially in a case such as this where the potential gain for developers is not large enough to warrant asking them to submit complex applications simply in order to be considered for the project, such as submitting a design and specifications to be weighed in an open competition. In light of that, the Request for Proposals might ask for the applicants to describe their potential approach to the project in a way allowing comparisons across them but without requiring the depth of information that would be required for a submittal to a design competition. They might be asked to describe the following.

- A. The development team: the developer(s) and any other committed participants, such as architects, landscape architects, attorneys and marketing consultants.

- B. The development concept: the initial uses to be accommodated, and the approximate allocation of floor and site area among them; sources for financial support, if any, and (if the City is then open on this) preference regarding ownership versus leasing of part of or the entire site, and role regarding ownership and management of parking facilities and open areas.
- C. The number, size, affordability level, and tenure of dwelling units.
- D. Indication of how their team and development concept would address each of the most important qualities which are being sought, as agreed upon by the JAPG members. Shortly before completing this report, members of JPAG identified eight attributes of development on this site that would most importantly contribute to achieving what is sought, and then were surveyed regarding the relative importance of those items to each other. Each member was given five votes, and allowed to put not more than two votes on any one consideration<sup>1</sup>. These were the results, listed in descending order by votes (in parentheses).
- How well the development succeeds in attracting people to and enlivening the area (14).
  - Architectural design that would be appealing (12).
  - Affordable housing that well serves the City's objectives (11).
  - Design that is compatible in scale with its context (10).
  - A project that is likely to be physically, financially, and politically feasible (9).
  - Open space that is appealing (3).
  - Net fiscal benefits for the City (2)
  - Contribution to the efficient use and conservation of natural resources and energy (1).
- E. Background information on the members of the development team, including their successful experience with similar efforts (2).

Submittal of graphic submittals is encouraged but not required as a way of illustrating how applicant's concepts for this site and experience might illustrate successfully addressing the above listed qualities.

With that information, City staff with assistance from the City's various departments and advisory committees should be able to objectively assess in broad terms the relative strengths and weaknesses of the applications regarding each of the considerations being weighed. Following that, those applicants judged by the Aldermen to be most likely to provide a reuse that well meets the City's interests would then be invited for an

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<sup>1</sup> A ninth item (dealing with qualities of the developer's team) was also identified and included in the survey, getting two votes, as noted later at item E..

interview, following which its recommendation to the Mayor regarding a selection of developer would be made by vote.

#### MATTERS FOR CITY CLARIFICATION PRIOR TO AN RFP

There are a number of matters that should be resolved or clarified by the City prior to issuance of an RFP. These are among them.

- Preparation of a property map. A physical survey of the parking lot was made last year, but it does not show property or easement lines. Such site information is essential for those preparing proposals for its use.
- Resolution of major regulatory questions, including the status and handling of Philip Bram Way. Conflicting oral statements have been provided regarding the legal status of that way, which could have a major impact on potential site designs. In addition, some uncertainties regarding applicability of certain zoning provisions have been identified and should be clarified<sup>2</sup>. For example, there is no language in the Newton Zoning Ordinance that specifies how the required lot area is to be determined where both commercial and residential uses are proposed on the same lot.
- Determination of whether the entire parcel is to be sold or leased to the developer, including Philip Bram Way (which could powerfully affect building setback on the east end of the parcel and, perhaps, the street setback). The JAPG members, after brief discussion, strongly supported conveyance of the entire parcel, with access over its east end assured through an easement or other permanent restriction.
- Resolution of the legality and favorability of the various options available regarding sale or lease of the property, in part or in whole, public or private management of the public parking, and public versus private financing for various elements of the development, including availability of and eligibility for state or federal financial support, and limitations upon the use of municipal general revenue bonds.
- Determination of how to provide for the function of the Goodwill trailer which for many years has occupied a small part of this site.
- Clarification of what the elements of the public/private partnership are to be. The City should clearly identify its participation: there are a lot of "asks" for the private developer, and some of this work should be provided by the City.

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<sup>2</sup> See memos such as P. Herr to Zeren, Tapper & Leader, "Austin Street Municipal Parking Lot Setbacks," May 27, 2011; and HAPI memos "Mixed-Use Friendly Zoning," October 22, 2009, items 4, 5 and 6; "Zoning Dimensional Regs and Mixed Use Development," August 14, 2009; and "Section 30-15 Table 3 Conflicts and other Technical Issues," October 22, 2009..

## “OUTSIDE THE BOX” CONSIDERATIONS

As has been true with others who have examined potentials for this site, JAPG members raised a number of considerations that were beyond the scope of reuse of this site, but which might merit exploration at some later point. These are among them.

- Incorporation of additional properties into the development. There may be engaging opportunities for development on nearby sites potentially made feasible were the parking lot development to include or in some way interconnect with them. With a larger geographic scope, the objectives being pursued through this development might be even better served than is possible when development is confined to just this one site, as is now the case.
- Linkage with non-contiguous locations off-site for realizing some of the functions sought through development, perhaps akin to the provisions of the City’s inclusionary zoning allowing linkage to off-site affordable units.
- Circulation changes. Among the potential changes that have been suggested is to make Austin Street and Highland Avenue into a one-way pair, such as Austin westward and Highland eastward, or closing Austin Street somewhere west of the parking lot, creating two two-way cul-de-sacs.



## APPENDIX A: WHERE WE ARE COMING FROM

Newtonville Square did not arrive whole as we now find it. It started as a TOD, Transportation Oriented Development. In the beginning there was the railroad:

“A rail line that connected to the Charles River Railroad at Brookline was laid out through Newton Upper Falls in 1852, and with this direct link the village thrived - and the railroad, rather than the river, became the new magnet for attracting factories and businesses. By 1886 the Boston and Worcester had merged several lines to become the Boston and Albany Railroad, and built a circular line. The main line through Newton Corner, Newtonville and West Newton was connected to the southern line, called the Highland Branch that ran from Brookline to Riverside. New stations were built at Woodland, Eliot, and Waban. The Circuit Railroad started a residential boom in Newton that continued up to World War I.

“As the farm fields were divided into suburban streets lined with homes, horse-drawn trolley lines reached out from the depots to cast a transportation network over the city. Washington Street, Watertown Street, Walnut, Homer, Center, Beacon, and Commonwealth all had trolley lines running over them.”



Newtonville started as a Transportation Oriented Development. The “Hammond Real Estate” of its day touted living in Newton “without your teamster”. You did not need a horse and carriage, and the teamster; you could commute via modern electric transportation or commuter rail into downtown Boston. There was a trolley line that ran the length of what was then Rt. 128 from Lexington Square to Waltham, through Newton on Walnut set, crossing Commonwealth Ave (The B line) Crossing Rt. 9, which had the Boston and Worcester St. Railway along Rt. 9, and all the way to Dedham.

From Newtonville you could get anywhere, and people wanted to live and prosper here. The mixed use development of its time flourished, with retail on the first floor and apartments up above, along with single use apartment buildings and a bevy of two and three family houses. In short, density that was appropriate to a village setting that was dependent on public transportation.

Star Market, Woolworths, Brigham's, Dangle Music, 5 Drugstores, a Kosher Meat Market, two bakeries, Cottage Donuts, a multitude of small diners and bars all thrived in Newtonville Square. That is, up to:

Effects of the Mass Pike:

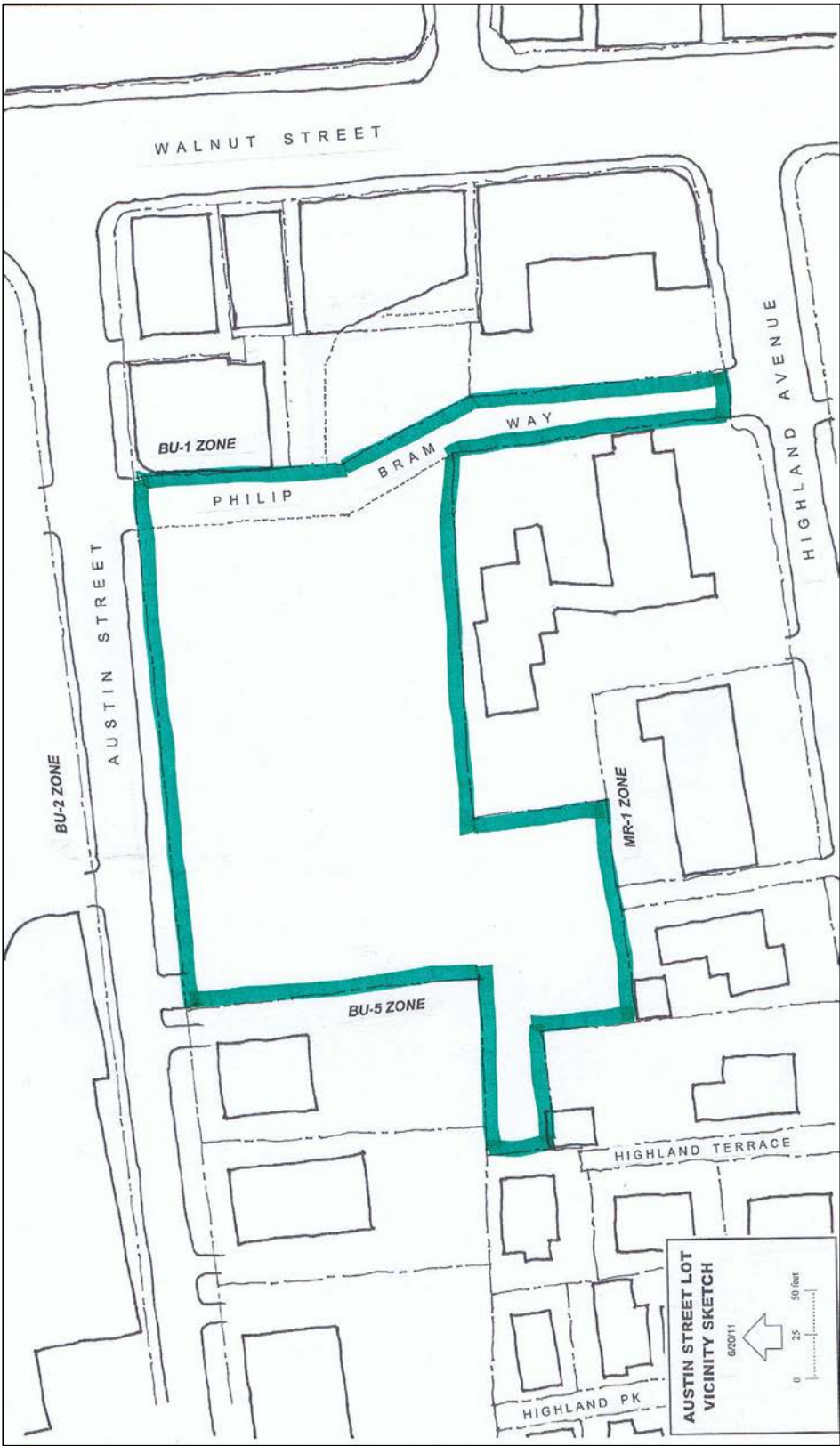
And this is from the History of the Massachusetts Turnpike Authority's website:

“In the fall of 1958, Commissioner Callahan cleared another major stumbling block. The original charter of the Massachusetts Turnpike Authority required that the MassDPW, an agency that had grown somewhat antagonistic to Callahan's desires, approve any alignment. Fortunately for Callahan, Anthony DiNatale, the new MassDPW commissioner and a close acquaintance of the Turnpike commissioner, was heavily involved in other projects around the state. Seeking an expeditious resolution, DiNatale approved the alignment of the Boston Extension along the Boston and Albany railroad right-of-way to the Central Artery. It appeared that construction of the turnpike would be imminent, and that the worst fears of those who lived along the route in Boston and Newton would be realized.

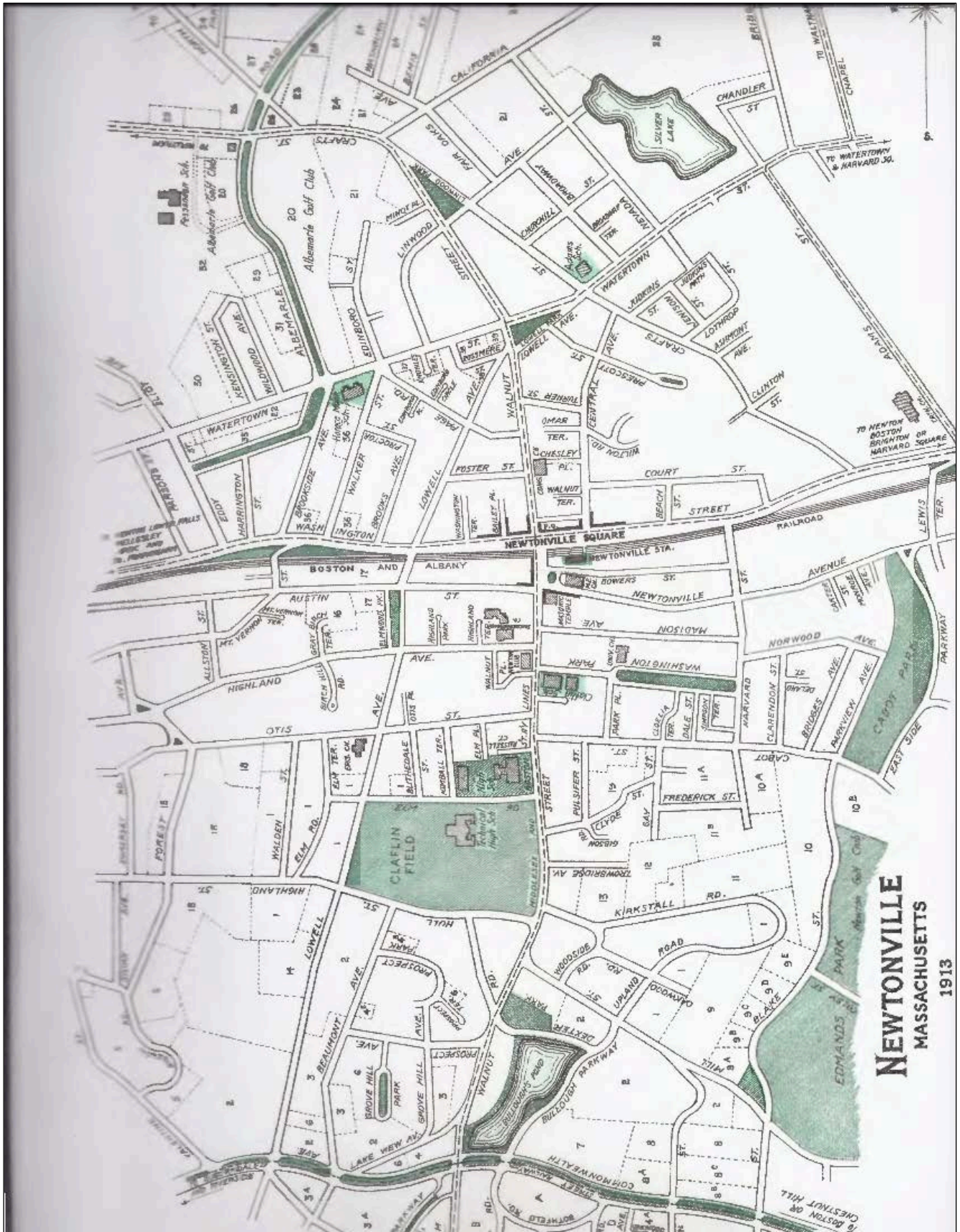
By January 1961, (Transportation Secretary) Volpe yielded to Callahan, admitting that it "was a choice between the Prudential and the freeway." One month later, Mayor Donald Gibbs, who stood alone in his opposition to the Turnpike through Newton, caved in and entered negotiations with the Massachusetts Turnpike Authority to leverage some concessions, including air rights over the Turnpike and dropping plans for a service area in Newton. The Newton-Boston route was to be constructed as a toll road.”

So, what we have in Newtonville Square was pre-ordained back in 1961. For 50 years, we have endured, or perhaps, grown used to having a square that works for some people, but not for all. And the low and moderate income housing that populated the Square disappeared with the Mass Pike Extension. And many of those people who brought vitality and commerce to Newtonville left, leaving us with a parking lot.

APPENDIX B: AUSTIN STREET LOT VICINITY SKETCH





**APPENDIX C: NEWTONVILLE, 1913**



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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150-ATTACHMENT C

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Candace Havens  
Director

## MEMORANDUM

**DATE:** June 20, 2011

**TO:** Board of Aldermen  
Mayor Setti D. Warren

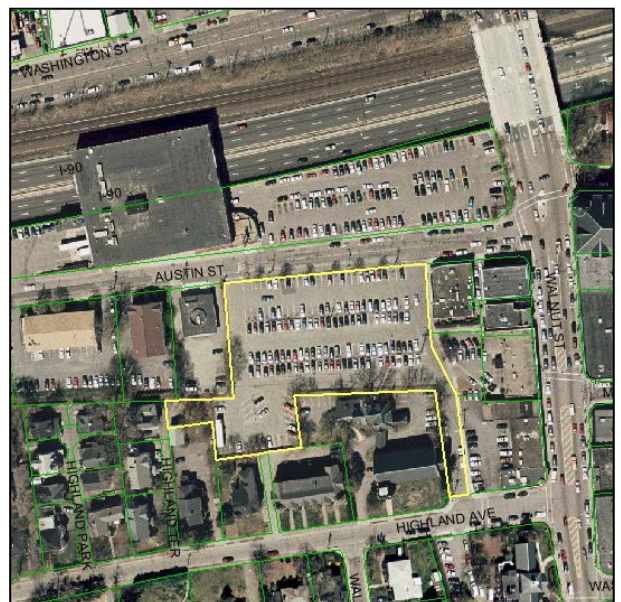
**FROM:** Candace Havens, Director of Planning and Development  
Eve Tapper, Chief Planner for Current Planning

**SUBJECT:** Potential Reuse of Austin Street Parking Lot

**Cc:** Robert R. Rooney, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer  
Dave Turocy, Commissioner of Public Works  
Members of the Joint Advisory Planning Group

### EXECUTIVE SUMMARY

In March, the Real Property Reuse Committee recommended and the Board of Aldermen approved the appointment of a 14-member Joint Advisory Planning Group (JAPG) to recommend reuse options for the City-owned parking lot on Austin Street in Newtonville. After meeting for 3 months, the JAPG produced a report recommending a project that is compatible with the scale of the existing village; provides at least 85 parking spaces for public use; includes affordable housing units to be added to the State's Subsidized Housing Inventory (SHI); and, most importantly, enlivens the village center with activities and uses that bring people to Newtonville at different times of the day – especially in the evening when the existing commercial village center now shuts down.



For the most part, the Planning Department agrees with the JAPG report. However, the JAPG is less concerned than Planning staff about the potential revenue to the City in return for the right to reuse the site; the subject parcel is a valuable asset for the City and the Planning Department believes that any disposition of it should result in significant revenue to the City. That said, revenue does not need to come from a lump sum at the outset; long-term economic benefits to the City should also be taken into account, e.g., through infrastructure improvements or increased tax revenue, if they can be convincingly shown.

In addition, both the JAPG and the Planning Department hope that an appropriate development on the City-owned parcel will encourage private property owners in the village to redevelop their own sites to complement the Austin Street project. The Planning Department supports the consideration of mechanisms, such as an overlay zone and/or district improvement financing (DIF), to allow for additional improvements to the village, which will further enliven the area and contribute to the City's tax base, and the issuance of an RFP to elicit proposals for the site from the development community.

## **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When deciding whether to issue a Request for Proposals (RFP) for the disposition of the Austin Street parking lot, the Board should consider whether the reuse of this site would:

- act as a catalyst for the enlivenment of the Newtonville village center;
- add significant revenues to the City, either in the short- or long-term or, preferably, both;
- assist the City in meeting its goal for affordable housing as stated in the *2007 Comprehensive Plan*; and
- provide adequate parking spaces to satisfy both the current demand, as well as the increased parking demand expected with a new development.

## **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

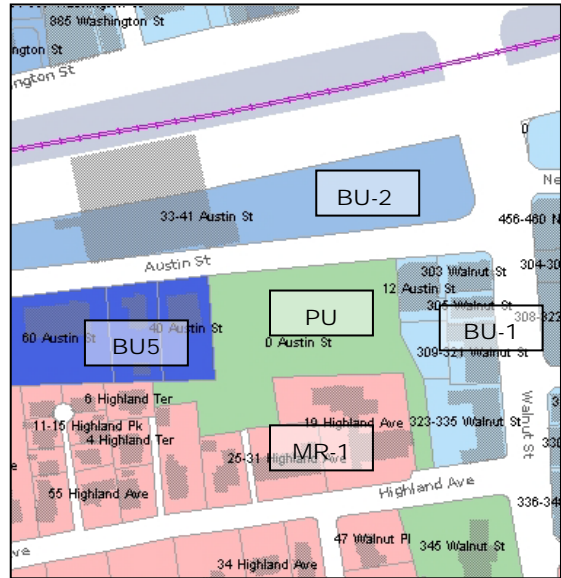
### **A. Neighborhood and Zoning**

The property is located on the south side of Austin Street within the Public Use zone and reuse of the property for other-than-public uses would require a rezoning. In the immediate area, the lots to the east of the site are zoned BU1, as are the properties along Walnut Street. Most of these properties are improved with single-story structures (with the notable exception of the Masonic Hall along the east side of Walnut Street, which stands four-stories tall, but is considerably taller than a modern four-story building would be). To the west of the site, the lots are zoned BU5, a little-used zoning district that allows primarily professional offices and banks and little else (retail stores and restaurants are not allowed either by-right or by special permit). These sites are currently



occupied by a bank and an office building. Farther west on Austin Street, the area is zoned and used for residences. The Star Market, a small liquor store under the market and associated parking lot are located directly across from the site on the north side of Austin Street.

The JAPG recommends that the site be rezoned to BU4 prior to the City issuing an RFP. The Planning Department agrees that the site should be rezoned to eliminate one area of uncertainty for a potential developer and perhaps attract more interested parties. However, we are not sure whether BU4 is the appropriate zone. The BU4 zone is the City's densest zone and allows up to an eight-story and 96-foot building with a special permit from the Board of Aldermen. The JAPG also recommends that a new development be compatible with its context, including but not limited to compatibility in visual scale. While we doubt that a developer and/or the Board of Aldermen would find an eight-story building in keeping with the context of the existing village center, rezoning to BU4 would not preclude this option and could set a precedent for future rezoning of private property in Newtonville that would far exceed what the City has envisioned for its village centers.



Unfortunately, there is no more appropriate zone for the type of development. The BU1 zone allows appropriate village center uses, but only permits buildings up to a maximum of three stories and 36 feet. As part of its process, the JAPG questioned two developers who responded to the original Request for Interest (RFI) about their ideas for the site. Both stated unequivocally that the building must be higher than three stories to include all of the uses the City wants on-site (parking spaces, affordable housing, open space, etc.) as well as accommodate a private development that is financially feasible.

The other zone in the area, BU5, allows for a four-story, 48-foot building with a special permit, but allows very limited uses, essentially only banks and professional offices that do little to enliven the streetscape. The BU2 zone also allows for a four-story, 48-foot structure and allows for the same uses appropriate for a village center as the BU1 zone. However, other uses that are less appropriate for our village centers, such as wholesale or storage businesses, and contractors' offices and associated storage facilities, are allowed by right in the BU2 zone. In addition, with a special permit from the Board of Aldermen,

gas stations, auto-repair shops, car dealerships and drive-in fast food restaurants are permitted in the BU2 zone – hardly the vision we see for Newtonville.

Keeping all these things in mind, the BU4 zone most closely resembles what we envision for this site and the limits are just that ~ limits that may not be exceeded and to which development is not required to achieve. As the property owner, the City could limit the height and uses allowed on the site to only those believed to meet its goals for the area.

**B. Site**

The subject site totals approximately 1.7 acres and has its frontage on the south side Austin Street in Newtonville. The primary use of the property is as a public parking area with 159 spaces. The City acquired the site in 1947 through eminent domain for use as a parking lot. Previously, there were residences in this location. A Goodwill trailer, used to receive donated clothing and other goods, is located in the southwest corner of the site. The property also includes the area marked as “Philip Bram Way,” which is not a City street, but is currently used for vehicular access to the parking lot as well as to the rear of several businesses fronting on Walnut Street. It is anticipated that “Philip Bram Way” will continue to be used in this manner in the future.

### **III. PROJECT DESCRIPTION AND ANALYSIS**

**A. Land Use**

The JAPG’s vision for the property calls for a building that is predominantly housing, but also contains nonresidential space at street level that will enliven Newtonville during the day and night. In addition, the JAPG recognizes the need to provide 85 public parking spaces on-site in addition to the parking needed for the proposed development. The JAPG believes that a parking waiver may be appropriate to reduce the total number of parking spaces on-site after taking into account shared-parking practices. In general, the Planning Department agrees with these concepts.

However, the JAPG did not specify particular use(s) for the nonresidential space only that it function to add vitality to the area. The Planning Department believes that in order to enliven the area and make the project financially beneficial for the City, a minimum of 5,000 square feet of first floor commercial space is necessary. In addition, the Department strongly recommends that the first floor uses be ones that activate the streetscape with transparent windows, outdoor displays and/or sidewalk cafes.



B. Open Space

The JAPG recommends that 5% of the site be devoted to open space. This requirement may be met by small pocket parks or pedestrian ways in and around the site and need not be in one contiguous portion of the site. The Planning Department agrees with this recommendation.

C. Affordable Housing

The JAPG is also extremely interested in having a development on this site that will help the City meet its goals for housing that is affordable to low- and moderate-income residents, with at least 25% of the housing units restricted to residents with income at or below 80% of the Area Median Income. This would ensure that all of those units would be eligible for inclusion on the State's Subsidized Housing Inventory (SHI). The group would encourage further units to be targeted to households earning up to 120% of the Area Median Income.

While this 1.7-acre lot may be larger than those in the immediate area, much is being requested of a potential developer in terms of public amenities or uses on-site (public parking, affordable housing, open space and infrastructure improvements discussed later in this report) in return for the development rights. While the City is committed to providing housing for a diverse resident population including low- and moderate-income households, the requirement that 25% of the units be eligible for the SHI may be a challenge to achieve; the City's own Inclusionary Zoning Ordinance only requires that 15% of new housing units be "affordable."

The City must prioritize these requests and balance them to ensure a financially feasible project. Alternatively, the City could commit to working with the developer to secure outside funding in the form of CPA grants for affordable housing and open space or federal funding through the HOME program for community housing. This may shift some of the financial responsibility for these City priorities off of the developer and allow for a better project all around.

D. Building and Site Design

The JAPG rated the site and building design as one of its most important issues. Chief among the JAPG's concerns is that any building on the site respect the scale of the surrounding neighborhood and be compatible with its context. In addition, the group recommended locating at least a portion of the building up to the front setback line in order to ensure a connection between the structure and pedestrians on the sidewalk. The Planning Department agrees with these design principles. In addition, the Department recommends that parking be prohibited between the building and the sidewalk to further ensure that the

pedestrian experience is not interrupted by vehicular traffic and to sustain the rhythm of a continuous storefront.

E. Infrastructure

The site is currently accessed exclusively by Austin Street and a narrow connection (informally designated “Philip Bram Way,” but not deeded or laid out as such) to Highland Avenue. The City should conduct baseline traffic counts at intersections in the area that are likely to be affected by a new development (in particular Austin St./Walnut St./Newtonville Ave. and Austin St./Lowell Ave). Likewise, a baseline study of the site’s water and sewer capacity is necessary and soil tests to determine whether there is contamination should be done. While these studies may cost the City money in the short-term, the long-term benefits of conducting these studies in advance of issuing an RFP will be measurable as we will be giving a potential developer important information necessary to accurately assess the site for the best future development and so long as they don’t unduly delay to development and release of an RFP.

In addition, it has been assumed that any project on this site will require a special permit from the Board of Aldermen, whether it be for parking waivers, the size of the building or possible uses. With these infrastructure capacity baselines established, the Board will be able to appropriately require an applicant to make infrastructure improvements that will mitigate a project’s impacts in these areas.

#### IV. **DEVELOPER SELECTION**

The JAPG spent a considerable amount of time discussing their interest in choosing a development team based on how their proposed project meets the JAPG’s preferred goals and objectives for the site. While the selection of a developer is at the discretion of the Mayor, the Planning Department agrees that some criteria should be established in order to objectively compare competing projects in an effort to determine which will best for the site, the neighborhood and the City.

The group ranked “attracting people to and enlivening the area” as its top criteria for a project, followed closely by “meets the City’s goals for affordable housing,” “architectural design” (both appealing and compatible in scale), and “a physically, financially and politically feasible project.” Interestingly the factors that were not considered priorities by the group included “open space,” “environmental sensitivity and energy efficiency,” “net fiscal benefits to the City,” and the “track record and credentials of the development team.”

The Planning Department agrees with the JAPG's top priorities and also finds the other factors important. As an urban space, it may not be appropriate to include a large park, though modest usable open space could be created. In addition, the City's Zoning Ordinance already requires a substantial contribution to energy efficiency for projects of a certain size, which any development on this site is likely to exceed, so environmental concerns will be addressed through the special permit process as well as by the Stretch Code. The Department strongly believes that the net fiscal benefits to the City of a project on our land, whether short-term, long-term, must be taken into consideration. Finally, it is hard to imagine judging a project to be financially and politically feasible without closely examining the resources of the development team.

## **V. RECOMMENDATION**

The Planning Department recommends that the Board of Aldermen direct the Department to develop and issue an RFP for reuse of the Austin Street parking lot consistent with the recommendations of the JAPG and Planning Department.