

CITY OF NEWTON

IN BOARD OF ALDERMEN

REAL PROPERTY REUSE COMMITTEE REPORT

TUESDAY, SEPTEMBER 27, 2011

Present: Ald. Danberg (Chairman), Ald. Merrill, Linsky, Crossley, Fischman, and Baker; absent: Ald. Gentile and Salvucci; also present: Ald. Johnson, Shapiro, and Albright
City staff: Candace Havens (Director of Planning & Development), Eve Tapper (Chief Planner for Current Planning), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

A public hearing was held on the following item:

#150-09(6) JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the Austin Street municipal parking lot at 28 Austin Street, on land known as SBL 24, 9, 15, containing approximately 74,536 sq. ft. of land, in Newtonville, which was declared surplus by the Commissioner of Public Works on December 1, 2010.

ACTION: HELD 6-0

NOTE: The following is a brief timeline:

- The concept of developing the Austin Street parking lot into a mixed residential/commercial development while retaining 85 parking spaces for the city began in 2005, resulting in docket item #150-09.
- The Committee discussed docket item #150-09 on November 24, 2009 and on March 23, May 25, and September 23 of 2010.
- In May of 2010 the Planning Department sent out a Request for Interest (RFI), which elicited three written responses and two verbal inquiries.
- The Commissioner of Public Works declared the parking lot surplus on November 3, 2010.
- Item #150-09(3), pending in the Zoning & Planning Committee, was docketed by the Ward 2 Aldermen on December 10, 2010 proposing that the parcel be rezoned from Public Use to Business 1.
- A 14-member Joint Advisory Planning Group (JAPG) was appointed in April of 2011.
- As required by ordinance, the JAPG and the Planning Department submitted their separate reports (both attached) in June of 2011. Upon receipt, both reports were distributed to the Board and posted on the city's website. *The committee reports referenced above available at www.ci.newton.ma.us under Board of Aldermen/Committees/Real Property Reuse.*

This evening, Jack Leader, Chairman of the Joint Advisory Planning Group (JAPG), presented the JAPG report and Chief Planner for Current Planning Eve Tapper presented a PowerPoint presentation (attached). The Committee's is to recommend a minimum sale and/or lease price, which requires a 2/3 vote of the Board of Aldermen, and to communicate to the Mayor by

resolutions what the Board and community envision for the parcel. The Planning Department will issue a Request for Proposals (RFP) consistent with the JAPG and Planning Department reports and the board order.

Speaking at the public hearing were the following individuals, all of whom favor the mixed use model proposed in both reports.

Dan Fahey, 86 Washington Park, Newtonville, attended several of the JAPG meetings. Given the small size of the lot it is important to provide incentives to an imaginative developer. Is there a possibility of acquiring an adjacent space to work with?

Doris Sweet, 281 Lexington Street, Auburndale, said there is a crying need for affordable housing and the affordable component should be maximized in developing this site.

Phil Herr, 20 Marlboro Street, Newton Corner, was a member of the Newton Housing Action Plan Initiative (HAPI), the body instrumental in getting this project off the ground. HAPI and the JAPG are admirable examples of citizens and the city working together for a constructive purpose. Relative to rezoning, options include adding another zoning district or creating an overlay district; however, in Mr. Herr's opinion, it makes the most sense to rezone the parking lot to Business 4. There are several other B4 parcels in the city, the most recent the Chestnut Hill Shopping Center. The 25% v. the 15% required affordable units recommended by the JAPG are an extraordinary opportunity. If cost analyses prove it can't be done, then the city can revert to 15%. The JAPG agreed that fiscal benefits trade off against other benefits, i.e., other benefits to the community should be given more weight. Perhaps a developer should pay less in proportion to the benefits it would bring.

Jackie Gelb, 81 Prairie Avenue, urged that the Request for Proposals state that affordable housing is a priority.

Sonia Michelson, 94 Park Avenue, Newton Corner, concurred that the opportunity to include affordable housing is a priority.

Morton Grossman, 213 Nahanton Street, owns 10-12 Austin Street, a commercial block that abuts the parking lot. He is a long-term small property investor in Newton and would like to improve his Austin Street property, perhaps combining it somehow with the proposed development.

Mindy Sieber, 15 Upland Road, Waban, Director of the New Art Center in Newtonville, suggested that including a performance space for arts would draw people in the evening and stimulate the economy for local restaurants.

MaryAnn Figoni, 929 Beacon Street, who owns a 4-family at 33-35 Highland Avenue that abuts the parking lot, does not want a 4-story parking garage up against her residential property. It will block the light. She hopes the design will complement the Victorian neighborhood.

The Committee thanked the members of the JAPG for the time and work given to this project.

In working session, the Committee discussed the differences between the JAPG and Planning reports, which some members thought were more substantial than other members:

The differences are:

- JAPG recommends 25% of the housing units be affordable; the Planning Department suggests 15%;
- JAPG recommends rezoning to Business 4; Planning Department agrees with B4 rezoning *or* creating a new "village zone"
- JAPG says the *most important* thing is to enliven Newtonville Square; the Planning Department want to enliven the Square *and provide* significant fiscal benefits to the city.
-

Accessibility to persons with mobility disabilities is a non-issue because all the housing must be built to Architectural Access Board standards and must comply with Building Code.

Several members asked if rezoning the site prior to the RFP being issued was premature since it was usually done in conjunction with the special permit application. Proponents believe rezoning the site up front will attract serious responses and there is no harm because the city still controls the site. Ms. Young pointed out that there are legal issues to reconcile for a private/public mixed-use project. She would like more control than just a lease to retain the 85 public parking spaces. Ms. Young explained that the RFP process is controlled by the public bidding process in GL chapter 30B, §16. The RFP tells potential bidders what the city wants and the bidders in turn state in narrative what they are willing to provide. It is not a design competition. A development on this site will need a special permit from the Board of Aldermen.

As to a sale of the property v. a ground lease (Warren House has a 65-year ground lease), some members thought it might be a lengthy process to get approved the home rule legislation necessary to allow the city to enter a ground lease of more than 30 years. Some prior reuse board orders have included both a minimum sale price and a minimum lease price.

Ms. Havens is not troubled with the slight differences in the reports. Both the JAPG and the Planning Department are essentially on the same page. A development as proposed can fill an unmet demand for people downsizing as well as young couples with no children.

The maximum height and stories allowed in a B4 district by special permit are 96 feet and 8 stories, respectively. The JAPG considers the Masonic Temple and the Clafin condominiums the bookends of Newtonville Square. Both buildings are approximately 75 feet in height.

Many see this project as a model. If successful in Newtonville, it may be emulated in other villages sliced in half by the Turnpike. Not counting the commercial losses, it is estimated that Newtonville lost approximately 80 units of multi-family housing when the Turnpike was built.

Alderman Linsky was prepared to offer a motion to set the minimum sale price at \$1.00, using the bullet points contained in the JAPG report as a basis for resolutions.

Terry Morris, who asked to speak as a life-long citizen of Newton, former Alderman and Chairman of the Land Use Committee, not as someone who had represented one of the parties who responded to the RFI, suggested that asking for a lower number of affordable units could encourage potential developers to compete with higher numbers. He also suggested that the RFP be not so specific as to the number of total units. Establish a parameter of stories and height. Smaller units will create a greater density. Finally, he suggested the minimum sale price be set at \$1.00. The city has an opportunity to create excellence in place-making.

Brooke Lipsitt, a former Alderman and President of the Board, also asked to speak because she had a prior commitment and was unable to attend the public hearing, agreed that the minimum price should be as low as possible. Taxes and income from the development will bring in revenue. She urged including a high threshold for affordability because it is difficult to maintain diversity in the community.

Aldermen Crossley, Albright, and Johnson all voiced support for what they consider an exciting opportunity for Newtonville and the entire city.

Alderman Baker said the parcel is a public asset of significant value and that for him to support this there has to be a very high order of public benefit to justify a very minimum sale price. He also needs a clear sense that the special permit process will not be abdicated.

Again, the Committee's only authority is to set a *minimum* sale and/or lease price, with other parameters set out in resolution form to guide the Mayor in negotiations. After discussing what to incorporate into the resolutions, the Committee agreed that it would prefer to have a draft board order to work from. There are also responsibility issues to be resolved. Holding the item until October would provide enough time for the Law and Planning Departments to respond and generate a draft board order. .

Alderman Baker moved to hold the item, which motion carried unanimously. The meeting was adjourned at approximately 10:55PM.

Respectfully submitted,

Victoria Danberg, Chairman



Setti D. Warren
Mayor

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Candace Havens
Director

MEMORANDUM

DATE: September 23, 2011
TO: Vicki Danberg, Chair of the Real Property Reuse Committee
Members of the Real Property Reuse Committee
FROM : Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning
SUBJECT: Reuse of the Austin Street parking lot in Newtonville

SH

RECOMMENDATION

Recommend to the full Board of Aldermen and the Mayor to sell or lease, for a minimum price to be determined, the City-owned parking lot on Austin Street in Newtonville to be reused for a mixed-use development containing at least 18 units of housing, 5,000 square feet of commercial space and 85 public parking spaces.

BACKGROUND

Initial discussions about possible reuse of the City's Austin Street parking lot began back in 2005. In 2008, a group of students sponsored by the design firm of Sasaki Associates performed a design charette in the village of Newtonville and produced a concept plan that included a large residential structure on this site. The following year, the Newton Housing Plan Initiative (HAPI), held five workshops to further explore public sites for potential reuse. The Austin Street parking lot site was of particular interest



because the existing parking lot is underutilized. In May 2009, the Real Property Reuse Committee directed the Planning Director to assemble some relevant information to present to the Committee. The Real Property Reuse Committee held a site visit and reviewed a draft "Request for Interest" (RFI) in March 2010. An RFI was approved for distribution by the Committee in May 2010 and was advertised during the month of June 2010.

Staff received three written responses to the RFI and two verbal expressions of interest. On the basis of this early support, then-Commissioner of Public Works, Tom Daley declared the property "surplus" on the condition that no less than 85 parking spaces are retained for public use in any future development of the site. This declaration began the reuse process, which includes several opportunities for public comment, analysis, and review by the Board of Aldermen and the Mayor (Appendix A; we are now at step 6 of 7).

Pursuant to the Real Property Reuse regulations, a Joint Advisory Planning Group (JAPG) was appointed in March 2011. This 14-member group convened biweekly for three months and submitted to the City Clerk "The JAPG Report Austin Street Parking Lot" on June 20, 2011 within the 90 days allowed by City Ordinance. This report details the JAPG's recommendations regarding the reuse of the parking lot, including potential uses on the site as well as appropriate densities and dimensional standards and a procedure to evaluate interested developers. The JAPG report is attached to this memo (Appendix B).

In addition to a report from the JAPG, the Real Property Reuse regulations require that the Planning Department produce a report within the same timeframe that outlines its recommendations for the site. The Planning Department agrees with most of what the JAPG recommends with only slight variations, which will be discussed in greater detail later in this memo. The Planning Department's report also is attached (Appendix C).

KEY RECOMMENDATIONS OF THE JAPG

The JAPG strongly agreed "that more than any single criterion, the capacity for this project to serve as a spark that lights the fire of rejuvenation in the Newtonville Village is paramount to all other issues influencing this project." The group also concluded that while the reuse would be predominantly housing, it also should include one or more nonresidential uses that would attract people to and enliven the vicinity. In particular, the JAPG recommends that any development on the Austin Street lot include the following elements:

- A building that is compatible with its context, including but not limited to compatibility in visual scale
- A build-to setback line along at least a portion of the Austin Street frontage
- A transparent street façade that provides several pedestrian access points into the building and/or the lot

- A minimum of 18 housing units on-site, at least 25% of which should be affordable and eligible for inclusion on State's Subsidized Housing Inventory (SHI) and 5% of which must be accessible to persons with mobility disabilities
- At least 5,000 square feet of nonresidential floor area that would help enliven the village center
- Open space equal to at least 5% of the developable lot
- A minimum of 85 public parking spaces and enough additional parking stalls to meet the needs of the new uses on the site

The JAPG also recommends that the City take a proactive role in the project by completing the following tasks before issuing a Request for Proposals (RFP) for the site:

- Determine the existing capacity for traffic at key intersections in Newtonville.
- Determine existing capacity for water, sewer, gas, electricity and other utilities.
- Prepare an updated survey of the site including property and easement lines.
- Rezone the property to BU4.
- Reconcile zoning/legal issues regarding use of a property for both public use (public parking for 85 spaces) and a private development.
- Find an alternative location within Newton for the Goodwill donation truck that currently occupies the southwest corner of the parking lot.

By being proactive, the City will eliminate many uncertainties surrounding the project and prospective developers will come into the process with a fair understanding of what is expected of them both on- and off-site and develop realistic proposals.

KEY RECOMMENDATIONS BY THE PLANNING DEPARTMENT

In general, the Planning Department agrees with the JAPG's report and recommendations. However, the Department places a different emphasis on the importance of a few issues.

Financial benefits to the City

The JAPG downplays the importance of a tangible financial gain for the City in return for the opportunity to reuse the Austin Street parking lot. The JAPG believes that a development that enlivens the Newtonville neighborhood is vastly preferable to one that provides needed revenue to the City. The Planning Department embraces the idea that the reuse of the parking lot will act as a catalyst for upgrades and redevelopment in the area on private property; however, we are convinced that the goals of neighborhood vitality and fiscal benefits need not be mutually exclusive. The subject parcel is a valuable asset for the City and the Department strongly believes that its disposition should result in significant revenue to the City. This revenue does not need to come from a lump sum payment at the outset if long-term economic benefits to the City can be convincingly shown. Toward that end, 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 that will further enliven the area as well as contribute to the tax base.

Zoning

The Planning Department agrees with the JAPG that the property should be rezoned before the issuance of an RFP. Pre-zoning the property gives potential developers a better sense of what may be allowed on the site and will, hopefully, result in more accurate, financially feasible responses to the RFP. However, we also understand that, in the past, the Board of Aldermen has been hesitant to proactively rezone a parcel without a clear picture of the development that is proposed for the site (i.e., rezoning of this kind is usually done in conjunction with a special permit application and does not take effect until the special permit for the site is executed). In this case, since the City owns the subject property pre-zoning it poses little or no risk. A special permit will still likely be needed for any redevelopment of the site and the Board of Aldermen can choose not to approve the special permit and/or the Mayor may decide not to execute the sale or lease of the land if the proposed development does not meet with the City's desires or expectations.

While the Planning Department agrees with the JAPG that BU4 is the most appropriate existing zone for the Austin Street site, we are concerned that this zone may not be compatible with the scale of the Newtonville village center. While the City could effectively limit the size and scale of a project on its own land (the parking lot), rezoning to BU4 may set a precedent for privately held property in the area over which we have less control of density and dimensional controls.

The Department believes that as an alternative to the recommendation above, the Board may want to consider crafting a new zone or amending an existing one that is more compatible with the type of smart growth we would like to see in many of Newton's village centers.

Uses

The JAPG report recommends at least 5,000 square feet of the mixed-use development be allocated for nonresidential use, but does not specify a particular use. The Planning Department believes that in order to enliven the area and make the project financially beneficial to the City, a minimum of 5,000 square feet of commercial space is necessary.

In addition, the JAPG recommends that at least 25% of the housing units be eligible for inclusion on the SHI. The Planning Department is concerned that such a large percentage of affordable housing on the site will not be financially feasible given many of the other requirements being placed on a potential developer. The City's Inclusionary Housing Ordinance requires that only 15% of new housing units be "affordable." Therefore, we believe that a minimum of 15% should be required; however the Department would support assisting a developer to secure outside funding to increase this percentage.

BOARD RECOMMENDATIONS

Lease or Sale

The JAPG report did not make a recommendation about whether the City should sell the land outright to a developer or enter into a long-term ground lease and retain fee ownership of the property. Instead, the group suggested that responses to the RFP include the developer's preference regarding ownership versus a ground lease of the site. The Planning Department strongly believes that the City should make a decision on this matter prior to issuing an RFP so that all responses are based upon the same criteria. Staff urges the Committee to discuss the merits and disincentives of each option and include a preference in its recommendation to the full Board of Aldermen. The tables below explain some of the pros and cons of each scenario.

Ground Lease		Sale	
Pro	Con	Pro	Con
City retains fee interest in the land	A long-term lease for > 30 years requires approval of home rule legislation	City could gain a lump sum payment for the land upfront	City may lose some control over the public parking spaces on private land
As owner of the land, City has a higher level of control over what can be developed on the site and may be a co-petitioner for a special permit application if necessary	There may be uncertainty regarding what happens/who owns the building at the end of the lease term, which may not be attractive to developers	No home rule legislation is necessary	A private building with public parking spaces may be considered a public construction project and be subject to specific bidding rules and regulations
	A private building with public parking spaces may be considered a public construction project and be subject to specific bidding rules and regulations		

Minimum financial terms

In their report the JAPG outlines its concept of a process to choose a developer for the site. The JAPG identified eight attributes of development on this site that would most importantly contribute to achieving what is sought. The members then voted on which of these attributes were most important to them. A more detailed description of the process and the results can

be found on page 7 of the JAPG report. However, it is important to note here that "net fiscal benefits for the City" received only two votes from JAPG members and ranked second to last in importance.

As noted previously, the Planning Department believes there is value to the property that should also be realized in some fashion. Based upon a survey of the 120 properties improved with apartments, commercial space or both located in commercial assessing district 6 (where the Austin Street lot is located), the median assessed value of lots with greater than 20,000 square feet of land is between \$20 and \$25 per square foot. When determining a minimum sale or ground lease price, the Board may want to start with this land value and then offset it with potential long-term economic benefits to the City, as well as the value of on-and off-site public benefits such as affordable housing units, open space, and public parking spaces.

CONCLUSION

After reviewing the JAPG and Planning Department reports and the comments received at the public hearing, the Real Property Reuse Committee must recommend to the full Board of Aldermen and the Mayor whether to make the land available for lease or sale and set minimum financial terms. The Board should make other recommendations, such as its thoughts about the appropriate minimum mix of uses for the site, whether development of the site is consistent with the *2007 Newton Comprehensive Plan*, and if they support proactively rezoning the property before an RFP is issued.

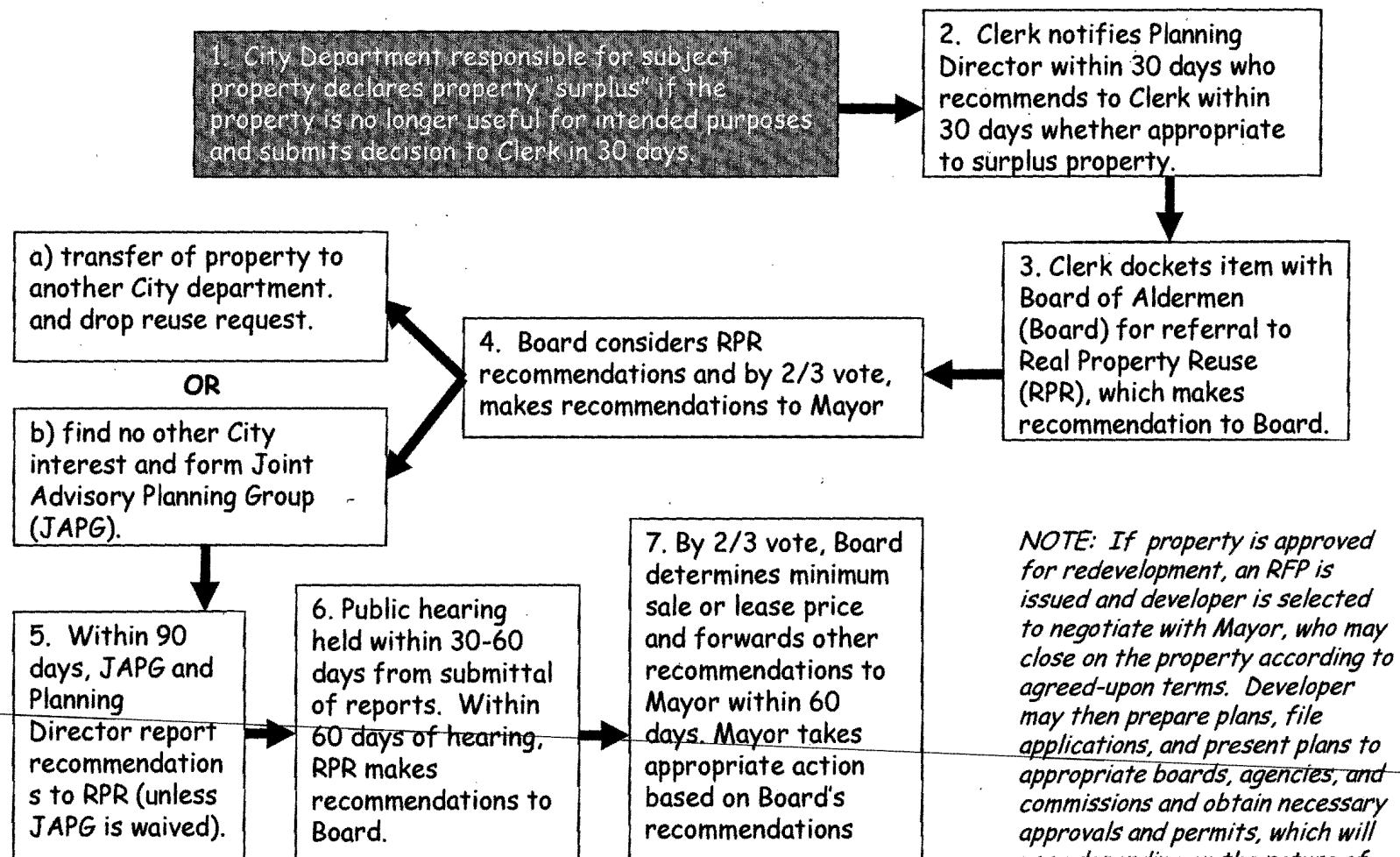
If the Board recommends the property for redevelopment and the Mayor concurs, an RFP will be issued and a developer selected to negotiate with the Mayor. After an agreement has been reached, the developer may then present plans to and file applications with the appropriate boards, agencies, and commissions and obtain necessary approvals and permits. The approval process will depend on the nature of the proposal.

Staff recommends that the Committee and the full Board of Aldermen forward to the Mayor a recommendation to sell or enter into a long-term ground lease, for a given minimum price, the City-owned parking lot on Austin Street in Newtonville to be reused for a mixed-use development containing at least:

- 18 units of housing, with a minimum of 15% of these units to be "affordable" and therefore eligible for inclusion in the State's Subsidized Housing Inventory (SHI)
- 5,000 square feet of commercial space
- 85 public parking spaces
- 5% of the site devoted to open space which may be configured as a series of small pocket parks or pedestrian ways that need not be in one contiguous portion of the site

"STEP-BY-STEP" REAL PROPERTY REUSE PROCESS

START HERE



NOTE: If property is approved for redevelopment, an RFP is issued and developer is selected to negotiate with Mayor, who may close on the property according to agreed-upon terms. Developer may then prepare plans, file applications, and present plans to appropriate boards, agencies, and commissions and obtain necessary approvals and permits, which will vary depending on the nature of the proposal.

END HERE

APPENDIX A

**Department of
Planning and Development**



**REAL PROPERTY REUSE COMMITTEE
REUSE OF AUSTIN STREET PARKING LOT
IN NEWTONVILLE**

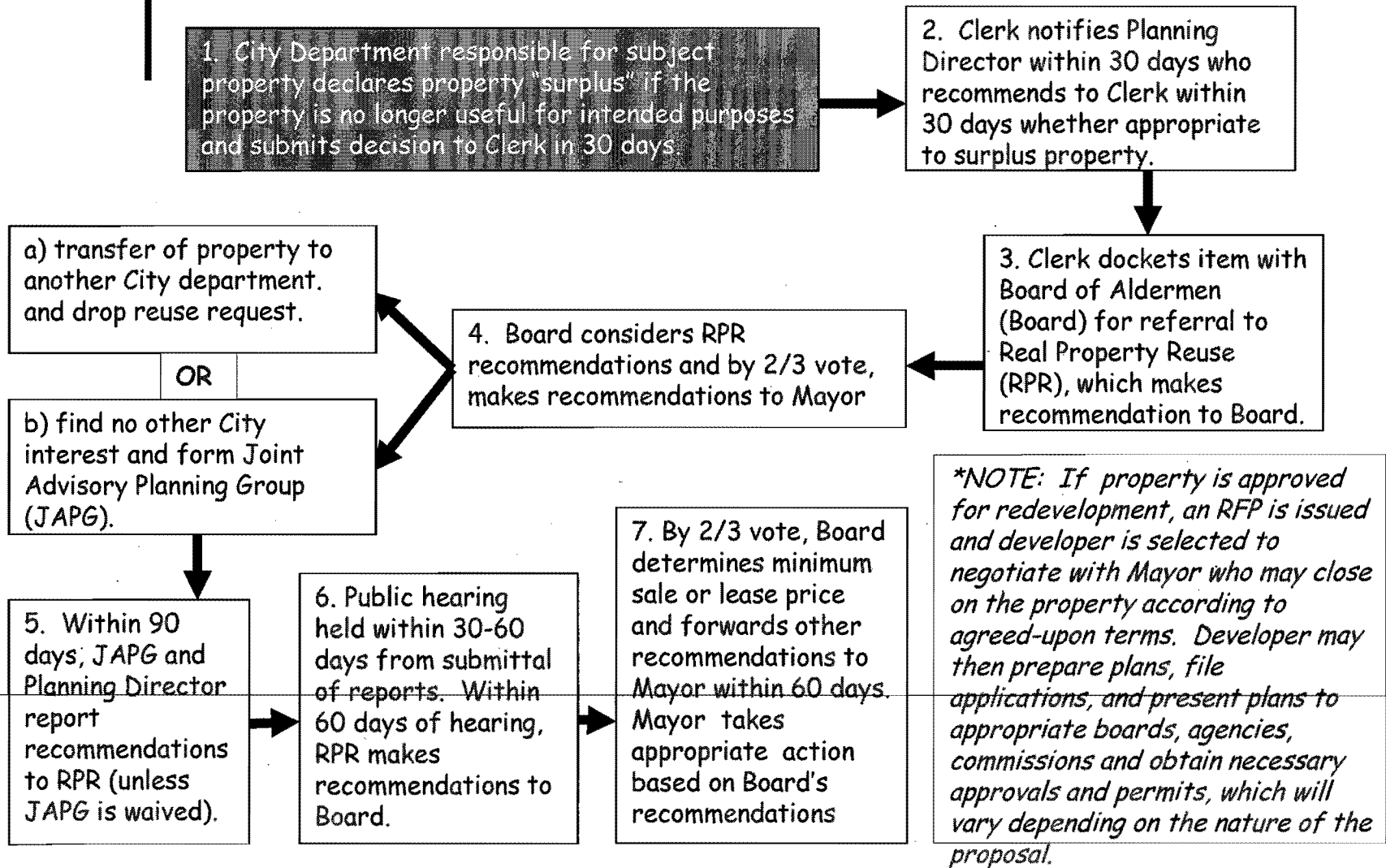
Site:

- 74,536 square foot lot (1.7 acres)
- City-owned
- 159 metered parking spaces
- Public Use zone



"STEP-BY-STEP" REAL PROPERTY REUSE PROCESS

START HERE



END HERE

Per Section 2-7 of the City Ordinances the Committee's recommendation shall :

- Take into account the effect of the proposal on the neighborhood and on the city as a whole
- Determine that its recommendation is consistent with the *Comprehensive Plan*
- Include recommendations as to the disposition and future use of the property
- Include recommendations with respect to zoning and other land-use controls
- Set minimum financial terms for sale or lease of the property

Excerpts from the *2007 Newton Comprehensive Plan* regarding village centers

- Land use is to be guided with the intention of enhancing village centers, supporting their vitality (p.3-6)
- Land use change is intended to accommodate sufficient housing development to meet our housing goals, and sufficient and appropriate development to meet our fiscal needs (p.3-6)
- Encourage mixed use in the village centers by promoting housing above retail (p.6-7)

JAPG and Planning Department recommendations for the site:

- Compatible building design
- Build-to setback line on Austin Street
- Transparent street façade with several pedestrian access points
- Minimum 18 housing units
- At least 5,000 square feet of nonresidential floor area
- A minimum of 5% devoted for open space
- Minimum of 85 public parking spaces

JAPG and Planning Department recommendations for City responsibilities:

- Determine existing capacity for traffic and utilities
- Develop updated land survey
- Rezone before RFP is issued
- Reconcile legal issues for public/private mixed-use development
- Facilitate relocation of Goodwill truck

Comparison of JAPG and Planning Department reports:

JAPG

- 25% of housing units “affordable”
- 5% of housing units accessible to persons with mobility disabilities
- Minimum of 5,000 sq. ft. nonresidential
- Rezone to BU4
- Enlivening the village center of paramount importance

Planning Department

- 15% of housing units “affordable”
- 100% of housing units must be built to AAB Group 1 standards
- Comply with Building Code
- Minimum of 5,000 sq. ft. of commercial space
- Rezone to BU4 or create new “village” zone
- Enliven the village center and provide significant fiscal benefits to the City

Sale vs. Lease

Ground Lease		Sale	
Pro	Con	Pro	Con
<p>City retains fee interest in the land</p>	<p>A long-term lease for > 30 years requires approval of home rule legislation</p>	<p>City could gain a lump sum payment for the land upfront</p>	<p>City may lose some control over the public parking spaces on private land</p>
<p>As owner of the land, City has a higher level of control over what can be developed on the site and may be a co-petitioner for a special permit application if necessary</p>	<p>There may be uncertainty regarding what happens/who owns the building at the end of the lease term, which may not be attractive to developers</p>	<p>No home rule legislation is necessary</p>	<p>A private building with public parking spaces may be considered a public construction project and be subject to specific bidding rules and regulations</p>
<p>A private building with public parking spaces may be considered a public construction project and be subject to specific bidding rules and regulations</p>			

Minimum Financial Terms

- Median assessed value of similar properties (>20,000 sq. ft.) in that neighborhood is between \$20-25 per square foot
- Offset by long-term economic benefits and on- and off-site public benefits



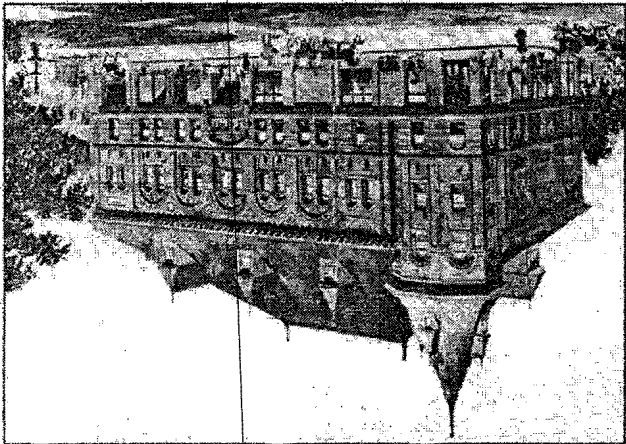
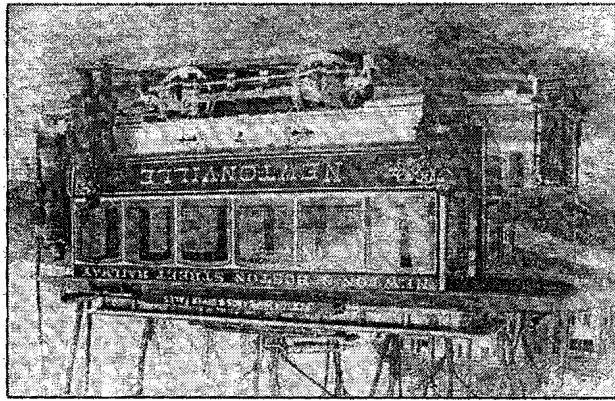
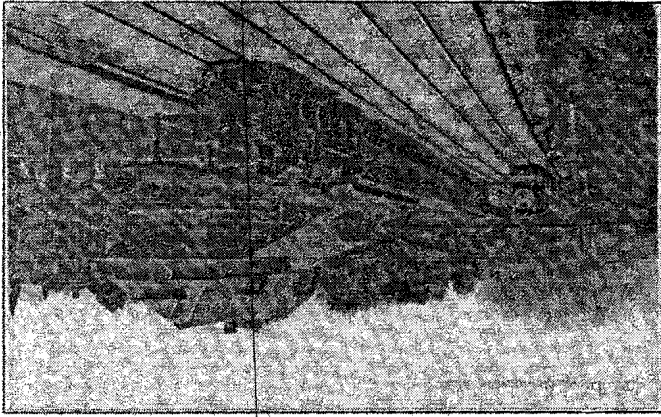
Next Steps and Recommendations

- Committee makes recommendations to the full Board
- Board with 2/3 majority makes recommendations to the Mayor

Staff recommends:

- Enter into sale or long-term lease agreement
- Set minimum price
- Minimum 18 housing units, 15% “affordable”
- Minimum 5,000 square feet commercial space
- Minimum 85 public parking spaces
- Minimum 5% of site devoted to open space

THE ORIGINAL TRANSIT ORIENTED DEVELOPMENT



The JAPG Report Austin Street Parking Lot



June 20, 2011

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JOINT ADVISORY PLANNING GROUP MEMBERS

Rob Caruso

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Phil Herr, Vice-Chair

Judy Jacobson

Jack M Leader, Chairman

David Morton

Carol Ann Shea

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Barbara Smith-Bacon

F. Robert Tafel

Giles Taylor

John Wilson

Ken Wong

Staff Assistance by Eve Tapper, Chief Planner, Current Planning

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 consideration¹. 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

¹ 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 clarified². 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.

² 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:

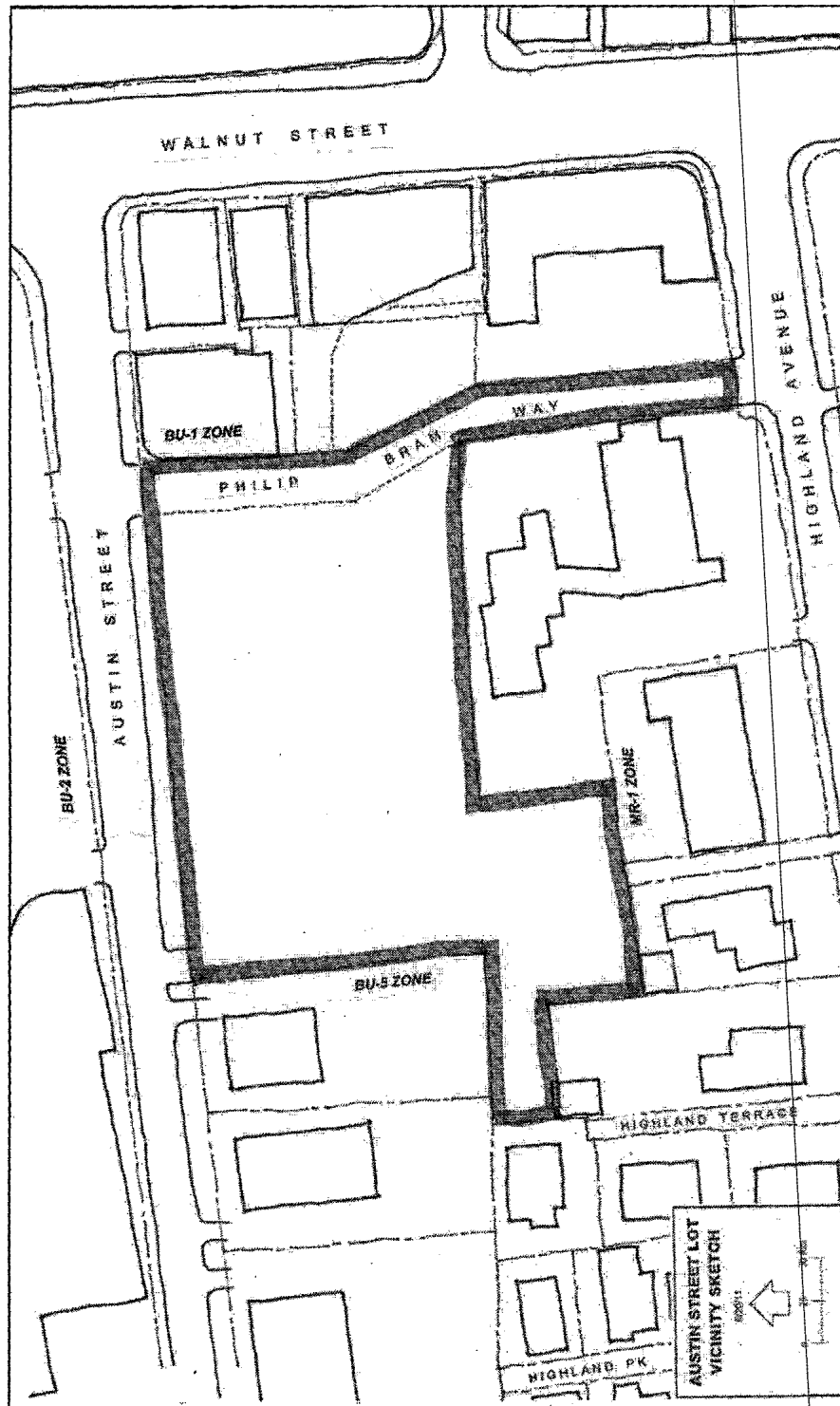
And this is from the History of the Massachusetts Turnpike Authority's website:

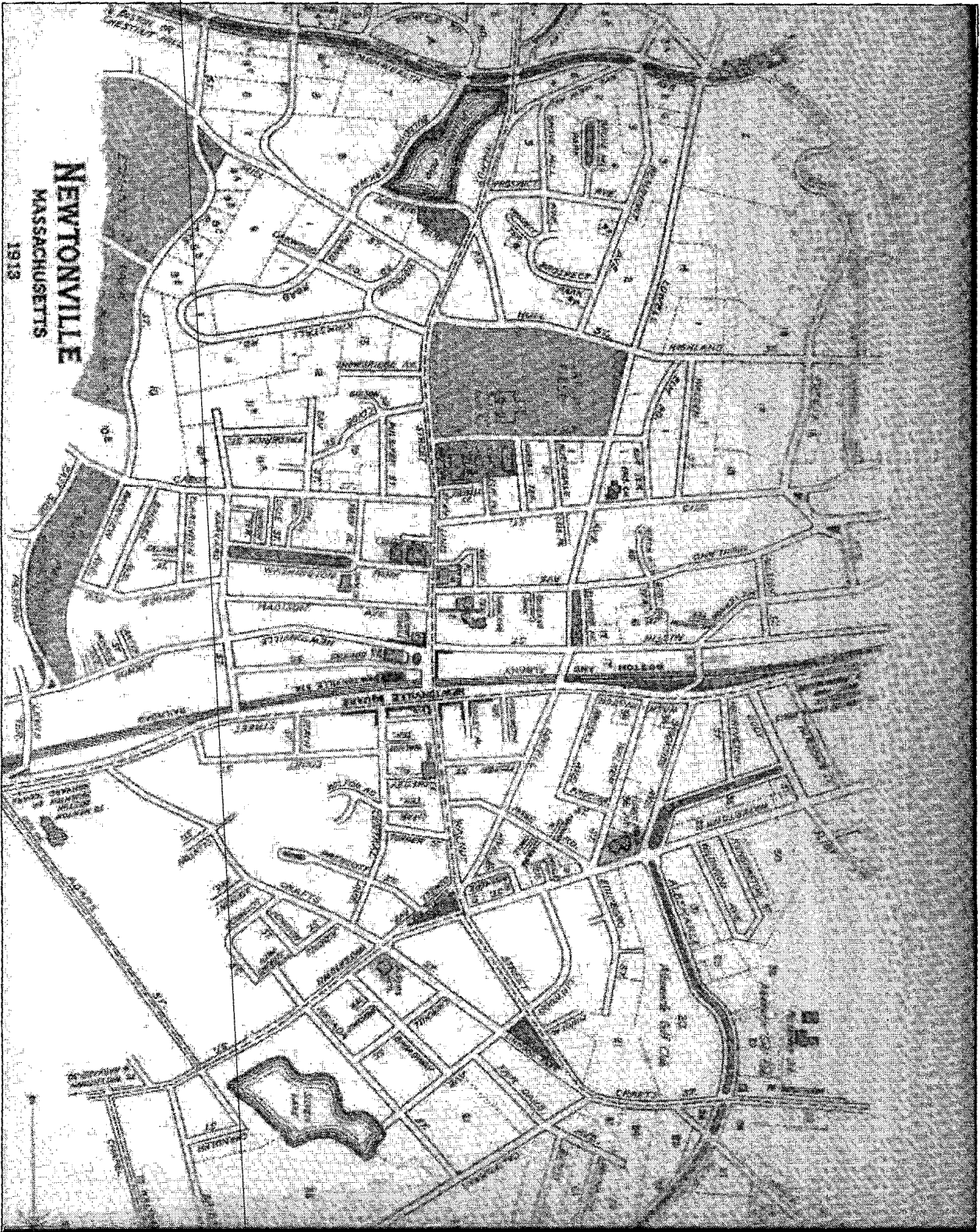
"In the fall of 1958, Commissioner Callahan cleared another major stumbling block. The original charter of the Massachusetts Turnpike Authority required that the MassDPW, an agency that had grown somewhat antagonistic to Callahan's desires, approve any alignment. Fortunately for Callahan, Anthony DiNatale, 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
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APPENDIX 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

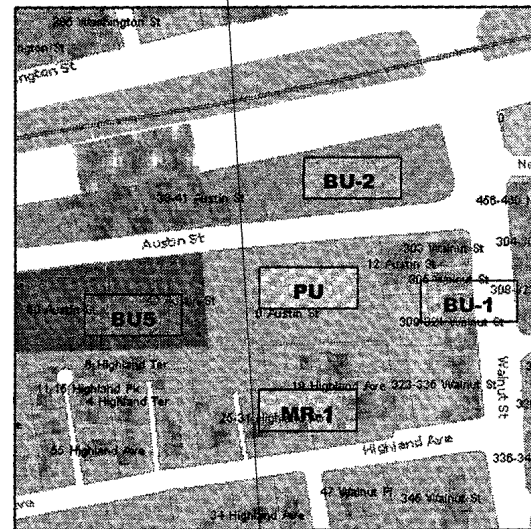
occupied by a bank and an office building. Farther west on Austin Street, the area is zoned and used for residences. The Star Market, a small liquor store under the market and associated parking lot are located directly across from the site on the north side of Austin Street.

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 pre-zoned 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.