



**City of Newton, Massachusetts**  
Department of Planning and Development  
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Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 20, 2018  
Land Use Action Date: December 11, 2018  
City Council Action Date: December 17, 2018  
90-Day Expiration Date: December 19, 2018

DATE: September 14, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Amanda Berman, Director of Housing and Community Development  
Neil Cronin, Senior Planner

SUBJECT: **Petition #421-18**, SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #102-06(15) to relocate four inclusionary zoning units from 200 Estate Drive to 219 Commonwealth Avenue. Hancock Estates is located in Ward 8, known as Section 82 Block 037 Lot 0095, containing approximately 640,847 sq. ft. of land in a district zoned Multi Residence 3. 219 Commonwealth Avenue is located in Ward 7, known as Section 63 Block 08 Lot 19, containing approximately 10,347 sq. ft. of land in a district zoned Multi Residence 1. Ref: 7.3, 7.4, 5.11.4, 5.11.6 of Chapter 30 of the Newton Revised Zoning Ordinance, 2015.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 Land Use Committee of the City Council will want to consider in its discussion at a subsequent Public Hearing/Working Session.



**219 Commonwealth Avenue**

### EXECUTIVE SUMMARY

The petitioner obtained a special permit (Council Order #102-06(15)) in April of 2015 to construct a four-story, 88-unit building on LaGrange Street in Oak Hill, now known as Hancock Estates (**Attachment A**). The Order requires the petitioner to provide 13 deed restricted inclusionary zoning units affordable to households earning up to 80% of area median income (AMI). The petitioner also owns the property located at 219 Commonwealth Avenue in Chestnut Hill that is improved with a 29-unit building. The petitioner is renovating the interior of the structure, which will result in a loss of one unit, for a total of 28 units. The petitioner is seeking to locate four of the required 13 deed restricted inclusionary units from Hancock Estates to 219 Commonwealth Avenue; the remaining nine inclusionary zoning units required by Council Order #102-06(15) will remain at Hancock Estates. The petitioner previously submitted a proposal in 2017 to locate first all 13 and later 8 of the 13 inclusionary units at 219 Commonwealth Avenue. The Special Permit amendment was withdrawn in the fall of 2017. The current petition reduces the number of offsite units to four and includes reserving the remaining 24 units at 219 Commonwealth Avenue as deed restricted units. Of the 28 units, nine units will be affordable to households at or below 80% of AMI (ranging from 30% of AMI to 80% of AMI) and 19 workforce housing units will be affordable to households at or below 120% of AMI. Therefore, the petitioner is seeking a special permit to amend Council Order #102-06(15) to locate 4 of the required deed restricted inclusionary units offsite. For the purposes of this memo, all land use analysis will pertain to the property located at 219 Commonwealth Avenue.

Overall, there are clear positives to the petitioner's current proposal, including:

- The addition of 15 deed-restricted affordable units (28 units at 219 Commonwealth Avenue, minus the 13 required inclusionary units at Hancock Estates).
- The unique opportunity for the City to gain a 100% deed-restricted affordable building, which is challenging to develop in today's high-priced market
- The City's introduction to MassHousing's newly launched Workforce Housing Program, which provides financing through soft debt for the creation of units affordable to households with incomes greater than 60% AMI and up to 120% AMI

Additionally, there are noticeable improvements between the 2017 and 2018 proposals from the petitioner, including:

- 9 inclusionary units to remain at Hancock Estates, versus only 5 units proposed in 2017
- An agreement by the developer to lower the affordability of the only fully-accessible unit proposed at 219 Commonwealth Avenue from 50% AMI to 30% AMI (a change requested by Planning Staff in September 2018, and agreed to by the developer on September 12, 2018).
- The addition of a washer and dryer on the third Floor, in addition to the laundry facilities on the ground floor at 219 Commonwealth Avenue.

- The conversion of Unit #3 at 219 Commonwealth Avenue from a 1-bedroom to a 2-bedroom apartment
- The striping and delineation of 8 dedicated, compact parking stalls at 219 Commonwealth Avenue, including 2 spaces adaptable to a handicapped space in the event of a reasonable modification request by the occupant of the fully-accessible apartment (Unit #5).
- An on-site parking priority to the 4, 2-bedroom units to be relocated from Hancock Estates, with no parking fees charged to these tenants if they choose to utilize the spot

It should be noted, however, that while all 28 units at 219 Commonwealth Avenue only have 1 bathroom, 4 of the required 13 inclusionary units at Hancock Estates have 1.5 bathrooms and 7 of the 13 units have 2 bathrooms – a noticeable downside to the proposal to locate some of the required inclusionary units off site. In addition, the average square footage of the units at 219 Commonwealth Avenue is much smaller than that at Hancock Estates: an average of 666 sf at 219 Commonwealth Avenue, compared to an average of 942 sf for the 13 required inclusionary units at Hancock Estates.

Lastly, while there are a number of positives in terms of the additional affordability gained through the 219 Commonwealth Avenue project proposal, the lack of equivalent accessibility at this property as compared to Hancock Estates is a noticeable drawback. A detailed explanation of the strong differences in accessibility between the two properties, as provided by Jini Fairley, the City of Newton's ADA Coordinator, is included as an Appendix to this memo.

While there are drawbacks to the proposal to locate the affordable units offsite, Planning Department staff believes this proposal presents a rare opportunity to gain much needed affordable housing at a range of income levels and concerns regarding parking and circulation can be further mitigated by recommendations in this memo.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific sites is an appropriate location for the amendments to Council Order #102-06(15) (§7.3.3.C.1.).
- The amendments to Council Order #102-06(15) will not adversely affect the neighborhoods (§7.3.3.C.2.).
- The amendments to Council Order #102-06(15) will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3.).
- Access to the sites over streets is appropriate for the types and numbers of

vehicles involved (§7.3.3.C.4.).

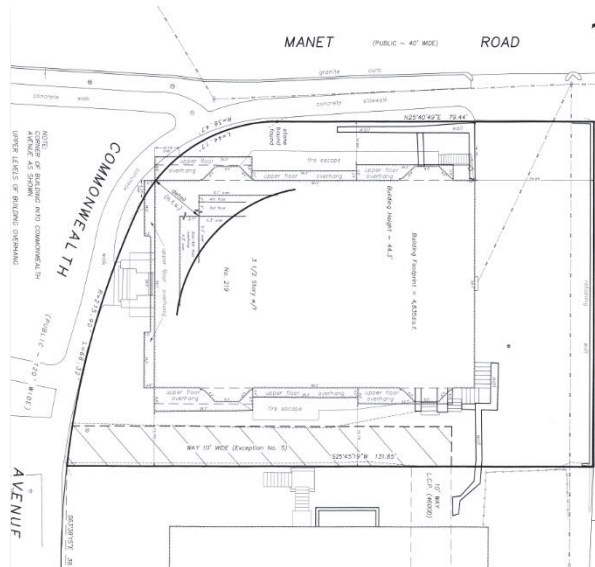
## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD – 219 COMMONWEALTH AVENUE

### A. Neighborhood and Zoning

The subject property is a corner lot with frontages on Commonwealth Avenue and Manet Road in the Multi-Residence 1 (MR-1) zone in Chestnut Hill. There is a Public Use district directly to the west, otherwise the MR-1 zone encompasses the immediate area. Outside of the immediate area, a Single Residence 2 zone is located to the east and to the north (**Attachment B**). The neighborhood is predominantly residential in the form of single- and multi-family uses, but an institutional use to the north and some nonconforming commercial uses exist as well (**Attachment C**).

### B. Site

The site consists of 10,347 square feet of land and is improved with a multi-family, Tudor-style structure circa 1880. There are currently two curb cuts on site: one at the southeast corner which is ten feet wide providing access to a right of way shared with the abutter at 209 Commonwealth Avenue; the other curb cut is located at the northwest corner of the site and is approximately 15 feet wide providing access to a 2,160 square foot parking area. The parking area is constructed out of asphalt and is legal nonconforming. The site is sloped up from the Commonwealth Avenue frontage to the rear and contains mature landscaping at the western, southern, and eastern boundaries.



III. PROJECT DESCRIPTION AND ANALYSIS - 219 COMMONWEALTH AVENUE

A. Land Use

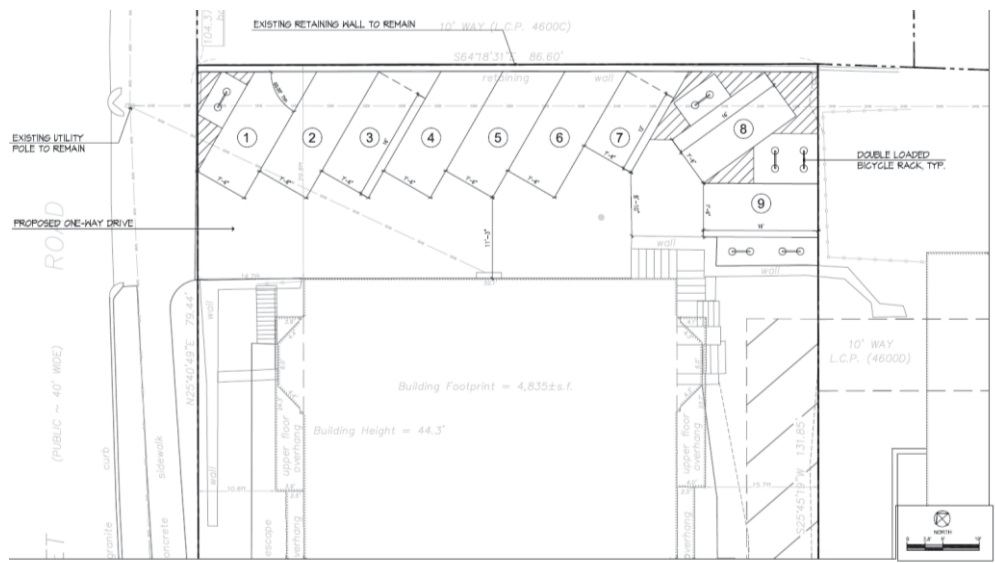
The principal use of the site is and will remain a multi-family residence.

B. Building and Site Design

The petitioner is not proposing to enlarge the footprint of the existing structure. The majority of the work involves renovating the interior of the building which will result in a loss of one unit from 29 to 28. At the exterior, the petitioner is proposing to install an American with Disabilities (ADA) entrance at the northeast corner of the structure (rear). This entrance is not accessible from the parking lot, so the petitioner is proposing to stripe a four-foot wide ADA path from the Commonwealth Avenue frontage along the western side of the right of way.

C. Parking and Circulation

The site's parking area is accessed via a 15-foot wide curb cut from Manet Road. The 2,160 square foot area is legal nonconforming and is unstriped. Staff suggested the petitioner stripe the parking area to provide a more formal parking arrangement than currently exists and to allow for the creation of a handicap stall. In response, the petitioner provided the below plan that shows nine substandard stalls dimensioned at 7.5 feet wide and 16 feet long, with a drive aisle of 11 feet wide; one stall is proposed at 12 feet long. The petitioner states stalls "8" and "9" will be leased with an understanding, that should a person with a disability move into the building, these stalls will be restriped to create a handicap stall with an access aisle. The Planning Department asked for stalls "1" and "2" to be leased for such an arrangement, but the petitioner's consultant states the slope in that location makes the handicap stall infeasible. The Planning Department discussed the adequacy of stalls "8" and "9" for such an arrangement with the City's Accessibility Coordinator and asks the petitioner to provide a plan with a template showing a wheelchair exiting a handicap van to ensure this location will work.



The Planning Department recognizes the constraints of the parking area and is aware that the layout is not an ideal design. The Planning Department is awaiting review by the Transportation Division regarding the latest striping plan, however the 12-foot long stall will need to be removed at a minimum as it does not allow for even a compact car to safely park and not block other vehicles. However, staff believes the facility, if striped, represents an upgrade over the existing condition and allows for the creation of a van accessible stall, should one be required. Staff will review the plan with the Transportation staff and will provide the Committee with an update at the public hearing.

D. Transportation Demand Management

Given the constraints of the parking facility, staff suggested the petitioner implement a Transportation Demand Management (TDM) Plan to decrease reliance upon automobiles and to reinforce the site's public transportation options. The petitioner provided a TDM Plan, which includes dedicating stall "1" to a car sharing service, should the residents be interested, providing weather secure bike parking, appointing a TDM Coordinator to assist residents and to meet with the City's Transportation Planning staff, and providing a transportation subsidy for units without a car in the amount of \$136,800.00 for the first three years following leasing (**Attachment D**). Staff believes the TDM can be improved upon to achieve these goals and suggests the petitioner consider the following initiatives:

- Confirm the number of weather secure bicycles that can be stored on site. Also, the bike racks shown on the striping plan may have to be removed to allow for the handicap van stall. Staff recommends the petitioner relocate the bike racks, identify how they will be weather protected, and explore locating

a bike rack along the Commonwealth Avenue frontage.

- The petitioner states the four, two-bedroom units to be relocated from Hancock Estates to 219 Commonwealth Avenue will be given priority for on-site parking stalls, and that these units will not be charged a parking fee if the fee exceeds 30% of the applicable income limit. The Planning Department recommends that all nine stalls be dedicated to households earning at or below 80% of AMI and be subject to a lottery for all available spaces after the inclusion of a car share (and a van accessible space if necessary) and that the fee not exceed 30% of the applicable income limit.
- The petitioner's subsidy of \$136,800 is reserved for the 19 workforce housing units equates to \$200 per unit per month, for three years. The Planning Department recommends that all units without a parking stall on site be eligible for reimbursement of up to \$200 per month for transit passes for the first three years.
- Require the TDM Coordinator to conduct a survey on tenant parking and transportation usage six months after full occupancy, and annually thereafter. The TDM Coordinator shall share the survey results with the City of Newton Transportation Planning staff.
- Provide a snow storage plan for the parking facility.

#### IV. AFFORDABLE HOUSING ANALYSIS

##### A. Council Order #102-06(15)

Council Order #102-06(15) and the fully executed Regulatory Agreement requires the petitioner to construct 88 units at Hancock Estates, including 13 deed restricted units available to households earning an average income of 65% of AMI. Specifically, six units are required to be available to households earning 50% of AMI, six units are required to be available to households earning 80% of AMI, and one unit is required to be available to households earning 65% of AMI. All these 13 units meet the affordability definition established under the State's Chapter 40B law, making the units eligible for the Subsidized Housing Inventory (SHI). The unit mix for the Hancock Estates project is broken down as follows:



**Table 1: Hancock Estates Unit Mix**

Unit Type	Total Number of Units in Development	Number of Affordable Units
One-Bedroom	34	5
Two Bedroom	54	8
Total Units	88	13

The Inclusionary Zoning Ordinance (Section 5.11) of the Newton Zoning Ordinance (Ordinance) provides for two possible alternatives to providing inclusionary units on site: either through a cash payment or by providing an equivalent number of inclusionary units at a different location. If providing the units off site, the petitioner must partner with a nonprofit housing development organization. As such, the petitioner proposes to enter into a development agreement for the renovation and leasing of the 219 Commonwealth Avenue property with B'nai B'rith, a non-profit housing development organization per Section 5.11.6 of the Ordinance.

**B. Off Site Proposal**

The petitioner has proposed to meet the inclusionary zoning requirement by renovating the interior of the structure at 219 Commonwealth Avenue into 28 units. Nine (9) of these units would be reserved for households earning at or below 80% of AMI, while the remaining 19 units would be reserved for households earning up to 120% of AMI; four of these nine units would be relocated from Hancock Estates. The table below details the off-site proposal. A more detailed summary can be found in the petitioner’s Inclusionary Housing Plan, dated August 3, 2018 (**Attachment E**).

**Table 2: Off Site Development Proposal at 219 Commonwealth Avenue**

Unit Type	30% AMI Units	50% AMI Units	65% AMI Units	70% AMI Units	80% AMI Units	80% - 120% AMI Units	Total Units
Studio	0	0	1	1	0	0	2
One-Bedroom	1	0	0	0	2	14	17
Two Bedroom	0	2	0	0	2	5	9
Total Units	1	2	1	1	4	19	28



C. Affordability

Attachment G contains detailed information regarding the affordability levels, unit types, and proposed rents at 219 Commonwealth and for the 13 inclusionary units at Hancock Estates. Rents for the affordable units at both 219 Commonwealth and Hancock Estates meet Department of Housing and Community Development (DHCD) requirements and are equivalent when accounting for utilities. The proposal at 219 Commonwealth Avenue provides an additional five affordable units at or below 80% AMI than would be provided on-site at Hancock Estates. Additionally, the proposal creates an affordable, accessible unit at 30% of AMI at 219 Commonwealth, which was not included in the requirements for Hancock Estates, while also providing 19 deed-restricted workforce housing units at 120% AMI.

D. Accessibility

Hancock Estates is a modern three-story building with an elevator and underground parking. In accordance with the regulations of the Massachusetts Architectural Access Board (MAAB) in Section 521 of the Code of Massachusetts Regulations, all units in the project will be required to meet MAAB's Group 1 Unit definition. Group 1 Units have features that can be modified without structural change to meet the needs of a household with a disability. In addition to the Group 1 Unit standard, Hancock Estates is required to meet MAAB's requirements for Group 2 Units. Group 2 Units are fully accessible units that have spatial requirements to accommodate persons with mobility impairments, such as wider doorways. In accordance with 521 CMR, 5% of the units at Hancock Estates will be Group 2 Units. Furthermore, handicap parking is provided close to an accessible entrance to the building and all on-site amenities such as laundry, mailboxes, fitness room, and common areas are accessible. Staff believes providing visitable and accessible units in an elevator building is an important consideration, especially given the increasing proportion of older residents in Newton.

In contrast, only one unit at 219 Commonwealth Avenue is fully accessible, and the unit is located on the ground floor with a dedicated entrance. The three other units on the ground floor are not visitable to those in wheelchairs, nor can the units be made accessible or adaptable (along with the remaining units). The accessible parking stall is located a noticeable distance from the entrance to the unit, and the mailbox for the accessible unit will be located outside. The petitioner has agreed, at the City's request, to dedicate the accessible unit at 219 Commonwealth to households earning at or below 30% of AMI. Attachment F provides a further detailed explanation of the strong differences in accessibility between the two properties, as provided by Jini

Fairley, the City of Newton's ADA Coordinator.

V. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment H**). Based on the Memorandum, the petitioner is seeking the following relief:

- Amend Council Order #102-06(15).
- §5.11.4 and §5.11.6 of Section 30, to allow the provisions of the Inclusionary Zoning requirement to be met off site.

B. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

C. Newton Historical Commission (NHC) Review - 219 COMMONWEALTH AVENUE

The site is listed on the National Register of Historic Places, a designation that limits modifications to existing historical buildings. The NHC reviewed and approved the proposed ADA entrance as well as repairs to the stucco and brick cladding at its meeting on June 22, 2017.

VI. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

**ATTACHMENTS:**

- Attachment A:** Council Order #102-06(15)  
**Attachment B:** Zoning Map  
**Attachment C:** Land Use Map  
**Attachment D:** Transportation Demand Management Plan  
**Attachment E:** Inclusionary Housing Plan  
**Attachment F:** Accessibility and Amenities Audit  
**Attachment G:** 219 Commonwealth Avenue and Hancock Estates Unit Breakdown and

**Attachment H:** Comparison  
Zoning Review Memorandum, dated June 18, 2018

CITY OF NEWTON  
IN BOARD OF ALDERMEN

April 21, 2015

RECEIVED  
Newton City Clerk  
APR 27 AM 11:39  
#102-06(12)  
David A. Ojeda, CMC  
Newton, MA 02459

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow eighty eight units within an already approved and vested 80-unit multi-family building as authorized in Special Permit #102-06(12), to modify the below grade and at-grade parking areas to accommodate 16 additional parking stalls, and for minor changes to the façade of the previously approved building, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Marc Laredo:

1. The site is an appropriate location for the reconfiguration of the approved 80 unit building into 88 units of rental housing in the same building envelope and same building footprint because the additional units and parking stalls do not change the type of use, and there are other multi-family residential uses in the surrounding area and the use should not adversely impact the surrounding neighborhood. (§30-24(d)(1))
2. The proposed reconfiguration of units does not change the location, design, and massing of the permitted structure, remains compatible with the character of the surrounding neighborhood, and will not adversely affect the surrounding neighborhood because the additional units and parking stalls do not change the location of the building on the site, the mass of the building, nor the distance of the building from the abutting properties and LaGrange Street and allows for a more compact development that maintains more of the site in its natural state. (§30-24(d)(2))
3. The development proposal will not cause a nuisance or a serious hazard to vehicles or pedestrians in the surrounding neighborhood because the additional units and parking stalls do not change nor increase any hazards to vehicles or pedestrians. (§30-24(d)(3))
4. Access to the site over streets remains appropriate for the vehicles that will be accessing the site because the additional units and parking stalls do not create traffic hazards. (§30-24(d)(4))
5. The site planning, building design, construction, maintenance and long term operation of the premises will continue to contribute significantly to the efficient use and conservation of natural resources and energy because the additional units and parking stalls are accommodated within the portion of the property already approved for development. (§30-24(d)(5))

*Lot  
Property: H-1 Kessler Way, Newton*

A True Copy  
Attest  
*David A. Ojeda*  
City Clerk of Newton, Mass.



6. The Board finds that the public convenience and welfare will be served through the creation of an additional inclusionary housing unit which conforms to the requirements of the Newton Zoning Ordinance. (§30-24(f))
7. The Board finds that the first of two building permits (#15030759, dated March 27, 2015) for construction of the 80 unit multi-family building authorized in Special Permit #102-06(12), dated November 17, 2014, and Change of Zone Ordinance #106-06(11), dated November 17, 2014, each recorded in the Middlesex South Registry of Deeds, has been issued and that substantial use and construction work authorized by Special Permit #106-06(12), Change of Zone Ordinance #106-06(11) and building permit #15030759, dated March 27, 2015 has commenced.
8. The Board finds that substantial use and construction as authorized by Special Permit #102-06(12) (and all prior special permits that were incorporated therein), Change of Zone Ordinance #106-06(11), and building permit #15030759, dated 3/27/2015 has occurred and that, therefore, the Petitioner has complied with and fulfilled the requirements of M.G.L. Chapter 40A, Section 9 and the Newton Zoning Ordinance §30-23(c)(4) and §30-24(c)(4), thereby vested its rights under Special Permit #106-06(12) and Change of Zone Ordinance #106-06(11).
9. The Board intends that this special permit amends only the provisions of Special Permit #106-06(12) related to the number of approved units and the parking stalls for those additional units, and minor façade modifications.

PETITION NUMBER: #102-06(15)

PETITIONER: Chestnut Hill Realty Development, LLC.

LOCATION: Land located on LaGrange Street, known as Section 82, Block 37, Lot 95, containing approximately 640,847 square feet of land

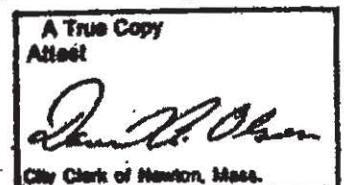
OWNER: Kessler Development, LLC c/o Cornerstone Corp.

ADDRESS OF OWNER: 400 Blue Hill Drive, Suite 2C  
Westwood, MA 02090

TO BE USED FOR: 88-unit multi-family building with a partially below grade parking garage.

CONSTRUCTION: Wood framed construction

EXPLANATORY NOTES: Allow eighty eight units in a single multi-family building, to modify the below grade and at-grade parking areas to accommodate 16 additional parking stalls, and for minor changes to the façade of the previously approved building.

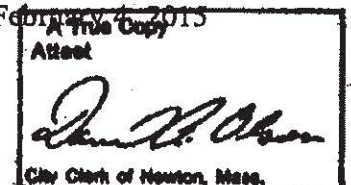


ZONING: Multi-Residence 3 district

All the conditions and provisions from the prior vested and exercised special permit approved under Board Order #102-06(12) remain valid and are still in full force and effect, except where noted below.

Approved subject to the following conditions:

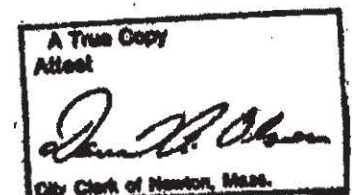
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with the following plans with:
  - a. Plan titled "Existing Conditions Plan of Land for Kessler Woods Condominiums", prepared by H.W. Moore Associates, Inc., dated January 31, 2006.
  - b. Plan set with a project name "The Residences at Kessler Woods, Newton, MA", prepared by Stantec Planning and Landscape Architecture P.C., 226 Causeway Street, Boston, MA 02114, bearing the stamp of a registered landscape architect or professional engineer, dated August 4, 2014 and last revised on March 4, 2015, as to certain plans, including the following twenty (20) sheets:
    - i. Sheet L-001 - Overall Site Plan;
    - ii. Sheet L-002 - Site Comparison Plan;
    - iii. Sheet L-100 - Layout and Materials Plan;
    - iv. Sheet L-200 - Grading Plan;
    - v. Sheet L-201 - Blasting Comparison Plan;
    - vi. Sheet L-202 - Height Calculation Plan;
    - vii. Sheet L-300 - Utility Plan;
    - viii. Sheet L-301 - Utility Profiles;
    - ix. Sheet L-400 - Planting Plan;
    - x. Sheet L-401 - Tree Removal Plan;
    - xi. Sheet L-500 - Photometrics Plan;
    - xii. Sheet L-600 - Life Safety Plan;
    - xiii. Sheet L-700 - Site Details 1;
    - xiv. Sheet L-701 - Site Details 2;
    - xv. Sheet L-702 - Site Details 3;
    - xvi. Sheet L-703 - Site Details 4;
    - xvii. Sheet L-704 - Site Details 5;
    - xviii. Sheet L-800 - Site Sections 1;
    - xix. Sheet L-801 - Site Sections 2; and
    - xx. Sheet L-802 - Site Sections 3.
  - c. Plan set with a project name "Kessler Woods", prepared by The Architectural Team, Inc., 50 Commandant's Way, Chelsea, MA 02150, bearing the stamp of a registered professional architect, dated August 22, 2014, March 5, 2015, and February 6, 2015.





and last revised on February 19, 2015, as to certain plans, including the following thirteen (13) sheets:

- i. Sheet A1.00 - Floor Plan: Parking Floor Plan & First Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - ii. Sheet A1.01 - Floor Plan: Second Floor Plan & Third Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - iii. Sheet A2.00A - Floor Plan: Partial Parking Floor Plan, dated August 22, 2014 and revised February 19, 2015;
  - iv. Sheet A2.00B - Floor Plan: Partial Parking Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - v. Sheet A2.01A - Floor Plan: Partial First Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - vi. Sheet A2.01B - Floor Plan: Partial First Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - vii. Sheet A2.02A - Floor Plan: Partial Second Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - viii. Sheet A2.02B - Floor Plan: Partial Second Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - ix. Sheet A2.03A - Floor Plan: Partial Third Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - x. Sheet A2.03B - Floor Plan: Partial Third Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
  - xi. Sheet A4.01 - Building Elevations, dated March 5, 2015 and revised on February 19, 2015; and
  - xii. Sheet A4.02 - Building Elevations, dated February 4, 2015 and revised on February 19, 2015.
2. The Petitioner shall comply with the affordable housing requirements set out in §30-24(f) of the Newton Zoning Ordinance and the Inclusionary Housing Plan, dated March 11, 2015, approved by the Director of Planning and Development, on file with the City Clerk. A total of 13 deed restricted inclusionary housing units shall be provided (1 additional unit from the previously approve 80 unit project); the size and location of such units shall be consistent with what is shown on the approved plans listed in Condition #1. The Petitioner shall ensure that the inclusionary units shall be maintained in perpetuity and made available to households in the following mix as more fully described in the Inclusionary Housing Plan:
- a. six (6) units at 50% of area median income;
  - b. six (6) units at 80% of area median income; and
  - c. one (1) unit at 65% of area median income.
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:





- a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use or building covered by this Special Permit/Site Plan Approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services, the City Engineer and the Department of Planning and Development a final as-built survey plan in paper and digital format for any portion of the Project.
  - c. Obtained a written statement from the Planning Department that confirms the project has been constructed consistent with the plans approved in Condition #1.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 2 nays (Aldermen Harney and Yates) 3 absent (Aldermen Gentile, Hess-Mahan, and Laredo)

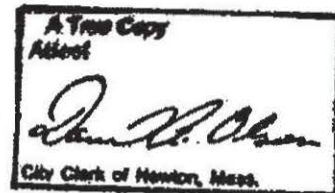
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 27, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 4/27 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.











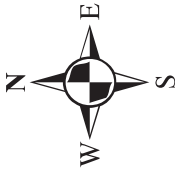


**Attachment B  
Zoning Map  
Commonwealth Ave., 219**

*City of Newton,  
Massachusetts*

**Legend**

-  Single Residence 2
-  Multi-Residence 1
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

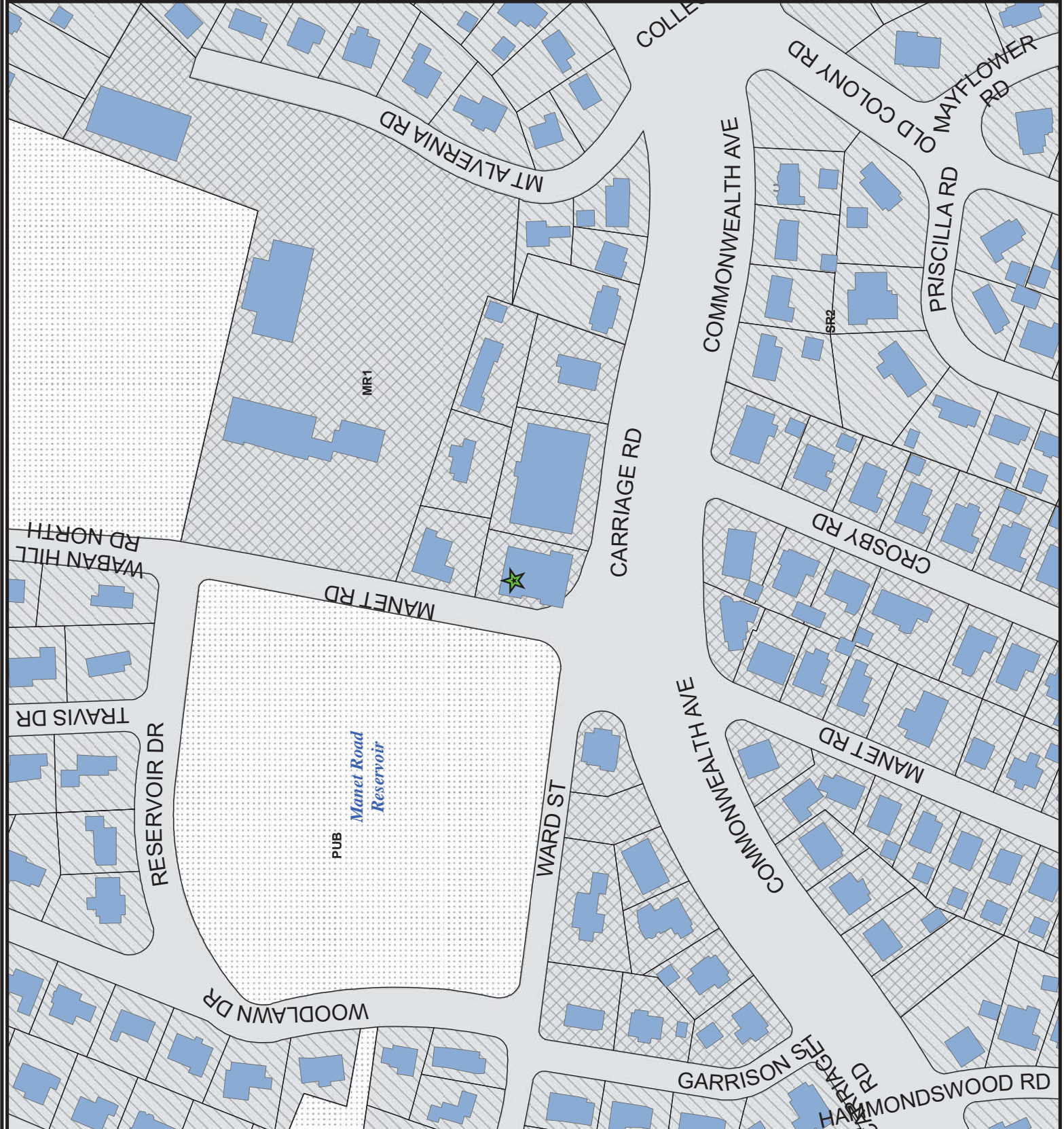


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: June 09, 2017

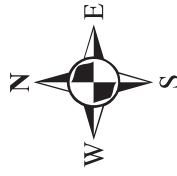




# Attachment C Land Use Map Commonwealth Ave., 219

**Legend**

	Land Use
	Land Use
	Single Family Residential
	Multi-Family Residential
	Commercial
	Open Space
	Private Educational
	Vacant Land
	Building Outlines
	Surface Water
	Property Boundaries

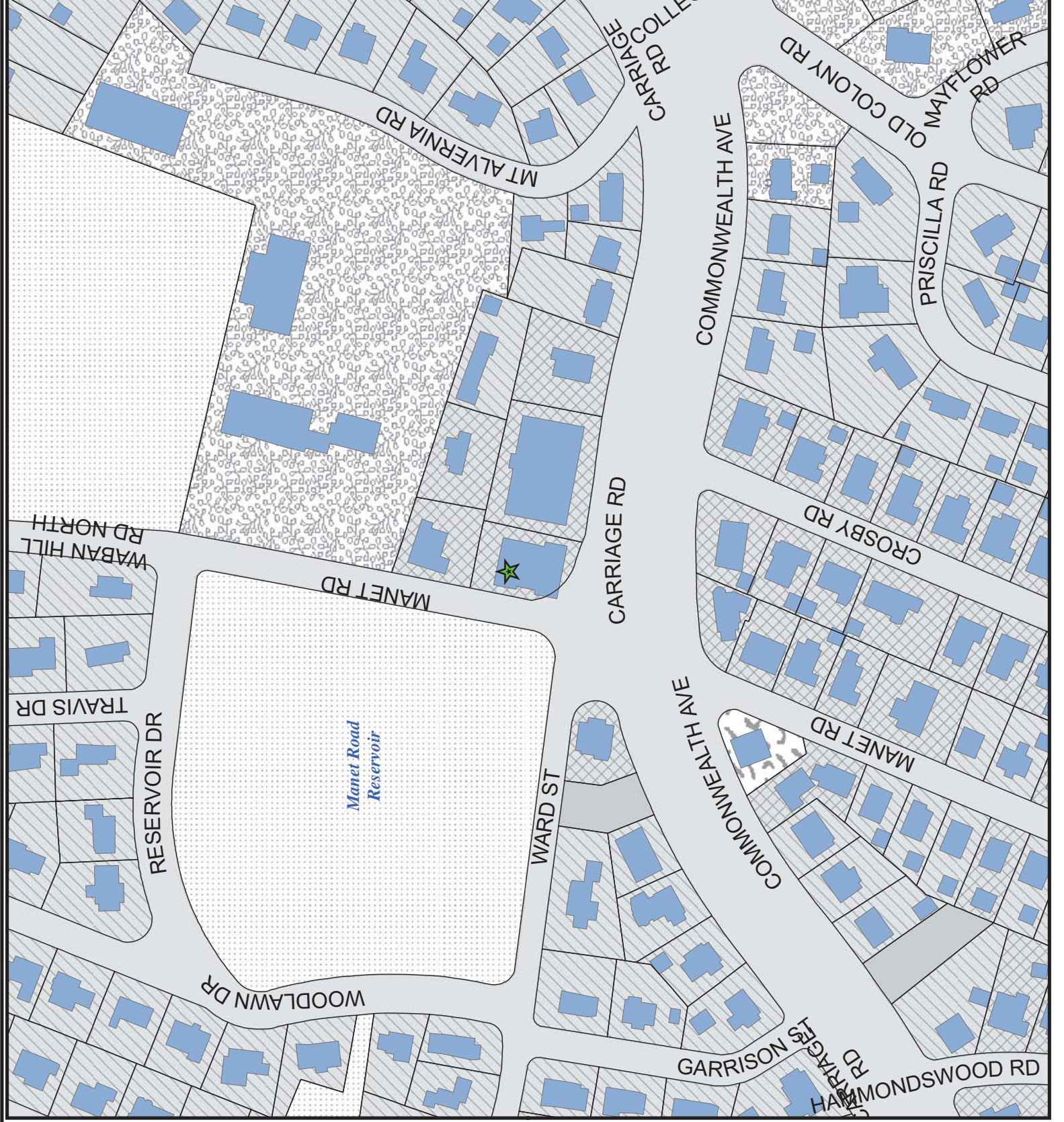


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: June 09, 2017



TRANSPORTATION DEMAND MANAGEMENT (“TDM”) PLAN  
219 Commonwealth Avenue  
Newton, MA

Dated: September 13, 2018

Background

This building is a 28 unit lawful pre-existing non-conforming multi-family apartment building. According to Mass Historical Commission records, the building was built in 1899 and there have been no material alterations of the footprint of the building or the site since the original construction. The pre-existing parking area in the rear of the building is accessed off Manet Road.

Parking Utilization

When Chestnut Hill Realty purchased the building in November, 2016, there was no striping or delineation of dedicated parking stalls. See representative photographs in Attachment A. According to property management personnel, for many years the tenants self-managed the parking.

The Owner is not aware of complaints or criticisms associated with constrained parking supply on the property either from the standpoint of meeting tenant demand or from the standpoint of traffic, congestion or any other parking supply related problem at the property or the neighborhood.

Chestnut Hill Realty is in the process of renovating the building.

Purpose of TDM Plan

This proposed TDM Plan is associated with a proposal to utilize the renovated building for households ranging from 30% of AMI to 120% of AMI on an income restricted and rent restricted basis. This proposed TDM Plan is designed (i) to offer priority to the limited on-site compact parking stalls (to be striped) to the required inclusionary zoning households; and (ii) to reduce the number of single-occupancy vehicles traveling to and from and parking at the property. The Plan is designed to encourage the use of public transportation which is very convenient to the property. The Plan also fosters carpooling and alternative transit such as use of bicycles. The Owner expects that as has been the case historically, many households interested in this building will choose not to have a car and instead rely on public transit, car sharing, bicycles and ride hailing services.

Components of TDM Plan

Chestnut Hill Realty agrees to implement the following TDM measures:

1. To maintain an updated bulletin board in the building lobby with information related to



parking and ridesharing arrangements for residents.

2. To provide on-site readily available schedules for public transportation, including information for subsidized monthly T-passes.
3. To provide secure and weather-protected bike parking locations on the property.
4. To advertise available rental units and income guidelines to area businesses including Boston College.
5. To research and make available options for leased parking at nearby locations for tenants. Social media platforms and portals such as Boston College off-campus housing and transportation databases are active in this neighborhood given the proximity to Boston College.
6. To stripe the parking lot for nine (9) compact parking stalls as shown on the Parking Study Plan by Stantec dated September 12, 2018, a copy attached hereto as Attachment 2. Space #1 would be dedicated to a car sharing service (like Zipcar) as long as there is active use of such car sharing vehicle by building residents. Spaces #8 and 9 (determined by having the most accommodating existing grade, since spaces #1-7 have an existing slope that makes them less feasible for adaptation as a handicapped space) would be adaptable to a handicapped space in the event that handicapped parking is needed by the occupant of accessible unit #5. Parking rights to spaces #8 and 9 would be made available on a revocable basis to allow for conversion to a handicapped accessible space if needed. In the event the bicycle racks in that area would be relocated.
7. To designate a TDM coordinator who will assist the building residents with implementation of this TDM Plan. The TDM coordinator agrees to meet annually with the city of Newton Transportation planning staff. The TDM coordinator agrees to keep the city of Newton transportation planning staff updated on the TDM implementation.
8. To charge for on-site parking separate from rent for the unit. On-site parking priority will be given to the four 2-bedroom inclusionary zoning units (2 at 50% AMI and 2 at 80% AMI) that are proposed to be located at 219 Commonwealth instead of at Hancock Estates. No parking fees will be charged to these four units if they choose to have a car if the parking fee would cause their monthly expenses to exceed 30% of their applicable household income limit.
9. To create a fund for the purpose of providing transportation subsidy to any of the building tenants who do not park a car at the premises and to those who use the MBTA instead of keeping a car at the premises. The fund would be in the amount of \$136,800.00 (determined by allocating \$200/unit/month for the first three years of occupancy for the 19 workforce housing units above 80% AMI).

Attachments:

Attachment 1 – Photographs of parking area.

Attachment 2 – Stantec Parking Study Plan dated September 12, 2018.



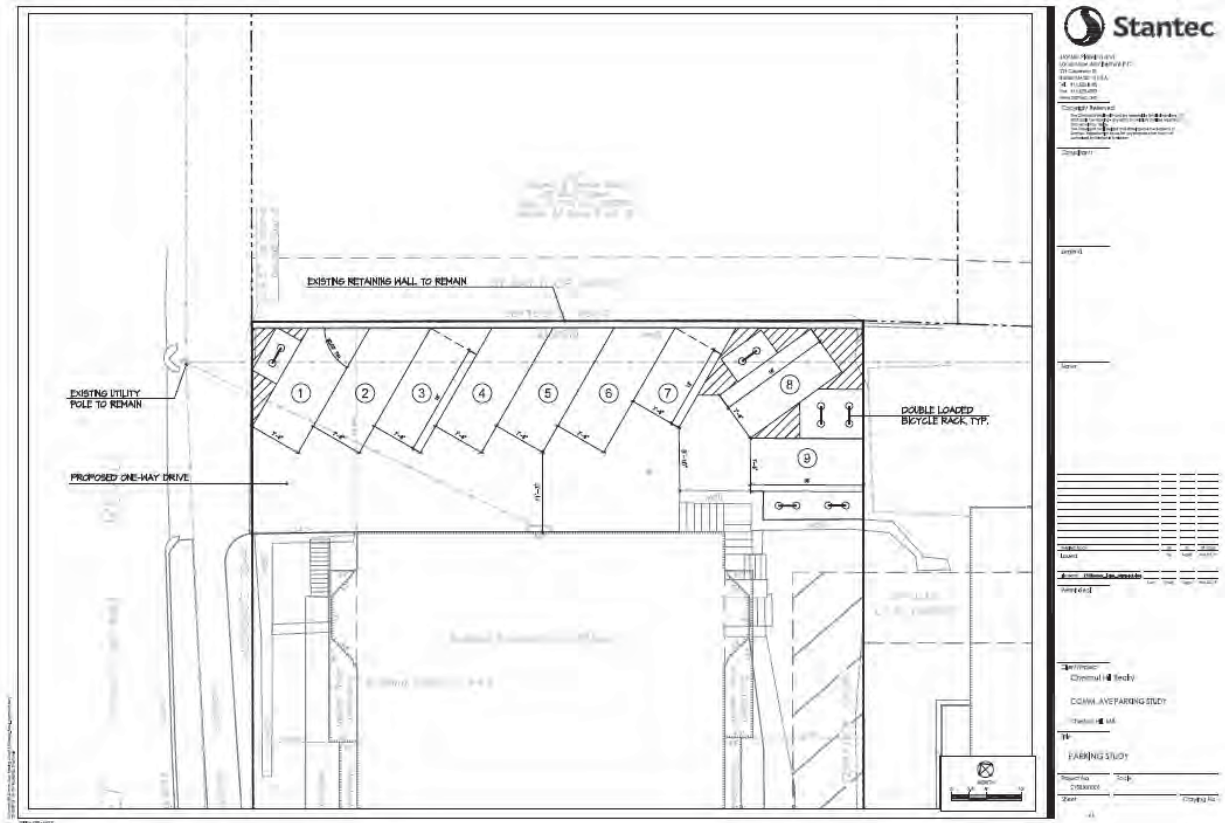
Attachment A



Attachment A



Attachment B



# Attachment E

## INCLUSIONARY HOUSING PLAN

### FOR - The Chestnut Hill, 219 Commonwealth Avenue

August 3, 2018

Proponent – 219 Comm LLC

#### **Project Overview**

The Chestnut Hill is a 29 unit apartment building located on a 14,560 s/f lot at 219 Commonwealth Avenue at the corner Manet Road.

The four-story building was built in 1900. It has been used for rental housing for many decades. The proposal is to renovate the building to 29 units consisting of two studios, 17 one-bedroom units and 9 two-bedroom apartments. The proposal is to provide at The Chestnut Hill four (4) of the required inclusionary zoning units from Hancock Estates (as required by special permit Board Order 102-06 (15)). In addition, the proposal is to make five (5) additional units at the Project as voluntary inclusionary zoning units and make the remaining nineteen (19) units at the Project rent and income restricted workforce housing units. This proposal was anticipated in the Regulatory Agreement for Hancock Estates recorded at Middlesex South Registry of Deeds at Book 71276, Page 573.

The existing on-site parking lot is an unstriped, lawful pre-existing non-conforming parking lot accessed off Manet Road. The proposal is to stripe the pre-existing parking lot to maximize the number of usable parking stalls. A proposed parking lot striping plan is attached as Exhibit "A". The utilization of the parking will be set forth in a Transportation Demand Management Plan agreed to by the Project Proponent and the City of Newton Director of Planning and Development. Bicycle storage will be added. The location of the property lends itself to alternative modes of transportation due its proximity to the Green Line and employment opportunities.

#### **I. Description of the Affordable Units**

The proposed inclusionary zoning units are listed on the spreadsheet attached hereto as Exhibit "B".

#### **Location and Size of Units**

The location and sizes of the inclusionary zoning units and the workforce housing units are shown on the floor plans attached hereto as Exhibit "C".

#### **Rent Levels**

The rent levels are shown on the spreadsheet attached hereto as Exhibit "B".

## **II. Construction Standards and Specification**

All inclusionary units shall be fully built out and finished dwellings units containing complete living facilities including a stove, kitchen cabinets, plumbing features, refrigerator and access to a laundry facility.

The construction specification for the Project is to renovate the entire existing building. The renovation covers the building common areas, utilities and all the units. All inclusionary units shall have exteriors and interiors that are indistinguishable in design (allowing for different unit sizes and shapes due to the layout of the units in the historic building) and of equivalent materials to the exteriors and interiors of the other units—both other inclusionary units and workforce housing units—in the building.

All the units will be renovated and all the units will have hardwood floors; wood cabinets in all kitchens; solid surface granite countertops; stainless steel energy star appliances; new doors, trim and hardware; new recessed lights in living rooms; renovated bathrooms with ceramic tile floors, fiberglass tubs and surrounds, new fixtures and ventilation fans.

The building common areas will have new carpeting, lighting, paint and an enlarged laundry facility. A fire sprinkler system is being installed throughout the building.

## **III. Affirmative Fair Housing Marketing and Resident Selection Plan**

The Applicant has hired SEB Housing to produce an Affirmative Fair Housing and Resident Selection Plan that:

- meets the requirements set out in DHCD's Comprehensive Permit Guidelines, Sec. III., as in effect June 1, 2009, including informational materials for applicants, a general description of the overall project that provides key information such as the number of workforce/affordable units, amenities, parking information, distribution of bedrooms by workforce and affordable units, accessibility, etc.
- Provides for a local preference for up to 70% of the inclusionary units in the project, and includes a demonstration of need for the preference
- Includes sample ads and flyers with HUD Equal Housing Opportunity logo.
- Informational materials for lottery applicants
- Eligibility requirements
- Lottery and resident selection procedures
- Lottery application and financial forms, including:



- A statement regarding the housing provider’s obligation not to discriminate in the selection of applicants on the basis of race, color, national origin, disability, age, ancestry, children, familial status, genetic information, marital status, public assistance reciprocity, religion, sex, sexual orientation, gender identity, veteran/military status, or any other basis prohibited by law, and such a statement must also be included in the application materials.
- Information indicating that persons with disabilities are entitled to request a reasonable accommodation in rules, policies, practices, or services, or to request a reasonable modification in the housing, when such accommodations or modifications may be necessary to afford persons with disabilities an equal opportunity to use and enjoy the housing.
- An authorization for consent to release information.
- Measures to ensure affirmative fair marketing, including outreach methods and venue list.
- Name of Lottery Agent with contact information.
- A signature by the Developer and contractor, if any, that includes the language provided in DHCD’s Comprehensive Permit Guidelines, Sec. III.C.2.i.:

“As authorized representatives of [Developer] and [contractor], respectively, each of us has reviewed this plan and agrees to implement this AFHMP, which shall be made effective as of the approval date. Further, by signing this form, [Developer] agrees to review and update this AFHMP as necessary in order to comply with all applicable statutes, regulations, executive orders and other binding DHCD requirements pertaining to affirmative fair housing marketing and resident selection plans reasonably related to such statutes, regulations, executive orders, as same may be amended from time to time. We hereby certify that all the information stated herein, as well as any information provided herewith, is true and accurate.”

List of Exhibits:


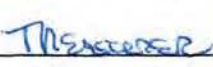
- Exhibit A: Parking Lot Plan
- Exhibit B: Unit List
- Exhibit C: Floor Plans

**Section IV: Agreement by the applicant (statement including signature and date)**  
that resident selection at initial sale and rental and all subsequent sales and rentals shall be conducted and implemented in accordance with the approved affirmative fair housing marketing and resident selection plan and DHCD's Comprehensive Permit Guidelines, Sec. III.

**Section IV - 219 Comm LLC** agrees to Section IV that resident selection at initial sale and rental and all subsequent sales and rentals shall be conducted and implemented in accordance with the approved affirmative fair housing marketing and resident selection plan and DHCD's Comprehensive Permit Guidelines, Sec. III.

Name - Peter Poras

219 Comm LLC, By CM CHR, INC, Its Manager

Signed   Date 8/2/18



**Section V: Agreement by the applicant (statement including signature and date)** that all inclusionary units shall comply with the Use Restrictions requirements set out in in the Comprehensive Permit Guidelines of the DHCD, Sec. II.A.1.e. "Use Restriction," and Sec. VI.B.9. "Regulatory Agreement and Use Restrictions," and that the applicant shall execute and record an affordable covenant in the Registry of Deeds for the Southern District of Middlesex County or the Land Court Registry of Deeds for the Southern District of Middlesex County as the senior interest in title for each inclusionary unit and which shall endure for the life of the residential development, as follows:

- For rental units, a covenant to be filed prior to the issuance of an occupancy permit and running in favor of the City of Newton, in a form approved by the City Solicitor, which shall limit rental of inclusionary units to eligible households in accordance with provisions reviewed and approved by the Director of the Planning and Development Department which incorporate the provisions of this Section.

**Section V - 219 Comm LLC agrees to Section V:**

Name - Peter Poras

219 Comm LLC, By CM CHR, INC, Its Manager

Signed  Date 8/2/18


**Section VI: In the case of rental housing, an agreement by the applicant (statement including signature and date) to submit an annual (IZ units) or every other year (Workforce Housing units) compliance report to the Director of Planning and Development, in a form approved by the City Solicitor, certifying compliance with the provisions Newton's Inclusionary Zoning Ordinance, Sec. 5.11**

**Section VI - 219 Comm LLC agrees to Section VI:**

Name - Peter Poras

219 Comm LLC, By CM CHR, INC, Its Manager

Signed

 Peter Poras

Date

8/2/18

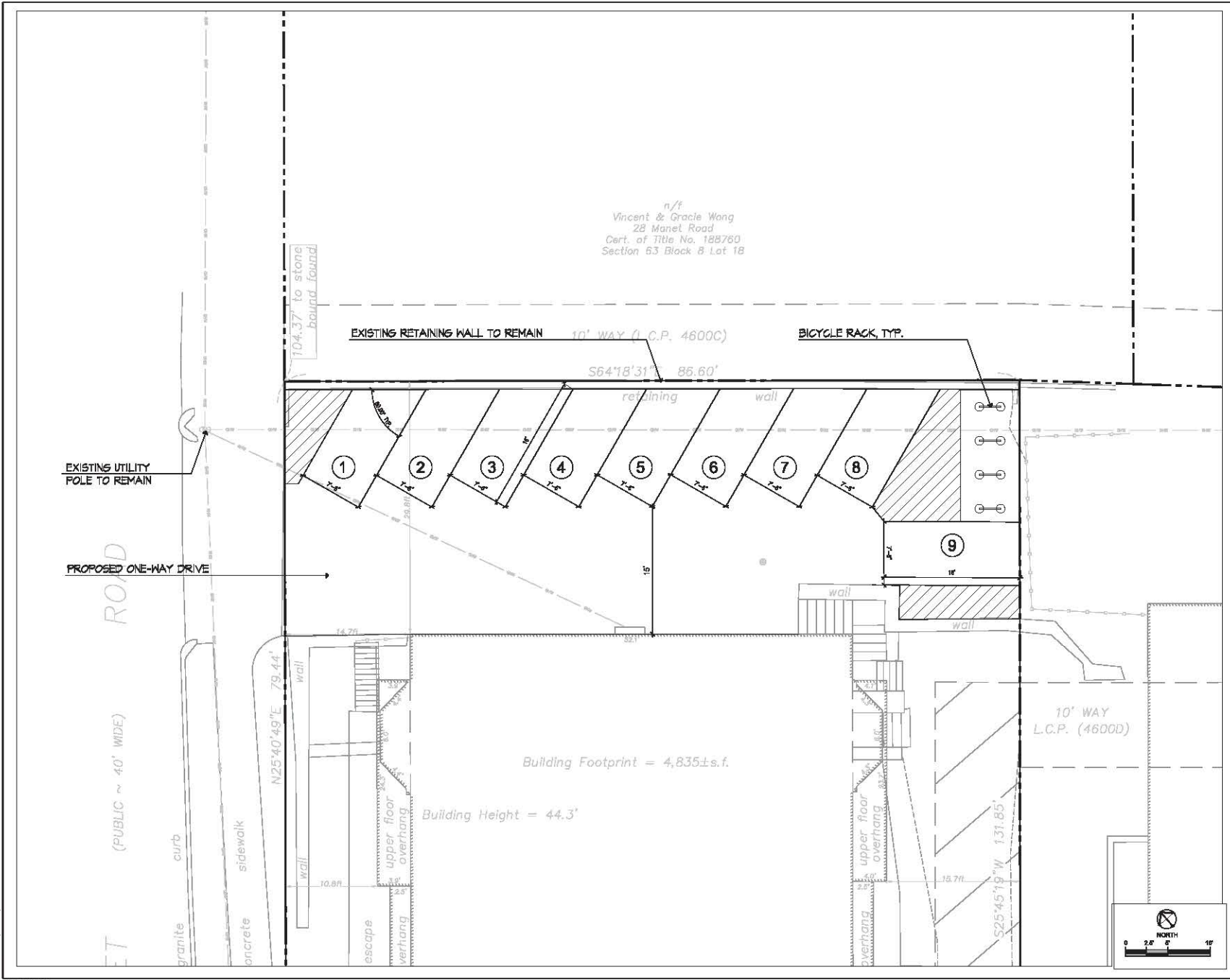
REVISION	BY	DATE

DATE	BY	DATE

Permit Seal

Client/Project  
Chestnut Hill Realty  
  
COMM. AVE PARKING STUDY  
  
Chestnut Hill, MA  
  
Title  
PARKING STUDY

Project No. 21050000X Scale  
Sheet Drawing No.



# "The Chestnut Hill"

## 219 Commonwealth Avenue / Newton, MA

Unit	Floor	Unit Type	# BR	SF	Market Rent	Proposed Program **	
						% AMI	2018 Rent
11	1	Studio	1	325	\$2,175	65%	\$1,227
15	1	Studio	1	324	\$2,100	65%	\$1,227
<b>Subtotal</b>		<b>2</b>	<b>2</b>	<b>649</b>	<b>\$4,275</b>		<b>\$2,454</b>
5	G	1	1	653	\$2,375	50%	\$1,011
10	1	1	1	527	\$2,750	120%	\$2,427
14	1	1	1	526	\$2,725	120%	\$2,427
21	2	1	1	546	\$2,900	120%	\$2,427
22	2	1	1	524	\$2,775	120%	\$2,427
25	2	1	1	562	\$2,550	80%	\$1,521
26	2	1	1	527	\$2,630	120%	\$2,427
31	3	1	1	588	\$2,950	120%	\$2,427
32	3	1	1	518	\$2,825	120%	\$2,427
35	3	1	1	584	\$2,650	120%	\$2,427
36	3	1	1	528	\$2,700	120%	\$2,427
40	4	1	1	813	\$3,150	120%	\$2,427
41	4	1	1	461	\$2,825	120%	\$2,427
42	4	1	1	666	\$3,100	120%	\$2,427
44	4	1	1	805	\$3,100	120%	\$2,427
45	4	1	1	451	\$2,500	65%	\$1,315
46	4	1	1	687	\$3,050	120%	\$2,427
<b>Subtotal</b>		<b>17</b>	<b>17</b>	<b>9,966</b>	<b>\$47,555</b>		<b>\$37,825</b>
1	G	2	2	950	\$3,175	50%	\$1,152
3 *	G	2	2	850	\$3,160	120%	\$2,913
4	G	2	2	751	\$2,975	120%	\$2,913
12	1	2	2	939	\$3,400	120%	\$2,913
16	1	2	2	1,059	\$3,400	80%	\$1,764
20	2	2	2	813	\$3,475	120%	\$2,913
24	2	2	2	800	\$3,225	120%	\$2,913
30	3	2	2	934	\$3,575	80%	\$1,764
34	3	2	2	933	\$3,525	50%	\$1,152
<b>Subtotal</b>		<b>9</b>	<b>18</b>	<b>8,029</b>	<b>\$29,910</b>		<b>\$20,397</b>
<b>TOTAL</b>		<b>28</b>	<b>37</b>	<b>18,644</b>	<b>\$81,740</b>		<b>\$60,676</b>
<b>TOTAL ANNUAL INCOME</b>					<b>\$980,880</b>		<b>\$728,112</b>

\* Unit 3 was converted from a 1BR to a 2BR (120% AMI)

\*\* Average AMI of units at or below 80% is 65%

50% AMI Unit

65% AMI Unit

80% AMI Unit

PROJECT NUMBER	CA-001	DATE	
TITLE	14-11-07		
SCALE	1/4" = 1'-0"		
DATE	07/26/2018		
DRAWN BY			



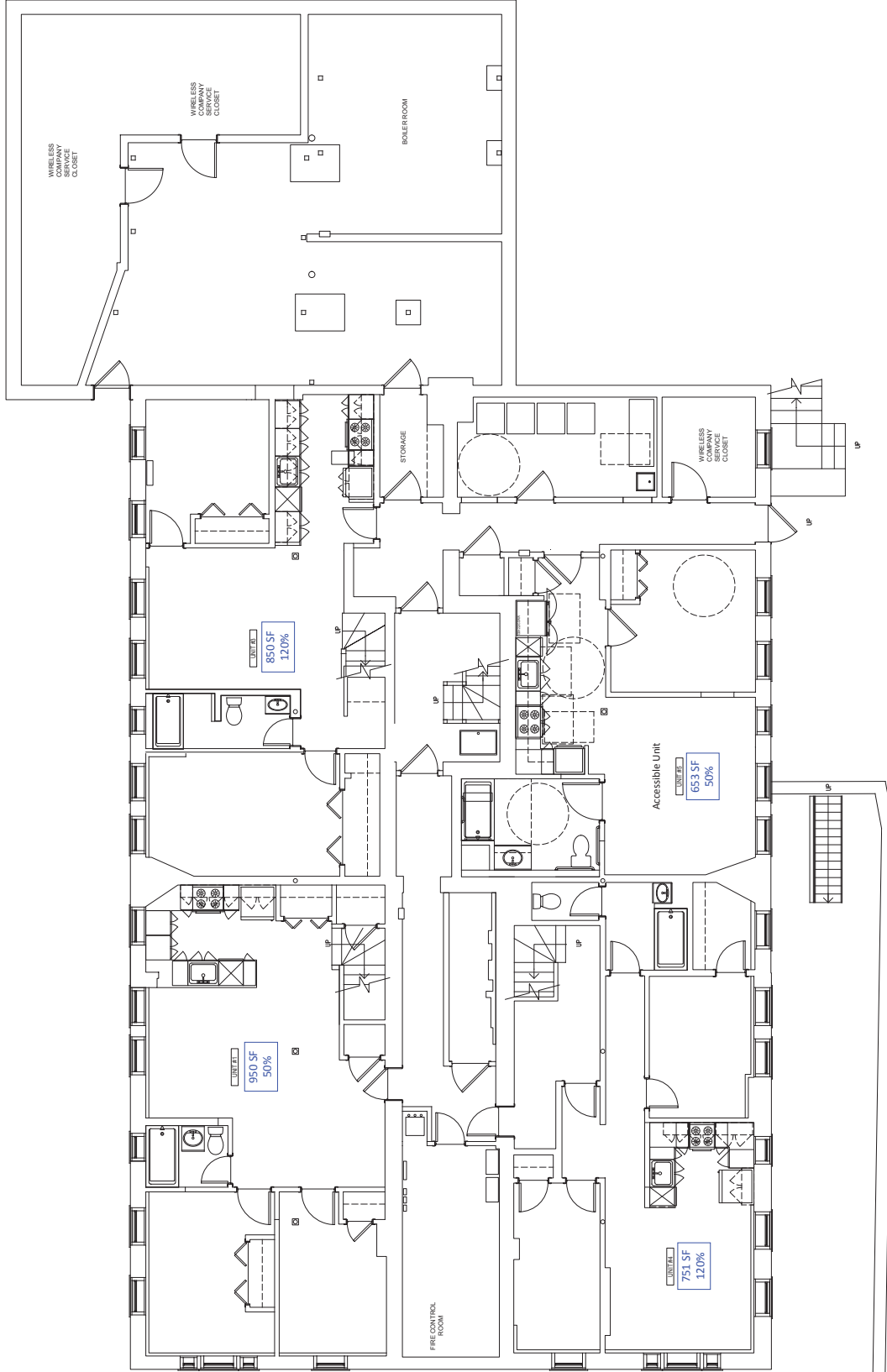
Chestnut Hill Realty  
 300 Independence Drive  
 Chestnut Hill, MA 02467

219 COMM AVE  
 219 COMMONWEALTH AVE  
 NEWTON, MA 02467  
 RENOVATION  
 PROJECT

ADJUSTED  
 MEDIAN  
 INCOME  
 LOCATIONS

GROUND FLOOR  
 PROPOSED PLAN

AMI-0



10 PROPOSED GROUND FLOOR PLAN  
 SCALE: 1/4" = 1'-0"  
 5/18/2018

PROJECT NUMBER	CA-001	ISSUE NO.	DATE
TITLE			
SCALE	1/4" = 1'-0"		
DATE	07/26/2018		
DRAWN BY			



Chestnut Hill Realty

300 Independence Drive  
Chestnut Hill, MA 02467

219 COMM AVE

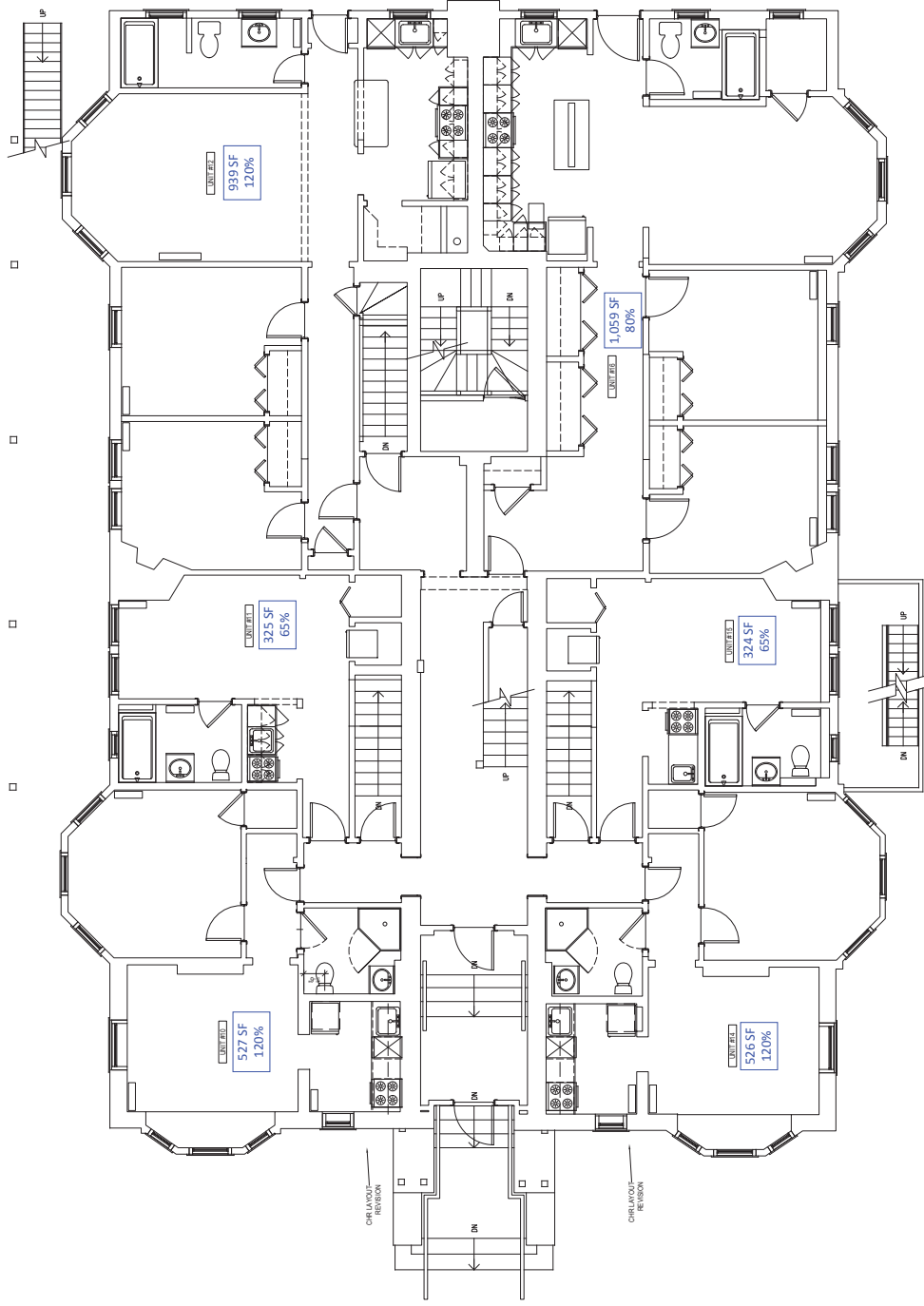
219 COMMONWEALTH AVE  
NEWTON, MA 02467

RENOVATION  
PROJECT

AREA  
MEDIAN  
INCOME  
LOCATIONS

FIRST FLOOR  
PROPOSED PLAN

AMI-1



PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
4342.05F

PROJECT NAME	DATE
CA-001	
SCALE	1/4" = 1'-0"
DATE	07/26/2018
DRAWN BY	



Chestnut Hill Realty

300 Independence Drive  
Chestnut Hill, MA 02467

219 COMM AVE

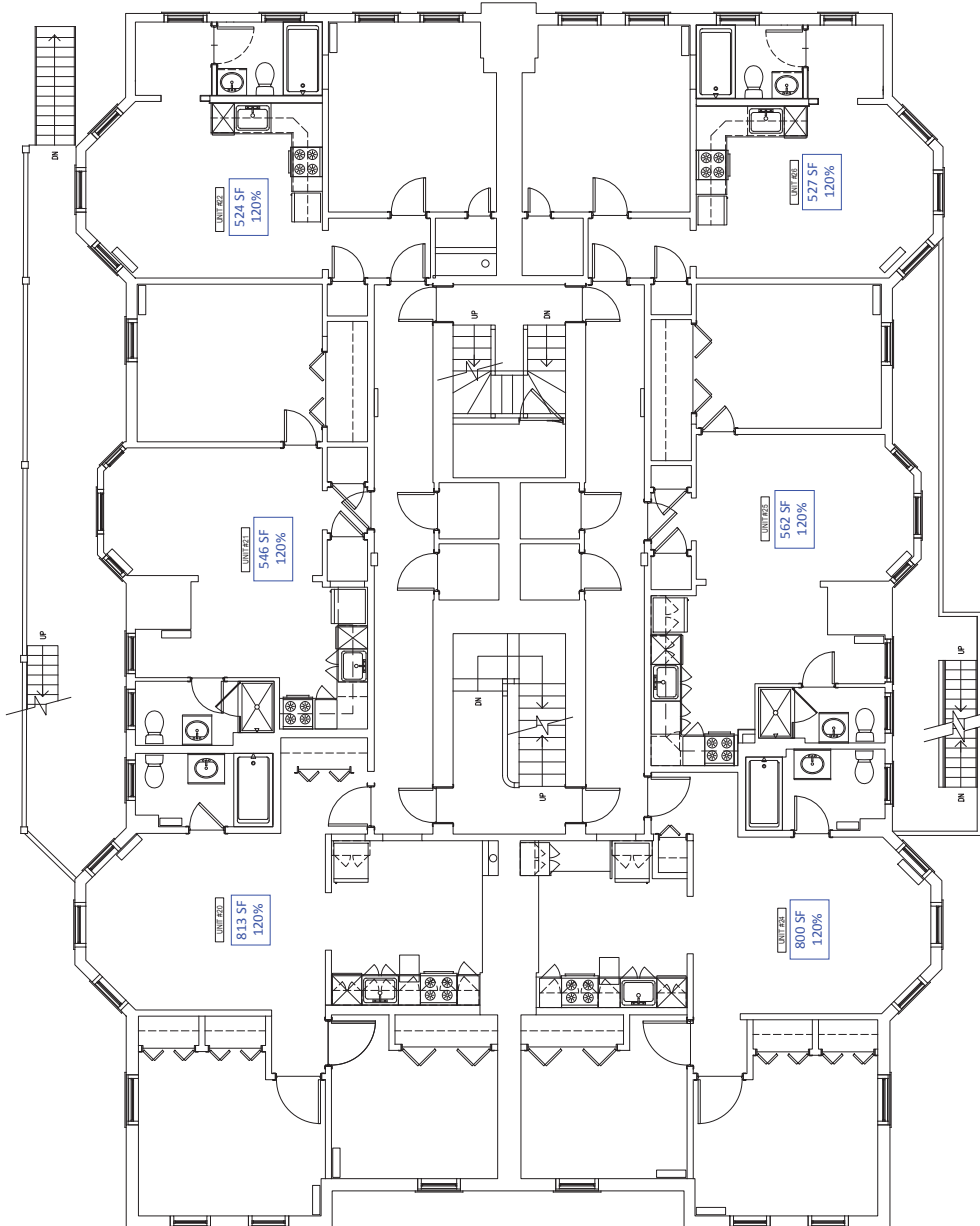
219 COMMONWEALTH AVE  
NEWTON, MA 02467

RENOVATION  
PROJECT

AREA  
MEDIAN  
INCOME  
LOCATIONS

SECOND FLOOR  
PROPOSED PLAN

AMI-2



10 PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

4.08.08



PROJECT	CA-001	REV. NO.	DATE
TITLE			
SCALE	1/8"=1'-0"		
DATE	07/26/2018		
DRAWN BY			



Chestnut Hill Realty

300 Independence Drive  
Chestnut Hill, MA 02467

219 COMM AVE

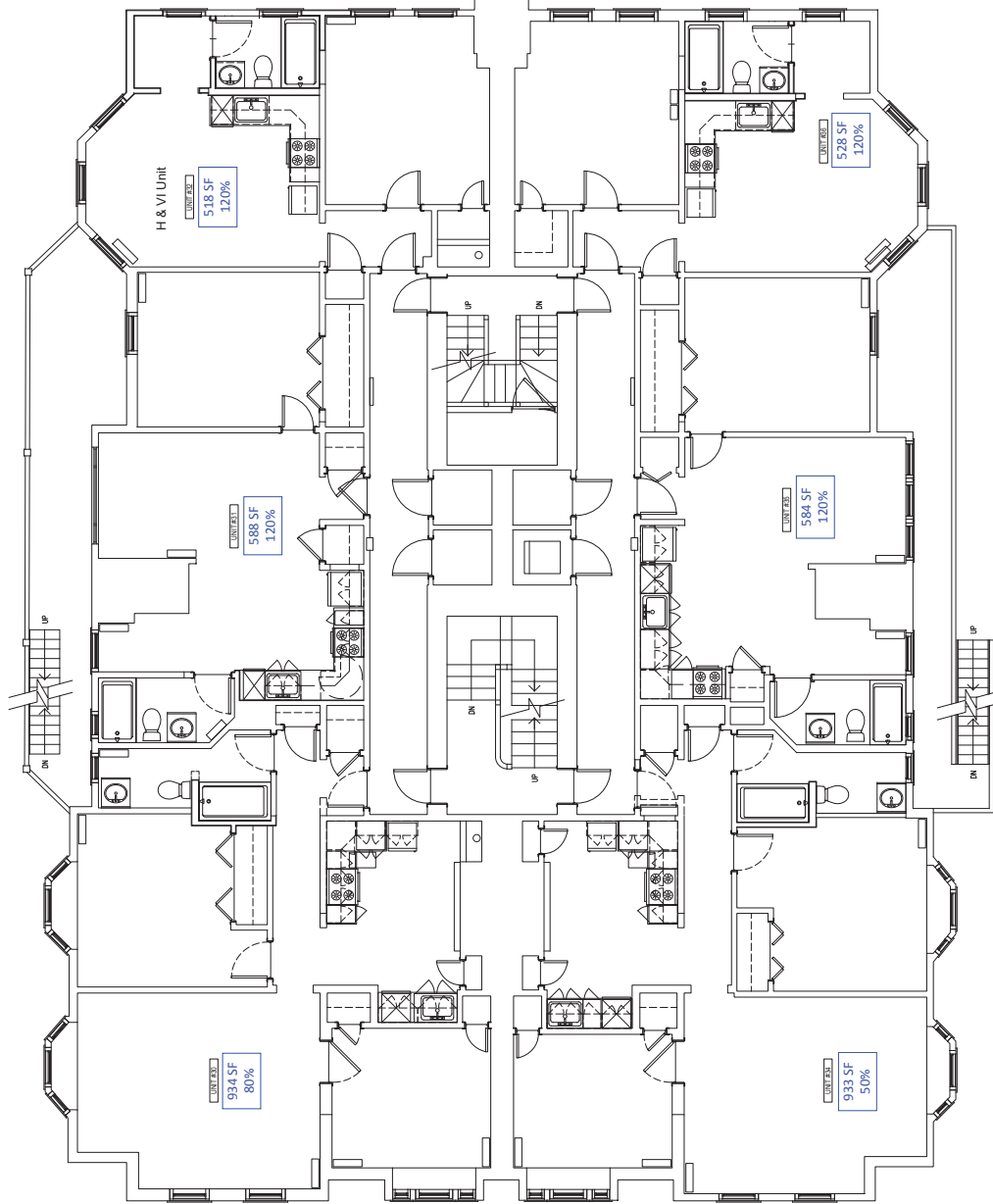
219 COMMONWEALTH AVE  
NEWTON, MA 02467

RENOVATION  
PROJECT

AREA  
MEDIAN  
INCOME  
LOCATIONS

THIRD FLOOR  
PROPOSED PLAN

AMI-3



10 PROPOSED THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0" 4,793 SF

PROJECT NUMBER	CA-001	ISSUE NO.		DATE
TITLE		SCALE	1/4" = 1'-0"	
DATE	07/26/2018	DRAWN BY		

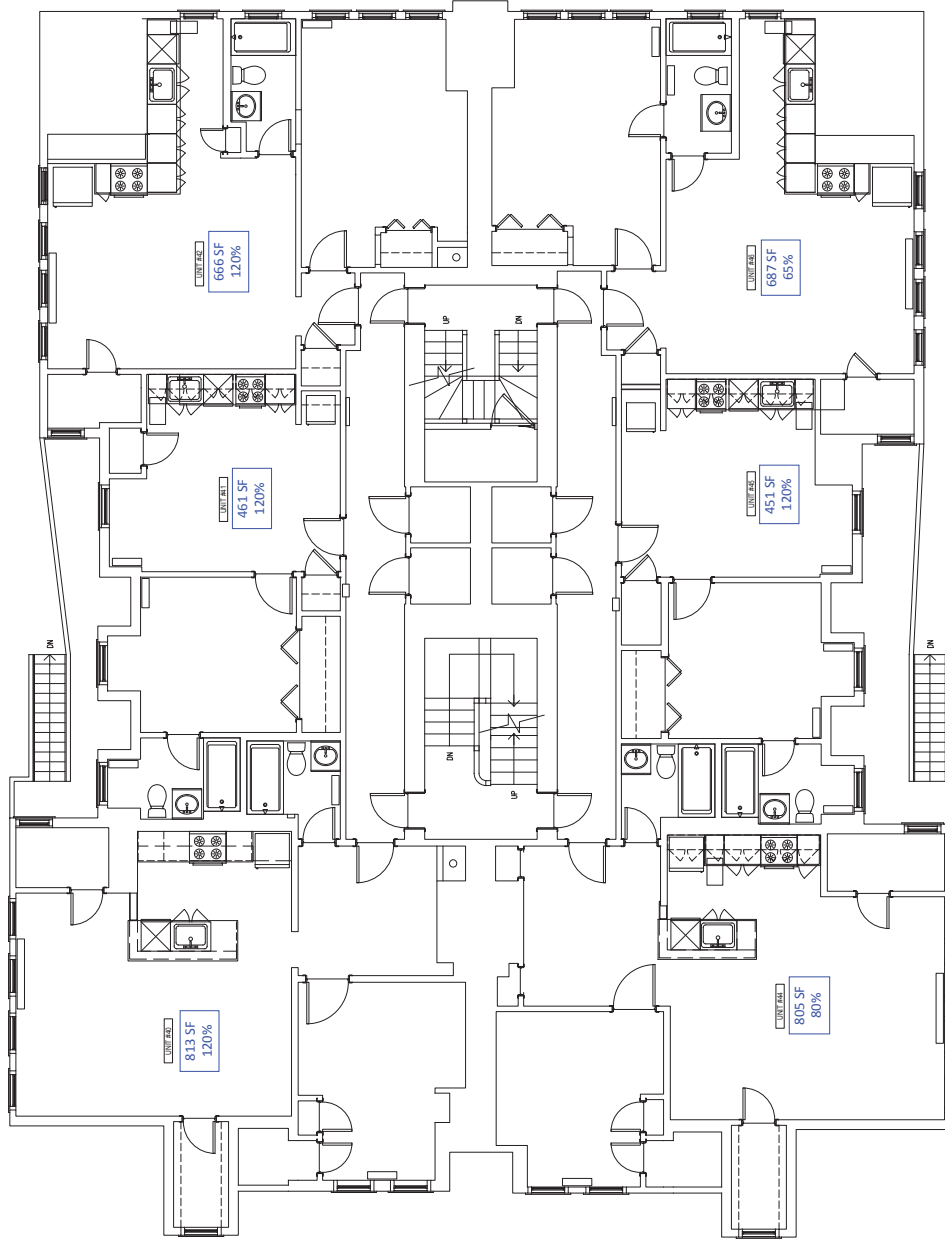


Chestnut Hill Realty  
 300 Independence Drive  
 Chestnut Hill, MA 02467

219 COMM AVE  
 219 COMMONWEALTH AVE  
 NEWTON, MA 02467  
 RENOVATION  
 PROJECT

AREA  
 MEDIAN  
 INCOME  
 LOCATIONS  
 FOURTH FLOOR  
 PROPOSED PLAN

AMI-4



10 PROPOSED FOURTH FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

4/10/08P



**Ruthanne Fuller**  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

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TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

**Barney S. Heath**  
Director

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## **Attachment F:**

### **Accessibility and Amenities**

The following is a detailed explanation of the strong differences in accessibility and amenities between the two properties, provided by Jini Fairley, the City of Newton's ADA Coordinator.

#### **Overview of Accessible Units and Features at Hancock Estates:**

- All 88 units are adaptable / accessible, as required by the Federal Fair Housing Act and the Massachusetts Architectural Access Board rules and regulations for new construction; therefore, any of the units on the property can become fully accessible by providing reasonable accommodations, as all the units are constructed in a way that full accessibility can be provided
- All of the units (both affordable and market-rate) are visitable; therefore, someone using a wheelchair can visit any other unit on the property and have a usable bathroom
- All of the Fair Housing Act's 7 construction and design principles for accessibility are required for new construction buildings
- Two of the 13 original inclusionary units are Group 2A fully accessible, according to the regulations of 521CMR, the Massachusetts Architectural Access Board (both units in Phase One Lottery)
- One of these 13 units includes special features for households that are deaf/hard of hearing and/or vision-impaired (Phase One Lottery)
- This is an elevator building with a second accessible means of egress for all tenants, even those using wheelchairs
- Accessible parking is provided close to an accessible entrance to the building
- All on-site amenities, including laundry (in each unit), mailboxes, fitness room, outdoor common areas, and indoor lounge areas, are accessible to persons using wheelchairs, and to those with other disabilities

#### **Overview of Accessible Unit and Features at 219 Commonwealth Avenue:**

- Only 1 unit is Group 2A fully accessible (and is on the Ground Floor), and no other units are adaptable / accessible
- Only this 1 Group 2A unit will incorporate the 7 construction and design principles for accessibility
- There are 3 additional units on the accessible Ground Floor, but none of these units are large enough to provide visitability for someone in a wheelchair, nor can they be made fully accessible, if requested
- Only the Ground Floor is accessible, as there is no elevator in this building; therefore, none of the units in the building could be rented by a person using a wheelchair, except for the 1 Group 2A unit on the Ground Floor
- There is only one way in and out of the building if you are using a wheelchairs (on the Ground Floor)

- There are only 9 parking spaces for the 28 units, and the one accessible parking space is located with the others behind the building, noticeable distance away from the accessible entrance to the building
- There is one accessible laundry room on the Ground Floor and there is an additional washer / dryer on the Third Floor, which is not accessible
- Mailboxes are located indoors on an inaccessible floor, so the mailbox for the Group 2A unit on the Ground Floor is located outside
- The boiler room is located on the Ground Floor, near the fully-accessible unit



# Attachment G

## 219 Commonwealth Avenue - August 2018 Unit Mix Proposal (updated 9.14.18)

### By AMI Tier

	Unit	Floor	Unit Type	# BR	SF	Market Rent	% AMI	Proposed Net 2018 Rent	Unit Type Breakdown by AMI Tier		
<b>30% AMI</b>											
	5	G	1	1	653	\$2,375	30%	\$605	1 Bedroom	1	100%
<b>Subtotal / Average</b>	<b>1</b>	<b>4%</b>		<b>1.0</b>	<b>653.0</b>	<b>\$2,375.00</b>		<b>\$605.00</b>	<b>Total</b>	<b>1</b>	
<b>50% AMI</b>											
	1	G	2	2	950	\$3,175	50%	\$1,152			
	34	3	2	2	933	\$3,525	50%	\$1,152	2 Bedroom	2	100%
<b>Subtotal / Average</b>	<b>2</b>	<b>7%</b>		<b>2.0</b>	<b>941.5</b>	<b>\$3,350.00</b>		<b>\$1,152.00</b>	<b>Total</b>	<b>2</b>	
<b>65% AMI</b>											
	15	1	Studio	1	324	\$2,100	65%	\$1,202	Studio	1	100%
<b>Subtotal / Average</b>	<b>1</b>	<b>4%</b>		<b>1.0</b>	<b>324.0</b>	<b>\$2,100.00</b>		<b>\$1,202.00</b>	<b>Total</b>	<b>1</b>	
<b>70% AMI</b>											
	11	1	Studio	1	325	\$2,175	70%	\$1,296	Studio	1	100%
<b>Subtotal / Average</b>	<b>1</b>	<b>4%</b>		<b>1.0</b>	<b>325.0</b>	<b>\$2,175.00</b>		<b>\$1,296.00</b>	<b>Total</b>	<b>1</b>	
<b>80% AMI</b>											
	45	4	1	1	451	\$2,500	80%	\$1,579			
	25	2	1	1	562	\$2,550	80%	\$1,579			
	16	1	2	2	1,059	\$3,400	80%	\$1,764	1 Bedroom	2	50%
	30	3	2	2	934	\$3,575	80%	\$1,764	2 Bedroom	2	50%
<b>Subtotal / Average</b>	<b>4</b>	<b>14%</b>		<b>1.5</b>	<b>751.5</b>	<b>\$3,006.25</b>		<b>\$1,671.50</b>	<b>Total</b>	<b>4</b>	
<b>120% AMI</b>											
	10	1	1	1	527	\$2,750	120%	\$2,427			
	14	1	1	1	526	\$2,725	120%	\$2,427	1 Bedroom	14	74%
	21	2	1	1	546	\$2,900	120%	\$2,427	2 Bedroom	5	26%
	22	2	1	1	524	\$2,775	120%	\$2,427	<b>Total</b>	<b>19</b>	
	26	2	1	1	527	\$2,630	120%	\$2,427			
	31	3	1	1	588	\$2,950	120%	\$2,427			
	32	3	1	1	518	\$2,825	120%	\$2,427			
	35	3	1	1	584	\$2,650	120%	\$2,427			
	36	3	1	1	528	\$2,700	120%	\$2,427			
	40	4	1	1	813	\$3,150	120%	\$2,427			
	41	4	1	1	461	\$2,825	120%	\$2,427			
	42	4	1	1	666	\$3,100	120%	\$2,427			
	44	4	1	1	805	\$3,100	120%	\$2,427			
	46	4	1	1	687	\$3,050	120%	\$2,427			
	3	G	2	2	850	\$3,160	120%	\$2,913			
	4	G	2	2	751	\$2,975	120%	\$2,913			
	12	1	2	2	939	\$3,400	120%	\$2,913			
	20	2	2	2	813	\$3,475	120%	\$2,913			
	24	2	2	2	800	\$3,225	120%	\$2,913			
<b>Subtotal / Average</b>	<b>19</b>	<b>68%</b>		<b>1.3</b>	<b>655.4</b>	<b>\$2,966.58</b>		<b>\$2,554.89</b>			
<b>TOTAL</b>	<b>28</b>	<b>100%</b>				<b>\$81,740</b>		<b>\$60,636</b>	<b>9 out of 28 total units are affordable to households at or below 80% AMI; or 32% of all units</b>		
<b>AVERAGE</b>				<b>1.3</b>	<b>666</b>	<b>\$2,919.29</b>	<b>102%</b>	<b>\$2,165.57</b>			
	<b>TOTAL ANNUAL INCOME</b>					<b>\$980,880</b>		<b>\$727,632</b>			

Difference between market-rate and affordable/restricted total annual income: **\$253,248**

*This spreadsheet was developed by the City of Newton Planning staff*

**Notes:**

All units have 1 bathroom

Average AMI of units at or below 80% is 65%

9 of the 28 units are at or below 80% AMI (32% of the total number of units)

19 of the 28 units are at 120% AMI (68% of the total number of units)

Unit 3 was converted from a 1BR to a 2BR

Unit 5 is a fully accessible unit

Proposed Net 2018 Rent is inclusive of all utilities except electric (\$61 allowance for a 2-bed, \$43 for a 1-bed, \$25 for a studio)

"Row, Garden, Walk-Up" unit type used for identifying utility allowance

**219 Commonwealth Avenue - August 2018 Unit Mix Proposal (updated 9.14.18)**

**By Floor & Unit Type**

	Unit	Floor	Unit Type	# BR	SF	Market Rent	% AMI	Proposed Net 2018 Rent	AMI Breakdown by Floor		
<b>Ground Floor</b>											
<b>1 Bedroom</b>											
	5	G	1	1	653	\$2,375	30%	\$605	30% AMI	1	25%
<b>Subtotal / Avg.</b>	<b>1</b>	<b>25%</b>			<b>653.0</b>	<b>\$2,375.00</b>		<b>\$605.00</b>	50% AMI	1	25%
<b>2 Bedroom</b>									80% AMI	0	0%
	1	G	2	2	950	\$3,175	50%	\$1,152	120% AMI	2	50%
	3	G	2	2	850	\$3,160	120%	\$2,913			
	4	G	2	2	751	\$2,975	120%	\$2,913	<b>Total</b>	<b>4</b>	
<b>Subtotal / Avg.</b>	<b>3</b>	<b>75%</b>			<b>850.3</b>	<b>\$3,103.33</b>		<b>\$2,326.00</b>			
<b>Subtotal / Avg. by Floor</b>	<b>4</b>	<b>14%</b>		<b>1.8</b>	<b>801.0</b>	<b>\$2,921.25</b>		<b>\$1,895.75</b>			
<b>First Floor</b>											
<b>Studio</b>											
	11	1	Studio	1	325	\$2,175	70%	\$1,296	65% AMI	1	17%
	15	1	Studio	1	324	\$2,100	65%	\$1,202	70% AMI	1	17%
<b>Subtotal / Avg.</b>	<b>2</b>	<b>33%</b>			<b>324.5</b>	<b>\$2,137.50</b>		<b>\$1,249.00</b>	80% AMI	1	17%
<b>1 Bedroom</b>									120% AMI	3	50%
	14	1	1	1	526	\$2,725	120%	\$2,427	<b>Total</b>	<b>6</b>	
	10	1	1	1	527	\$2,750	120%	\$2,427			
<b>Subtotal / Avg.</b>	<b>2</b>	<b>33%</b>			<b>526.5</b>	<b>\$2,737.50</b>		<b>\$2,427.00</b>			
<b>2 Bedroom</b>											
	16	1	2	2	1,059	\$3,400	80%	\$1,764			
	12	1	2	2	939	\$3,400	120%	\$2,913			
<b>Subtotal / Avg.</b>	<b>2</b>	<b>33%</b>			<b>999.0</b>	<b>\$3,400.00</b>		<b>\$2,338.50</b>			
<b>Subtotal / Avg. by Floor</b>	<b>6</b>	<b>21%</b>		<b>1.3</b>	<b>616.7</b>	<b>\$2,758.33</b>		<b>\$2,004.83</b>			
<b>Second Floor</b>											
<b>1 Bedroom</b>											
	25	2	1	1	562	\$2,550	80%	\$1,579	50% AMI	0	0%
	21	2	1	1	546	\$2,900	120%	\$2,427	65% AMI	0	0%
	22	2	1	1	524	\$2,775	120%	\$2,427	80% AMI	1	17%
	26	2	1	1	527	\$2,630	120%	\$2,427	120% AMI	5	83%
<b>Subtotal / Avg.</b>	<b>4</b>	<b>67%</b>			<b>539.8</b>	<b>\$2,713.75</b>		<b>\$2,215.00</b>	<b>Total</b>	<b>6</b>	
<b>2 Bedroom</b>											
	24	2	2	2	800	\$3,225	120%	\$2,913			
	20	2	2	2	813	\$3,475	120%	\$2,913			
<b>Subtotal / Avg.</b>	<b>2</b>	<b>33%</b>			<b>806.5</b>	<b>\$3,350.00</b>		<b>\$2,913.00</b>			
<b>Subtotal / Avg. by Floor</b>	<b>6</b>	<b>21%</b>		<b>1.3</b>	<b>628.7</b>	<b>\$2,925.83</b>		<b>\$2,447.67</b>			
<b>Third Floor</b>											
<b>1 Bedroom</b>											
	35	3	1	1	584	\$2,650	120%	\$2,427	50% AMI	1	17%
	36	3	1	1	528	\$2,700	120%	\$2,427	65% AMI	0	0%
	31	3	1	1	588	\$2,950	120%	\$2,427	80% AMI	1	17%
	32	3	1	1	518	\$2,825	120%	\$2,427	120% AMI	4	67%
<b>Subtotal / Avg.</b>	<b>4</b>	<b>67%</b>			<b>554.5</b>	<b>\$2,781.25</b>		<b>\$2,427.00</b>	<b>Total</b>	<b>6</b>	
<b>2 Bedroom</b>											
	34	3	2	2	933	\$3,525	50%	\$1,152			
	30	3	2	2	934	\$3,575	80%	\$1,764			
<b>Subtotal / Avg.</b>	<b>2</b>	<b>33%</b>			<b>933.5</b>	<b>\$3,550.00</b>		<b>\$1,458.00</b>			
<b>Subtotal / Avg. by Floor</b>	<b>6</b>	<b>21%</b>		<b>1.3</b>	<b>680.8</b>	<b>\$3,037.50</b>		<b>\$2,104.00</b>			
<b>Fourth Floor</b>											
<b>1 Bedroom</b>											
	45	4	1	1	451	\$2,500	80%	\$1,579	50% AMI	0	0%
	40	4	1	1	813	\$3,150	120%	\$2,427	65% AMI	0	0%
	41	4	1	1	461	\$2,825	120%	\$2,427	80% AMI	1	17%
	42	4	1	1	666	\$3,100	120%	\$2,427	120% AMI	5	83%
	44	4	1	1	805	\$3,100	120%	\$2,427	<b>Total</b>	<b>6</b>	
	46	4	1	1	687	\$3,050	120%	\$2,427			
<b>Subtotal / Avg.</b>	<b>6</b>	<b>100%</b>			<b>647.2</b>	<b>\$2,954.17</b>		<b>\$2,285.67</b>			
<b>Subtotal / Avg. by Floor</b>	<b>6</b>	<b>21%</b>		<b>1.0</b>	<b>647.2</b>	<b>\$2,954.17</b>		<b>\$2,285.67</b>			
<b>TOTAL</b>	<b>28</b>			<b>37</b>	<b>18,644</b>	<b>\$81,740.00</b>		<b>\$60,636.00</b>			
<b>AVERAGE</b>				<b>1.3</b>	<b>666</b>	<b>\$2,919.29</b>	<b>102%</b>	<b>\$2,165.57</b>			
<b>TOTAL ANNUAL INCOME</b>						<b>\$980,880</b>		<b>\$727,632</b>			
<b>Difference between market-rate and affordable/restricted total annual income:</b>						<b>\$253,248</b>					

*This spreadsheet was developed by the City of Newton Planning staff*

**Notes:**

All units have 1 bathroom  
 Average AMI of units at or below 80% is 65%  
 9 of the 28 units are at or below 80% AMI (32% of the total number of units)  
 19 of the 28 units are at 120% AMI (68% of the total number of units)  
 Unit 3 was converted from a 1BR to a 2BR  
 Unit 5 is a fully accessible unit  
 Proposed Net 2018 Rent is inclusive of all utilities except electric (\$61 allowance for a 2-bed, \$43 for a 1-bed, \$25 for a studio)  
 "Row, Garden, Walk-Up" unit type used for identifying utility allowance

Hancock Estates - Affordable Units Mix (2018)									
Unit Type	Unit #	SF	% AMI	Group 2 Access. (fully accessible)	Rent (includes one parking spot, but not utilities)	Phase One Lottery	Phase Two Lottery	Total	
<b>1 Bedroom, 1 Bath (1 unit)</b>									
	#128	842	50%	Y	\$894	1			
<b>1 Bedroom, 1.5 Bath (4 units)</b>									
	#110	842	50%		\$894	1			
	#210	842	80%		\$1,438	1			
	#228	836	65%		\$1,217	1			
	#310	842	80%		\$1,438	1			
	<b>Subtotal / Avg.</b>	<b>840.8</b>	<b>65%</b>		<b>\$1,176</b>	<b>5</b>	<b>0</b>	<b>5</b>	
<b>2 Bedroom, 1 Bath (1 unit)</b>									
	#211	992	50%	Y	\$938	1			
<b>2 Bedroom, 2 Bath (7 units)</b>									
	#107	1025	50%		\$938		1		
	#111	994	50%		\$938	1			
	#125	994	80%	See note	\$1,550	1			
	#129	1025	80%		\$1,550		1		
	#207	1025	50%		\$938		1		
	#225	994	80%		\$1,550	1			
	#311	989	80%		\$1,550		1		
	<b>Subtotal / Avg.</b>	<b>1,004.75</b>	<b>65%</b>		<b>\$1,244.00</b>	<b>4</b>	<b>4</b>	<b>8</b>	
<b>Total</b>		<b>12,242</b>	<b>65%</b>		<b>\$15,833.00</b>	<b>9</b>	<b>4</b>	<b>13</b>	
<b>Average</b>		<b>941.69</b>	<b>(of all 13 units)</b>		<b>\$1,217.92</b>	<b>(of all 13 units)</b>			
<b>Total Annual Income</b>					<b>\$189,996</b>				

**Key:**

- Phase One Lottery Affordable Units (9 units)
- Phase Two Lottery Affordable Units (4 units)

**Notes:**

Unit #125 includes special features for households that are deaf/hard of hearing and/or vision-impaired

**4 Units Proposed to Move from Hancock Estates to 219 Commonwealth Avenue (updated 9.14.18)**

	Unit	Floor	Unit Type	# BR	# BR	SF	Market Rent	% AMI	Max Affordable Rent
<b>Unit #1: 2-bed, 50% AMI</b>									
Hancock Estates	107	1	2	2	2	1,025	\$4,000	50%	\$1,213
219 Comm Ave.	1	G	2	2	1	950	\$3,175	50%	\$1,213
<b>Unit #2: 2-bed, 50% AMI</b>									
Hancock Estates	207	2	2	2	2	1,025	\$4,000	50%	\$1,213
219 Comm Ave.	34	3	2	2	1	933	\$3,525	50%	\$1,213
<b>Unit #3: 2-bed, 80% AMI</b>									
Hancock Estates	129	1	2	2	2	1,025	\$4,000	80%	\$1,825
219 Comm Ave.	30	3	2	2	1	934	\$3,575	80%	\$1,825
<b>Unit #4: 2-bed, 80% AMI</b>									
Hancock Estates	311	3	2	2	2	989	\$3,895	80%	\$1,825
219 Comm Ave.	16	1	2	2	1	1,059	\$3,400	80%	\$1,825
<b>Averages for Hancock Estates Units</b>							<b>\$3,974</b>		
<b>Averages for 219 Comm Ave. Units</b>							<b>\$3,419</b>		
<b>Total Annual Income if these 4 units remain at Hancock Estates as Market-Rate Units</b>							<b>\$190,740</b>		

*This spreadsheet was developed by the City of Newton Planning staff*

**Notes:**

- 1.) CHR did not provide proposed 2018 rents for these four units if they were to remain at Hancock Estates; City Planning Staff assigned these rents based on the proposed rents for the Phase One units, which were provided by CHR
- 2.) Proposed net rents for Hancock Estates units include one parking spot, but no utilities (utility allowance of \$275; gross rent of \$1,213 for 50% AMI units and \$1,825 for 80% AMI units)
- 3.) Proposed net rents for 219 Commonwealth Ave. units include all utilities, except electricity (utility allowance of \$61 for electricity; gross rent of \$1,213 for 50% AMI units and \$1,825 for 80% AMI units)
- 4.) CHR did not provide Market Rents for these four units if they were to remain at Hancock Estates; City Planning Staff assigned these rents based on the proposed market-rate rents provided by CHR in their Local Action Units Application to DHCD





Ruthanne Fuller  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: June 18, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Frank Stearns, Attorney  
Kessler Woods LLC and 219 Comm LLC, Applicant  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

**RE: Request to amend Board Order 102-06(12) to allow off-site fulfilment of the inclusionary housing provisions**

Applicant: Kessler Woods LLC and 219 Comm LLC	
<b>Site:</b> 200 Estate Drive and 219 Commonwealth Ave	<b>SBL:</b> 82037 0095 and 63008 0019
<b>Zoning:</b> MR3 and MR1	<b>Lot Area:</b> 640,847 square feet and 10,347 square feet
<b>Current use:</b> 88-unit multi-family dwelling, 28-unit multi-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The subject property is a large parcel located on LaGrange Street within the Kessler Woods subdivision created in 2004 and recorded in 2005. Special permit Board Order #102-06(15) allows for construction of an 88-unit multi-family residential building, known as Hancock Estates. Condition #2 of the board order requires that the 15% Inclusionary Zoning requirement of Section 5.11.4 be met on the project site. The applicant seeks an amendment to this condition to allow a portion of the requirement to be met off-site per Section 5.11.6.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Franklin Stearns, attorney, submitted 4/25/2017
- Board Order #102-06(12), dated 11/17/2014
- Board Order #102-06(15), dated 4/21/2015

**ADMINISTRATIVE DETERMINATIONS:**

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1. Condition #2 of Board Order #102-06(15) requires that the 88-unit multi-family dwelling provide 13 deed restricted inclusionary housing units on site, as shown on the approved plans. These 13 units include six units at 50% of area median income; six units at 80% area median income; and one unit at 65% of area median income.

The petitioner proposes to provide nine inclusionary units at Hancock Estates, and to provide the remaining four of the required 13, plus an additional 24 units at 219 Commonwealth Avenue. The Development Plan for 219 Commonwealth Ave consists of four two-bedroom required inclusionary units from Hancock Estates, five units at or below 80% AMI, and 19 workforce units. The proposal will result in five additional voluntary affordable units and a net additional 24 units that could qualify for the State’s Subsidized Housing Inventory.

Section 5.11.6 states that the inclusionary units required in Section 5.11.4 may be met by providing units off-site where an applicant has entered into an agreement with a non-profit housing development organization. The applicant has entered into an agreement with B’nai B’rith Housing, a non-profit providing affordable housing opportunities to seniors, to accommodate the required affordable housing units for the Kessler project at 219 Commonwealth Avenue. The rehabilitation of 219 Commonwealth Avenue will be by right and limited to improvements to the existing units and common areas of the building, with no changes, extension, enlargement or reconstruction of the existing nonconforming building or use. All 28 of the units will be permanently income and rent restricted.

The existing building and parking area are both legally nonconforming. The proposed project does not alter the exterior of the building, does not increase the number of units (the number of units decreases from 29 to 28), nor does it alter the parking area in any way. The proposes changes do not increase the parking demand.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§5.11.4, §5.11.6	To amend Board Order #102-06(15) to allow for the provisions of the Inclusionary Housing requirements to be met off-site	Amend Board Order #102-06(15)