



Ruthanne Fuller
Mayor

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

#137-18
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: May 11, 2018
MEETING DATE: May 15, 2018
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #137-18

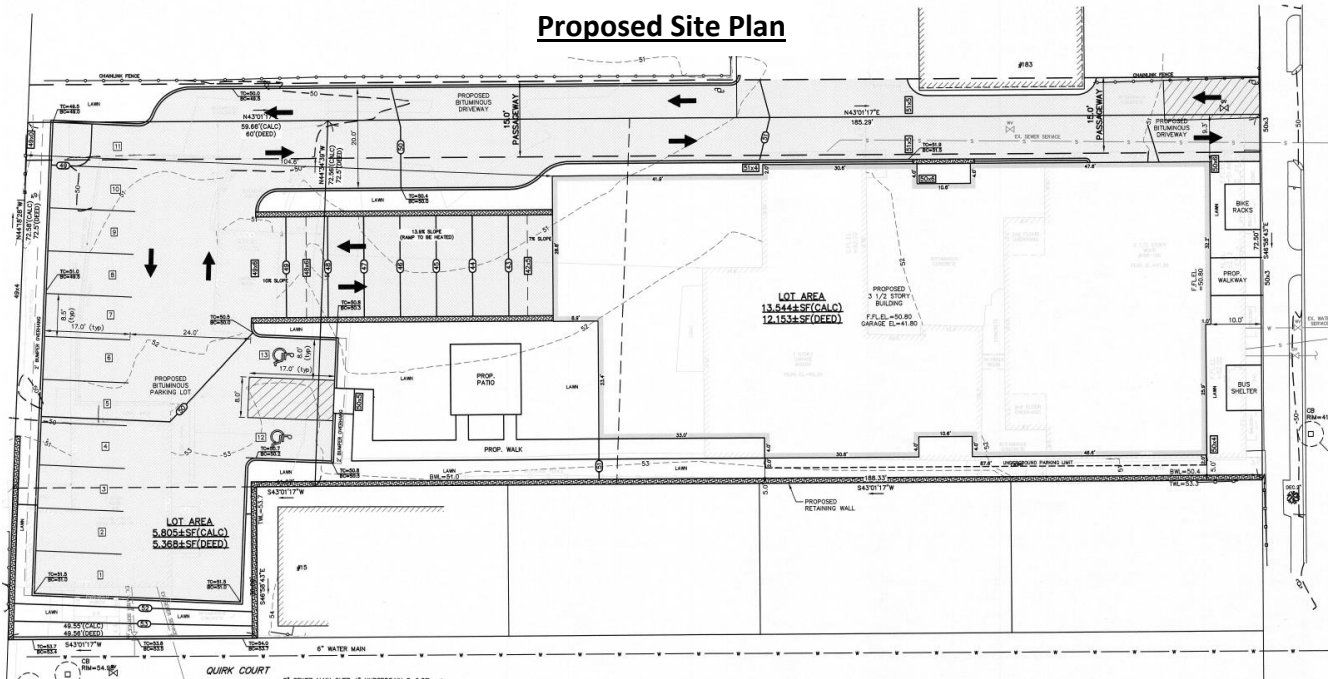
189-193 Adams Street/19 Quirk Court

Special Permit/Site Plan Approval to allow a four-story, 18-unit multi-family dwelling with residential units on the ground floor, exceeding 20,000 square feet with a floor area ratio of 1.31; waivers to the parking standards, reduction to 1.25 parking stalls per unit, waivers to the parking facility lighting and landscaping requirements, and to allow the lot area per unit to be reduced to allow for a density bonus.

The Land Use Committee (The "Committee") opened a public hearing on this petition on Tuesday, April 3, 2018, which was held open, for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum and at the public hearing by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of May 10, 2018.

Plan Modifications

The petitioner submitted revised plans which show a reduction in the length of the building and the removal of some surface parking stalls in favor of a below-grade garage. The plans indicate the overall length of the building is reduced from approximately 152 feet to 128 feet long. A large portion of this reduction is along the southern portion of the building which is five feet from the property line shared with the abutting properties on Quirk Court; this portion is reduced from 152 to 88 feet. Additionally, the rear of the building is set back an additional four feet, increasing the setback to nine feet. This additional setback provides a greater buffer for these adjacent parcels from the proposed structure.



The redesign also includes removing the eight surface parking stalls from the northern side of the building as well as three parking stalls at the rear of the site. These stalls are relocated in the below-grade garage which increases the number of stalls available to 27, resulting in a 1.5 ratio of stalls to units. The garage is accessed by a 20-foot wide ramp at the rear of the building providing access to the 20-foot wide drive aisle. It is expected the below grade garage reduces the amount of bicycle storage in the basement. The Planning Department accepts this change, provided there is space for at least 18 bicycles.

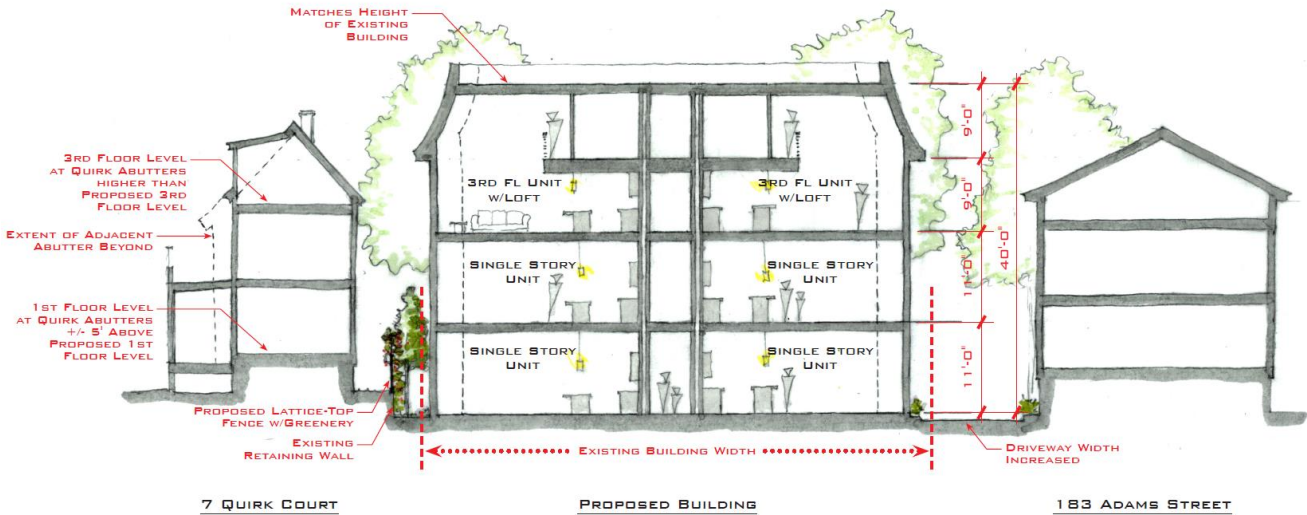
Neighborhood Compatibility

In the Public Hearing Memorandum, staff stated the site is an appropriate location for a dense, multi-family development due to the walkability of the neighborhood, and proximity to amenities on Watertown Street and transit. However, staff felt the structure’s height and number of stories, did not fit the context of the neighborhood and negatively affected the Quirk Court abutters to the south. Staff believes the redesign allows for a more compact building footprint, increases the amount of open space, and reduces the effect of the structure on some of the Quirk Court abutters.

The petitioner submitted a cross-section of the site and axon views of the proposed structure in context with existing buildings in the neighborhood. These materials suggest the structure’s placement ten feet from the front property line will increase the visibility of abutting parcels and create a continual street wall. Also, the materials suggest there are structures in the neighborhood containing more than three stories. However, the structure will be the second-tallest, with respect to height and number of stories, in the neighborhood and will have more of an effect on the abutters and the street than the four-story structure at 175 Adams Street. The Planning Department suggests

the petitioner consider increasing the setback from the Quirk Court abutters and/or terracing the fourth floor to reduce the structure’s massing.

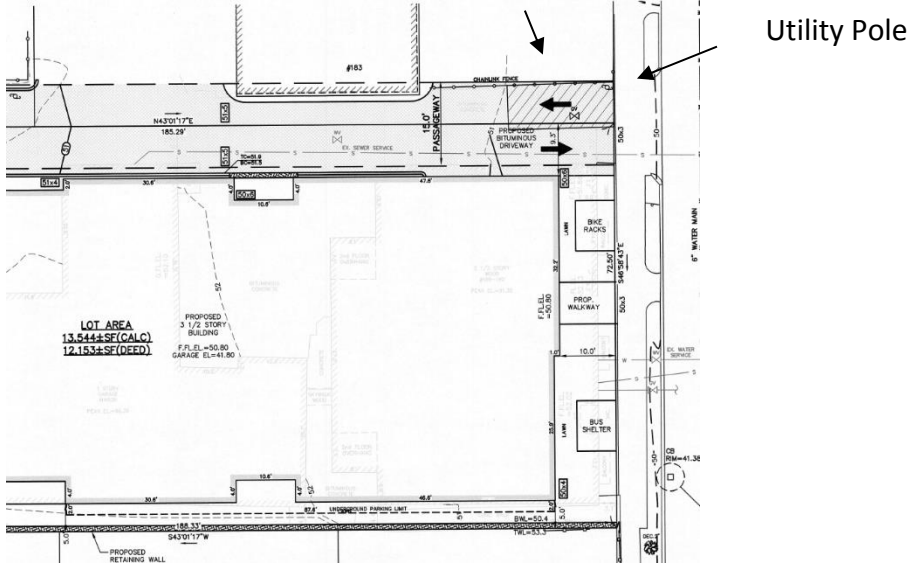
Cross-Section



Driveway Access

Access to the site is provided via a proposed 20-foot wide curb cut leading to a 15-foot shared passageway. The dwelling to the north at 183 Adams Street is located within this passageway which shrinks the access between that dwelling and the proposed structure to 13 feet at its narrowest point. In addition, there is an existing utility pole at the beginning of the passageway which restricts the entrance width to approximately 15 feet. These two obtrusions into the passageway limit two-way vehicular travel. As a result, the Transportation Division suggested the petitioner create a “slip space” between the utility pole and the dwelling at 183 Adams for a vehicle to wait to enter the site, while a vehicle exits the site.

Slip Space



The Planning Department suggests the petitioner consider providing an articulation into the front of the building and/or adjusting the curb cut to allow a greater width than 15 feet from the building to the utility pole. This will create more space for two vehicles to simultaneously enter and exit the site at the entrance. Staff recognizes the Fire Department stamped the plan without this articulation. Staff believes this issue is different from emergency access because the increased width will mitigate traffic from backing up on Adams Street. Staff intends to speak with a member of the Fire Department concerning the site plan and will provide the Committee with an update at the Working Session.

Easement

Access to the site is provided from Adams Street via a 15-foot wide passageway shared between the property owners of 189 Adams Street, 19 Quirk Court, the direct abutter to the north at 185 Adams Street, and 175 Adams Street. The Law Department believes all three property owners have an ownership in the easement from their respective property lines to the center line of the passageway (the petitioner owns 189 Adams Street and 19 Quirk Court). The petitioner is proposing site improvements in the portion of the passageway to which the property owner of 175 Adams Street has an ownership interest in. In consultation with the Law Department, staff believes the petitioner should either remove these improvements from the plan or seek approval from the property owner of 175 Adams Street prior to the issuance of a building permit, should this petition be approved.

Lighting

The Newton Zoning Ordinance requires surface parking facilities containing more than five stalls to be lit at the 1-foot candle level throughout. The petitioner requested a waiver from this requirement to reduce the level of lighting, which the Planning Department supported due to the proximity to abutters' rear yards. The Planning Department is supportive of the level of lighting proposed for the parking facility, but suggests the petitioner reduce the light trespass onto the neighboring properties to the south on Quirk Court. Staff recommends the lighting in this area be affixed to the ground to illuminate only the pathway, and not be attached to the building. Also, the placement of light poles is not allowed within the setback. Staff suggests the petitioner provide an updated photometric plan prior to the next Working Session.

Inclusionary Zoning

The petitioner can seek to construct 16 residential units due to the lot area per unit dimensional standard of the BU-2 zone. Two of the 16 units must be inclusionary zoning units per the Ordinance. However, the petitioner is seeking a special permit to reduce the minimum lot area per unit dimensional standard to allow for an additional market rate unit and an additional inclusionary unit. This density bonus brings the total number of units to 18; three of which would be inclusionary units. The petitioner submitted an Inclusionary Housing Plan (IHP) which states all three inclusionary units will be deed restricted in perpetuity for households earning up to 65% of Area Median Income (AMI). The Housing Division reviewed the IHP and found it acceptable. Should this petition be approved, the petitioner will be required to submit the IHP with additional documentation to the Department of Housing and Community Development (DHCD) for review and approval prior to the issuance of a building permit. Prior to the issuance of a temporary certificate of occupancy, the petitioner will be

required to enter into a Regulatory Agreement and Declaration of Restrictive Covenants with the City, and DHCD to ensure the units are eligible for listing on the Subsidized Housing Inventory.

Accessibility

The Planning Department reviewed the plans with the City's Americans with Disabilities Act (ADA) Coordinator, Jini Fairley, for compliance with ADA and Massachusetts Architectural Access Board (MAAB) codes. Additionally, staff asked about the third-floor loft units which will not be entirely accessible because the loft portion of the unit is accessed by an interior stair, not an elevator. Ms. Fairley noted the loft units do not violate ADA or MAAB because the main level of the loft units is accessible via an elevator and appropriate living area (bathroom, kitchen, and bedroom) are available on the main level. Regarding parking, the revised plans propose two ADA stalls at the rear of the building. Staff suggests one of these stalls be located in the below-grade garage.

Parking

The petitioner is seeking a reduction in the number of parking stalls required from two stalls per unit, to 1.5 stalls per unit; this ratio translates in a reduction from 36 to 27 parking stalls. The Planning Department, in consultation with the Transportation Division, asked the petitioner to submit a parking study to demonstrate the reduction will not create a burden on nearby streets. The petitioner submitted a report surveying three multi-family developments in the neighborhood to determine their parking utilization rates (**Attachment A**). The study suggests the parking facilities of the three developments are underutilized and a rate of 1.5 stalls per unit may be appropriate. At the time of this writing, the study is being reviewed by the Transportation Division; staff will provide the Committee with an update at the Working Session. However, staff suggests the petitioner determine whether the three developments are fully tenanted and if there are any three-bedroom units and provide an update at the Working Session.

Conservation of Energy & Natural Resources

The proposed multi-family structure is approximately 21,899 square feet. Therefore, the fifth special permit criterion is prompted, whereby the petitioner must demonstrate 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". The petitioner has submitted information supporting initiatives to achieve this criterion such as unbundled parking, electric vehicle charging, and a bus shelter. Staff is supportive of these initiatives, but believes the petitioner should provide more details on the building.

A development approved by the City Council last fall, similar in size and scope to the current petition, investigated several sustainability initiatives in accordance with this criterion. These initiatives include isolating dwelling units with double-studded walls, separate mechanical systems and controls for each unit, fundamental commissioning as in accordance with LEED version 4, and all electric heating and cooling systems. Staff has forwarded the list to the petitioner, who shall examine whether these or other similar initiatives can be implemented to meet this criterion. Staff expects the petitioner to provide an update at the next Working Session. Staff will review all revised materials with the Co-Director of Sustainability.

Adams Street Roadway Improvements

Adams Street was reconstructed with new sidewalks and curbing in the fall of 2017. Due to the time of year, some of the improvements did not cure properly. The Engineering Division is identifying areas that need to be addressed and will work with the contractor to ensure the problems are corrected before the entire street is repaved by the end of the year. Once the street is repaved, the petitioner will require a waiver from the Commissioner of Public Works to open the street for utility connections. The Planning Department suggests the petitioner complete the work within the City's right of way to the satisfaction of Public Works prior to the issuance of a temporary certificate of occupancy, should this petition be approved.

ATTACHMENTS:

Attachment A: Parking Study

Parking Survey Memorandum – The Residences at 189-193 Adams Street

The proposed project at 189-193 Adams Street and 19 Quirk Court, contains 18 dwelling units with a proposed 27 parking spaces (increased from original 23 spaces), for a proposed parking ratio of 1.5 spaces per dwelling unit (increased from 1.3).

We believe the following information from our parking survey of nearby residential apartment buildings demonstrates the proposed ratio of 1.5 parking spaces per residential unit is appropriate and more than adequate for this site.

Survey Details

Objective

The survey evaluated the available parking spaces at three residential buildings to determine which spaces were in use and not in use at different times of the day. The objective was to understand which *specific* spaces were consistently not in use over the course of a number of days to derive an “Actual” current parking ratio that would be necessary for each building.

Methodology

Parking lots at 175 Adams Street, 150 Adams Street and 14 Cottage Court, were plotted and visually surveyed over the course of six days crossing over two different weeks (from Thursday April 12th through Tuesday April 17th), including a weekend and a holiday (Patriot’s Day).

The survey collected detail on the number of parking spaces available by marking whether a spot was occupied or vacant. Each parking lot was visited a total of six times, either early in the morning or early to late evening during times when it would be expected that residents may be at home.

In addition, the owner of 14 Cottage Court provided usage information on the six garage parking spaces available at 14 Cottage Court to round out the survey.

Results of Survey

175 Adams Street:

175 Adams Street is a residential apartment building that abuts the property located at 189-193 Adams Street. The building has 32 residential units and a total of 48 parking spaces for the building or a ratio of 1.5 parking spaces per unit.

After surveying the property on six different occasions (see table below for dates, times, conditions, # of cars parked, and number of spaces vacant) on different times

of the day, it was found that usage of the parking spaces was no more than 79.2%, on any given day, which occurred on Friday April 13th at 5:28AM.

Furthermore, after performing a space-by-space evaluation, it was determined that 5 of the 48 parking spaces were consistently not in use on any of the days surveyed. *Data for the space by space evaluation can be found in Table 1.*

The conclusion is that the building located at 175 Adams Street only requires 43 parking spaces (48 total less 5 not in use) for it's 32 residential units or an "Actual" ratio of 1.34 parking spaces per residential unit.

175 Adams Street Parking Usage						
Date	Day	Time	Conditions	# Parked	# Vacant	Usage %
4/12/18	Thursday	6:09AM	Partly Cloudy - 48 Degrees	32	16	66.7%
4/12/18	Thursday	6:08PM	Rainy - 50 Degrees	22	26	45.8%
4/13/18	Friday	5:28AM	Clear (Dawn) - 60 Degrees	38	10	79.2%
4/13/18	Friday	7:56PM	Dusk - 50 Degrees	26	22	54.2%
4/14/18	Saturday	5:30AM	Clear (Dawn) - 50 Degrees	35	13	72.9%
4/16/18	Monday	1:08PM	Rainy - 43 Degrees	27	21	56.3%

150 Adams Street:

150 Adams Street is a residential apartment building located 0.1 miles from 189-193 Adams Street. The building has 9 residential units and a total of 20 parking spaces for the building or a ratio of 2.2 parking spots per unit.

After surveying the property on six different occasions (see table below for dates, times, conditions, # of cars parked, and number of spaces vacant) on different times of the day, it was found that usage of the parking spaces was no more than 65%, on any given day.

Furthermore, after performing a space-by-space evaluation, it was determined that 7 of the 20 parking spaces were consistently not in use on any of the days surveyed. *Data for the space by space evaluation can be found in Table 1.*

The conclusion is that the building located at 150 Adams Street only requires 13 parking spaces (20 total available less 7 not in use) for it's 9 residential units or an "Actual" ratio of 1.44 parking spaces per residential unit.

150 Adams Street Parking Usage						
Date	Day	Time	Conditions	# Parked	# Vacant	Usage %
4/12/18	Thursday	6:20AM	Partly Cloudy - 48 Degrees	12	8	60.0%
4/12/18	Thursday	6:13PM	Rainy - 50 Degrees	8	12	40.0%
4/13/18	Friday	5:35AM	Clear (Dawn) - 60 Degrees	13	7	65.0%
4/13/18	Friday	8:02PM	Dusk - 50 Degrees	13	7	65.0%
4/14/18	Saturday	5:30AM	Clear (Dawn) - 50 Degrees	12	8	60.0%
4/16/18	Monday	1:14PM	Rainy - 43 Degrees	8	12	40.0%

14 Cottage Court:

14 Cottage Court is a residential apartment building located 0.1 miles from 189-193 Adams Street and is a rear abutter to 150 Adams Street. The building has 12 residential units and a total of 23 parking spaces for the building or a ratio of 1.92 parking spaces per unit. 17 of the parking spaces are exterior surface parking spaces and 6 parking spaces are in the garage.

After surveying the property on six different occasions (see table below for dates, times, conditions, # of cars parked, and number of spaces vacant) on different times of the day, it was found that usage of the parking spaces was no more than 60.9%, on any given day.

Furthermore, after performing a space-by-space evaluation, it was determined that 5 of the 23 parking spaces were consistently not in use on any of the days surveyed. *Data for the space by space evaluation can be found in Table 1.*

The conclusion is that the building located at 14 Cottage Court only requires 18 parking spaces for its 12 residential units or an “Actual” ratio of 1.5 parking spaces per residential unit.

14 Cottage Ct Parking Usage						
Date	Day	Time	Conditions	# Parked	# Vacant	Usage %
4/12/18	Thursday	6:18AM	Partly Cloudy - 48 Degrees	14	9	60.9%
4/12/18	Thursday	6:15PM	Rainy - 50 Degrees	10	13	43.5%
4/13/18	Friday	5:33AM	Clear (Dawn) - 60 Degrees	14	9	60.9%
4/13/18	Friday	7:59PM	Dusk - 50 Degrees	10	13	43.5%
4/14/18	Saturday	5:30AM	Clear (Dawn) - 50 Degrees	14	9	60.9%
4/16/18	Monday	1:16PM	Rainy - 43 Degrees	8	15	34.8%

Conclusion

The conclusion from the survey is that each of the three buildings have vacant parking spaces suggesting the buildings have more parking than is necessary based on their fixed parking ratios.

Current usage suggests each building is at an “Actual” ratio of 1.5 or less. As a result, we believe a parking ratio of 1.5 for a new development should be sufficient to satisfy parking needs. In addition, when de-coupling or unbundling the parking form the residential units themselves, coupled with self-selection, we believe this will drive the need for parking even lower.

