

Nadia Khan

From: David A. Olson
Sent: Wednesday, March 01, 2017 8:35 AM
To: Nadia Khan
Subject: FW: Docket items #179-16 and #180-16 - No justification for MU4 rezoning

From: Sarah Quigley
Sent: Tuesday, February 28, 2017 5:51 PM
To: citycouncil; David A. Olson
Subject: Docket items #179-16 and #180-16 - No justification for MU4 rezoning

February 28, 2017

To the Newton City Council,

I am writing to comment on Mark Development's request to withdraw docket items #180-16 to rezone the Orr Block to MU4 and #179-16 for a Special Permit due to their decision to pursue a 40B development. The developer's withdrawal request appears to be an eleventh hour strategy to pressure the City Council to support his current proposal by emphasizing that their 40B proposal will be six stories and 200+ units, and he would be able to circumvent current zoning.

I oppose the developer's original request to rezone the property to MU4, which would shift the property zone from primarily commercial to primarily housing. Rezoning the site would set a precedent for more large scale development in village centers, and for further erosion of the City's shrinking commercial tax base as more developers request additional parcels to be rezoned MU4.

If the developer indeed wants to withdraw his proposal to pursue a 40B development on the site, it is by no means certain that his larger and more dense proposal would be approved. As you may know, the developer's request for a Comprehensive Permit would trigger a review by Mass Historical Commission, which would consider the development's impact on historic structures on the site and on the abutting Local Historic District. A 40B developer's profit is limited by state statute, and land valuations must be based on fair market value under the current zoning, not on an inflated sale price or the land's value under zoning sought in their Comprehensive Permit application. It may be less profitable for the developer to pursue a 40B development than it would be for him to scale back the size of his current development proposal to comply with current zoning.

Requesting to withdraw the current proposal so that he can pursue a 40B project on the site this late in the Special Permit review process warrants the City Council approving the withdrawal request with prejudice.

In contrast, I would support the developer's withdrawal request without prejudice if he wanted to revise his current proposal to a reduced scale and mass which would be more compatible with the existing neighborhood, include more commercial space, and align with current BU1 and BU2 zoning parameters. He could then re-submit it to the Land Use Committee for evaluation. Making these types of changes would result in more community support, and more likelihood that the new proposal would be approved.

If the current proposal continues through the Special Permit process in its current form, the City Council should analyze and evaluate it on its merits and shortcomings, and deny the rezoning and special permit requests without viewing it through the lens of a potentially worse 40B proposal.

Thank you for your time and consideration.

Sincerely,

Sarah Quigley

Atwood Ave, Newtonville