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CONTINUED PUBLIC HEARING MEMORANDUM

DATE: November 23, 2016
MEETING DATE: November 29, 2016
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
CC: Petitioner
Planning Board

PETITION #179-16 & #180-16

NW corner of Washington and Walnut Streets

Request for a change of zone to Mixed Use 4 and for special permits to construct a mixed-use development consisting of three buildings with heights up to 60 feet and 5-stories incorporating 171 residential units, approximately 40,000 square feet of commercial space and 346 parking spaces.

The Land Use Committee (the "Committee") opened the public hearing on June 7, 2016, and the hearing was held open. A site visit was held by the Committee on June 13, 2016, and the hearing was continued on July 12, 2016, September 13, 2016, October 4, 2016, and November 1, 2016. In response to questions raised at the Land Use Committee public hearings or by written communication thereafter, and/or staff technical reviews, the Planning Department is providing the following information and analysis for the upcoming continued public hearing. This information is supplemental to staff analysis previously provided at public hearings.

The November 29 meeting will focus on the design of the building, the sustainability of the project, proposed project mitigation and transportation demand management. The next meeting is expected to occur on December 15th.

Building Design

Over the past month the petitioner has worked to finalize their design based on feedback received to date. The current proposed design which will be presented on the 29th is a 5-story/4-story design which reduces the residential area of the building slightly by pulling the building back and reducing the massing from Foster Street with setbacks of 90 feet from the rear façade of the Washington Terrace Wing, and maintaining the 45 foot setback on the Walnut Street wing. The applicant has

worked to improve the roofline by both stepping back the upper floors by approximately seven feet on both Washington Terrace and Walnut Street and incorporating more offsets and architectural interest at this level.

The Planning Department will be prepared to make further comments at the hearing. In general, the Planning Department supports keeping the height on Washington Street in order to increase the setbacks with Foster Street, and we appreciate the additional detailing of the 5th floor along the street facades.

The Planning Department encourages the petitioner to think further about the materials proposed on the rear façade of the building and to provide more details on proposed materials so that the Planning Department can ensure that they are respectful of the rear abutters and compatible with the envisioned interior plaza. We also encourage more variety in the detailing of the 5th story from the rear, consistent with the detailing on this story from the street facades.

What is a TOD?

While there are many definitions for what a Transit Oriented Development (TOD) is, the consistent idea is that it is an approach to development or a mixed-use project that includes at least some housing, and is designed to maximize access to public transportation. TOD's often include features to encourage transit ridership while dissuading the ownership of automobiles. Typically TOD's are located within ¼ to ½ mile (within a 10 minute walk but often much closer) of a transit stop as this is considered to be a distance people are willing to walk to transit. A TOD neighborhood typically has a center with a transit station or stop (often but not limited to train or bus), surrounded by relatively high density development with progressively lower density spreading outward from the center. TOD's promote compact development, a mix of land uses rather than a single use, a pedestrian orientation and attention to civic uses. As energy costs rise, road congestion increases, and awareness of climate change increases, people are increasingly drawn to urban living in walkable neighborhoods with good access to transit. Although Newtonville is not necessarily considered an "urban" location, it has many of the qualities that homeowners and renters value.

The Newton Zoning Ordinance does not define a TOD nor is it required in the proposed MU4 zone. The proposed project has features that are consistent with the principles of a TOD including its location in a village center with access to multiple modes of transportation (bus and commuter rail service), and the applicant is expected to submit a draft Transportation Demand Management Plan to help promote the use of public transportation and reduce car ownership for its tenants.

The following is an excerpt on TOD's from the Sustainable Cities Institute ([http://www.sustainablecitiesinstitute.org/topics/land-use-and-planning/transit-oriented-development-\(tod\)](http://www.sustainablecitiesinstitute.org/topics/land-use-and-planning/transit-oriented-development-(tod))):

"By developing more "urban-scale" buildings with reduced parking ratios and ready access to transit, TOD improves air quality and reduces auto traffic congestion. Studies indicate that TOD can reduce traffic congestion and air pollution by up to 25 to 50 percent compared to typical suburban development.

TODs are relatively inexpensive considering the alternative, sprawl. Sprawl drives up costs of development because it requires the expansion of public infrastructure such as roads, water lines,

electrical services and sewer lines. Public service costs also rise from increased service requirements (e.g., fire and police, road maintenance, school busing, snow plowing) that result from additional miles of roadway. Conversely, TODs use existing infrastructure, and can often be served by existing municipal services, requiring little additional investment. For new, denser development at transit stations, communities may be able to realize economies of scale in new infrastructure investments. Further, by reducing dependence on the automobile, TOD reduces traffic congestion and its associated costs to municipalities. TODs have also been reported to have a positive impact on property values. Research consistently shows that both residential and commercial property values rise with proximity to transit stations. This helps to foster growth of the municipal property tax base and allows revenues to be spent in the very neighborhoods where public infrastructure and service delivery costs are reduced due to increased densities. Many states offer financial incentives to encourage transit-oriented development.”

What are the differences between the Business and MU4 zones and what can be built in either?

The Planning Department has responded to this question previously in regard to this petition. The following are excerpts from previous memos.

September 30th Memorandum. In 2012, an amendment to the *Comprehensive Plan* was approved to include a “Mixed-Use Centers” element to further encourage mixed-use development, particularly in village centers adjacent to transit services. The idea was for what is essentially a “floating zone” that can be applied to a parcel(s) by legislative action where deemed appropriate by the Council in order to guide their redevelopment. This resulted in the crafting and adoption of the Mixed Use 4 (MU4) village zoning district adopted by the City Council in 2012 (Ordinance A-4, dated October 1, 2012).

The MU4 zone has a clearly stated purpose that is included in the Zoning Ordinance whereas the business zone does not as it was written much earlier. The purposes of the MU4 district are to:

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

In designing the proposed MU4 zone, staff consulted the City’s *Comprehensive Plan*, especially the recently-adopted Mixed-Use Element, and best practices in village zoning and planning. The *Comprehensive Plan* calls for “enhancing village centers [and] supporting their vitality” by providing “services to nearby neighborhoods,” “housing alternatives,” and “focal areas” to create a “sense of place” while recognizing the unique roles each village plays in the City. The Plan calls for “moderate growth” in the larger village centers and “revis[ing] the zoning rules that presently impose restrictions on residential uses in village centers and other business areas” to “encourage mixed uses in business

areas and village commercial centers, particularly where public transportation is available.” Incentives should be provided for the “creation of more multifamily housing” and “multi-story buildings;” zoning should also be more “proactive” in “encourage[ing] the uses and design criteria” that are desired. The Mixed-Use Element, though focused on guiding the development of larger sites in the City, also emphasizes the importance of fine-grained mixed uses, pedestrian appeal, and residential proximity in the past success of Newton’s village centers.

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

The Council created the first MU4 district in 2012 on the Austin Street Municipal Parking Lot directly across the Mass Pike from the subject site. It was intended that the MU4 zone may also be appropriate for guiding the redevelopment of other sites in Newtonville, such as the Star Market site, or in other village centers where the Council deems appropriate.

The petitioner is seeking a zone change for this site from Business to Mixed Use 4. When considering the request to rezone the site the Council must consider if the proposed zone change promotes the public welfare and is consistent with the City’s *Comprehensive Plan* and the Council’s vision for this area of Newtonville. Recognizing that a sufficient density is necessary to promote a lively pedestrian environment the MU4 district allows for three stories by right and up to five stories by special permit if the proposed structure is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of the district.

From the June 3rd Memorandum. The MU4 district allows for heights of up to 60 feet and 5 stories by special permit in order to allow sufficient density and intensity of uses to promote the use of alternative modes of transportation, to expand the diversity of housing options available in the City, and to offer a variety of businesses that serve the needs of the community. As the Mixed Use 4 district was only adopted in 2012, only one other location currently exists, 28 Austin Street, also in Newtonville just south of the Mass Turnpike.

The only other zone that would accommodate the proposed structures is Business 4 which allows for a height of up to 96 feet and eight stories. Other Business 4 districts include the Chestnut Hill Shopping Center now known as “The Street,” and 430 Centre Street, which is improved with an assisted living center. The Planning Department is supportive of the request to rezone the site to Mixed Use 4 as we believe the proposed zone appropriately supports mixed use development at a density that is appropriate for village centers. Locating a project like this in an existing village center close to multiple transit options, maximizes the benefits of a walkable, vibrant village center and minimizes potential impacts to the greatest extent possible. Furthermore, the Mixed Use 4 criteria encourages design that is compatible to the surrounding context, seeks to create a beneficial living environment for the residents, and seeks to minimize traffic on roads in the vicinity.

The existing zoning, Business 1 and 2 allows for similar uses as proposed but only allows for height up to 48 feet and four stories. The Planning Department notes that the Business 2 zone allows for a maximum Floor Area Ratio (FAR) of up to 2.0 where the applicant is proposing an FAR of 1.92. An

FAR of up to 2.5 is allowed by special permit in a Mixed Use 4 district. The existing FAR of the site is .65.

In summary, any building greater than 20,000 square feet requires a special permit from the City Council. The Business 2 zone allows for two stories and up to 24 feet in height by right, and up to 48 feet and four stories with a special permit, and has a required lot area per dwelling unit of 1,200 square feet per unit. On the 123,956 square foot site, under this zone the petitioner could construct up to 103 units and this requirement is not waivable in the Business zone. The Business zone requires a variance from the Zoning Board of Appeals in order to waive the lot area per unit requirement.

Under the MU4 zone the petitioner may construct a building up to four stories by right and up to five stories with a special permit. Although the required lot area per dwelling unit is 1,000 square feet in the MU4 zone (allowing for up to 123 units), this requirement is waivable by special permit in order to encourage smaller units in keeping with Newton's housing needs, and to help achieve the density envisioned to promote a lively and sustainable mixed-use environment.

There is very little difference in terms of the uses allowed in a Business zone versus the MU4 zone and the Planning Department does not have any concerns with the proposed mix of uses on this site, as these types of uses are already present in Newtonville and the introduction of additional housing units is appropriate for this village center. All of the proposed uses are consistent with both zones and are allowed either by right or by special permit in both zones, including a multi-family building, restaurants with more than 50 seats, retail uses, and street level office uses. The proposed mix of uses and activities, including the public plaza, should help create a vibrant multi-function experience that increases neighborhood synergy and encourages pedestrian activity on the site and in the village.

Coordination with Newtonville Improvements

The Department of Public Works (DPW) is expected to attend the December 15th meeting to discuss coordination of the 2018 planned improvements to Newtonville with the developers proposed improvements should this project be approved. The goal is for a seamless corridor along Walnut Street that will knit both sides of the turnpike together and be consistent in design.

Proximity of the site to the Newtonville Historic District

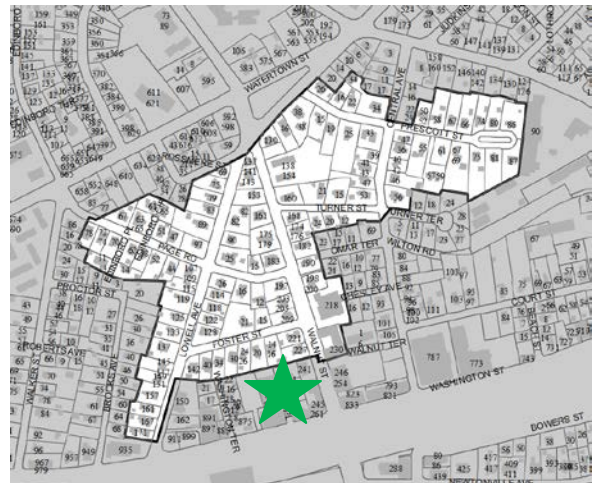
Newtonville developed as a suburban village during the second half of the 19th century due to its location along the Boston and Albany rail line. Daily commuter trains linked the village to downtown Boston which allowed for its development from farmland to a residential suburb. The historic village included churches and public buildings as well as Victorian residences, many of which are still standing today.

Newtonville contains one of four local historic districts in Newton. The Newtonville historic district is located north of the turnpike, immediately adjacent to the proposed project and is an example of residential suburban development. The City has published historic walking tour brochures for many of Newton's neighborhoods and the Newtonville brochure can be found here: <http://www.newtonma.gov/civicax/filebank/documents/31186>.

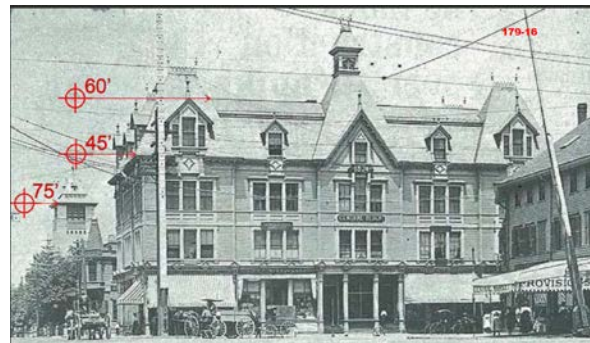
When the historic district was created, it stopped short of the Orr site. It could have included the site, but did not, likely because the Orr site is in a commercial zone. Because the site is located outside of the district no review of the project by the Newtonville Historic District Commission is required.

The applicant applied to the Newton Historical Commission for the demolition of all of the buildings on site. The following is an excerpt from our June 3rd Memorandum.

“Six of the structures on the site have been deemed historic and preferably preserved by the Newton Historic Commission and there is a one year delay on their demolition which began in September of 2015. These Classical Revival buildings have architectural integrity and relate to the early 20th century development of the village and were deemed preferably preserved for their contribution to the historic context of the area. Many buildings on this site are included in the Inventory of Historic and Archaeological Assets of the Commonwealth as part of the Newtonville North Village Center Area.”



Newtonville Historic District



The Planning Department originally encouraged the petitioner to preserve some of the structures or to incorporate elements of the detailing in the more significant structures into their design. The petitioner does not believe that they can retain any of the buildings under their current development proposal and the demolition delay is no longer in effect. The petitioner has stated all along that the project design is inspired by the historic buildings of Newtonville which were comparable in height to the proposed project. The architect’s vision for the site is for three buildings that share some common characteristics of massing and scale that help to create a sense of place, yet differ in the use of materials, texture, color and height, so that they fit together but do not necessarily match. Although this project represents a major change for the immediate abutters in the historic district the proposed building is over 45 feet away from the closest residential property where only 20 feet is required. The proposed materials appear to be consistent with materials used in the historic district and the petitioner has submitted a shadow study that shows no significant increase in shadows over existing conditions.

Transportation Demand Management Plan

The petitioner is expected to submit a draft Transportation Demand Management Plan (TDM) for the next meeting on December 15, 2016. The Planning Department has encouraged the petitioner to consider a robust plan with a menu of options and incentives for residents as well as to require the commercial tenants to employ TDM measures. Specific measures the Planning Department expects to be included in the petitioner's TDM include decoupling parking from the rent, charging a higher amount for any second parking stall rented by residents, subsidized MBTA passes and other memberships such as bike share and/or car share memberships, gift cards that can be used for Uber and Lyft, the provision of space on site for a bike share station, a contribution to the City to help kick off our bike share program, provision of electric charging stations and car share stalls on site, shared parking for retail employees if there is space in the garage, shared parking for Newtonville residents who do not have a parking space should there be room in the garage or parking lot, and annual surveys to measure the effectiveness of the petitioner's TDM.

The Planning Department and Department of Public Works intend to coordinate on drafting a TDM Ordinance that would apply to large projects in the future. Should this project be approved the Planning Department recommends a condition that a Final TDM be submitted to both departments for review and approval prior to the issuance of a building permit, and that the petitioner comply with the City's TDM Ordinance should one be approved by the Council in the next two years.

I/I

The petitioner met with the City Engineer and Director of Utilities to discuss their Inflow and Infiltration (I/I) contribution to the City's I/I program. The petitioner is willing to contribute to the City's I/I fund at the policy's ratio of 8:1. As discussed with the Department of Public Works, the contribution would be based on the expected net daily sewer generation rate deducting the historical water usage from the existing meter readings on the property. The new residential development will specify that all new plumbing fixtures be EPA WaterSense rated and all appliances be Energy Star certified. By specifying these products, a minimum 45% reduction in residential water usage is expected when compared to the conservative Title V flow rates.

Sustainability

The petitioner submitted a Sustainability Narrative on November 23, 2016. The narrative notes steps the developer is taking to design a high R-value building envelope that will be complemented with efficient and correctly sized mechanical systems, WaterSense rated plumbing fixtures and Energy Star certified appliances. Lighting will utilize LED fixtures and portions of the roof will be solar ready should the applicant choose to install solar panels. The petitioner is committed to achieving a LEED Gold certification which includes commissioning and optimization of the building's systems and education for both the building management and tenants.

A robust TDM including a focus on alternative and improved modes of transportation will also contribute to the sustainability of the project. Finally, improvements to the quantity and quality of stormwater runoff from the site are a benefit to the environment and the City. For all of these reasons the Planning Department believes the petitioner is satisfying the City's 5th special permit criterion which requires a significant contribution to the efficient use and conservation of natural resources and energy.