

Department of Planning and Development



PETITION #421-18

**200 ESTATE DRIVE AND 219
COMMONWEALTH AVENUE**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDER #102-06(15) TO LOCATE
FOUR INCLUSIONARY UNITS OFF
SITE



OCTOBER 9, 2018

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Amend Council Order #102-06(15) to locate four inclusionary zoning units from 200 Estate Drive to 219 Commonwealth Avenue

Council Order #102-06(15) (Hancock Estates)



- Allows a four-story, 88-unit structure with thirteen deed restricted units.
 - Six units are deed restricted to households earning 50% of Area Median Income (AMI).
 - Six units are deed restricted to households earning 80% of AMI.
 - One unit is deed restricted to households earning 65% of AMI.

Hancock Estates Unit Mix



Unit Type	Total Units	# of Inclusionary Units	Average Square Footage
One Bedroom	34	5	893
Two Bedroom	54	8	1,000
Total	88	13	N/A

Newton Zoning Ordinance



- Section 5.11.6 states that inclusionary units required in a development may be located off site by Special Permit, provided an applicant enters into an agreement with a non-profit housing development organization.

219 Commonwealth Avenue



- Legal nonconforming 3.5-story, 29-unit multi-family structure.
- Listed on the National Register of Historic Places which limits modifications.
- Located approximately one-half mile from the Boston College stop on the MBTA's Green Line.
- The petitioner is renovating the building's interior which will decrease the number of units by one, from 29 units to 28 units.

AERIAL/GIS MAP



Petition History



- The petitioner sought a special permit in 2017 with a similar proposal.
- Initially the petitioner sought to locate all required 13 inclusionary units to 219 Commonwealth Avenue. The petitioner revised the proposal twice before withdrawing the petition.
 - The first revision still sought to locate all 13 units to 219 Commonwealth Avenue, but included an additional six inclusionary units at 80% of AMI; the remaining nine units were at 100% of AMI.
 - The second revision maintained five one-bedroom inclusionary units at Hancock Estates, and proposed to locate eight two-bedroom units at 219 Commonwealth Avenue. This option also included four additional inclusionary zoning units, for a total of 12 at 219 Commonwealth Avenue.

Off Site Proposal



- The petitioner proposes to locate four of the required 13 inclusionary units from Hancock Estates to 219 Commonwealth Avenue.
- An additional five units at or below 80% AMI would be provided at 219 Commonwealth Avenue and the remaining 19 units would be workforce housing units available to households earning up to 120% of AMI.
- The nine affordable units at 219 Commonwealth will average at 65% of AMI, including one accessible unit which will be dedicated to households earning up to 30% of AMI.

219 Commonwealth Avenue



Unit Type	Units at 30% of AMI	Units at 50% of AMI	Units at 65% of AMI	Units at 70% of AMI	Units at 80% of AMI	Units 80%-120% of AMI	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	1	2	1	1	4	19	28

Comparison of Affordable Units



Location	Unit Type	Total	Average Size	Affordability
Hancock Estates	One Bedroom	5	841 Square Feet	50%-80% of AMI
Hancock Estates	Two Bedroom	8	1,005 Square Feet	50%-80% of AMI
219 Commonwealth	Studio	2	325 Square Feet	65%-70% of AMI
219 Commonwealth	One Bedroom	17	586 Square Feet	30%; 80%-120% of AMI
219 Commonwealth	Two Bedroom	9	892 Square Feet	50%; 80%-120% of AMI

Accessibility



- Staff believes that 219 Commonwealth Avenue is not comparable to Hancock Estates regarding accessibility.
- Hancock Estates is an elevator building where all units are accessible and “visitable” to those with disabilities. Two of the required inclusionary units are fully accessible to those with disabilities.
- Only one unit is fully accessible at 219 Commonwealth and none of the remaining 27 units are adaptable or visitable.
- Hancock Estates has accessible parking. Staff has asked for two stalls at 219 Commonwealth to be reserved to create one van accessible stall, should the need arise.

Parking



- The existing parking area at 219 Commonwealth is legally non-conforming and is not striped.
- Staff asked the petitioner to stripe the area to include as many spaces as can safely be provided.
- The proposed striping plan includes 9 substandard spaces, one of which will need to be removed due to insufficient length.
- The petitioner has proposed stalls 8 and 9 at the end of the parking area be converted to van accessible if needed. A template showing that a wheelchair could safely access a van ramp is necessary to confirm this is possible; the bike racks will need to be relocated.

Transportation Demand Management



- Staff suggests the following changes be made to the TDM Plan:
 - Subject all parking stalls to a lottery amongst the nine inclusionary units. The fee for such parking in addition to rent and utilities shall not exceed 30% of the applicable income limit.
 - Make all units without a parking stall on site 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 results of such surveys with the City of Newton Transportation Planning staff.
 - Provide a snow storage plan for the parking facility.
 - Confirm the number of weather protected bicycles and explore locating a bicycle rack on the Commonwealth Avenue frontage.

Analysis



- The current proposal represents trade-offs between the accessibility, parking, and amenities at Hancock Estates and the proximity to transit and the additional units that could be provided at 219 Commonwealth.
- Planning staff believes the proposal presents a rare opportunity to locate 28 deed-restricted units near transit, to households with a range of incomes, while still retaining 9 affordable, accessible units at Hancock Estates.

Inclusionary Zoning Conditions



1. Prior to the issuance of any building permits for the construction of the Project, the Petitioner shall provide a final Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan for review and approval by the Director of Planning and Development. The Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.9. of the Newton Zoning Ordinance. In accordance with DHCD's current guidelines, the units will be affirmatively marketed and leased through a lottery.

Inclusionary Zoning Conditions Continued



2. No temporary occupancy permit for the use covered by this Special Permit/Site Plan approval shall be issued until the Petitioner has:
 - a. Provided evidence confirming the marketing, lottery, and resident selection for the Inclusionary Units has been completed to the Director of Planning and Development for review and approval.
 - b. Entered into a Regulatory Agreement and Declaration of Restrictive Covenants for each of the Inclusionary Units with the City of Newton and the Department of Housing and Community Development, in a form approved by the Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity.

Inclusionary Zoning Conditions Continued



- a. Deed Restricted Units shall be constructed and available for occupancy coincident with market rate units such that no more than “X” market rate units may receive occupancy permits until the corresponding affordable unit has received its occupancy permit.