



Real Property Reuse Committee Report

City of Newton In City Council

Wednesday, January 27, 2020

Present: Councilors Danberg (Chair), Greenberg, Albright, Kelley, Markiewicz, Downs, Laredo, Kalis, Wright and Malakie

City staff Present: Housing Development Planner Eamon Bencivengo, Associate City Solicitor Andrew Lee, Associate City Solicitor Jonah Temple, Director of Planning and Development Barney Heath, Chief Operating Officer Jonathan Yeo, Veterans Agent Seth Bai, Director of Housing Amanda Berman, Commissioner of Public Buildings

#26-21 Reuse of Newton Highlands Branch Library/Brigham House

DIRECTOR OF PLANNING & DEVELOPMENT submitting on December 24, 2020 a letter recommending that the property located at 20 Hartford Street, on 4,776 sq. ft. of land in Ward 6, Newton Highlands, known as Property ID: 52040 0010 be transferred from the Executive Office to the Public Buildings Department to be used for youth activities and community services.

Action: **Real Property Reuse Committee Approved 8-0**

Note: Commissioner of Public Buildings Josh Morse and former Councilor John Rice presented the request to transfer the custody of the Newton Highland Branch Library/Brigham House from the Executive Office to the Public Buildings Department. Commissioner of Public Buildings Josh Morse explained that the building, located on Lincoln Street in Newton Highlands, was built in 1883 and purchased by the City in 1951. The building operated as a library from 1958-1997 and was leased to the Brigham House between 2001-Present Day. In 2009, the building was renovated using CPA funds. The building belongs to the City in perpetuity and has been used as a community center, youth center and for after school programs as well as other community programs. The Brigham House has had a long-standing partnership with Parks & Recreation who have managed programs out of the space. Commissioner Morse noted that the property at 20 Hartford Street has been a community center for many years and the management by the Brigham Community House Inc., has benefitted the City. As Brigham Community Inc. can no longer operate the facility or make additional investments, the City is seeking a transfer of custody to the Public Buildings Department. No changes to the use or programming of the building are intended.

Mr. Rice explained that the Brigham House non-profit was established with a 21-year lease in 2001 after the community engaged in fundraising campaigns to save and renovate the building. After receiving an occupancy permit, a teenage center was opened and operated. From 2008-2009, the building was closed for renovations using \$600,000 in CPA funds. After the renovation the programming evolved into a Newton Highlands after-school program for middle school students. The Hyde Community Center use program fees to fund the ongoing program, services, maintenance

and upkeep associated with the building. Mr. Rice noted that due to Covid-19, programs were forced to stop operating, making it cost prohibitive to maintain the building. It was noted that it is intended that the Hyde Community Center and the Parks & Recreation Department will continue to manage programming for the property. Commissioner Morse explained that the transfer in custody will allow Public Buildings to protect and preserve the building. He confirmed that upon transfer of the building, license agreements will need to be established for any of the private programs. The City will also maintain appropriate licensure.

Councilors emphasized their support for the transfer of custody from the Executive Office to Public Buildings to allow continued programming and ongoing maintenance of the building located at 20 Hartford Street. No member of the public wished to speak. Councilor Downs motioned to approve the item which carried unanimously.

#65-20 Reuse of the West Newton National Guard Armory (295-19)

DIRECTOR OF PLANNING & DEVELOPMENT submitting on August 7, 2016 a letter recommending that the West Newton Armory located at 1135 Washington Street be evaluated for the purpose of leasing the property for redevelopment as 100% affordable housing or for municipal uses pursuant to Ordinance Section 2-7.

Action: Real Property Reuse Committee

#65-20(2) Reuse of the West Newton National Guard Armory (295-19)

JOINT ADVISORY PLANNING GROUP FOR THE WEST NEWTON ARMORY submitting, on November 13, 2020 its recommendations for the use of the West Newton National Guard Armory at 1135 Washington Street, which was declared available for sale or lease on September 17, 2019.

Action: Real Property Reuse Committee

Note: The Committee discussed items #65-20 and #65-20(2) together. The Committee was joined by members of the Planning Department, Law Department, Veterans Services, the Joint Advisory Planning Group (JAPG) and the Newton Housing Partnership. The Committee reviewed the draft Council Order and discussed each resolution as shown below. Affirmative Investments David Ennis and Co-Chair of the JAPG Ted Hess-Mahan answered questions as needed.

1. Intended use.

That the site shall be used solely for a 100% permanently affordable housing development, subject to necessary affordability restrictions, in accordance with the terms of the special legislation authorizing the Massachusetts Division of Capital Asset Management and Maintenance (DCAMM) to convey the property to the City of Newton.

2. Request for Proposal (RFP).

That an RFP for the lease and development of the property shall be issued seeking proposals from responsible development teams to construct and maintain affordable housing on the property. The terms of the RFP should be broad enough to attract various proposals for development of the property in order to provide flexibility to the City in selecting the proposal that best serves the populations in need of affordable housing. These populations may include, but are not limited to, families, seniors, chronically homeless individuals, veterans, or individuals with special needs.

The Committee questioned why the RFP will not be limited to non-profit developers. It was noted that there are for-profit developers that develop 100% affordable housing. Committee members expressed support to leave the language open to encourage as many responses to the RFP as possible. Mr. Hess-Mahan noted that the intended use is 100% affordable, regardless of who the developer is. Director of Planning & Development explained that there are a number of for-profit developers that develop affordable housing projects and noted that a for-profit developer can also take advantage of the subsidies that non-profit developers can. The Committee asked that Atty. Lee add the word “experienced” in front of “responsible development teams”. Some concern remained expressed relative to allowing for-profit developers to respond to the RFP, noting that they may be able to secure government funding.

The Committee discussed requiring a lease term in the Council Order. Atty. Lee noted that there might be some developers who are interested in longer lease terms (i.e. 99 years) which would require special legislation. He suggested that requiring a specific lease term could limit the number of responses to the RFP from developers. Atty. Lee noted that a 99-year lease is permissible on land without a building, but on land with a building the maximum lease term is 60-years in Newton. The Committee determined that the lease term should be 60-years unless a longer term is allowed by special legislation.

3. Affordability levels.

That the housing shall be affordable to low- or moderate-income households earning up to 80 percent of the area median income and at a cost that does not exceed 30 percent of monthly gross income, and that opportunities for deeper levels of affordability shall be explored.

Committee members emphasized their support for deeper levels of affordability and questioned whether Resolution 3 should be more prescriptive with respect to the level of affordability to be developed. The units will be restricted to units at or below 80% but the residents will not be required to pay more than 30% of their income to ensure the households are not cost-burdened. Director of Housing and Community Development confirmed that this is standard language. She stated that this language limits rents so that they may not be set higher than 30% of the income of residents at 80% AMI. The Committee suggested a revision in the language to include a requirement relative to the investigation of development of units at the 30% AMI and 50% AMI level. Atty. Lee noted that there are various development scenarios and recommended leaving the language open with respect to

AMI levels. Mr. Hess-Mahan noted that there may be some subsidies available specifically for the development of housing at the lower levels of AMI, which will encourage the development of units at the lower level of affordability. The Committee agreed that the RFP should encourage deeper levels of affordability and preference should be given to respondents with deeper levels of affordability.

4. Comprehensive Plan/Washington Street Vision Plan.

That the development should be consistent with the goals and policies contained in the Newton Comprehensive Plan and the Washington Street Vision Plan including specifically that the City seek affordable housing opportunities, leverage public land, and invest directly in affordable housing. That the architectural design of the development should be both appealing and compatible with the Washington Street Vision Plan.

The Committee noted that the architecture should be reviewed by the Urban Design Commission. Atty. Temple stated that this project will ultimately be subject to review by either the Zoning Board of Appeals or the City Council via the Special Permit process. He noted that design review can occur during the permitting process.

5. RFP Evaluation.

That the Mayor shall appoint a committee composed of individuals with expertise in fields including but not limited to affordable housing development and finance, supportive services and architecture, and which also shall include representation of the City Council, to consult with the Mayor and assist staff in evaluating the proposals received by the City.

Councilors questioned the use of the phrase “supportive services”. It was noted that “supportive services” is a term of art referencing services needed for specific populations as identified in Resolution 2. Mr. Hess-Mahan suggested that the language could be changed to “housing related services” which captures social, counseling services, finance management, govt. agency support, etc. The Committee asked that this resolution also be changed to reflect Council representation by “at least one Councilor, preferably from Ward 3”.

6. Quality of Life

The architectural design of the development shall provide for a highly-livable and comfortable environment for its residents, including sufficient common/recreational space for the populations its serves, to the extent feasible.

Committee members noted that including recreation space “to the extent feasible” does not seem adequate, particularly if the development is intended to house families. Atty. Lee noted that “to the extent feasible” does not indicate the intent to limit recreation space on the site, but provides relief to allow less space as the space on-site is limited. The Committee suggested eliminating the word “sufficient” Mr. Hess Mahan suggested that there are neighborhood recreation resources available for families. He explained that maximizing the recreational space on the site is possible, with increased height on the building.

7. Funding/Financial Feasibility.

That the development shall be financially feasible and efficiently use all available funding sources, including funding for affordable housing and historical preservation.

8. Historic Preservation.

That the City shall work closely with the Massachusetts Historical Commission and the Newton Historic Commission to develop and agree to a Memorandum of Agreement outlining the process to be followed with respect to future development of the property.

The Committee questioned whether they should express their support for one development scenario over the others. Mr. Hess-Mahan suggested that it is better to leave it open to allow developers to submit different proposals based on the various scenarios. The Committee emphasized their support for maintenance of the head house. Atty. Lee noted that the City must enter into a Memorandum of Agreement (MOA) with Mass Historic. He confirmed that the RFP will clearly detail the City's obligations with respect to the MOA with Mass Historic. It was noted that the discussions with Mass Historic are negotiations and may benefit from leaving a number of development scenarios.

9. Accessibility.

That the development shall be accessible to persons with disabilities, that the design of the buildings and the site plan shall comply with the Americans with Disabilities Act and the rules and regulations of the Massachusetts Architectural Access Board, and that consideration should be given to issues of accessibility, adaptability, visibility, and universal design in development of the site plan.

The Committee asked that Resolution #9 include "visitability".

10. Sustainability.

That the development should utilize sustainable design to reduce the use of energy, water, and other natural resources and minimize adverse environmental impacts in both construction and long-term operation, including but not limited to installation of solar panels, if feasible.

The Committee asked that the language be drafted to include text stating "Solar panels shall be installed, if feasible and architecturally appropriate". It was noted that it may be cost prohibitive to achieve a Passive House design on a retro-fit project. The Committee expressed support for the requirement that the development meets a sustainable design standard.

11. Parking.

That the development should provide sufficient parking to accommodate its residents.

Mr. Ennis confirmed that a proposal will inform whether site remediation may be necessary. Councilors expressed appreciation for the work of the JAPG, Affirmative Investments and the work by the Planning Department. With that, Councilors voted unanimously in favor of closing the public

hearing and approving the reuse of the Armory subject to the resolutions in the Draft Council Order with a motion from Councilor Kelley.

The Committee adjourned at 9:10 pm.

Respectfully submitted,

Victoria Danberg, Chair