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#304-21 and #305-21

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PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: November 5, 2021

MEETING DATE: November 9, 2021

TO: Land Use Committee of the City Council

FROM: Barney Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner

CC: Petitioner
Planning and Development Board

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

PETITIONS #304-21 and #305-21

11 Florence Street

Petition #304-21 SUNRISE DEVELOPMENT, INC petition to rezone 318 Boylston Street, known as section 82 Block 04 Lot 47 from MULTI RESIDENCE 1 to BUSINESS USE 2.

Petition #305-21 to allow elderly housing with services, to allow a four-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking in the front setback, to reduce the required parking stall length, to waiver perimeter screening requirements and to waive one foot candle lighting at 11 Florence Street, Ward 8, Newton Centre, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,945 sq. ft. of land in a district zoned BU2 (318 Boylston Street) and MR1 (11 Florence Street, to be rezoned to BU2). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.9, 5.1.8.B.2, 5.1.10.A.1, 5.13, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

The Land Use Committee (the "Committee") opened the public hearing on these petitions on October 5, 2021. This memorandum is focused on the request to rezone 11 Florence Street from Multi Residence 1 from Business Use 2.

Zoning Request

The site consists of two parcels: 318 Boylston Street (“Parcel A”); and 11 Florence Street (“Parcel B”). Parcel A is improved with a non-accessory surface parking facility, is located within the BU-2 zone, and contains 7,458 square feet. Parcel B is improved with a one-story retail use, is located within the MR-1 zone, and contains 75,487 square feet. Both uses are nonconforming because the non-accessory surface parking facility was not approved via special permit and a retail use is not allowed within the MR-1 zone. The petitioner is seeking to rezone Parcel B from Multi Residence 1 (“MR-1”) to Business 2 (“BU-2”) and to combine the lots to construct an elderly housing with services use (the “Proposed Use”). The Proposed Use would contain four-stories, measure 47 feet tall, and contain 102,469 square feet.

The site is located on Boylston and Florence Streets in Newton Centre. The area is comprised of a range of zones, including multi residence zones abutting the site to the east and west, a Business Use 1 zone directly across Florence Street as well as on the northern side of Boylston Street at the intersection of Langley Road, Jackson Street, and John Street; east of John Street is another multi residence zone. This variety of zones consists of a multi-family residential use abutting the site to the west, single- and two-family uses to the east, a medical office across Florence Street, commercial uses on the northern side of Boylston Street, and another multi-family use east of John Street. This diversity of uses help comprise the Route 9 Corridor.

The MR-1 zone allows single- and two-family structures as of right. Other allowed residential uses include, but are not limited to, single-family attached dwellings, associations of persons and congregate living facilities; all requiring a special permit. Dimensional standards, e.g., building height, number of stories, and lot area per unit vary based on the use.

The Proposed Use is not allowed within the MR-1 zone, but it is a residential use allowed by special permit in the BU-2 zone. Uses allowed as of right in the BU-2 zone range from personal service, to retail, to office, while special permit uses range from multi-family, to hotel, and to laboratory and research. Unlike the MR-1 zone, the dimensional standards are based on the size of the structure, e.g., setbacks are determined from the building height and the Proposed Use complies with the dimensional standards.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Planning Department consulted the Comprehensive Plan (the “*Plan*”) to review the request to rezone Parcel B. Per the *Plan*, this portion of Route 9 is classified as a regional corridor due to the amount of local and through traffic as well as the nearby land uses. Although the *Plan* states a “no growth policy is neither realistic nor desirable”, the *Plan* calls for “moderate, controlled, and responsible growth” in these corridors. A strategy for such growth includes “Review [sic] zoning regulations to encourage mixed, residential and commercial uses in the commercial corridors. Mid-density residential construction-including for seniors or assisted-living facilities-may offer economic and social advantages so long as its siting can effectively integrate commercial and residential uses.”

The *Plan* places an emphasis on using the principles of “smart growth” to guide growth to where it is “best served by public transport, where it is closest to businesses which provide services or to the largest employers, and for multi-family housing, where it has safe and close access to public schools”.

To illustrate sites satisfying these criteria, The *Plan* includes maps reflecting residential land use characteristics, transit proximity, commercial and employer proximity, and school proximity. The site is shown to have residential land use characteristics that lean towards the predominantly multi-family end of the spectrum and is within a quarter mile of a commercial or major employment area, while the site is neither served by transit nor is proximate to a school. However, these latter criteria are not a concern given the Proposed Use, understanding, transit access might be addressed as part of the transportation peer-review.

The Route 9 spine is described as inconsistent in the quality of development and while the *Plan* is not clear whether the corridor should be significantly denser than it is, the *Plan* recommends it be lined by residential and commercial developments of a higher quality. Quality of development also relates to other goals of the *Plan* including determining the appropriate scale and massing of structures, being sensitive and responsive to the perception of the character of the neighborhood and sense of place, and encouraging design excellence. The Planning Department expects to discuss design at a future public hearing.

Staff believes the BU-2 zone is appropriate due to the site's location within a regional corridor which contains an array of zones and land uses. Additionally, the Proposed Use aligns with certain goals for regional corridors stated in the *Plan*, including the use itself. The Proposed Use also aligns with "smart growth" by locating development in an area that leans to predominantly multi-family and is within a quarter of a mile of a commercial or major employment area.