



Land Use Committee Agenda

City of Newton In City Council

Tuesday, June 14, 2022

7:00 PM

Council Chambers, Room 207

The Land Use Committee will hold this meeting as a hybrid meeting on Tuesday, June 14, 2022 at 7:00 pm that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://us02web.zoom.us/j/88236327296> or call 1-646-558-8656 and use the following Meeting ID: [882 3632 7296](https://us02web.zoom.us/j/88236327296)

Note: Please see the attached request for a consistency ruling relative to the following special permit:

Special Permit #96-17 for Mixed Use Development Washington Place (TRIO): The petitioner is seeking a consistency ruling to allow proposed changes to the Transportation Demand Management (TDM) Subsidy Program set forth in condition #8 of Special Permit #96-17.

#312-22 **Petition to further extend nonconforming FAR at 73-75 Ripley Street**

MARK and HEIDI INGERMAN and BERKAY AND MARIETA BAYKAL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to reconstruct the roof and add front and rear dormers, further increasing nonconforming FAR at 73-75 Ripley Street, Ward 6, Newton, on land known as Section 65 Block 19 Lot 29, containing approximately 7200 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#313-22 **Petition to extend nonconforming FAR at 34 Westbourne Road**

SEAN ZHENG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new detached garage, further increasing nonconforming FAR at 34 Westbourne Road, Ward 7, Newton, on land known as Section 73 Block 44 Lot 12, containing approximately 7640 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref:

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#314-22 Petition to amend special permits and a Restrictive Covenant and to waive required parking stalls at 148 California Street

KF REALTY ASSOCIATES, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #162-88, #199-99(2) and 422-18; to amend the Restrictive Covenant recorded at Middlesex South Registry of Deeds at Book 30627, page 331; and to seek an additional waiver of parking stalls at 148 California Street, Ward 1, Newton, on land known as Section 11 Block 12 Lot 11, containing approximately 523,642 (231,486 in Newton) sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

#315-22 Request to allow free-standing signs and modifications to existing signs at 1210-1230 Washington Street

DIV WASHINGTON LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to install a free-standing sign and to allow exceptions to the number and size of secondary signs at 1210-1230 Washington Street, Ward 3, Newton, on land known as Section 31 Block 04 Lot 13, containing approximately 79,093 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of the City of Newton Rev Zoning Ord, 2017.

Respectfully Submitted,

Richard A. Lipof, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#96-17
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

Date: June 10, 2022

To: Land Use Committee

From: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Nicole Freedman, Director of Transportation Planning
Katie Whewell, Chief Planner for Current Planning

Subject: Consistency Request from Mark Development

Mark Development has submitted the attached “consistency request” (**Attachment A**) to Commissioner Lojek regarding the Transportation Demand Management Plan in Condition 8, further detailed in Schedule C and D of Special Permit #96-17 which approved Washington Place (now “Trio”) in 2017. According to Mark Development, the transit subsidy of \$300,000 set aside for various alternative transportation stipends and made available for residents of the project has had minimal participation. Mark Development has requested a consistency ruling to repurpose this funding to be utilized in the following ways:

- +/- \$75,000 for transit reimbursements to be expanded to include employees of Trio commercial tenants
- +/- \$75,000 to reimburse Trio residents and employees for usage of the NewMo program
- Remaining funds +/- \$150,00 would be repurposed to promote further NewMo usage as well as bike sharing.

The Planning Department is supportive of the proposal for the following reasons:

1. TDM funds will remain with public transit – The adopted TDM plan specifies using the money for public transit. Both NewMo (shared trips) and bike share (Bluebikes) are public transit; they are considered public transit by the City and MassDOT and are referenced as such in all NewMo and Bluebikes literature. **It is most appropriate and consistent with the language in the Board Order to ensure that TDM money set aside for public transit remains with public transit (as opposed to being redirected to non-public transit TDM measures).**
2. Newtonville residents are significant beneficiaries of NewMo rides. **More trips originate in Newtonville than in any other village in the City, meaning residents, employees and visitors of Newtonville, particularly the most vulnerable among us, benefit significantly from NewMo.** NewMo sees particularly high ridership among Newton’s most vulnerable populations: 58% of riders come from households earning less than 80% of the AMI and 40% come from households

earning less than 50% of the AMI. 28% of riders choose NewMo because they had “no viable alternative”.

3. NewMo reduces single-occupancy vehicle trips at the Trio site and throughout Newtonville with shared trips in low-emissions vehicles. With NewMo providing shared trips in hybrid vehicles, there are significant positive impacts to NewMo’s trips when compared to trips in personal vehicles. Nearly three quarters of NewMo’s trips replace Uber, Lyft, drive alone, taxi or other vehicle trips. Additionally, NewMo increases use of public transit, with more than one-third of non-senior trips to/from public transit. Importantly, these trips allow people to access the commuter rail without driving and parking, further relieving congestion at the commuter rail.

We look forward to the discussion of this request.

Attachments:

Attachment A: Consistency Request



275 Grove Street, Suite 2-150
Newton, MA 02466

Newton Planning Department
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Trio TDM Plan

Commissioner Lojek:

As stated in "Schedule C" of the Washington Place Board Order dated June 19th, 2017, we were required to create a Transportation Demand Management (TDM) Subsidy Program to discourage car ownership and usage amongst residents. One strategy put forth to achieve that goal was to set aside \$300,000 to reimburse residents for alternatives modes of transportation to and from the property. More specifically, residents could be reimbursed up to 90% of their monthly public transit cost, capped at \$200/month.

In October of 2020, we completed the construction of Trio, and since that time the amount of subsidy used by the residents at the property has been de minimis. Considering the time that has passed, we feel it is appropriate to revisit how best to maximize these funds going forward in an effort to achieve the goals originally set forth. Therefore, we would like to request a Consistency Ruling under the Board Order referenced above (see attached) to allow us to repurpose the TDM funds for the following:

- 1) +/- \$75,000 set aside for transit reimbursements, which we would like to expand to include not only residents of Trio but employees of the retail and restaurant components of the project. Like what exists today, we would reimburse 90% of the actual transit cost for all public modes of transit, capped at \$200/month.
- 2) +/- \$75,000 to reimburse Trio residents and employees of the retail and restaurant components for usage of the NewMo program.

The request to subsidize retail employee costs is a byproduct of those employees commuting from Newton, Watertown and Boston, and feel that two services could provide a financial advantage for our businesses in an incredibly tight and competitive labor market.

For the remaining funds +/- \$150,000, we would be amenable to allowing the City to repurpose the money in order to promote further NewMo usage as well as bike sharing (i.e. Blue Bike system). Our expectation is that these funds would cover operational costs as the Director of Transportation / Planning Department deems appropriate.

Assuming these changes are accepted by the City, we will move forward with implementation right away.

A handwritten signature in blue ink, appearing to read "D-Chaviano", written over a horizontal line.

Damien Chaviano
Principal
Mark Development

the Project categorized as: (a) streetscape and street beautification initiatives in the vicinity of the Project including the bridge over the Massachusetts Turnpike and MBTA railroad line, and (b) transportation enhancements for all travel modes, including, but not limited to, pedestrian, bicycle, and elements related to the Newtonville MBTA commuter rail station. Within ninety (90) days after the issuance of a building permit for vertical construction, the City Council shall identify the specific improvements to be made under the foregoing categories and the City Council shall either direct the Petitioner to construct the improvements identified by the City Council, at Petitioner's expense, for an amount not to exceed \$700,000.00, or it shall direct the Petitioner to pay the sum of \$700,000.00 to the City, which the City shall use to construct the off-site improvements. In the event that the City Council elects to accept payment of \$700,000.00 for the off-site improvements, funds from the account in which the \$700,000.00 will be held shall be appropriated to construct the off-site improvements in accordance with municipal finance law. In the event that the City Council directs the Petitioner to construct the improvements and the final cost of the improvements is less than \$700,000.00, the Petitioner shall pay the balance to the City and the City shall use the funds for additional off-site improvements accordance with the provisions of this condition. In the event that the City Council fails to identify the improvements to be made within ninety (90) days after the issuance of a building permit for vertical construction, in accordance with this condition, then the Petitioner shall pay the sum of \$700,000.00 to the City and the Petitioner shall have no further obligation with respect to this General Condition #6.

7. Prior to the issuance of any certificates of occupancy, temporary or final, for the residential portion of the site, the Petitioner, if it elects to pursue development of the Project with 160 residential units, shall pay an amount of \$782,880 to the City, which sum represents an 8:1 ratio for municipal sewer Inflow and Infiltration improvements in accordance with a memorandum from Associate City Engineer John Daghlian dated November 29, 2016, a copy of which is on file in the office of the City Clerk. In the event the Petitioner elects to pursue the Project with 140 residential units, Petitioner shall pay an amount to the City for municipal sewer Inflow and Infiltration improvements based on an 8:1 ratio calculated in a similar fashion to the calculations used in said memorandum, but in no event shall the amount due exceed \$782,880.
8. The Petitioner shall institute a Transportation Demand Management Subsidy Program (the "TDM Subsidy Program") in the amount of \$300,000 and shall commence implementation of the TDM Subsidy Program and the Transportation Demand Management Plan (the "TDM Plan") when the first residential tenant moves into the Project. The details of the TDM Subsidy Program are set forth in Schedule C. The TDM Plan is attached as Schedule D. The Petitioner shall have no obligation to continue the TDM Subsidy Program once the \$300,000 funding is fully expended. Ongoing costs associated with the TDM Plan are not included in the \$300,000 amount, and the Petitioner shall be obligated to continue such Plan for the life of the Project.



SCHEDULE C

Transportation Demand Management Subsidy Program (the "TDM Subsidy Program")

Transportation reimbursement shall include the following (the figures are estimates):

- 1) Commuter Rail Passes (\$200 / month)
- 2) Subway – T Passes (\$85/month)
- 3) Bus Passes (\$130 - \$170/month)
- 4) Bike Share Passes (TBD)
- 5) Ride Sharing (TBD)

The Petitioner has created a Transportation Subsidy Program within the TDM to discourage car ownership and usage by providing a transportation subsidy for those choosing to commute to and from the site by alternative modes of transportation in the aggregate amount of \$300,000. The subsidy shall reimburse residents up to 90% of the monthly cost *per* alternative mode of transportation, up to a combined monthly total of \$200.

For example, if a residential unit elects not to rent a parking space and instead purchases both a monthly subway pass (\$85) and a monthly bus pass (\$130), the tenant would be entitled to a reimbursement of $(\$85 \times 90\% = \$76.50) + (\$130 \times 90\% = \$117.00) = \$193.50$. As noted below, the reimbursement amount to a residential unit is determined based on the number of parking spaces rented and whether or not a tenant qualifies as an affordable renter or market rate tenant.

Transit Subsidy Program	Affordable Units	Market Units
Monthly Stipend (Based on Usage)	Up to \$200	Up to \$200
0 Parking Spaces Rented per Unit	90% Stipend	90% Stipend
1 Parking Spaces Rented per Unit	75% Stipend	50% Stipend
2 Parking Spaces Rented per Unit	35% Stipend	15% Stipend

The Petitioner shall maintain control of the funds and shall provide an Affidavit on a bi-annual basis to both the Director of Transportation and the Director of the Planning Department, verifying that the funds have been used as rent credits as described above.

A True Copy
 [Signature]

DEVELOPMENT

SCHEDULE D

**Washington Place
Draft Transportation Demand Management Plan
May 24, 2017**

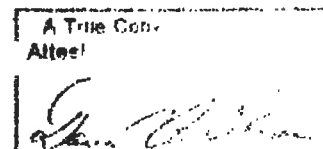
The Petitioner shall implement a Transportation Demand Management Plan ("TDM") at Washington Place in order to minimize traffic, reduce dependency on cars, and promote a healthier environment. To achieve these goals, Washington Place shall include various incentives and programs aimed at encouraging walking, bicycling, public transit, and other sustainable modes of transportation to the site. The TDM shall be in effect for the life of the special permit and will contain the following elements:

I. Informational Services:

- A specific person on the Washington Place staff shall be designated as the traffic demand management coordinator (the "TDM Coordinator").
- The TDM Coordinator shall be responsible for coordinating efforts between the City of Newton and Washington Place to reduce single occupancy vehicles ("SOV").
- The TDM Coordinator shall meet on an annual basis with the City of Newton Director of Transportation to provide an update on the status of the continuing efforts of the TDM, as well as to notify the City of Newton of any new or proposed changes to the program.
- At least every two years, the TDM Coordinator shall conduct a survey of the residential and commercial tenants and provide those detailed findings and discuss mode sharing goals with the City of Newton's Director of Transportation and the Director of the Planning Department.
- The TDM Coordinator shall be available at any time to discuss with the City's Director of Transportation any traffic issues which may arise from the project.

II. Bicycle Accommodations

- Washington Place shall include at least 30 dedicated street level bike parking and repair space for the general public and users of the ground floor commercial space.



- Washington Place shall include dedicated weather-protected bike parking and storage at a 1:1 ratio for each residential household. This parking will be secured from the general public and convenient to tenants of the building.

III. Pedestrian Links

- Washington Place shall provide significant improvements to the streetscape, which are intended to promote walkability along Washington Street and Walnut Street. Examples include:
 - Increasing the width of sidewalks by 7' – 10' along Walnut Street and along Washington Street, respectively, allowing for an additional 5,000 SF of walking space.
 - Closing five of the six existing curb cuts.
 - A 35' opening along Washington Street, which shall serve as the entry point to a 9,000 SF plaza creating a pedestrian connection between the north and south sides of the project.
 - Creating a pedestrian connection to the plaza from Walnut Street.

IV. Sustainable Transportation Initiatives:

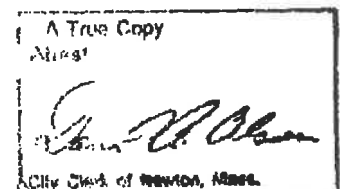
- The Petitioner shall commit to decouple the cost of parking from the rent of the residential units to further discourage car usage.
- Car sharing: Washington Place shall include no less than 2 dedicated parking spaces for a car sharing service provider(s). The Petitioner shall also explore ride sharing partnerships with ride sharing service providers.
- Preferential parking spaces for car pools and van pools will be included.
- Electric Charging Stations: Washington Place shall include a minimum of two charging stations for electric vehicles, one at the street level and one below grade in the parking garage. In addition, the Petitioner shall anticipate in its design the ability to facilitate the addition of charging stations.

V. Marketing Programs:

- Included with each rental package shall be a one-page marketing summary which defines the Washington Place Pilot Transportation subsidy.
- Washington Place shall maintain a commuter information center with a posted transit service schedule and corresponding costs as well as any ride sharing services being offered.
- All households shall be sent a reminder of the program at least once per year and information of the program shall be posted on the site's website

VI. Monitoring and Reporting Plan

- The Petitioner shall produce a survey for both residential and commercial tenants at least every two years and provide a summary of the results to the City's Director of Transportation and the Director of the Planning Department.



#96-17

- The Petitioner shall also track the usage of the Transportation Program and provide the results to the City of Newton Director of Transportation and the Director of the Planning Department. This tracking shall be in effect up until the point that the \$300,000 funding required in Schedule C has been spent.
- The Petitioner shall encourage commercial tenants to promote ride-sharing and use of public transportation with their tenants. The commercial tenants will further be encouraged to create incentives among employees to rideshare or take public transportation. Such language shall be incorporated into any commercial leases for the project.

